

August 5, 2024

Council Proceedings
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A regular meeting of the Mayor and Council of the City of Atkinson, Nebraska, was held in the Council Chambers of the Municipal Building at 104 S. Main Street, Atkinson, Nebraska on the 5th day of August, 2024 at 7:30 o'clock p.m. The meeting was called to order by Mayor Erickson. On roll call the following were present: Chuck Asher, Helen Olson, Ken Counts, Jerry Osborne, Scott Shane, City Clerk, Shelly Wieneke and City Attorney, Michael Sholes. Absent and not voting: Ron Krysl.

Notice of the meeting was given in advance by publication in the Atkinson Graphic, Atkinson, Nebraska as shown by the affidavit of publication. Notice of the meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Erickson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated that the poster was on display on the east wall.

Moved by Asher, seconded by Osborne to approve the minutes of the July 8th meeting. RCV: Ayes: Asher, Olson, Counts, Osborne, Shane. Nay: None. Absent and not voting: Krysl. Motion Carried.

Treasurer's Report for July was discussed and placed on file.

The council acknowledged receipt of the July minutes of the Library, Elkhorn Meadows, Chamber, HCED and RC&D meetings, and the Union Street Duplex Financial Report.

Jeremy Ruzek, softball coach and Athletic Club member, was present to speak to the council regarding general maintenance issues at the ballfields. Jeremy stated he asked the coaches that use the different fields to let him know what they feel needs to be done prior to next season on each field. The Legion field needs clay around the pitcher's mound and the mound itself needs to be built up. There is also an issue of clover and weeds. The baseball field also needs clay around the pitcher's mound and around the bases. There is also an issue of clover and weeds. The softball field has a dip at home plate that needs to be fixed. It was also stated that there is a lip around the infield going into the outfield that needs to be removed. Jeremy stated that he thought the sod would need to be pulled back and the lip leveled and then put the sod back in place. There is also an issue of clover and weeds. The T-ball field just needs

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the clover and weeds sprayed. Gary Thurlow, Utilities Supervisor, stated that they will need some help on the softball field and asked if the Athletic Department would be willing to help roll the sod back and level the lip that is there. Jeremy stated that he thought they could get some volunteers to help. City council member, Chuck Asher, stated that the city could have a workday scheduled to do the maintenance work on the fields with the help of the Athletic Club and Jeremy thought that could be done. It was also stated that a new walk-in door to the batting cage is needed as someone may have kicked in the existing door and damaged it.

Moved by Counts, seconded by Shane to approve placing a water fountain donated by the Chamber of Commerce at the Bluebird Trail. Perry Winer, Chamber Vice President, was present to ask permission from the City Council to allow the Chamber to place a water fountain at the Bluebird Trail. This would be a two-level water fountain that would include a bottle filler and a dog dish at the bottom. Leo Seger was present at the meeting and volunteered to run the water line needed and Josh Erickson, Mayor, also volunteered to help with the water line. Leo also stated that he had a cement base for the fountain that he would be willing to donate. Perry stated that the maintenance should be minimal as it will need to be turned off in the fall and back on in the spring. Perry also stated that it is filtered water and that the Chamber will provide the filters for the fountain if the city lets them know when one is needed. RCV: Ayes: Olson, Counts, Osborne, Shane, Asher. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Asher, seconded by Olson to approve a Special Designated License for the American Legion Farley-Tushla Post 86 for a cornhole tournament to be held at the Atkinson Legion Ballfield located at 813 North Carberry Street, from 12:00 p.m. to 12:00 a.m. on August 17, 2024. RCV: Ayes: Olson, Counts, Osborne, Shane, Asher. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Osborne, seconded by Olson to approve a Special Designated License for Cast Iron Bar & Grill, LLC for a wedding reception and dance at the Atkinson Community Center, located at 206 West 5th Street from 4:00 p.m. to 1:00 a.m. RCV: Ayes: Counts, Osborne, Shane, Asher, Olson. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Olson, seconded by Shane to approve a Special Designated License for Midwest Mixers Mobile Bar & Events, LLC for an event at The Frosted Lane Boutique located at 116 East Union Street on August 17, 2024, from 10:00 a.m. to 3:00 p.m. RCV: Ayes: Osborne, Shane, Asher, Olson, Counts. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Osborne, seconded by Olson to approve a building permit for Elizabeth Holloway for a 30' x 60' x 14' wood frame manufactured home at 409 North Holt Street with the stipulations that all setbacks are met and that Gary Thurlow meets with and discusses the

