

**LYONS**  
**CITY COUNCIL MEETING**  
**MINUTES**

**Tuesday, December 6, 2022 – 5:30 P.M.**

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 6, 2022, at Lyons City Hall. Present were Council members Brink, Wheaton, Housh Sr and Steinmeyer. Also in attendance were City Clerk Anderson, Utility Superintendent Ueding, Library Director Heavrin, City Attorney Dan Smith, Newly Elected Council Member Kyle Phillips and Newly Elected Council Member Tyler Vacha.

Visitors at the meeting were Nate Wing of Olsson, Fred Schellpeper Jr. of Sundance Investments, Jason Redding-Geu of the Lyons Mirror Sun, Shelly Bacon, Jon Bacon, Brenda Wheaton, Sharon Brink, Melissa Vacha, and Heath Cram.

**I. ROUTINE BUSINESS**

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

**II. PUBLIC HEARING**

**III. CONSENT AGENDA**

1. Dispense with reading of minutes of meeting held November 3, 2022.
2. Dispense with reading of minutes of meeting held November 22, 2022.
3. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
4. Treasurer report.
5. **RESOLUTION NO. 2022-12: A RESOLUTION AUTHORIZING THE SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT 2022 BY THE MAYOR WAS ADOPTED AND SIGNED.**
6. **RESOLUTION NO. 2022-13: A RESOLUTION THAT THE FORM OF PLAN AND TRUST EFFECTIVE NOVEMBER 3, 2002, PRESENTED TO THIS MEETING IS HEREBY APPROVED AND ADOPTED AND THAT AN AUTHORIZED REPRESENTATIVE OF THE EMPLOYER IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER TO THE ADMINISTRATOR OF THE PLAN ONE OR MORE COUNTERPARTS OF THE PLAN WAS ADOPTED AND SIGNED.**
7. **RESOLUTION NO. 2022-14: A RESOLUTION THAT ALL CONTRIBUTIONS TO THE CITY OF LYONS NON-QUALIFIED RETIREMENT PLAN SHALL CEASE AS OF NOVEMBER 2, 2022 AND THE CITY OF LYONS NON-QUALIFIED RETIREMENT PLAN SHALL TERMINATE AS OF NOVEMBER 2, 2022 WAS ADOPTED AND SIGNED.**

<b><u>November Claims</u></b>		
ABE'S MOBILE POWERWASH	STREET CLEANING	3,000.00
ACCO UNLIMITED CORPORATIO	SUPPL	809.46
APPEARA	CLOTHING	241.2
BOMGAARS	MTCE	42.97

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BURT COUNTY PUBLIC POWER	ELECTRIC	2,742.00
BURT COUNTY SHERIFF	TELETYPE FEES	20
BURT COUNTY TREASURER	tire/title fee	30
CENGAGE LEARNING	LIBRARY BOOKS	67.61
CENTER POINT LARGE PRINT	LIBRARY BOOKS	183.36
CENTURYLINK	SERV	60.35
CITY EMPLOYEE'S	HSA CONTRIBUTION	1,200.00
CITY EMPLOYEE'S	PAYROLL	25,620.51
CITY OF LYONS UTILITIES	UTILITIES	3,035.86
DANIEL A SMITH	LEGAL SERVICES	1,000.00
DEPARTMENT OF ENERGY	ELECTRIC	3,560.83
EFTPS	FED/FICA TAX	5,742.97
FARMERS PRIDE	PROPANE	303.6
FASTWYRE BROADBAND	SERV	265.4
FRANSYL EQUIPMENT CO	MTCE DIGGER TRUCK	1,148.89
GLOBAL EQUIPMENT COMPANY	AZTEC FLOOD APPLICATOR	3,023.28
GRAFIX	GRAPHIC KIT	1,227.83
HAWKINS INC.	MTCE WTP	1,416.75
KB'S MINI MART	GAS/PROPANE	1,195.48
LAYNE CHRISTENSEN COMPANY	51-01 WELL ABANDONMENT	4,555.00
LINCOLN FINANCIAL	INSURANCE	231.08
LINCOLN WINWATER WORKS	MTCE	1,172.58
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	5,537.51
LYONS MIRROR-SUN	LEGAL PRINTING	217.35
MARY LOU RITTER	OCT SERVICES	487.5
MENARDS	LINE MTCE	446.6
MIDWEST ALARM SERVICES	MTCE	333.84
MIDWEST LABORATORIES INC	WATER TESTING	20
MS ROOF REPAIRS	MTCE	1,149.00
NEBRASKA DEPT OF REVENUE	SALES & USE TAX	6,412.49
NEBRASKA LIBRARY COMM.	OVERDRIVE FEE	500
NOVUS COMPUTERS	MONTHLY OFFICE 365	20
NPGA	NATURAL GAS	11,669.15
NPPD COLUMBUS	ELECTRIC PURCHASES	27,273.66
ONE OFFICE SOLUTION	SUPPL	182.36
PORT-A-JOHNS	OCT SERV	70

