

April 3, 2023

Council Proceedings  
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A regular meeting of the Mayor and Council and the Community Development Agency 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 3rd day of April, 2023 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, Ron Krysl, Helen Olson, Riley Olson, Jerry Osborne, Scott Shane, City Clerk Shelly Wieneke and Nancy Kopejtka, and City Attorney Michael Sholes.

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 Osborne, seconded by Shane to approve the minutes of the March 6<sup>th</sup> and March 23<sup>rd</sup> meetings. RCV: Ayes: Asher, Krysl, H. Olson, R. Olson, Osborne, Shane. Nay: None. Motion Carried.

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

The council acknowledged receipt of the March minutes of the Library, Elkhorn Meadows, Airport, HCED, Chamber, Planning Commission, Park Board/Tree Board meetings and the Union Street Duplex Financial Report.

Mayor Erickson presented a plaque to City Clerk/Treasurer Nancy Kopejtka for her retirement and thanked her for her 42 years of dedicated service to the City of Atkinson.

Moved by Asher, seconded by Osborne to appoint Shelly Wieneke as City Clerk/Treasurer for the City of Atkinson. RCV: Ayes: Krysl, H. Olson, R. Olson, Osborne, Shane, Asher. Nay: None. Motion Carried.

Moved by Asher, seconded by H. Olson to approve Miller and Associates to solicit bids for a waterline project that will use an American Rescue Plan Act (ARPA) grant along with State Revolving Loan Funding (SRF) at zero percent interest to fund the project. This project will

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replace a two-inch waterline with a six-inch waterline in areas of Atkinson. RCV: Ayes: H. Olson, R. Olson, Osborne, Shane, Asher, Krysl. Nay: None. Motion Carried.

Mayor Erickson opened the public hearing at 7:36 p.m. to rezone a parcel of land located in the Northwest corner of Section 4, T29N, R14W of the 6<sup>th</sup> P.M. in Holt County, aka Green Plains Atkinson, 87590 Hillcrest Road. This would rezone the parcel of land where Green Plains Ethanol is located from Industrial I-1 to Industrial I-2, eliminating the need for them to acquire a Conditional Use Permit to operate in that location. The Planning and Zoning Commission met in March and voted to recommend the change in zoning. There was no one present who spoke against the change in zoning. After the public was allowed to comment on the project, the mayor closed the public hearing at 7:38 p.m.

Osborne introduced Ordinance 1184 and moved its adoption: AN ORDINANCE OF THE CITY OF ATKINSON, NEBRASKA, AMENDING THE ZONING MAP OF THE CITY OF ATKINSON TO CHANGE THE PRESENT ZONING FOR A PARCEL OF LAND LOCATED IN THE NW CORNER OF 4-29-14 FROM INDUSTRIAL I-1 TO INDUSTRIAL I-2; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE AND TO PROVIDE SERVICE IN PAMPHLET FORM and moved that the statutory rule requiring reading on three different days be suspended. Shane seconded the motion. RCV: Ayes: R. Olson, H. Olson, Osborne, Shane, Krysl, Asher. Nay: None. Motion Carried

Said ordinance was then read by title and number and thereafter Osborne moved for final passage of the ordinance, which motion was seconded by H. Olson. The Mayor then stated the question "Shall Ordinance No. 1184 be passed and adopted?" RCV: Ayes: Osborne, Shane, Asher, Krysl, H. Olson, R. Olson. Nay: None. Motion Carried. The Mayor declared Ordinance No. 1184 duly passed and adopted and signed the same in the presence of the council and the Clerk attested the same.

Lori Olson, CPA of Dana Cole presented and reviewed the 2021-2022 audit with the council. Moved by Asher, seconded by H. Olson to approve the audit as presented. RCV: Ayes: Shane, Asher, Krysl, H. Olson, R. Olson, Osborne. Nay: None. Motion Carried

Moved by Osborne, seconded by Asher to approve the Mayor's appointment of Dave Vrooman to the LB840 Citizens Advisory Review Committee for a three year term. RCV: Ayes: Asher, Krysl, H. Olson, R. Olson, Osborne, Shane. Nay: None. Motion Carried.