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permit with the permit applicant, and approves the building permit. RCV: Ayes: Shane, Asher, Olson, Counts, Osborne. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Asher, seconded by Osborne to deny the building permit for Hackel Construction for a 72' x 132' x 18' pre-engineered metal building at 1000 North Main Street. This would be for the new bus barn at this location. Council members are concerned about the water drainage situation and how it will affect the surrounding neighbors. There have been several loads of dirt hauled in to build the area up with no plan for drainage in the area. RCV: Ayes: Asher, Olson, Counts, Osborne, Shane. Nay: None. Absent and not voting: Krysl. Motion to Deny Carried.

Moved by Counts, seconded by Asher to approve a building permit for Leo and Vickie Seger for a 38' x 31' x 10' wood frame addition and a 38' x 36' x 10' wood frame garage at 203 North Carberry Street. RCV: Ayes: Olson, Counts, Osborne, Shane, Asher. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Shane, seconded by Olson to approve a building permit for Chad Deseive for a 36' x 12' x 7' steel garage located at 1011 North Carberry Street. RCV: Ayes: Olson, Counts, Osborne, Shane, Asher. Nay: None. Absent and not voting: Krysl. Motion Carried

Cheye Young, Economic Development Director, addressed the issue of residential structure demolition and the state statutes that govern it. She stated that not all the demolition grants that have been given in the past meet the eligibility criteria. Cheye stated that there must be an eligible applicant and it must also be an eligible activity, and both must be met to distribute the grant money. There are other stipulations that are included with this type of grant, and she stated that she is actively working with Michael Sholes, city attorney, and an LB840 attorney from Ord, Nebraska to correct this going forward. Cheye stated that the last time our LB840 guidelines were reviewed was 2020 and feels that they should be reviewed again and make sure that we are compliant with state statutes governing the LB840 program. If we do not comply with the state statutes, we could lose our LB840 program.

Moved by Olson, seconded by Osborne to deny LB840-148, Property Improvement Program grant for Lazy F Ranch, Inc. for structure demolition at 401 North Tuller Street in the amount of 50 percent of the project not to exceed \$10,000.00 and contingent on rebuilding a home for resale or rent within five years. The reason given was that Lazy F Ranch is not an eligible applicant and the rebuild is not in the 18-month timeline needed to comply with state statutes. The estimated request was \$4,250.00. RCV: Ayes: Counts, Osborne, Shane, Asher, Olson. Nay: None. Absent and not voting: Krysl. Motion to Deny Carried.

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Gary Thurlow, Utilities Supervisor, wanted input from the council on where to place the new concession stand/storage area at the ballpark. Mr. Krause will be ready to start construction on this shortly after school starts and the cement pad for the building needs to be completed. Chuck Asher and Jerry Osborne will meet with Gary to discuss placement of the building.

Moved by Counts, seconded by Asher to approve hiring Trenton Howard as a part-time police officer at \$30.00/hour plus \$50.00 per day additional pay for meals and travel. RCV: Ayes: Shane, Asher, Olson, Counts, Osborne. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Osborne, seconded by Asher to approve Resolution 24-03 authorizing the appropriate city officials to sign the Annual Certification of Program Compliance for the One and Six Street Program. RCV: Ayes: Asher, Olson, Counts, Osborne, Shane. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Osborne, seconded by Asher to move the September meeting to Monday September 9, 2024, due to the Labor Day Holiday. RCV: Ayes: Olson, Counts, Osborne, Shane, Asher. Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Asher, seconded by Olson to approve the delinquent utilities report in the amount of \$771.29. RCV: Ayes: Olson, Counts, Osborne, Shane, Asher, Nay: None. Absent and not voting: Krysl. Motion Carried.

Moved by Asher, seconded by Osborne to approve all the claims as prepared. RCV: Ayes: Counts, Osborne, Shane, Asher, Olson. Nay: None. Absent and not voting: Krysl. Motion Carried

Moved by Counts, seconded by Asher to adjourn the meeting at 8:55 p.m. RCV: Ayes: Osborne, Shane, Asher, Olson, Counts. Nay: None. Absent and not voting: Krysl. Motion Carried.

