

December 4, 2023

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 4th day of December 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, Scott Shane, City Clerk Shelly Wieneke, and City Attorney Michael Sholes. Absent: Jerry Osborne

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 Krysl to accept the Mayor's appointment of Ken Counts to fill the vacancy on the city council. RCV: Krysl, H. Olson, Shane, Asher. Nay: None. Absent and not voting: Osborne. Motion carried.

City Attorney, Michael Sholes, administered the oath of office to Counts and the new councilmember took his seat at the table with the rest of the city council.

Moved by H. Olson, seconded by Shane to approve the minutes of the November 6<sup>th</sup> meeting. RCV: Ayes: H. Olson, Counts, Shane, Asher, Krysl. Nay: None. Absent and not voting: Osborne. Motion Carried.

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

The council acknowledged receipt of the November minutes of the Library, Elkhorn Meadows, Airport, HCED, LB840 meetings and the Union Street Duplex Financial Report.

Moved by Asher, seconded by H. Olson to nominate Jerry Osborne as Council President. RCV: Ayes: Counts, Shane, Asher, Krysl, H. Olson. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Krysl, seconded by Asher that the Mayor is the Chairperson, the Council President is the Vice-Chairperson, and the City Clerk is the Secretary of the Community Development Agency of the City of Atkinson. RCV: Ayes: Shane, Asher, Krysl, H. Olson, Counts. Nay: None. Absent and not voting: Osborne. Motion Carried

The mayor presented the following appointments for approval:

City Attorney

Michael Sholes

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City Clerk-Treasurer	Shelly Wieneke
Police Chief	James Collins
Utilities Superintendent	Gary Thurlow
Economic Development	Cheye Young
City Street Superintendent	Reed Miller
City Engineer	Miller & Associates
Building Permit Inspector	Gary Thurlow

Moved by Counts, seconded by Shane to approve the Mayor's appointments. RCV: Ayes: Shane, Asher, Krysl, H. Olson, Counts. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Krysl, seconded by Asher to approve the placement of a statue of Jacob Schmuecker outside the American Legion Post 86 building. Gerald Bouska was present at the meeting and said that the O'Neill Armory is being sold and that they would like the Atkinson American Legion to have the statue of Jacob Schmuecker. Council approved this with the condition that the council will be notified and approve of the location once they determine where they would like to place the statue. RCV: Ayes: Asher, Krysl, H. Olson, Counts, Shane. Nay: None. Absent and not voting: Osborne. Motion Carried.

Leo Seger was present at the meeting to discuss with the council some issues at Woodlawn Cemetery. Benches should only be placed on permanent foundations in line with the stones located at the head or foot of the grave space as stated in the cemetery bylaws. Issues with upkeep of the cemetery and digging graves on adjoining plots can be eliminated if benches are only allowed in the area stated. "Green Burial's" are becoming a growing trend in which no vault or coffin is used to bury a deceased individual, which is a concern. The bylaws of Woodlawn Cemetery state that the deceased individual's remains must be placed in a cement vault. Leo highly recommends that we not change our bylaws to accommodate "Green Burial's".

Mary Beth Dobrovlny addressed the council regarding the dogs not chained up and running at large and wanted to know what is going to be done about it. Police Chief Jimmy Collins stated that we have an ordinance governing dogs running at large. He said that a dog does not have to be "chained" up but just has to be under the control of the owner or responsible party, either by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint which can include the invisible or underground fence systems that are available. If a citizen spots a dog running at large with no owner in site or out of its yard they just have to call the Atkinson Police Department and they will retrieve the dog and take it to the vet clinic for the owner to claim.

Asher introduced Ordinance No.1187 and moved its adoption: AN ORDINANCE OF THE CITY OF ATKINSON, TO PROVIDE A DEDICATED REVENUE SOURCE FOR REPAYMENT OF AN SRF LOAN WITH THE NEBRASKA DEPARTMENT OF

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ENVIRONMENT AND ENERGY; TO GRANT A LIEN IN FAVOR OF NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY ON PARITY WITH THE CITY'S OTHER DEBT SERVICES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE AND TO PROVIDE FOR SERVICE IN PAMPHLET FORM and moved that the statutory rule requiring reading on three different days be suspended. H. Olson seconded the motion. RCV: Ayes: H. Olson, Counts, Shane, Asher, Krysl. Nay: None. Absent and not voting: Osborne. Motion Carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for the consideration of said ordinance.