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QUADIENT FINANCE USA INC	POSTAGE	600
RICK COEN JR	JANITOR SERVICE	900
RUBIN CONSTRUCTION LLC	PAYMENT #11 WTP	2,726.11
S & S LAWN CARE LLC	FERT/WEED CONTROL/MOWING	2,175.00
S & S LOCKSMITH	MTCE	150
SAVEMORE MARKET	SUPPL	36.89
SID DILLON WAHOO	2022 FORD F250	35,625.00
STANEK FIRE PROTECTION	INSPECT	267
STEINY'S GENERAL STORE	SUPPL/MTCE	1,136.64
US BANK	1099S/W2'S	218.75
UTILITY SAFETY & DESIGN	REGULATOR STATION REBUILD/INS	2,568.90
VERIZON WIRELESS	POLICE SERVICE	205.71
WASTE CONNECTIONS OF NE	GARBAGE FEE	7,134.63

Motion by Brink, seconded by Housh Sr. to approve the consent agenda. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**

**IV. REGULAR AGENDA / NEW BUSINESS**

**Consideration and Action:**

1. Motion by Housh Sr, seconded by Steinmeyer to accept the election certificate issued by the Burt County Clerk for the November 8, 2022 General Election. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
2. Mayor Kyle Brink and Council Members Kyle Phillips and Tyler Vacha were sworn into their respective Office by City Attorney Dan Smith. Brink, Phillips and Vacha signed their Oath of Office and were notarized by Dan Smith. Newly Elected Officials were congratulated and Andy Fuston and Charlie Wheaton were thanked for their 16 years of service.
3. Motion by Vacha, seconded by Phillips to approve Mayor Brink's nomination of Allen Steinmeyer as Council President for calendar year 2023. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
4. Mayor recommends the following appointments for January 1 through December 31, 2023:
  - a. Commissioner for Utilities Distribution & Maintenance: Allen Steinmeyer
  - b. Commissioner for Sanitation, Recycling, & Landfill: Carvin Housh Sr.
  - c. Commissioner for Parks, Pools, Recreation, & Community Center: Kyle Phillips
  - d. Commissioner for City Streets: Tyler Vacha
  - e. Audit Committee: Allen Steinmeyer, Tyler Vacha
  - f. City Physician: Lyons Mercy One Medical Clinic
  - g. Board of Health: Lyons Mercy One Medical Clinic, Chief of Police Bryan Dunn, Kyle Brink, Kyle Phillips
  - h. Council Representative to Library: Carvin Housh Sr.
  - i. City Clerk/Treasurer: Whitney Anderson

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- j. City Attorney: Dan Smith
- k. Legal Paper: Lyons Mirror-Sun
- l. Burt County Economic Development: Tyler Vacha & Shawn Vetick
- m. Northeast Nebraska Economic Development District Council of Officials: Carvin Housh Sr.
- n. Engineering Company: Olsson Associates
- o. City Street Superintendent: Matthew Smith of Olsson Associates
- p. Tree Board: Terry Ueding, Rocky Lane, Steve Schlichting, David Armstrong
- q. Hearing Officer: Chief of Police Bryan Dunn

Motion by Housh Sr, seconded by Vacha to approve appointments. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**

