

LYONS CITY COUNCIL MEETING
December 7, 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., December 7, 2021, at Lyons City Hall. Present were Council members Wheaton, Brink, and Steinmeyer. Housh Sr had an excused absence. Also in attendance were City Attorney Smith, Utility Superintendent Ueding, City Clerk Ritter, and Library Director Heavrin.

Visitors at the meeting were Matthew Smith of Olsson, Nate O'Keefe of Olsson, Chief Deputy Buck of Burt County Sheriffs Department, Dale Webster, Jason Redding-Geu of the Lyons Mirror Sun, Shelly Bacon, Shalena Findlay, and Rocky Lane.

The meeting was called to order upon motion by Steinmeyer, second by Wheaton. On roll call, AYE: Steinmeyer, Brink, Wheaton. 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.

PUBLIC HEARING

Motion by Wheaton, seconded by Steinmeyer, to enter into a Public Hearing at 5:31 p.m. On roll call, AYE: Steinmeyer, Wheaton, Brink. NAY: None. Absent: Housh Sr. Mayor Fuston opened a Public Hearing to consider public comments, suggestions, or objections to the request of vacating a portion of North 8th Ave beginning at Everett St going north to the city limits, Nelson's Second Addition, as platted on the official plat of the City of Lyons, Burt County, Nebraska. There were no verbal or written comments or objections. Motion by Wheaton, seconded by Steinmeyer to adjourn the Public Hearing. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr. Mayor Fuston closed the public hearing at 5:32 p.m.

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

1. Dispense with reading of minutes of meetings held on November 4 and November 9, 2021.
2. Claims as presented except claims of KB's Mini Mart, CNA Auto, and Steiny's General Store.
3. Treasurer report.

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

CLAIMS: ABE'S MOBILE POWERWASH street cleaning 2,850.00, ACCO chem 345.80, AMERICAN BROADBAND serv 448.42, APGA SECURITY AND INTEGRITY online access 19.00, APPEARA clothing 274.54, BLUE CROSS BLUE SHIELD health ins prem 8,086.51, BLUE TO GOLD training 299.00, BOMGAARS suppl 446.74, BORDER STATES suppl 5,003.42, BURT COUNTY PUBLIC POWER elec 2,200.00, BURT COUNTY SHERIFF teletype fees 20.00, CENTURYLINK serv 61.38, CITY OF LYONS util 3,139.47, CNA AUTO battery 389.90, DANIEL A SMITH legal serv 1,000.00, DEPARTMENT OF ENERGY elec 3,560.83, LEOTA KNIGHT credit refund 233.29, ELECTRONIC CONTRACTING fire alarm inspection 369.00, FARM AND HOME INSURANCE property ins 121.00, FIREGUARD INC voice dialer/installation 1,614.30, FIRST NATIONAL BANK sewer bond interest 5,597.50, GLENN MOORE exp reimb 105.92, GROEBNER & ASSOCIATES suppl 556.44, HSA contributions 1,490.00, JACK'S UNIFORMS clothing 971.14, JOHN DEERE CREDIT motorgrader 2,587.84, KB'S MINI MART gas & oil 1,217.41, KOONS GAS MEASUREMENT suppl 6,674.35, LINCOLN FINANCIAL ins 222.57, LINCOLN WINWATER suppl 875.82, LORENSEN GRAIN rock/sand 4,941.57, LYONS MIRROR-SUN publ 300.95, MIDWEST LABS testing 226.60, MS ROOF REPAIRS repairs 1,399.00, NDEE-PUBLIC WATER OPERATR water licenses 230.00, NEBR STATE FIRE MARSHALL boiler insp & cert 183.00, NEBRASKA DEPT OF REVENUE sales/use tax 5,138.36, NPGA nat gas 12,287.84, NPPD elec 25,431.94, OHIO NATIONAL retirement plan 710.10, OLSSON engineering fees 10,561.17, EFTPS payroll tax 11,898.28, NEBR DEPT OF REVENUE payroll tax 1,732.17, CITY OF LYONS total payroll 44,230.67, PORT-A-JOHNS rental 70.00, PRODUCTIVITY PLUS ACCOUNT suppl 59.30, QUADIENT FINANCE postage 600.00, QUALITY PRINTING suppl 96.70, RICK COEN JR janitor service 900.00, S & S LAWN CARE mowing/fertilizer/weed control 2,175.00, SAPP BROS propane 20.00, SAVEMORE MARKET