Moved by Osborne, seconded by R. Olson to approve Resolution 23-02 to approve payroll payments and other recurring monthly expenses required to be paid within certain time frames to maintain good financial ratings and customer relations with the city's creditors, employees, and residents of the city. This will allow the city clerk-treasurer the ability to pay bills

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that come in after the council has met for the month. Those bills that are paid after the council has met will need to be available for council to look over and approve at their next scheduled meeting. RCV: Ayes: Krysl, H. Olson, R. Olson, Osborne, Shane, Asher. Nay: None. Motion Carried.

Moved by Asher, seconded by H. Olson to approve Resolution 23-03 which designates the financial institutions for the deposit of funds, indicates the authorized personnel, and the signatures required on the documents. RCV: Ayes: H. Olson, R. Olson, Osborne, Shane, Asher, Krysl. Nay: None. Motion Carried.

Moved by Krysl, seconded by Osborne to approve the seasonal employees per the list provided to the council for the pool, park, maintenance department. RCV: Ayes: R. Olson, H. Olson, Osborne, Shane, Asher, Krysl. Nay: None. Motion Carried

Moved by Krysl, seconded by R. Olson to approve a moving permit for Leo Seger to move a wood frame building from 47259 877<sup>th</sup> Road to 706 W 1<sup>st</sup> Street. RCV: Ayes: Osborne, Shane, Asher, Krysl, H. Olson, R. Olson. Nay: None. Motion Carried.

Moved by Asher, seconded by Shane to approve a building permit for Jayme Gokie to build a 76 x 34 wood frame building at 87755 State Highway 11. RCV: Ayes: Shane, Asher, Krysl, H. Olson, R. Olson, Osborne. Nay: None. Motion Carried.

Moved by H. Olson, seconded by Asher to recess the city council meeting and convene as the Community Development Agency (CDA) of the City of Atkinson at 8:04 p.m. RCV: Ayes: Asher, Krysl, H. Olson, R. Olson, Osborne, Shane. Nay: None. Motion Carried.

Brent Ogden was present at the meeting to update the council on the two lots, Lots 5 and 6, Block B, Galyen Seger Subdivision, in which he was to have a new building completed by May 5, 2023. In October of 2022 Brent signed a contract with the City that stated:

1. CDA will issue deed to 2 lots to Brent within 7 days of signing;
2. Brent agrees to complete building by May 5, 2023;
3. If he does not, Brent can either pay \$10,000 as damages for breach of the contract or convey the property back to the CDA;
4. If Brent reconveys the property, he does so including all improvements and waives any right to any claim against the CDA based on his investment into the property, except for if the CDA does something to intentionally hinder his ability to complete the contract;
5. If CDA has to sue, Brent agrees it will be in Holt County District Court and he agrees to pay costs and attorney's fees of CDA to fullest extent permitted by law;
6. All conditions survive the closing and do not merge with the deed;

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7. Brent agrees to indemnify the city for attorney's fees and any costs associated with preparation of the addendum, deed, and transfer statement.

Brent stated that he has not been able to begin the construction of the building due to the winter that we have had. Dirt work was completed and cement was placed in the fall of 2022 but he stated that they were waiting on roof parts before they started construction. By the time the roof parts arrived, the snow had begun, and the cement pad was full of snow all winter. Brent stated that the contractor that is to construct the building is to begin in 10 days to two weeks if the weather remains good and the project they are working on finishes on time. He asked for a 60 – 90 day extension in case the project is not completed by May 5, 2023. Council first stated that a contract is a contract and that if the building was not completed, Brent would have to pay the \$10,000 in damages to the City or turn the deed back over to the CDA. Brent again explained the delay in construction and asked for the extension. The council then offered a compromise of Brent pay for one lot and council would grant a 60 day extension. Brent did not want to have to pay for a lot and therefore the item failed due to lack of motion. No extension of time was granted.