Said ordinance was then read by title and number and thereafter Asher moved for final passage of the ordinance, which motion was seconded by H. Olson. The Mayor then stated the question "Shall Ordinance No. 1187 be passed and adopted?" RCV: Ayes: Counts, Shane, Asher, Krysl, H. Olson. Nay: None. Absent and not voting: Osborne. Motion Carried. The Mayor declared Ordinance No.1187 duly passed, adopted, and signed the same in the presence of the Council and the Clerk attested the same.

Moved by Shane, seconded by H. Olson to approve Resolution 23-13, which authorizes the Mayor to sign the Year-End Certification naming Reed Miller, license number "S-514", Class "A" as the Street Superintendent for 2023. RCV: Ayes: Shane, Asher, Krysl, H. Olson, Counts. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by H. Olson, seconded by Shane to appoint Reed Miller, license number "S-514", Class "A" as the Street Superintendent for 2024, as a contract consultant beginning January 1, 2024. RCV: Ayes: Shane, Asher, Krysl, H. Olson, Counts. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Asher, seconded by H. Olson to approve the building permit for Donna Osborne for a house with garage at 47668 East Pearl Street. RCV: Ayes: Asher, Krysl, H. Olson, Counts, Shane. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Counts, seconded by Asher to approve a tear down permit for Boyd Mitchell to tear down a house and outbuildings at 404 South Williams Street with the condition that if the sidewalk is removed or damaged, he will replace it. Mayor Erickson was going to speak to Boyd to make sure that he is aware of the sidewalk stipulation. RCV: Ayes: Krysl, H. Olson, Counts, Shane, Asher. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Krysl, seconded by Shane to approve LB840-137 Property Improvement Grant for COCO Family Holdings, LLC for façade in the amount of 50 percent of the project not

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to exceed \$10,000. The estimated request is \$4,565. RCV: Ayes: H. Olson, Counts, Shane, Asher, Krysl. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Counts, seconded by Asher to approve LB840-138 Property Improvement Grant for MMT Properties, LLC for the teardown of a house and outbuildings at 404 South Williams Street in the amount of 50 Percent of the project not to exceed \$10,000. The estimated request is \$4,750. RCV: Ayes: Counts, Shane, Asher, Krysl, H. Olson. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by Asher, seconded by H. Olson to remove Tim Larby, Grant Hitchcock, Amanda Sindelar, and Christopher Winer from the Tri County Bank Visa Account. The credit cards for these four individuals should be cancelled. RCV: Ayes: Shane, Asher, Krysl, H. Olson, Counts. Nay: None. Absent and not voting: Osborne. Motion Carried.

Moved by H. Olson, seconded by Krysl to approve adding Travis Schmitz, James Collins, Korby Krieger, and Cheye Young to the Tri County Bank Visa Account. Credit cards for these four individuals should be obtained. RCV: Ayes: Shane, Asher, Krysl, H. Olson, Counts. Nay: None. Absent and not voting: Osborne. Motion Carried.

An update was given to the council by City Clerk, Shelly Wieneke, regarding Boyd/Holt E911. The member communities of O'Neill, Stuart, Atkinson, Inman, Page, Emmet, and Ewing have all agreed to send a letter to the Boyd/ Holt E911 Board requesting financial records explaining the large increases in member fees over the last two years. The lawyer has the letter drawn up and it will be sent soon. Shelly will keep the board up to date on information shared within the member communities.

Enforcement of ordinances, including the sidewalk ordinance, was discussed and it was agreed that ordinances will be enforced. The ordinances of the city are the "law of the town". A formal complaint form needs to be filled out and signed at the city office regarding a possible ordinance violation. The complaint will then be given to the police department and they will follow up to determine if the complaint is a violation of the city's ordinances. If it is a violation they will proceed with notifying the property owner and start the process in getting the violation resolved. City Attorney, Michael Sholes, advised that section 5-304 of the City Code book states that "Whenever the City Council shall deem it necessary that an old sidewalk shall be replaced or reconstructed, it shall order the same to be done and the street commissioner shall give notice in the manner and form provided in Section 5-303 of this article, to replace or reconstruct the same within 30 days from and after such notice." If a member of the council thinks that a sidewalk should be replaced, he or she can have it placed on the agenda to have it voted on by the council to have the sidewalk replaced or reconstructed.

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Moved by Asher, seconded by H. Olson to approve longevity pay as recommended by the personnel committee. RCV: Ayes: Asher, Krysl, H. Olson, Counts, Shane. Nay: None. Absent and not voting: Osborne. Motion Carried.