suppl 76.70, SEALS & SERVICE hose 16.00, STEINY'S GENERAL suppl 1,112.92, SYNCHRONY BANK/AMAZON books 154.90, TRI-STATE COMMUNICATIONS equip 21,033.00, UCI testing 25.00, US BANK suppl 327.98, USABLUBOOK suppl 1,015.07, UTILITY SAFETY & DESIGN odorant 1,504.96, VERIZON serv 312.52, WASTE CONNECTIONS OF NE serv 6,314.54.

Matthew Smith of Olsson gave an update on the Water Treatment Plant Project. Rubin Construction is moving along—the electricians are working on the electrical portion of the project. The current goal is to have the temporary treatment filters out by December 30 and the new filters up and running. The discolored water over the last several weeks was caused by a failure of the temporary treatment filters and needed parts. In the meantime, Terry Ueding, Lyons Utility Superintendent, has been working extra time to manually help the filtration system. The parts we were waiting on from WesTech should be delivered by Thursday, December 9 and WesTech will be on hand on Monday, December 13, to repair the temporary treatment system. The Council President asked if we had any recourse since the temporary treatment filter system wasn't working properly and needed parts for a month. The pay request from WesTech Engineering is only for the new filter equipment for this meeting. Olsson is negotiating with WesTech regarding the issues Lyons is encountering with the temporary treatment filter system.

Motion by Steinmeyer, seconded by Brink to approve Payment #3 of \$164,759.00 to WesTech Engineering LLC for delivery of the new filter equipment on the water treatment plant project. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr. Motion carried.

Motion by Steinmeyer, seconded by Wheaton to approve Payment #3 for \$326,940.09 to Rubin Construction LLC for work completed on the water treatment plant project. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. Motion carried.

Chief Deputy Buck of Burt County Sheriff's Department and Dale Webster were volunteered by the Burt County Board to speak to the Lyons City Council as to their understanding regarding law enforcement. If a city has a population under 400 people, the county has an obligation to take care of this municipality. A population higher than this, there is an obligation by the municipality, county, and state through an interlocal agreement for law enforcement. Due to the number of orders the Sheriff's Dept has received for assistance, Burt County is asking for two more deputies to run at night to help with county wide situations. There is no more backup. In the past if there was a county situation on the north portion of the county, Decatur and Lyons could help assist. Now there is Oakland and Tekamah for backup. Tekamah helped the county out for Lyons in November. Chief Deputy Buck was asked by Burt County to have City of Lyons donate to the County to help pay for the two new county deputies once hired as the county isn't budgeted for this. It's the county's understanding, legally, the county can't contract with Lyons for coverage at a specific dollar amount, such as \$40,000, as the county already receives tax dollars. That is Buck's understanding from a State level and the county attorney. So, the county is asking for a favor, that until Lyons hires an officer, Lyons could help the county out financially, like a donation. There was a concern about donations as Lyons has a budget also and the only way for payment would be a contract after the county hires a deputy and Lyons hasn't hired a police officer. Lyons is open to working on possible different avenues with Burt County though.

Discussion on Main St and how to slow truck traffic was tabled from last month. The council has discussed the problem several times over the years. Suggestions were reducing the speed limit, putting in speed bumps or stop signs. Permanent radar speed signs that flash the speed as the vehicle approaches will be investigated like the City of Oakland has.

Council Member Steinmeyer introduced **Ordinance 748: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, CLOSING N 8TH AVE FROM EVERETT ST TO THE NORTH, AS PLATTED ON THE OFFICIAL PLAT OF THE CITY OF LYONS, BURT COUNTY, NEBRASKA** and moved for the suspension of the statutory rule requiring reading on three separate days, seconded by Brink. Upon roll call vote, the following Council members voted AYE: Wheaton, Brink, Steinmeyer. NAY: None. Absent: Housh Sr. The motion to suspend the rules, concurred by all Council members present was declared suspended.

