

## LYONS CITY COUNCIL MEETING

August 17, 2021

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., August 17, 2021, at the Lyons City Hall. Present were Council members Wheaton, Steinmeyer, and Brink. Housh Sr had an excused absence. Also in attendance were City Attorney Dan Smith, Police Chief Moore, Utility Superintendent Ueding, City Clerk Ritter, and Library Director Heavrin.

Visitors at the meeting were Matthew Smith of Olsson, David Rubin of Rubin Construction, Jared McChesney of Rubin Construction, Lori Wheaton, Brenda Wheaton, Erin Mockler, and Jarrod McElroy.

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

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. 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 Wheaton to approve the following consent agenda:

1. Dispense with reading of minutes of meetings held on July 6 and July 20, 2021.
2. Claims as presented.
3. Treasurer report.
4. Ordinance 747: AN ORDINANCE RELATING TO ZONING DISTRICTS; TO CORRECT TYPOGRAPHICAL ERRORS; TO DELETE CONDITIONAL USES; CHANGE THE BOUNDARIES OF THE ZONING DISTRICTS WITHIN THE CITY OF LYONS; TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY OF LYONS; AND TO PROVIDE AN EFFECTIVE DATE was approved and signed.

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

CLAIMS: ABE'S MOBILE POWERWASH street cleaning 2,700.00, ACCO chem 1,830.15, ACE REFRIGERATION repairs 301.25, AMERICAN BROADBAND serv 527.06, BLUE CROSS BLUE SHIELD health prem 9,066.70, BOMGAARS tools 119.43, BURT CO ECONOMIC DEV dues 2,100.00, BURT COUNTY PLAINDEALER subs 32.00, BURT COUNTY PUBLIC POWER elec 2,154.00, BURT COUNTY SHERIFF fees 20.00, C & J AUTO SERVICE repairs 504.50, CENTER POINT LARGE PRINT books 303.18, CENTURYLINK serv 58.47, CITY OF LYONS PETTY CASH suppl 3.20, CITY OF LYONS util 3,184.18, CNA AUTO suppl/repairs 70.02, CNH CAPITAL maint/repairs 180.44, COLONIAL RESEARCH repair 363.64, CONNER PSYCH SERVICES eval 1,200.00, DANIEL A SMITH fees 1,000.00, WESTERN AREA POWER ADMIN elec 5,443.20, DUTTON-LAINSON lamps 322.22, FRANSYL EQUIPMENT repairs 930.20, FREMONT WINNELSON suppl 63.15, GENE STEFFY key fob 298.85, GETZSCHMAN HEATING REPAIRS 1,131.00, JACK'S UNIFORMS uniforms 372.60, JENSEN PLG & HTG repairs 1,480.40, JOHN DEERE CREDIT motorgrader 2,587.84, KB'S MINI MART gas 2,970.34, KOONS GAS MEASUREMENT suppl 4,312.54, LAYNE CHRISTENSEN well maint 2,900.00, LEAGUE OF NE MUNICIPALITIES dues 1,353.00, LEW'S FIREWORKS fireworks 10,000.00, LINCOLN FINANCIAL ins 403.60, LINCOLN WINWATER suppl 6,630.66, LORENSEN GRAIN & READY MIX rock/sand 1,051.72, LYONS MIRROR-SUN publ 287.25, MEL'S

