

## LYONS CITY COUNCIL MEETING

March 1, 2022

A regular meeting of the Mayor and Council of the City of Lyons was called to order by Mayor Fuston at 5:30 P.M., March 1, 2022, at Lyons City Hall. Present were Council members Wheaton, Brink, Housh Sr and Steinmeyer. Also in attendance were City Attorney Smith, City Clerk Ritter, Utility Superintendent Ueding, and Library Director Heavrin.

Visitors at the meeting were Nate Wing of Olsson, Ric Ortmeier, CPA, Alyson Pedro, Jason Redding-Geu of the Lyons Mirror Sun, Kirk Brown of NENEDD, Ruth Cole, Police Chief Brenda Anderson, Safety Officer Glenn Moore, Kelly Adamson and Janelle Barton, both of Three Rivers Housing, Gerald Newill, Whitney Anderson and Gloria Myers, both of the Lyons Property Development Committee.

The meeting was called to order upon motion by Wheaton, second by Steinmeyer. On roll call, AYE: Housh Sr, Brink, Steinmeyer, Wheaton. NAY: None.

Mayor Fuston publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Advance notice of said regular meeting was given to the Mayor and all members of the Council, and a copy of their receipt of such notice and the agenda is filed in the City Clerk's office. Availability of the agenda was communicated by posting notices in three public places and in the notice to the Mayor and Council. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

### Public Hearing

Motion by Steinmeyer, seconded by Brink to enter into a Public Hearing. On roll call, AYE: Wheaton, Housh Sr, Brink, Steinmeyer. NAY: None. Absent: None. Mayor Fuston opened the Public Hearing for the purpose of hearing support, opposition, criticism, suggestions, or observations to the One & Six Year Plan. Gerald Newill questioned when the streets in his subdivision would be worked on. They are on the 6 year plan. Maintenance/repairs have been done on the streets in his subdivision in the past. Councilmember Wheaton explained the subdivision residents were sent letters two separate times asking if they were in favor or not to pave their street based on their front footage and approximate cost per foot. Both times there was not a majority in favor of paving. There being no other verbal or written comments or objections, a motion by Steinmeyer, seconded by Housh Sr was made to adjourn the Public Hearing. On roll call, AYE: Wheaton, Steinmeyer, Housh Sr, Brink. NAY: None. Mayor Fuston closed the public hearing.

Moved by Housh Sr, seconded by Brink to approve the following consent agenda:

1. Dispense with reading of minutes of meetings held on February 1, 2022.
2. Claims as presented except claims of KB's Mini Mart, CNA Auto, and Steiny's General Store.
3. Treasurer report.
4. Resolution 2022-1: A Resolution calling Combined Utilities Revenue Refunding Bonds, Series 2016 was approved and signed.
5. Ordinance 749: Ordinance issuing Combined Utilities Revenue Refunding Bonds, Series 2022 in an amount not to Exceed \$425,000.00 was approved, adopted, and signed.

On roll call, AYE: Wheaton, Brink, Steinmeyer, Housh Sr. NAY: None. Motion carried.

CLAIMS: BLUE CROSS BLUE SHIELD health ins 9,777.61, BARCO MUNICIPAL PRODUCTS signs 1,207.68, BLUE VALLEY PUBLIC SAFETY maint 3,553.04, BURT COUNTY SHERIFF fees 20.00, DANIEL A SMITH fees 1,000.00, JACK'S UNIFORMS gloves 68.92, LANE'S TREE SERVICE cut trees 2,600.00, LORENSEN GRAIN & READY MIX finance charge 9.09, LYONS MIRROR-SUN publ 379.41, MAIN STREET SERVICES maint 617.85, NE DEPT OF ENVIRONMENT & ENERGY pool license 40.00, NEBRASKA.GOV website maint 27.50, NMVCA dues 15.00, PORT-A-JOHNS portable 70.00, SEALS & SERVICE repairs/maint 265.91, RICHARD P COEN JR serv 900.00, DAVID RUBIN water treatment plant 261,041.00, BURT COUNTY PUBLIC POWER elec 2,200.00, WESTERN AREA POWER ADMIN elec 6,057.55, LINCOLN FINANCIAL ins 304.52, NENEDD admin fee/const mgmt fee 2,195.78, NPGA nat gas 58,257.49, NPPD elec 36,617.47, OHIO NATIONAL LIFE INS retirement plan 710.10, VERIZON serv 283.84, WASTE CONNECTIONS serv 12,610.66, ACCO chem 613.94,