Thereafter, Ordinance No. 748 was read by title, and Council member Wheaton moved for passage of the ordinance, said motion was seconded by Council member Steinmeyer. The Mayor then stated the question

was, "Shall Ordinance No. 748 be passed and adopted?" Upon roll call vote, the following Council members voted AYE: Wheaton, Steinmeyer, Brink. The following Council members voted NAY: None. Absent: Housh Sr. The motion to adopt Ordinance No. 748, by a majority of all Council members, was declared passed and adopted. The Mayor signed the ordinance. The Clerk attested the passage and adoption of said ordinance by affixing her signature thereto, and ordered publication of said ordinance. The Lyons City Office has a true, correct, and complete copy of Ordinance No. 748.

Motion by Wheaton, seconded by Brink to adopt Resolution No. 2021-10: A resolution of the City of Lyons, Nebraska providing for full participation by the City of Lyons Nebraska, in the Northeast Nebraska Economic Development District through the execution of an Intergovernmental agreement. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. Motion carried.

Motion by Brink, seconded by Wheaton to adopt Resolution No. 2021-11: A resolution authorizing the signing of the Year-End Certification of City Street Superintendent 2021 by the Mayor. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent: Housh Sr. Motion carried.

Motion by Wheaton, seconded by Brink to adopt Resolution No. 2021-12: A resolution that to maintain adequate fiscal policy safeguards and allow for payment of certain claims prior to approval by the City Council, the City Council desires to adopt the following policy with respect to such claims. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. Motion carried.

The Mayor gave a summary on the Public Safety Department. Chief Public Safety Officer Moore was absent. Moore has been doing interviews for police personnel; with applicants being out of state. Amanda Cole accepted a paralegal position effective January 1, 2022. The red lights on the patrol car were disabled so we only have blue lights. The State Patrol was concerned about us continuing to use both colored lights, so there wasn't confusion between certified police officer, police department, and public safety department. Discussion was held on cancelling one of the new police vehicles and equipment. No final decision was made at this time regarding a cancellation. Mike will check on with the Nielsen Foundation if we can cancel one of the vehicles.

The discussion on having a written procedure for ordinance violations for the Public Safety department, City Clerk's office and the City Attorney's office was tabled until we have an officer. Amanda Cole wanted clarification on the violation: penalty sections of the municipal code.

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

New laptops will be ordered with the \$3,970.00 ARPA grant check for the library and two for the City Shop.

Santa Claus was at the Library on December 1, 2021 with 87 children.

A Christmas at the Library Concert will be held on Sunday, December 12, 2021 at 2 p.m.

Grants update: The grant request for approximately \$10,000 to fund Story Time book purchases and supplies, and wages for two library assistants was not awarded to the library.

A grant proposal was submitted for the FY2021-2022 Public Water System Security Grant to purchase 10 sampling stations that collect coliform samples. The estimated cost of the ten stations is \$9,390. The 10% match includes installing the stations and staff training.

Software issues has caused a delay in applying for more USDA funding on the water treatment plant project. Paperwork will be completed soon.

The City dump is locked after 5 p.m. due to the city crew finding three tires at the dump. Locking will continue until at least spring.

Terry Ueding has been double backwashing and lowering potassium levels to help with the discolored water situation with the temporary water treatment filter system.

The automatic door opener on the front door of the Community Center was installed.

Utility crew are ordering parts and trying to stay ahead of the game. Transformers are in short supply and Lyons uses so many diverse kinds. Ordering parts and having parts on hand is good, but need to stay within budget.

There are campers at the campground in Brink Park yet. There is only electricity currently as the water was shut off for the winter. Terry gave them until the first snow fall and then they need to leave. The council wondered if the campers were paying. No payments have been received in the City Office since October 31, 2021.

The two new hires are learning their jobs and seem to be doing good. Clayton Petersen is registered to attend water school in February 2022.

Regarding concrete crushing: Kaser Concrete Crushing would bring equipment here and then sell back to the City whatever we wanted at around \$10 a ton. S & Sons want to come and haul it out. Then haul back to us at \$20 a ton. There is 6,000-7,000 tons of concrete out at the dump. Terry to inquire at Lorensen Ready Mix to get a figure of how much rock we purchase in a year. Council recommended using/contacting Kaser Concrete Crushing.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending November 30, 2021. The General Fund had a month to date net loss of \$45,341 and a year to date net loss of \$83,380. The Utility Fund had a month to date net loss of \$21,993 and a year to date net loss of \$332,682. Debt Service had a month to date net gain of \$1,166 and a year to date net loss of \$118,202. Budget reports for the second month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 8.92%. General Expenses were 19.18%. Utility Receipts were 26.13%. Utility Expenses were 34.91%. Debt Service Receipts were 4.60% and Debt Service Expenses were 86.89% due to the payment of bond principal and one-half interest on November 1, 2021. Benchmark for November was 16.6%.

