

LYONS CITY COUNCIL MEETING

February 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., February 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, Jason Redding-Geu of the Lyons Mirror Sun, and Brandy McElroy.

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.

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

1. Dispense with reading of minutes of meetings held on January 4, 2022.
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, Housh Sr. NAY: None. Motion carried.

CLAIMS: APPEARA clothing 150.49, LINCOLN FINANCIAL ins 459.23, VERIZON serv 283.49, BURT COUNTY SHERIFF teletype fee 20.00, CENGAGE LEARNING books 50.57, CENTER POINT LARGE PRINT books 357.12, DANIEL A SMITH fee 1,000.00, FARM AND HOME INSURANCE treas bond 125.00, LORENSEN GRAIN & READY MIX rock/gravel 594.83, LYONS MIRROR-SUN publ 126.45, LYONS POSTMASTER box rental 130.00, MAIN STREET parts 30.26, NEBRASKA MUNI CLERK INSTITUTE training 443.00, DALE'S TRASH serv 70.00, QUALITY PRINTING suppl 233.90, SCOTT BURGETT CPR instructor 100.00, SYNCHRONY BANK/AMAZON books 141.54, THE JP COOKE CO tags 197.00, US BANK/CORP PAYMENT SYSTEMS suppl 68.18, RUBIN CONSTRUCTION water treatment plant proj 136,382.00, WESTERN AREA POWER ADMIN elec 5,794.30, MIDWEST LABS testing 586.50, NPGA nat gas 32,074.33, NPPD elec 31,119.73, OHIO NATIONAL LIFE INS retirement plan 710.10, STANEK FIRE PROTECTION inspect 383.00, BLUE CROSS BLUE SHIELD OF NEBR health prem 8,260.27, BOMGAARS suppl 379.76, BORDER STATES lights 2,235.80, BREHMER MANUFACTURING freight 25.00, BURT CO ECONOMIC DEVELOPMENT dues 2,100.00, BURT COUNTY PUBLIC POWER elec 2,200.00, CENTURYLINK serv 59.84, MAX L CHRISTENSEN suppl 540.73, CITY OF LYONS util 5,114.38, CORE & MAIN meter 658.40, DPC INDUSTRIES chem 188.50, JENSEN PLUMBING & HEATING maint 120.00, KOONS GAS MEASUREMENT suppl 1,787.77, OLSSON engineering fee 9,916.65, PRODUCTIVITY PLUS ACCOUNT suppl 170.70, SAPP BROS propane 20.00, SAVEMORE MARKET suppl 27.48, SCOTT'S HARDWARE suppl 164.49, SEALS & SERVICE suppl 162.50, USABUEBOOK suppl 178.06, MICHAEL ZAWILINSKI deposit refund 147.06, NEBR DEPT OF REVENUE sales tax 7,905.89, CITY OF LYONS total payroll 27,900.27, EFTPS payroll tax 7,807.36, HSA contributions 1,840.00, NEBR DEPT OF REVENUE payroll tax 1,125.02.

Nate Wing of Olsson gave an update on the Water Treatment Plant Project. The new filters have been running for a few weeks now. A few parts need to be switched out as the new parts come in. Olsson is working with WesTech on the temporary treatment system issues we had. Currently, WesTech is talking internally. The city has paid WesTech \$30,392 as a deposit on the temporary treatment unit. Olsson has a timeline with details and reports showing how the water was not being treated properly for a significant period of that time. Completion of the project is scheduled for May 1, 2022.

Motion by Steinmeyer, seconded by Housh Sr to approve Payment #5 for \$261,041.00 to Rubin Construction LLC for work completed on the water treatment plant project. On roll call, AYE: Steinmeyer, Housh Sr, Brink, Wheaton. NAY: None. Motion passed.

Nate Wing of Olsson presented the One and Six Year Plan with the Council. The streets reviewed are on a maintenance schedule. A public hearing will be held at the March 1 Council Meeting.

