

LYONS CITY COUNCIL MEETING

April 5, 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., April 5, 2022, at Lyons City Hall. Present were Council members Brink, Housh Sr and Steinmeyer. Council member Wheaton had an excused absence. Also in attendance were City Attorney Smith, Police Chief Anderson, City Clerk Ritter, Utility Superintendent Ueding, and Library Director Heavrin.

Visitors at the meeting were Nate Wing of Olsson, Patty Plugge of Burt County Economic Development, Kelly Adamson of Three Rivers Housing, Whitney Anderson of the Lyons Property Development Committee, Dale Miller, and Shelly Bacon.

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

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.

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

1. Dispense with reading of minutes of meetings held on March 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 2022-2: A Resolution on the One & Six Year Street Program was adopted and signed.

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

CLAIMS: AMERICAN FUNDS SERVICE retirement plan 333.14, A-OX WELDING SUPPLY maint 283.73, APPEARA clothing 268.46, BLANC'S BODY & GLASS replace windshield 315.20, BLUE CROSS BLUE SHIELD health ins 8,847.00, BOK FINANCIAL paying agent fees-sewer bonds 750.00, BOMGAARS suppl 750.31, BREHMER MFR freight 119.98, BURT COUNTY PUBLIC POWER elec 2,200.00, BURT COUNTY SHERIFF fees 20.00, CENGAGE LEARNING books 83.00, CENTER POINT LARGE PRINT books 535.68, CNA AUTO serv 632.02, COLONIAL RESEARCH CHEMICAL suppl 680.75, CORE & MAIN meter 1,096.72, DUTTON-LAINSON lamps 1,768.38, ELECTRONIC CONTRACTING annual monitoring-fire alarms 324.00, FRANSYL EQUIPMENT repairs 1,349.00, GENE STEFFY repairs 679.45, HEATH CONSULTANTS suppl 1,386.86, HOA serv 160.50, ITRON maint/support 2,074.18, JENSEN PLG & HTG serv 1,179.66, KB'S MINI MART gas 2,738.49, KUDAK ROCK issuance cost-sewer bonds 1,500.00, LEADING EDGE brochures 1,189.94, LIFEGUARD AED 2,542.41, LINCOLN WINWATER WORKS water testing stations/suppl 12,803.37, MIDWEST RADAR & EQUIP radar inspections 80.00, MS ROOF REPAIRS maint 2,048.00, MUNICIPAL SUPPLY suppl 1,562.73, NATIONAL PUBLIC SAFETY INFORMTION book 149.00, NEBR STATE FIRE MARSHALL meter assessment 92.40, NEBRASKA GENERATOR maint 989.85, NEBRASKA RURAL WATER ASSN conf 395.00, NMPP dues 791.36, NORTHEAST TRACTOR PARTS repairs 180.50, NOVUS COMPUTERS computers 4,422.00, ONE CALL CONCEPTS locate fees 8.68, PAPE AUTO BODY & DESIGN graphics 212.50, QUADIANT LEASING lease 342.00, RAMADA BY WYNDHAM MIDTOWN lodging 464.75, RIC ORTMEIER CPA audit fees 19,500.00, ROBERTSON IMPLEMENT chain saw 1,519.39, S&S LOCKSMITH change locks 1,515.00, DANIEL A SMITH fees 1,000.00, LORENSEN GRAIN & READY MIX rock/gravel 2,578.48, LYONS MIRROR-SUN publ 1,618.30, MAIN STREET SERVICES maint 198.68, PORT-A-JOHNS portable 70.00, SEALS & SERVICE repairs/maint 16.00, RICHARD P COEN JR serv 900.00, WESTERN AREA POWER ADMIN elec 5,646.76, LINCOLN FINANCIAL ins 362.27, NPGA nat gas 36,190.17, NPPD elec 34,445.81, OHIO NATIONAL LIFE INS retirement plan 1,826.10, VERIZON serv 318.75, WASTE CONNECTIONS serv 6,277.70, CENTURYLINK serv 60.92, CITY OF LYONS util 5,583.74, COMFORT INN lodging 219.90, MIDWEST LABS testing 42.25, OAKLAND LUMBER suppl 501.30, OLSSON engineering fees 4,509.63, PRODUCTIVITY PLUS ACCOUNT

suppl 198.02, QUADIENT FINANCE finance charges 50.08, QUALITY PRINTING suppl 101.58, SAVEMORE MKT suppl 55.99, SCOTT'S HARDWARE suppl 155.25, STAN HOUSTON EQUIPMENT chain saws 594.39, STATE OF NEBRASKA energy assistance refunds 600.00, STEINY'S GENERAL suppl 902.34, SYNCHRONY BANK/AMAZON books 155.48, TRUE VALUE HARDWARE suppl 281.20, USABUEBOOK suppl 2,606.33, WASTEQUIP repairs 331.35, WESCO suppl 515.74, NEBR DEPT OF REVENUE sales tax 8,380.95, CITY OF LYONS combined payroll 29,307.41, EFTPS payroll tax 8,147.01, HSA contributions 1,940.00, NEBR DEPT OF REVENUE payroll tax 1,194.80.