AMERICAN BROADBAND serv 444.81, APPEARA clothing 119.39, BOMGAARS suppl 449.68, BREHMER MFR suppl 58.26, CENTURYLINK serv 60.92, CITY OF LYONS petty cash 56.93, CITY OF LYONS util 6,428.48, COMFORT INN lodging 332.25, IAMU dues 500.00, MATHESON TRI-GAS suppl 548.65, MIDWEST LABS testing 20.00, OAKLAND LUMBER suppl 59.49, OLSSON engineering fees 5,440.11, PRODUCTIVITY PLUS ACCOUNT finance charge 3.37, QUADIENT FINANCE postage 617.80, QUALITY PRINTING suppl 51.30, SAPP BROS propane 41.06, SAVEMORE MKT suppl 179.11, SCOTT'S HARDWARE suppl 178.60, UTILITY SAFETY & DESIGN maint 750.00, NEBR DEPT OF REVENUE sales tax 9,827.81, CITY OF LYONS combined payroll 30,009.31, EFTPS payroll tax 7,843.64, HSA contributions 1,840.00, NEBR DEPT OF REVENUE payroll tax 1,025.45.

Nate Wing of Olsson gave an update on the Water Treatment Plant Project. Currently, we are at a stand-still as we are waiting on parts, but are optimistic that we will meet the May 1 substantial completion date. Olsson is working with WesTech on the temporary treatment system issues we had.

Motion by Wheaton, seconded by Brink to approve Resolution 2022-2: the One & Six Year Street Program for 2022. On roll call, AYE: Brink, Steinmeyer, Wheaton, Housh Sr. NAY: None. Motion passed.

Motion by Housh Sr, seconded by Steinmeyer to approve a one year extension request until March 1, 2023, to Nebraska Department of Economic Development for CDBG Grant 19-WW005 (Water Treatment Plant Project.) On roll call, AYE: Steinmeyer, Housh Sr, Brink, Wheaton. NAY: None. Motion passed.

Motion by Brink, seconded by Wheaton to authorize Drawdown #7 of CDBG funds in the amount of \$2,195.78 to NENEDD for Administrative and Construction Management fees on the Water Treatment Plant Project. On roll call, AYE: Brink, Steinmeyer, Housh Sr, Wheaton. NAY: None. Motion passed.

Ric Ortmeier, CPA, reviewed the 2020/2021 Audited Financial Report with the council.

Council member Steinmeyer motioned to accept the 2020/2021 Audited Financial Report, seconded by Brink. On roll call, AYE: Steinmeyer, Wheaton, Brink, Housh Sr. NAY: None. Motion passed.

Due to conflict issues, Elise Anderson and Lucas Ronnfeldt weren't at the meeting to present their senior project of putting garden beds in Brink Park. The council liked the idea of garden beds at Brink Park and had questions regarding the placement of them. Terry Ueding, Kyle Brink, and the two students will get together to discuss placement.

Ruth Cole discussed the trash billing at the Lyons Apartments (two buildings). The City will discuss with Waste Connections.

Whitney Anderson of the Lyons Property Development Committee said they formed to help revitalize the housing in Lyons. They partnered with Three Rivers Housing to get grants for new housing. Donations from the public and fund commitments from the city could help in getting a grant that Kelly Adamson of Three Rivers Housing would write. Three Rivers Housing and the Lyons Property Development Committee were seeking city buy-in for this project. Fund commitments from the city such as demolition funds or demo money for rehab or purchase of lots, and/or the ½ cent sales tax from LB 840 (TIFF) would help in being awarded a grant. The city has buy-in with demolition funds. Patty Plugge of Burt County Economic Development will be asked to speak at the April 5 Lyons Council Meeting to explain LB 840. LB 840 would need to be on the ballot for approval of a ½ cent sales tax increase. Council was invited to the next Three River Housing meeting.

Public Safety Officer Moore gave an update on the vehicles: they aren't in production yet. The 2015 Dodge vehicle was taken to Gene Steffy's in Fremont a few weeks ago and was told it needs engine repairs of about \$4,500. Repairs have not been done and the vehicle will be taken back to Lyons for Charlie Wheaton of CNA Auto to look at. Also, the decals on the vehicle will be changed back to the Police Department. There is not a computer in the police vehicle but there is a desktop computer at the Police Station. A potential police officer for the future is Josh Svendsen who will retire from the military and could get his police training for free through the GI Bill.

Library director Mike Heavrin gave the Library and grants reports. Finances for the month of January: income was above monthly goal and above yearly goal. Expenses were below monthly budget and below yearly budget. Utility bill for January was lower than 13-year average for the month.

The library received three new laptops with Microsoft Office installed for a total of \$4,422.00 The ARP grant will pay for \$3,972.83 of the \$4,422.