SMALL ENGINE repair 68.06, MIDWEST LABS testing 63.92, MOCIC conf 275.00, NEBR STATE FIRE MARSHALL boiler inspection 81.00, NEBRASKA DEPT OF REVENUE sales & use tax 8,931.18, NEBRASKA POWER REVIEW BOARD fees 106.16, NORFOLK HOUSING DEVELOPMENT conf 50.00, NPGA nat gas 3,499.62, NPPD elec 45,846.96, OHIO NATIONAL LIFE retirement plan 683.88, PORT-A-JOHNS rental 70.00, POWERPLAN repairs 1,109.82, QUADIENT FINANCE postage 600.00, QUALITY PRINTING suppl 318.27, RICK COEN JR serv 900.00, S & S LAWN CARE mowing 2,050.00, SAPP BROS propane 20.00, SAVEMORE MKT suppl 54.80, SCHWAN'S HOME SERV concessions 51.45, SCOTT'S HARDWARE tools 19.99, STATE OF NEBRASKA energy assistance refund 398.22, STEINY'S GENERAL suppl 731.04, SYNCHRONY BANK/AMAZON books 263.72, T&R ELECTRIC oil 535.00, UCI testing 55.00, USDI installation of gas meter 70.00, UTILITIES SECTION dues 666.00, VERIZON WIRELESS serv 313.72, WASTE CONNECTIONS serv 13,232.26, WEST POINT NEWS subs 97.00, CITY OF LYONS total payroll 41,371.28, NEBRASKA DEPT OF REVENUE payroll tax 1,807.75, HSA contributions 1,510.00, EFTPS payroll tax 11,468.88, AMANDA COLE exp reimb 78.40, ROBERT RIVERA exp reimb 156.80, ANDREW BELSKY deposit refund 277.52, BOSS HOMES deposit refund 180.76, DONALD COLE deposit refund 127.04, MYRA COOK deposit refund 140.39.

Matthew Smith of Olsson gave an update on the Water Treatment Plant Project. Bid opening was on Monday, August 16, 2021, with one bid submitted by Rubin Construction for \$1,473,000.00. The bid was higher than the 1.2M estimated but with the procurement bid coming in \$300,000 less than estimated, it was in line with the total project cost.

Motion by Steinmeyer, seconded by Brink to approve the bid award to Rubin Construction for \$1,473,000.00 on the Water Treatment Plant Project. On roll call, AYE: Steinmeyer, Wheaton, Brink. NAY: None. Absent: Housh Sr. Motion passed.

Lori Wheaton discussed bringing attention to houses being rehabilitated/flipped and to make sure building codes were being followed inside as well as outside. She presented pictures and information on houses in town that seemed questionable. The city doesn't have electrical and plumbing inspectors for inside a house/building. The city's building inspector inspects the outside of houses making sure the City's zoning code is being followed such as setbacks, not being in the utilities right-of-way, etc when a building permit is submitted to the city. Lyons is a small town and doesn't have the personnel or revenue to have inspectors inspect the inside of houses. Outside of houses are inspected for placement of yellow or red tags—houses that need repairing or need to be condemned respectively.

Council member Brink motioned to approve the automatic renewal of a Class CK Liquor License to Carvin Housh Sr dba the Fallout Bar, seconded by Steinmeyer. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent: Housh Sr. Motion passed.

Chief Moore presented the police report.

Library director Mike Heavrin gave the library and grants reports. Finances for the month of June: income was above monthly goal and above yearly goal. Expenses were above monthly budget and above yearly budget. Utility bill for June was lower than 12-year average for the month.

A donation to the library of over \$2,000 was made by the Blanche Guill family.

Grants update: A \$45,500.00 grant check was received from the Donald E. Nielsen Foundation for two new police vehicles. We are waiting for the vehicles to arrive from Gene Steffy of Fremont. Both vehicles were preordered.

City of Lyons has received the first of two ARPA payments in the amount of \$70,707. We should receive the second payment for \$70,707 same time next year.

A grant proposal to replace the library laptop computers and two laptops for the City Shop has been approved. Once the City receives the grant, the computers will be ordered.

Terry Ueding gave the Utility Report: Two cost quotes were presented for the repainting of the swimming pool. Mongan Painting & Sandblasting of Cherokee, IA had a quote of \$30,364.00 and W.S. Bunch Company of Omaha, NE had a quote of \$42,422.00. Terry was waiting on the third cost quote, so no decision was made.

The update on the water plant was already discussed.

We can use the ARPA funds to replace two manholes.

The housing and propeller on the rebuilt park fountain broke. The fountain is still under warranty and will be sent back to be fixed correctly.