Claims:

AFLAC	Fee	390.28
AMERITAS INSURANCE	Fee	2,558.70
ASSOCIATED SUPPLY CO.	Supplies	3,833.57
ATKINSON FERTILIZER	Supplies	2,857.50
ATKINSON GRAPHIC	Fee	290.55
ATKINSON LUMBER	Supplies	648.11
ATKINSON VET CLINIC	Fee	21.40
BAKER & TAYLOR	Supplies	783.20
BRAUN'S FOOD CENTER	Supplies	167.41

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C O ENTERPRISES	Supplies	505.57
CITY OF ATKINSON	PR Funds to TCB	46,601.18
FIRST STOP	Fuel	471.57
GOEKE R F VARIE	Supplies	15.34
ONE CALL CONCEPTS, INC.	Locate Fee	25.10
HAGAN JUDY	Reimbursement	870.42
HOLT COUNTY TREASURER	2nd 1/2 RE/PP Taxes	522.28
JACK'S UNIFORMS	Uniform	81.84
K L & S INC	Repair	33.94
KENNYS SERVICE	Repair	247.00
WM. KROTTER CO.	Supplies	584.07
MIDWEST LAB	Fee	225.57
MITCHELL EQUIPMENT	Repair	761.36
N P P D	Electric	4,567.86
NE PHE LAB	Fee	369.00
NE REVENUE DEPT	S/W	5,954.22
POST OFFICE	UB Postage	346.24
NIOBRARA VALLEY ELEC REA	Fee	291.12
SENIOR CENTER	Fee	225.00
STUART CONCRETE	Repairs	3,435.00
TEAM LABORATORY	Supplies	6,083.00
TRI-COUNTY BANK	Loan Payment	17,552.32
VERIZON WIRELESS	Fee	205.83
WEST HOLT SCHOOL DISTRICT	Fee	2,050.00
WHITES SERVICE	Fuel	1,938.83
ZISKA CHERYL	Reimbursement	1,184.99
ZISKA CONSTRUCTION	Repair	988.89
HOLIDAY INN	Fee	235.90
NE DED	Fee	12,179.46
EFTPS	FED/FICA TAX	13,914.62
GREAT AMERICA LEASING	Fee	185.00
COLONIAL LIFE	Fee	793.30
GREAT PLAINS COMMUNICATION	Fee	430.40
SIX STAR SANITATION	Fee	13,705.00
HARTFORD	Fee	53.59
LINCOLN NATL LIFE INSURE	Fee	130.31
VILLAGE OF STUART	Repair	20,435.00
FREEMAN REPAIR	Repair	600.00
MILLER & ASSOCIATES	Fee	6,187.46
UNITED HEALTHCARE	Fee	13,382.40
HAMPTON INN	Fee	119.00
BARCO	Supplies	360.00
ONE OFFICE SOLUTION	Supplies	65.11

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BLACK HILLS ENERGY	Fee	1,158.82
S C & D TRUCKING	Repair	4,743.48
NE CHILD SUPPORT PAYMENTS	Fee	184.70
ATKINSON ATHLETIC CLUB	Fee	1,200.00
OLSON REPAIR	Repair	4,313.42
CITY OF NORFOLK	Fee	100.00
NE GENERATOR SERVICE	Repair	2,494.94
PRECISION IT	Fee	84.00
VISA-TCB	Supplies	2,143.54
GOTSCHALL & SHOLES PC	Fee	1,696.50
FIRST INTERSTATE BANK	Loan Payment	1,701.46
MASTERCARD	Supplies	810.46
LONDON FOG, INC	Repair	1,121.82
WARP NETWORKS, INC	Repair	225.00
YOUNG CHEYE	Reimbursement	781.00
MOON SERVICES	Repair	616.91
OVER THE MOON CHILDCARE	LB840-147 PIP	241.25
POLICE OFFICERS ASSN NE	Dues	20.00
PAYROLL CHECKS	PAYROLL CKS 7/12/2024	27,598.96
PAYROLL CHECKS	PAYROLL CKS 7/26/2024	27,282.80
	CLAIMS TOTAL	268,983.87

Josh Erickson, Mayor

ATTEST:

Shelly Wieneke
City Clerk/Treasurer

I, the undersigned City Clerk/Treasurer for the City of Atkinson, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council August 5, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material

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discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the said body; that all new media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk/Treasurer