Discussion was held on refinancing the wastewater bonds. Brad Slaughter of Piper Sandler wasn't present but the handout showed a potential savings of \$18,400 if refinanced.

Council member Brink motioned to approve and adopt **Resolution 2022-1: A RESOLUTION CALLING FOR THE EARLY REDEMPTION OF THE CITY'S OUTSTANDING COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2016, IN SUCH MATURITIES AND IN SUCH AMOUNTS AS SHALL BE DETERMINED BY AN AUTHORIZED OFFICER OF THE CITY**, seconded by Council Member Housh Sr. On roll call, AYE: Steinmeyer, Wheaton, Brink, Housh Sr. NAY: None. Motion passed.

Council Member Wheaton then introduced and moved the adoption of an ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LYONS, NEBRASKA OF ITS COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2022, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$425,000; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE BONDS AND AUTHORIZING THE SALE AND DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST ISSUANCE TAX COMPLIANCE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

Said Ordinance was designated as Ordinance No. 749, and the title thereof was approved.

Council Member Wheaton moved that the statutory rule requiring that ordinances be read by title on three different days be suspended so that Ordinance No. 749 might be introduced, read by title and then moved for final passage on the same day, without the same being read in full, which motion was seconded by Council Member Brink. On roll call vote, the following Council Members voted in favor of the motion to suspend the statutory rule: Housh Sr., Wheaton, Steinmeyer, Brink; the following Council Members voted against the motion to suspend the statutory rule: None; the following Council Members were absent or did not vote: None. The motion to suspend the statutory rule having been agreed upon by at least three-fourths of the Members of the Council, the Mayor declared the motion passed and the statutory rule suspended.

Council Member Housh Sr then read Ordinance No. 749 by title and moved the same for final passage. Council Member Brink seconded the motion to pass Ordinance No. 749. On roll call vote, the following Council Members voted in favor of the passage of Ordinance No. 749: Wheaton, Steinmeyer, Brink, Housh Sr.; the following Council Members voted against the passage of Ordinance No. 749: None; the following Council Members were absent or did not vote: None. The passage of Ordinance No. 749 having been agreed upon by a majority of all the Members elected to the Council, the Mayor declared Ordinance No. 749 passed and signed Ordinance No. 749 in the presence of the Council, and the City Clerk attested to its passage and approval by affixing her signature thereto. Ordinance No. 749 has been published in pamphlet form. Copies are at the Lyons City Office.

Motion by Housh Sr, seconded by Wheaton to approve the automatic renewal of the Class D Liquor License to KenEm LLC dba KB's Mini Mart. On roll call, AYE: Steinmeyer, Wheaton, Housh Sr. NAY: None. Abstained: Brink. Motion passed.

Motion by Wheaton, seconded by Housh Sr to approve the automatic renewal of the Class D Liquor License to Save More Market. On roll call, AYE: Brink, Steinmeyer, Housh Sr, Wheaton. NAY: None. Motion passed.

Motion by Steinmeyer, seconded by Wheaton to approve the Legal Services Agreement with Daniel Smith, #13888. On roll call, AYE: Wheaton, Brink, Housh Sr, Steinmeyer. NAY: None. Motion passed.

Public Safety Officer Moore was not present at the meeting.

Update on the two new police vehicles: we may receive them in four to six months.

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

The library received a grant for purchasing new laptops.

The Library is still having issues with the alarm system. Cost quotes for a new fire alarm system are being sought. An insurance claim may be filed with the city's insurance company.

Grants update: The \$300,000 increase in funding for the USDA grant/loan for the water treatment plant has been submitted.

We will be receiving the security grant for the water testing sites through NDEE.

The E-Rate Form 470 is being worked on.

We will be taking sealed bids on the 1986 white Dodge flatbed pickup. The council decided to not have a minimum amount for a bid. The ad will say the council has the right to refuse any or all of the sealed bids.