5. Motion by Housh Sr, seconded by Vacha to approve Mayor Brink's nomination of Jay Maddox on the Planning Commission Board to replace Tyler Vacha. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
6. Motion by Steinmeyer, seconded by Housh Sr to approve Mayor Brink's recommendation of appointing Jack Waite on the Lyons Housing Authority Board of Commissioners to replace Dennis Blankenbeckner. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
7. Fred Schellpeper Jr. with Sundance Investments discussed the three options for the City Employees retirement plan. With the previous chosen 457 Plan through John Hancock, there is an additional 1,000 fee until we reach 100,000 in contributions. It was also noted that we have now taken a 30,000 decrease on Health insurance compared to the 12% rate increase previously thought. Council thought the best option for the employees and City was to go with the Government Entities of Nebraska. Motion by Steinmeyer, seconded by Housh Sr. to pick the plan Government Entities of Nebraska Retirement Plan with a 7% City Match. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**  
Fred will get together with Clerk Anderson to get the necessary paperwork filled out.
8. Nate Wing of Olssons gave an Update on Water Treatment Plant Project. Waiting on the completion of the piping for the mixer and looking on completing the project at the beginning of the new year. The reason for Change Order #17 is the bid for the boiler on Change Order #14 did not include installation. He also noted that there will be no installation costs to Change order #15. Clerk Anderson informed council that based off her calculations from the contract and change orders with WesTech, we owe WesTech approximately \$30,000 once the project is complete. Council was under the assumption that we had already made final payment to WesTech. That is where part of the miscalculation of remaining USDA funds available came from Olsson's. Between the Change orders, fence, final payment to WesTech, Olsson and Rubin we have approximately \$90,000 left to pay on the project. We currently have \$240,998 in the Project fund that is grant money received and already expended. Clerk Anderson asked council to think about if they would like to keep that money in the WTP fund to pay USDA Loans in the future or put it in the Utility account.
9. Motion by Housh Sr, seconded by Vacha to approve Change Order #17 in the amount of \$2,726.11 for installation costs for boiler. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
10. Motion by Housh Sr, seconded by Vacha to approve Payment #11 to Rubin Construction in the amount of \$2,726.11. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**

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11. Mayor Brink introduced **Ordinance No. 752: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, RELATING TO APPOINTED OFFICIALS, AND ADDING THE POSITION OF CODE ENFORCEMENT OFFICER** and a motion by Steinmeyer for the suspension of the statutory rule requiring reading on three separate days, seconded by Housh Sr. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**  
Ordinance No. 752 was read by title, and Housh Sr moved for passage of the ordinance, seconded by Vacha. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
12. Discussion was held regarding Ordinance No. 753 adding Code Enforcement Officer salary. Vacha pointed out that it still states bonuses and he thinks that should be removed after our state audit. Council agreed to have the words removed. Motion by Vacha, seconded by Housh Sr to “table” the consideration of **Ordinance No. 753: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, RELATING TO MUNICIPAL AND APPOINTED OFFICIALS, AND EMPLOYEES OF THE CITY; PROVIDING A MINIMUM AND MAXIMUM COMPENSATION RANGE SCHEDULE FOR EACH; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.** On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
13. Motion by Housh Sr, seconded by Steinmeyer to approve **Resolution No 2022-15: Resolution to Amend 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. (includes bank account for the Water Treatment Plant Project)** On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
14. Motion by Steinmeyer, seconded by Phillips to approve the building permit by Boyd Jones for the new school at PLT33 THIRD ADD LYONS CITY WEST OF H&K ADD. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
15. **Police Report:** Mayor Brink let council know that the new Police Chief Dunn will be able to start beginning of January. He only has to do a change of status since he was still listed as an employee with the city. Mayor Brink is waiting on an inventory list from Brenda Anderson. One police truck is outfitted and the other one is getting decals.
16. **Library Director Mike Heavrin Library and Grant Report:** Finances for the month of October – income was \$0, which was 197.92 below monthly budget goal and expenses were \$3,771.87, which was \$973.99 below monthly budget. Mike noted that the Library staff will get their pay raises on their anniversary date rather than the first payroll period of each fiscal year based on the City’s policy. Burt County Extension Office held two workshops in November helping 46 Senior’s with Medicare Open Enrollment. Santa Claus had 88 children experience the joy of sitting on Santa’s lap. Mike wanted to extend a thanks to Friends of the Library, his staff and the Fire Department for making the visit possible. NE-Brass-ka Brass Quintet will perform their annual Christmas Concert Saturday, December 10, 2022, at 2PM. Also performing will be the Bancroft Melody Chimers. This concert has been an annual event for the past 12 years. Grants Update: The Mayor will need to submit a letter of intent before January 15<sup>th</sup> for the CCCFF grant. The full proposal is due February 15<sup>th</sup>. Mike found another grant that can be used as matching funds for the CCCFF grant. This could pay for the new park shelters/bathhouse storm shelter, as well as other projects to renovate civic buildings, which including renovation Community Center Kitchen, and some roof and window repair at the Utility Building. Ueding and Anderson are going to work on getting some bids together for Mike. Mike is going to

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get in contact with our Olsson's Grant writer since the grant will have to bear the seal of a state licensed architect or professional engineer.