Moved by Krysl, seconded by H. Olson to adjourn the CDA and reconvene as the City Council at 8:42 p.m. RCV: Ayes: H. Olson, R. Olson, Osborne, Shane, Asher, Krysl. Nay: None. Motion Carried.

Moved by Osborne, seconded by Shane to approve the removal of cedar trees along the Bluebird Trail by the golf course. The REA will cut down the trees at no charge and the city maintenance department will haul away the debris. RCV: Ayes: R. Olson, Osborne, Shane, Asher, Krysl, H. Olson. Nay: None. Motion Carried.

Moved by Osborne, seconded by Asher to approve a prescribed burn to be done by the Atkinson Fire Department at the Bluebird Trail. Neighbors are to be notified when the burn will happen. RCV: Ayes: Shane, Asher, Krysl, H. Olson, R. Olson, Osborne. Nay: None. Motion Carried

Moved by Shane, seconded by R. Olson to approve the removal of the Locust Tree on the North side of the city office due to a split in the tree. The tree would be replaced with a Blue Spruce provided by Wettlaufer's that could be used as a community Christmas tree. RCV: Ayes: Asher, Krysl, H. Olson, R. Olson, Osborne, Shane. Nay: None. Motion Carried.

Moved by Osborne, seconded by H. Olson to approve LB840-PIP-127 grant for Mike Fredrick for façade improvement at the Fredrick Insurance Agency, Inc. The grant would be for 50% of the cost of the project up to \$10,000. RCV: Ayes: Krysl, H. Olson, R. Olson, Osborne, Shane, Asher. Nay: None. Motion Carried.

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Moved by Asher, seconded by H. Olson to approve the delinquent utilities report in the amount of \$694.98. RCV: Ayes: H. Olson, R. Olson, Osborne, Shane, Asher, Krysl. Nay: None. Motion Carried.

Moved by Krysl, seconded by Asher to approve the claims as prepared except for Holt County Economic Development (HCED). The council has not heard from HCED regarding the fee schedule for the upcoming budget year. HCED was to notify the city if fees would be reduced for towns that employed their own Economic Development Director. RCV: Ayes: R. Olson, Osborne, Shane, Asher, Krysl, H. Olson. Nay: None. Motion Carried.

Moved by Krysl, seconded by Asher to approve the claim for HCED for the 3<sup>rd</sup> and final installment of fees due for 2022/2023. RCV: Ayes: Asher, H. Olson, R. Olson, Osborne, Shane. Nay: Krysl. Motion Carried.

Amanda Sindelar stated that Six Star Sanitation would like to hold the annual spring clean up at the rodeo grounds on April 29th. RC&D is not going to hold an electronics clean up this year but Six Star has stated that they may have a dumpster available for electronics at the clean-up

Chief of Police, Tim Larby, stated that one of the sirens in the south of town did not “trip” again during the annual siren test. There have been problems with this siren in previous years. Tim is to contact Earl at NetCom to see if it is the radio or actual siren.

Moved by Asher, seconded by Osborne to go into executive session regarding personnel matters at 9:33 p.m. RCV: Ayes: Osborne, Shane, Asher, Krysl, H. Olson, R. Olson. Nay: None. Motion Carried.

Moved by Asher, seconded by Osborne to come out of executive session regarding personnel matters at 10:05 p.m. RCV: Ayes: Shane, Asher, Krysl, H. Olson, R. Olson, Osborne. Nay: None. Motion Carried.

Moved by H. Olson, seconded by Osborne to adjourn at 10:07 p.m. RCV: Ayes: Asher, Krysl, H. Olson, R. Olson, Osborne, Shane. Nay: None. Motion Carried.