Nate Wing of Olsson gave an update on the Water Treatment Plant Project. Most of the materials onsite now. There is an issue with the tanks being too tall. Ordered new tanks and will be delivered in six to eight weeks. Anticipated completion date is June 1. WesTech has the information on the temporary treatment plant inhouse and we are waiting to hear back for a resolution. In the meantime, we have not paid them.

Motion by Steinmeyer, seconded by Housh Sr to approve Payment #6 of \$98,546.35 to Rubin Construction LLC for work completed on the water treatment plant project. On roll call, AYE: Housh Sr, Steinmeyer, Brink. NAY: None. Absent Wheaton. Motion carried.

Patty Plugge of Burt County Economic Development discussed LB 840. City residents vote it in, need a plan, City votes on either sales tax or property tax; funds can be set up for revolving loans, workforce housing or low to moderate income housing. Can be creative in how to use the funds. Larger projects can be bonded. First item to be done is a strategic plan-NPPD can help do a strategic plan.

Kelly Adamson of Three Rivers Housing gave an update on the housing for Lyons. The committee met and a grant application was submitted on March 18 for 416 Walnut St. Another property they are looking at is 430 Pearl St which the city owns. Motion by Steinmeyer, seconded by Housh Sr to sell for \$1 the city owned property at 430 Pearl St to Three Rivers Housing for a house to be built on the property. On roll call, AYE: Steinmeyer, Brink, Housh Sr. NAY: None. Absent Wheaton. Motion carried.

Motion by Brink, seconded by Housh Sr to approve a 90-day extension on the prior approved building permit issued at the January 4, 2022 Council Meeting for a storage building to the west of existing building at 830 Main St, Lyons, NE (J&K Mini Storage). On roll call, AYE: Housh Sr, Brink, Steinmeyer. NAY: None. Absent Wheaton. Motion carried.

Motion by Housh Sr, seconded by Steinmeyer to approve RESOLUTION 2022-3: A RESOLUTION DESIGNATING OFFICIALS OF THE CITY OF LYONS TO ACT AS TRUSTEES OF THE CITY OF LYONS NON-QUALIFIED RETIREMENT PLAN. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Absent: Wheaton. Motion passed.

Police Chief Anderson gave the police report. Tri-State Communications requested the city to pick up the sirens and lighting equipment for the new police vehicles that have been stored at the business for over a year. Since we don't know when the new police vehicles would be produced, we are looking elsewhere. There are 11 vehicles in Georgia and two in Texas, but don't know the cost to have one or two shipped here.

The police department is looking for part-time police officers but the hourly pay rate for Lyons is low compared to the county/other towns. The mayor and police chief will look into adjusting the part time wage for next meeting.

Library director Mike Heavrin gave the Library and grants reports. Finances for the month of February: income was below monthly goal and above yearly goal. Expenses were below monthly budget and below yearly budget. Utility bill for February 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. Two of these laptops are being used by the utility staff. The ARP grant paid for \$3,972.83 of the \$4,422, and the remainder was paid out of the fiscal budget.

The library's credit account is being terminated through Synchrony Bank for Amazon.com purchases and is being replaced by a new payment system.

The Library is still having issues with the alarm system. Fireguard has been sold to an out of state 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 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.

A grant to abandon a well is being worked on. Two cost estimates were received: \$3,850 from Layne Christensen Company and \$9,904.20 from Lincoln Winwater Works.

Terry Ueding's report: The pump on the recycling baler needs to be replaced. The cost quote from Villaco was \$3,259.85. With new filters, etc the total cost would be around \$5,000. Council gave the go ahead as we need the baler.