The Library is still having issues with the alarm system. Cost quotes for a new fire alarm system are being sought from Midwest Alarm Systems, ADT, and AC Lightning Protection. An insurance claim may be filed with the city's insurance company.

The Alumni Class of 1972 will be using the Library on Saturday, May 28 for their activities. A presentation by one of the classmates will be given on the book she wrote. Patrons will be able to check books in and out that day, but access to computers, puzzles, games and crafts will not be available.

Grants update: We are waiting on the delivery of the new police car. The Donald Nielsen Foundation has already given us a check for the purchase of the vehicle. We will inform them of the delivery and give appropriate recognition to the Foundation for its generous contribution to the City.

We will be receiving the Public Water System Security Grant of over \$8,000 through NDEE to help with the costs of the water testing stations.

The E-Rate Form 470 is being worked on.

A grant for abandoned wells is being worked on.

The mayor asked to check on any grants for streetlights.

Terry Ueding's report: Spring clean-up is scheduled for May 6 and May 7.

The city didn't receive any bids on the white Dodge flat-bed truck. The vehicle will be scrapped.

The outside northwest corner wall of Pedal Pushers building is pulling away from the adjoining wall. A vendor cost quote for repairs was given to the owner of the building.

The Fire Marshal's inspection of the gas system went well.

Terry attended the Water Conference March 14th through 16th.

Clayton received his Grade IV water operator license. Grade VI is needed for water backflow operator. Salary increase consideration will be added to the April 5 council agenda.

City crew was trimming trees in the park and took one down as it was dead. There are about 6 to 7 other trees dying and need to be replaced.

We were purchasing the new pickup for the utility department with Sid Dillon but we could get a new Ford as they are scheduled for production in May.

The city will be advertising for part-time summer help with the city mowing. Part-time hours of 25-30 hours between 8 a.m and 5 p.m., Monday through Friday.

The lead on the Miller brand welder is bad. Matheson Tri-Gas was called as they are the Miller brand dealer in this area. Could get a new lead but don't know if that will fix the problem. Lincoln Weld at Bomgaars has a new welder for \$800-\$1,000. Before buying a new welder, Terry is to check with Brehmer's if they may have an extra lead.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending February 28, 2022. The General Fund had a month to date net gain of \$7,507 and a year to date net loss of \$54,470. The Utility Fund had a month to date net loss of \$228,502 and a year to date net loss of \$1,156,265. Debt Service had a month to date net gain of \$8,450 and a year to date net loss of \$96,750. Budget reports for the fifth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 25.02%. General Expenses were 31.74%. Utility Receipts were 25.84%. Utility Expenses were 56.61%. Debt Service Receipts were 19.52% and Debt Service Expenses were 86.89% due to the payment of bond principal and one-half interest on November 1, 2021. Benchmark for February was 41.6%.

The wastewater bonds are in the process of being refinanced. The refinancing will save the city \$19,969.72.

Total USDA funding for the Water Treatment Plant project will be \$1,100,000 loan and \$786,000 grant. The CDBG grant funding remains the same at \$435,000.

Motion by Housh Sr, seconded by Wheaton to approve a special designated liquor license to Lyons Voluntary Fire Department for the Alumni Dance on May 28, 2022 at the Lyons Community Center. On roll call, AYE: Wheaton, Brink, Housh Sr, Steinmeyer. NAY: None. Motion passed.

Motion by Steinmeyer, seconded by Wheaton to approve a special designated liquor license to Lyons Voluntary Fire Department for the Annual Street Dance on July 3, 2022 in Lyons, NE. On roll call, AYE: Housh Sr, Wheaton, Brink, Steinmeyer. NAY: None. Motion passed.

No invoices were presented for CNA Automotive Services

No invoices were presented for KB's Mini Mart.

Motion by Brink, seconded by Wheaton to approve payment of \$630.16 to Steiny's General Store. On roll call, AYE: Wheaton, Housh Sr, Brink. NAY: None. Abstained: Steinmeyer. Motion passed.

Motion by Wheaton, seconded by Steinmeyer to adjourn the meeting at 7:35 PM. On roll call, AYE: Wheaton, Housh Sr, Brink, Steinmeyer. NAY: None. Motion passed.

Andrew Fuston, Mayor

Mary Lou Ritter  
City Clerk

I, the undersigned, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting kept continually current and available for public inspection at the office of the 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 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 said body; that all news media requesting notification of the time and place of said meeting and subjects to be covered at said meeting.

Mary Lou Ritter  
City Clerk  
(SEAL)