Terry Ueding was looking into a new gas sniffer for gas leaks. Utility Safety and Design had a cost quote of \$4,095.28. The council suggested contacting the Lyons Fire Department if they have a gas sniffer.

Blue Valley Public Safety Inc of Grain Valley, Missouri will be maintaining our outdoor sirens.

Terry attended the Fire Marshal's conference February 8 through February 10.

The ballast on the light on the community center is not working. New lights will be installed on both sides of the front doors.

There may be a change order on the Water Treatment Plant project. There is a section of outgoing pipe that needs to be fixed on this project for the water testing system.

Clayton attended water classes February 2nd, 3rd, and 4th. Terry is working on getting Joel into wastewater classes end of February.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending January 31, 2022. The General Fund had a month to date net gain of \$23,856 and a year to date net loss of \$61,977. The Utility Fund had a month to date net loss of \$1,087,061 and a year to date net loss of \$927,763. Debt Service had a month to date net gain of \$10,129 and a year to date net loss of \$105,199. Budget reports for the fourth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 20.02%. General Expenses were 27.66%. Utility Receipts were 20.55%. Utility Expenses were 45.24%. Debt Service Receipts were 13.64% and Debt Service Expenses were 86.89% due to the payment of bond principal and one-half interest on November 1, 2021. Benchmark for January was 33.3%.

We are advertising for pool managers and lifeguards.

Two price quotes from Lifeguard MD, Inc were given for a new defibrillator for the pool house. The first quote for \$1,938.24 is a Philips OnSite AED which adult pads and child pads would be purchased every two years. The other quote for \$2,542.41 is a Phillips HeartStart FRx which multi-purpose pads would be purchased as there is a key to switch the machine for a child. Currently, neither defibrillator is in stock. If the city can't purchase a defibrillator, then we can use the Community Center's defibrillator. Also need to check if there are any grants for a defibrillator.

Motion by Housh Sr, seconded by Steinmeyer to approve increasing the line of credit by \$750,000 to \$1,750,000 at First Northeast Bank of Nebraska, Lyons, Nebraska for the Water Treatment Plant Project. On roll call, AYE: Wheaton, Brink, Housh Sr, Steinmeyer. NAY: None. Motion passed.

Motion by Steinmeyer, seconded by Housh Sr to approve payment of \$1,123.23 to CNA Automotive Services. On roll call, AYE: Housh Sr, Brink, Steinmeyer. NAY: None. Abstained: Wheaton. Motion passed.

Motion by Steinmeyer, seconded by Housh Sr to approve payment of \$2,065.46 to KB's Mini Mart. On roll call, AYE: Wheaton, Housh Sr, Steinmeyer. NAY: None. Abstained: Brink. Motion passed.

Motion by Housh Sr, seconded by Brink to approve payment of \$944.53 to Steiny's General Store. On roll call, AYE: Brink, Wheaton, Housh Sr. NAY: None. Abstained: Steinmeyer. Motion passed.

Council member Brink moved to enter Closed Session, seconded by Wheaton at 6:34 p.m. to discuss personnel. On roll call, AYE: Housh Sr, Brink, Steinmeyer, Wheaton. NAY: None. Motion passed. The meeting returned to Regular session at 7:00 p.m. on motion by Housh Sr, seconded by Brink. On roll call, AYE: Wheaton, Brink, Housh Sr, Steinmeyer. NAY: None. Motion passed.

Motion by Steinmeyer, seconded by Housh Sr to approve hiring Brenda Anderson as Lyons Police Chief, starting salary wage of \$65,000. On roll call, AYE: Brink, Steinmeyer, Housh Sr, Wheaton. NAY: None. Motion passed.

Motion by Housh Sr, seconded by Steinmeyer to adjourn the meeting at 7:05 PM. On roll call, AYE: Brink, Steinmeyer, Wheaton, Housh Sr. 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)