Since we don't know when the new backhoe will be delivered, request on renting one was discussed as projects are being put on hold. The Bobcat backhoe has a monthly rental rate of \$2,200 while the Stan Houston backhoe rents for \$1,800 a month. If the Bobcat backhoe we ordered is delivered, then the rental price will be applied to the purchase of the backhoe. Go with the \$2,200 rental to get as much completed as possible—council doesn't want to see the backhoe sitting idle for days or weeks before using it again when we are renting it.

We will be crack sealing 6 to 7 blocks in the city and trying out a new product from an Omaha company for blacktop repairs with a three year warranty. Bid for all blacktop roads was \$46,000 which is over the budgeted amount for this year. Company was asked to repair blacktop roads that would stay within the budgeted amount for this fiscal year.

A grant to abandon Well 5101 is being sought.

The fiberglass rods that hold the street banners in place are breaking from the high winds.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending March 31, 2022. The General Fund had a month to date net gain of \$1,652 and a year to date net loss of \$52,818. The Utility Fund had a month to date net loss of \$58,523 and a year to date net loss of \$1,214,788. Debt Service had a month to date net gain of \$6,459 and a year to date net loss of \$90,290. Budget reports for the sixth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 32.29%. General Expenses were 38.82%. Utility Receipts were 40.21%. Utility Expenses were 72.49%. Debt Service Receipts were 24.01% and Debt Service Expenses were 86.89% due to the payment of bond principal and one-half interest on November 1, 2021. Benchmark for March was 50.0%. Budget will be amended at the May 3 Council Meeting due to the refinancing of the sewer bonds.

The City Clerk is retiring on June 3, 2022.

Motion by Brink, seconded by Housh Sr to increase pool admission prices as follows: family season pass at \$130; single season pass at \$70; day pass at \$5 for 3 years on up; 2 years and under are free with paid adult; public swim lessons at \$50 per person; \$100 for a one hour pool party and \$150 for 1.5 hour pool party. On roll call, AYE: Brink, Housh Sr, Steinmeyer. NAY: None. Absent: Wheaton. Motion passed.

Motion by Housh Sr, seconded by Steinmeyer to approve increasing the rate of pay for manager, assistant manager, lifeguards to \$12.75, \$11.25, \$10.00, respectively. On roll call, AYE: Steinmeyer, Brink, Housh Sr. NAY: None. Absent: Wheaton. Motion passed.

Motion by Housh Sr, seconded by Brink to approve a request by Corey and Stacie Petersen for an open bar, with the stipulation of obtaining a special designated liquor license for a wedding event on August 6, 2022 in the Lyons Community Center, Lyons, NE. On roll call, AYE: Housh Sr, Brink, Steinmeyer. NAY: None. Absent: Wheaton. Motion passed.

Motion by Brink, seconded by Steinmeyer to approve a special designated liquor license to Fallout Bar for the Annual Street Dance on July 16, 2022 in Lyons, NE. On roll call, AYE: Brink, Steinmeyer, Mayor Fuston. NAY: None. Abstained: Housh Sr. Absent: Wheaton. Motion passed.

Motion by Brink, seconded by Steinmeyer to approve payment of \$621.23 to CNA Automotive Services. On roll call, AYE: Steinmeyer, Housh Sr, Brink. NAY: None. Absent: Wheaton. Motion passed.

Motion by Housh Sr, seconded by Steinmeyer to approve payment of \$2,738.49 to KB's Mini Mart. On roll call, AYE: Housh Sr, Steinmeyer, Mayor Fuston. NAY: None. Abstained: Brink. Absent: Wheaton. Motion passed.

Motion by Brink, seconded by Housh Sr to approve payment of \$272.18 to Steiny's General Store. On roll call, AYE: Housh Sr, Brink, Mayor Fuston. NAY: None. Abstained: Steinmeyer. Absent: Wheaton. Motion passed.

Council member Steinmeyer moved to enter into Executive Session, seconded by Housh Sr at 7:10 p.m. to discuss personnel. On roll call, AYE: Steinmeyer, Brink, Housh Sr. NAY: None. Absent: Wheaton. The meeting returned to Regular session at 7:34 p.m. by motion by Steinmeyer, seconded by Brink. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Absent: Wheaton. Motion by Brink, second by Housh Sr to approve 2% increase for Jarrod McElroy, effective the first full pay period after the anniversary date. Tabled the employee evaluation on Clayton Petersen to May 3, 2022 Council Meeting. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Absent: Wheaton. Motion passed.

Motion by Housh Sr, seconded by Steinmeyer to adjourn the meeting at 7:37 PM. On roll call, AYE: Housh Sr, Brink, Steinmeyer. NAY: None. Absent: Wheaton. 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)