The Employee Appreciation Dinner will be on Saturday, January 20<sup>th</sup> at the Flat Iron.

The January meeting date was changed due to the New Year's Holiday to Monday, January 8, 2024, at 7:30 p.m.

Moved by H. Olson, seconded by Asher to approve the delinquent utilities report in the amount of \$1,448.76. RCV: Ayes: Krysl, H. Olson, Counts, Shane, Asher. Nay: None. Absent and not voting: Osborne. Motion Carried.

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

Moved by H. Olson, seconded by Krysl to adjourn at 9:00 p.m. RCV: Ayes: Counts, Shane, Asher, Krysl, H. Olson. Nay: None. Absent and not voting: Osborne. Motion Carried.

Claims:

AFLAC	Fee	533.20
AMERITAS INSURANCE	Fee	3253.56
ATKINSON GRAPHIC	Fee	418.22
BAKER & TAYLOR	Books	762.21
BRAUN'S FOOD CENTER	Supplies	259.74
BRAUN PLUMBING	Repair	178.88
C O ENTERPRISES	Supplies	922.76
CITY OF ATKINSON	PR Funds to TCB	26884.00
FIRST STOP	Fuel	365.85
FIX, R. SCOTT	Med/Sup Reimb	621.70
ONE CALL CONCEPTS, INC.	Locate Fee	29.36
H C E D	2023/2024 Membership	2137.58
HAGAN JUDY	Med/Sup Reimb	967.15
K L & S INC	Supplies	246.84
WM. KROTTER CO.	Supplies	660.82
L N M	Backflow Workshop	130.00
LEADING EDGE	Supplies	1087.54
METL SANDBLASTING	Fee	125.00
MIDWEST LAB	Fee	129.15
MITCHELL EQUIPMENT	Repair	816.76
N P P D	Fee	3810.55
NE PHE LAB	Fee	315.00
NE REVENUE DEPT	Sales Tax	3163.24
OSBORNE CONSTRUCTION	Repair	900.00

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PETTY CASH	postage	13.73
POST OFFICE	UB Postage	318.90
NIOBRARA VALLEY ELEC REA	Fee	106.26
SPERLING PLUMBING	Repair	141.75
STUART CONCRETE	Repair	645.00
TEAM LABORATORY	Supplies	1356.00
USA BLUE BOOK	Supplies	566.38
VERIZON WIRELESS	Cell Phone	248.64
WHITES SERVICE	Fuel	2073.92
ZISKA CHERYL	Med/Sup Reimb	1063.01
EFTPS	FED/FICA TAX	9380.99
COLONIAL LIFE	Fee	898.62
GREAT PLAINS COMM	Fee	440.33
SIX STAR SANITATION	Fee	13381.25
HARTFORD	Fee	57.51
LINCOLN NATL LIFE INSURE	Fee	91.15
UNITED HEALTHCARE	Fee	10496.48
WEST HOLT MEDICAL	CDBG-Mob Med Unit	94790.38
BARCO	Supplies	999.53
ONE OFFICE SOLUTION	Supplies	1153.40
OR-TECH SALES	Repair	455.00
RADARSIGN	Repair	160.00
BLACK HILLS ENERGY	Fee	1280.13
CORE & MAIN	Supplies	3053.29
HEARTLAND FIRE		
PROTECTION	Fee	343.50
PRECISION IT	Fee	190.75
VISA-TCB	Supplies/Fee	4080.40
INSITE INSTRUMENTION	Dig Sign Rpr	664.00
GOTSCHALL & SHOLES PC	Fee	1735.00
FIRST INTERSTATE BANK	Fee	41604.31
MASTERCARD	Supplies	476.99
ECLECTIC TASTE LLC	LB840-136 PIP	655.01
NE DEPT OF		
TRANSPORTATION	Junkyard Permit	50.00
CLINE WILLIAMS WRIGHT	Fee	410.50
WIENEKE SHELLY	Reimbursement	21.29
MUNICIPAL SUPPLY, INC OF	Repair	342.69
JENKINS DETAILING	F150	150.00
FREDRICK MIKE	LB840-127 PIP Grant	10000.00
KRIEGER KORBY	Reimbursement	40.00
PCAN	2024 Membership Fee	60.00
DEPOSIT REFUNDS	REFUND DATE 11/27/2023	22.32

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PAYROLL CHECKS	PAYROLL CKS ON 11/17/2023	16214.68
PAYROLL CHECKS	PAYROLL CKS ON 12/01/2023	15651.85
	CLAIMS TOTAL	284604.05

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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 December 4, 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