Claims:

AFLAC	Fee	707.80
AMERITAS INSURANCE	414h	6103.90
ATKINSON GRAPHIC	Fee	105.00
ATKINSON LIONS CLUB	Flag Contract	20.00
BAKER & TAYLOR	Books	888.61
BOYD-HOLT JOINT E-911	Payment #3 Dispatch Services	19717.50
BRAUN'S FOOD CENTER	Cleaning Supplies	133.15
CITY OF ATKINSON	PR Funds to TCB	32849.00
CORNHUSKER HOTEL	Judy-Meeting	98.00

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FIX, R. SCOTT	Med/Sup Reimb.	618.24
ONE CALL CONCEPTS, INC.	Locate Fee	18.54
H C E D	Payment #3	2742.00
HAGAN JUDY	Med/Sup Steven	1245.07
HOLT COUNTY TREASURER	Taxes	323.36
KOPEJTKA NANCY	Med/Sup Reimb.	652.16
MIDWEST RADAR	ACI	80.00
NEDA MEMBERSHIP SERVICES	Annual Conference-Amanda	200.00
N M P P	Membership Dues	979.34
N M V C A	2023 Dues/Membership	15.00
N P P D	Electric	5037.52
NE PHE LAB	Fee	64.00
NE REVENUE DEPT	Sales Tax	3080.18
NORFOLK DAILY NEWS	Subscription	395.45
OMAHA WORLD-HERALD	Bid Proposal-WHMS Mobile Clinc	276.54
PETTY CASH	postage	15.00
POST OFFICE	UB Postage	257.57
NIOBRARA VALLEY ELEC REA	MR Park/Welcome Sign	106.26
ROD'S LOCKSMITH	Keys-Bldg @ Sewer Plant	6.00
TEAM LABORATORY	Road Patch	3647.00
USA BLUE BOOK	Gloves	677.58
VERIZON WIRELESS	Cell Phone	248.37
WELSH WELDING & REPAIR	Trailer	36.50
WHITES SERVICE	Fuel	1065.65
ZISKA CHERYL	Med/Sup Reimb.	1039.06
HOLIDAY INN	Clerk School-Shelly	574.75
HAWKINS	flouride	2376.09
EFTPS	FED/FICA TAX	11003.07
GREAT AMERICA LEASING	Sharp copier lease	172.50
COLONIAL LIFE	Dental Insurance	1277.78
GREAT PLAINS COMMUNICATION	Telephone	416.09
ATKINSON CAR WASH	car washes	50.00
SIX STAR SANITATION	Dumpster	13178.00
HARTFORD	Life Insurance	67.32
LINCOLN NATL LIFE INSURE	LTD	200.22
UNITED HEALTHCARE	Health Insurance	17134.62
C P L S	Cricut Wkshp-Terry,Judy,Geneva	40.00
HAMPTON INN	Fee	219.90
BARCO	Grader Blades	2529.94
ONE OFFICE SOLUTION	copier/fax machine	6641.28
BLACK HILLS ENERGY	Heat	3083.17
LIFEGUARD MD	Defibrillator Pads	70.00
CORE & MAIN	Supplies	221.87

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NE CHILD SUPPORT PAYMENTS	GARNISHMENT	537.32
HEARTLAND FIRE PROTECTION	Fire Alarm Inspection	559.25
ONSOLVE, LLC	Code Red	1725.30
MACQUEEN EQUIPMENT	Sewer Nozzle	181.03
ANITA ENGRAVING	Retirement Plaque-Nancy K	93.31
SINDELAR AMANDA	Mileage-Hometown Leadership	27.51
PRECISION IT	monthly maintenance fee	72.00
VISA-TCB	Supplies	785.37
GOTSCHALL & SHOLES PC	Fees	2074.50
ROCKIN' 76, LLC	LB840-PIP-118	3877.25
MASTERCARD	General Supplies	435.06
CROWNE PLAZA	NPZA-Shelly	134.95
J & S ENTERPRISES	Bushing for ballfield drag	20.00
PAYROLL CHECKS	PAYROLL CHECKS ON 03/08/2023	20201.16
PAYROLL CHECKS	PAYROLL CHECKS ON 03/24/2023	17832.79
	CLAIMS TOTAL	191262.75

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Josh Erickson, Mayor

ATTEST:

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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 April 3, 2023; 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 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.

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City Clerk/Treasurer