The 2022 holiday calendar was presented.

Filing deadline for incumbents for City Council is February 15, 2022.

Discussion was held on purchasing a digital timecard and HR-Hub software from GWorks. This software would be a better tracking system for timecards and shorten the time to prepare payroll. Motion by Steinmeyer, seconded by Brink to approve purchasing the digital timecard and HR-Hub software from GWorks for approximately \$2,906. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent: Housh Sr. Motion carried.

Council member Brink nominated Charlie Wheaton as Council President for calendar year 2022. Motion by Brink, second by Steinmeyer to approve Charlie Wheaton as Council President for calendar year 2022. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr. Motion carried.

Motion by Wheaton, seconded by Steinmeyer, to approve the Mayor's recommendations for the following appointments for January 1 through December 31, 2022:

- Commissioner for Utilities Distribution & Maintenance: Charlie Wheaton
- Commissioner for Sanitation, Recycling, & Landfill: Carvin Housh Sr
- Commissioner for Parks, Pools, Recreation, & Community Center: Kyle Brink
- Commissioner for City Streets: Allen Steinmeyer
- Audit Committee: Allen Steinmeyer & Carvin Housh Sr
- City Physician: Lyons Mercy One Medical Clinic
- Board of Health: Lyons Mercy One Medical Clinic, Chief Public Safety Officer Glenn Moore, Allen Steinmeyer, & Andrew Fuston
- Council Representative to Library: Carvin Housh Sr
- City Clerk/Treasurer: Mary Lou Ritter
- City Attorney: Dan Smith
- Legal Paper: Lyons Mirror-Sun
- Burt County Economic Development: Kyle Brink & Shawn Vetick
- Northeast Nebraska Economic Development District Council of Officials: Allen Steinmeyer
- Engineering Company: Olsson
- City Street Superintendent: David Ziska of Olsson, License # S-1144 Class A, by contract.

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

Discussion was held on giving free bottled water to residents of Lyons due to the issues with the temporary water treatment filter system. Community volunteers would be needed. The issues should be taken care of soon and there's not a great need at this point. If the water issues would continue for a longer period of time, then the council would address it again.

Motion by Brink, seconded by Wheaton to approve the building permit by Lyons Fire Department for a Sign to be placed out front of hall at 405 Main St, Lyons, NE. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. Motion carried.

Motion by Steinmeyer, seconded by Brink to approve payment of \$389.90 to CNA Automotive Services. On roll call, AYE: Brink, Steinmeyer, Mayor Fuston. NAY: None. Abstained: Wheaton. Absent: Housh Sr. Motion passed.

Motion by Wheaton, seconded by Steinmeyer to approve payment of \$1,217.41 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 \$1,112.92 to Steiny's General Store. On roll call, AYE: Wheaton, Brink, Mayor Fuston. NAY: None. Abstained: Steinmeyer. Absent: Housh Sr. Motion passed.

Council member Steinmeyer moved to enter Closed Session, seconded by Wheaton at 6:53 p.m. to discuss potential litigation. On roll call, AYE: Steinmeyer, Wheaton, Brink. NAY: None. Absent: Housh Sr. Motion passed. Motion by Wheaton to return to Regular Session at 7:03 p.m., seconded by Steinmeyer. On roll call, AYE: Steinmeyer, Wheaton, Brink. NAY: None. Absent: Housh Sr. Motion passed.

Motion by Wheaton, seconded by Brink to approve reimbursement to Robert Rivera in the amount of \$5,300.00 (less applicable payroll tax withholdings) for back pay on holidays and personal time. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent: Housh Sr. Motion carried. A check will be issued.

Motion by Wheaton, seconded by Steinmeyer to adjourn the meeting at 7:04 PM. On roll call, AYE: Steinmeyer, Brink, Wheaton. NAY: None. Absent: Housh Sr. 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)