17. Utilities report.

- a. The Utility Department finally received the 2022 F250 that has been ordered for a long time. The Truck was financed at the Bank.
- b. The Camera was delivered to snake pipes. As soon as he is able, he is going to snake the pipes at the pool to see where the leak is coming from.
- c. There is some issues with the roof at the Utility Building. Matt patched some places and is going to put a bar across for a temporary fix, but something will need to be eventually. Nip tuck, grind seams and mortar and some of the suggestions from Matt.
- d. Yellow Truck is still in West Point waiting on the part to come in.
- e. Basket Truck is having some issues with the basket not raising and lowering like it is should. With two people in there, it won't lift at all. Terry has a mechanic coming to look at it.
- f. Police cars need moved out of the street for winter. Terry is going to park them down by the Utility building.
- g. Digger Truck is making a clank in rear end. Council suggested that if it is under \$3,000 to get it fixed while it is at the shop and if it is over, he will need to get council approval.
- h. Water Treatment Plant was discussed earlier in the meeting.

18. Clerk's Report.

- a. General, Utility, and Debt Service Income Statements for the month ending November 30<sup>th</sup>, 2022. The General Fund had a month to date net loss of \$2,124.85 and a year to date net gain of \$3,107.52. The Utility Fund had a month to date net gain of \$195,922.75 and a year to date net gain of \$190,940.47. Debt Service had a month to date net gain of \$735.02 and a year to date net loss of \$116,570.74.
- b. Budget reports for the second month (16.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 8.49%. General Expenses were 8.18%. Utility Receipts were 14.55%. Utility Expenses were 8.03%. Debt Service Receipts were 5.13% and Debt Service Expenses were 87.45%

c. 2023 Holiday Schedule for City Employees

New Year's Day	Monday	January 2, 2023
Martin Luther King Jr Day	Monday	January 16, 2023
President's Day	Monday	February 20, 2023
Memorial Day	Monday	May 29, 2023
Day Before 4th of July (Floating)	Monday	July 3, 2023
4th of July	Tuesday	July 4, 2023
Labor Day	Monday	September 4, 2023
Columbus Day/Indigenous Peoples Day (Floating)	Monday	October 9, 2023
Veteran's Day	Friday	November 10, 2023
Thanksgiving Day	Thursday	November 23, 2023
Day After Thanksgiving Day	Friday	November 24, 2023
Christmas Day	Monday	December 25, 2023

- d. Comprehensive Plan Survey's went out in the Mail December 6<sup>th</sup>.
- e. Whitney Anderson and Shalena Findlay will be attending the NE Municipal Clerk Institute & Academy in Kearney Sunday, March 12 through Friday, March 17, 2022. Early Bird Registration is \$393 per

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person. The office will have to be closed for the week and council asked to put call forwarding on the city cell phone and to let the public know in advance.

- f. Bare Root Seedling Community Nursery Program is wanting a response by the end of December if we want to join their program. Mayor Brink suggested that now we have our tree board established, Rocky told him we could apply for tree grants. Council agreed to make a conscious effort to plant more trees in the city. Council decided to not do the Nursery Program and work with the surrounding tree farms and tree board to plant more trees.
19. Motion by Housh Sr, seconded by Steinmeyer to move January 3, 2023 council meeting to January 10<sup>th</sup> 2023. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
20. Motion by Housh Sr, seconded by Vacha to approve using ARPA Funds for the Lagoon Baffle Curtains Replacement Project. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
21. Motion by Housh Sr, seconded by Steinmeyer to approve a special designated liquor license from Lyons Fire and Rescue Dept for Burt County Fair Kickoff on February 11, 2023 with an alternate date of February 12, 2023. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
22. Motion by Steinmeyer, seconded by Phillips to approve payment of \$1,195.48 to KB's Mini Mart. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**
23. Motion by Housh Sr, seconded by Vacha to approve payment of \$1,136.64 to Steiny's General Store. On roll call, AYE: Phillips, Vacha, Housh Sr. NAY: None. Abstain: Steinmeyer. **MOTION CARRIED**
24. Motion by Vacha, seconded by Phillips to adjourn the meeting at 7:54. On roll call, AYE: Steinmeyer, Phillips, Vacha, Housh Sr. NAY: None. **MOTION CARRIED**

Kyle Brink  
Mayor

Whitney Anderson  
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.

Whitney Anderson  
City Clerk  
(SEAL)