Overhead Door fixed the bottom two panels of the back door of the city shed. The old remote openers in the upper shed need to be replaced as the signal sometimes opens the wrong door.

The water project on 3<sup>rd</sup> and Everett St was worked on last week. The maps with the water lines and main shut off valves aren't correct as to what street they shut off. Adjustments were made to the water lines and valves. The rusting hydrant was replaced with a new one also. The ground packer that is used doesn't work. Instead of buying a new one, we will rent one by the week as work still needs to be done both on 5<sup>th</sup> St and 3<sup>rd</sup> St.

The house foundation at 420 State St is not good. NENCAP inspected it and found the foundation was caving in. There are people living there and if the City red tags the property, they must move out. Terry to talk with the tenants and let them know they are to find a new rental as the house will be inspected by the city.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending July 31, 2021. The General Fund had a month to date net loss of \$12,635 and a year-to-date net gain of \$33,896. The Utility Fund had a month to date net gain of \$84,961 and a year-to-date net loss of \$30,907. Debt Service had a month to date net gain of \$4,766 and a year-to-date net loss of \$16,529. Budget reports for the tenth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 97.28%. General Expenses were 92.84%. Utility Receipts were 45.84%. Utility Expenses were 46.86%. Utility revenue and expenses are low due to the budget including the \$1,586,000 USDA loan/grant for the Water Treatment Plant project. There were some water project expenditures in April. Debt Service Receipts were 88.14% and Debt Service Expenses were 100.00%. Benchmark for July was 83.3%.

The City received \$230,070.18 from the LB 131 Natural Gas Assistance Fund from the State of Nebraska to cover a large portion of the gas purchases during the extreme weather event during mid-February of 2021. Half of this amount or \$115,035.09 will be credited back on the September bills to the customers that were on record in February and based on February's gas consumption.

Motion by Wheaton, seconded by Steinmeyer to approve Resolution 2021-5: DESIGNATING BANK FOR DEPOSITS AND AUTHORIZING SIGNERS FOR NECESSARY OR APPROPRIATE BANK TRANSACTIONS FOR ALL CITY OF LYONS ACCOUNTS PER THE BANK CORPORATE AUTHORIZATION RESOLUTION, INCLUDING THE NEW BANK ACCOUNT FOR THE ARPA FUNDS. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr. Motion passed.

The City of Lyons agreed to host a Household Waste Collection event in 2022. Loess Hills sponsors these events and needs volunteers, a location, and a dumpster.

The city declined the donation of a wooden podium by Lyons Decatur school.

Motion by Steinmeyer, seconded by Brink to approve payment of \$70.02 to CNA Automotive Services. On roll call, AYE: Steinmeyer, Brink, Mayor Fuston. NAY: None. Abstained: Wheaton. Absent: Housh Sr. Motion passed.

Motion by Steinmeyer, seconded by Wheaton to approve payment of \$2,970.34 to KB's Mini Mart. On roll call, AYE: Steinmeyer, Wheaton, Mayor Fuston. NAY: None. Abstained: Brink. Absent: Housh Sr. Motion passed.

Motion by Brink, seconded by Wheaton to approve payment of \$731.04 to Steiny's General Store. On roll call, AYE: Wheaton, Brink, Mayor Fuston. NAY: None. Abstained: Steinmeyer. Absent: Housh Sr. Motion passed.

Council member Wheaton moved to enter into Closed Session, seconded by Brink at 6:45 p.m. to discuss the EEOC Agreement and to prevent needless injury to the reputation of an individual. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent: Housh Sr. The meeting returned to Regular session at 6:48 p.m. Motion by Steinmeyer, seconded by Brink to approve the EEOC Agreement. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr.

Motion by Wheaton, seconded by Steinmeyer to adjourn the meeting at 6:50 PM. On roll call, AYE: Steinmeyer, Brink, Wheaton. NAY: None. Absent: Housh Sr.

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)