

LYONS
CITY COUNCIL MEETING
Tuesday, Sept 13, 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., September 13, 2022, at Lyons City Hall. Present were Council members Brink, Wheaton, and Steinmeyer. Council Member Housh Sr had an excused absence. Also in attendance were City Clerk Anderson, Utility Superintendent Ueding, and Library Director Heavrin.

Visitors at the meeting were Nate Wing and Matt Smith of Olsson, Fred with Sundance Investments, Andrew with Novus, Kathy Robinson with The Working Car Project, Jason Redding-Geu of the Lyons Mirror Sun, Annie Christensen, Bev and David Armstrong, Sara Nelson, Tyler Vacha, and Shelly Bacon.

I. ROUTINE BUSINESS

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

None

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held August 2, 2022.
2. Dispense with reading of minutes of meeting held August 25, 2022.
3. Dispense with reading of minutes of meeting held September 8, 2022.
4. Claims as presented except claims of KB's Mini Mart, CNA Auto, and Steiny's General Store.
5. Treasurer report.
6. **Resolution No. 2022-8: Increase the restricted funds authority by one percent to become three and one-half percent was approved and signed.**
7. **Resolution No. 2022-9: 2022-2023 Budget Year – Set Property Tax request at a different amount than prior year was approved and signed.**
8. **Resolution No. 2022-10: Adopt the 2022-2023 Budget was approved and signed.**

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

CLAIMS: A-OX WELDING SUPPLY 574.44 suppl, AMERICAN BROADBAND 1,112.72 serv, APPEARA 197.32 clothing, AAA GARAGE DOOR 1,826 maint, BLUE CROSS BLUE SHIELD 9,973.65 health ins, BIBLIONIX 900.00 software, BNSF RAILWAY COMPANY 186.96 lease, BOBCAR OF OMAHA 204.74 maint BOMGAARS 377.89 suppl, BORDER STATES 451.84 suppl, BREHMERS MFG 41.30 postage, BURT COUNTY PUBLIC POWER 2,640.00 elec, BURT COUNTY SHERIFF 40 teletype fee, CENTURY LINK 61.88 serv, CITY OF LYONS 1,971.40 util, COLONIAL RESEARCH 441.56 suppl, CORE & MAIN 2,292.68 suppl, DAN SMITH 1,000 legal serv, FARM AND HOME INSURANCE 80.00 notary bonds, FIRST NORTHEAST BANK OF NE 221,115.00 principal payment, GENE STEFFY 28,417.00 police veh, HELENA 425.57 chem, JENSEN PLG & HTG 7,878.55 maint, LEAGUE OF NE MUNICIPALITIES 1,717.00 dues/training, LINCOLN FINANCIAL 445.87 ins, LINCOLN WINWATER WORKS CO 1,675.09 suppl, LORENSEN LUMBER & GRAIN 3,184.09 gravel, LYONS MIRROR SUN 389.25 publ, LYONS SPORTS INC 2,500.00 donation, MAIN STREET SERVICES 1,950.97 maint, MARY LOU RITTER 2,010.00 serv, MELS SMALL ENGINE 51.42 suppl, MIDWEST LABORATORIES 40.00 water testing, MUNICIPAL SUPPLY INC 2,146 suppl, NPGA 4,336.30 gas, NE DEPT OF REVENUE \$6,651.48 sales tax, NPPD 43,468.24 elec, OAKLAND LUMBER 165.72 suppl, OHIO NATIONAL 480.75 retirement plan, OLSSON 5,709.42 engineering fees, PORT A JOHNS 70.00 July portable, POWERS ELECTRIC PRODUCTS 152.52 maint, QUADIENT FINANCE USA 600.00 postage, QUALITY PRINTING 47.77 suppl, RICHARD COEN JR 900.00 janitor serv, RUBIN CONSTRUCTION LLC 71,983.58 water treatment plant, S&S LAWN CARE 1,750 mowing, SAVEMORE 558.52 suppl, SCHWANS HOME SERVICE 28.10 concessions, SCOTT'S HARDWARE 149.73 suppl, SECRETARY OF STATE 60.00 notary fee, STAN HOUSTON EQUIP 399.84 suppl, T & H ELECTRIC 123.84 maint, TRADEMARK DOOR 1,600.00 shop door, UCI TESTING 120.00 testing, US BANK 127.84 suppl, US PLASTIC REPAIR 35.00 tank repair, USABLUBOOK 351.45, UTILITY SECTION LEAGUE OF NE MUNIC 666.00 dues, VERIZON 157.76 serv, WAPA 6,271.64 elec, WEST POINT IMPLEMENT 1,000 mower, WASTE CONNECTIONS 7,133.24 trash, CITY OF LYONS combined payroll 46,897.44, EFTPS payroll tax 9,337.91, HSA contributions 1,200, NEBR DEPT OF REVENUE payroll tax 1,256.94.

IV. REGULAR AGENDA / NEW BUSINESS

1. Nate Wing of Olsson gave an update on the Water Treatment Plant Project. The Polymer System is up and running. We are waiting on quotes for the fence and paint. There is approximately \$95,000 left in funding and council asked for verification if that is grant money or loan money.
2. Motion by Steinmeyer, seconded by Brink to approve Change Order #8 to add new 6-inch tee, gate valve, and chlorine injection point. (does not include the chlorine analyzer). On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
3. Motion by Brink, seconded by Steinmeyer to approve Payment #9 of \$120,957.35 to Rubin Construction which includes change order 2,3,4,6,7,9,10, change order #8, and 4% of the 5% retainage. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
4. Fred Schellpeper Jr with Sundance Investments discussed retirement options for city employees. One option would be a pool with 14-15 other small towns called Government Entities of Nebraska. Also looking at a Simple IRA, which would decrease the cities matching contribution.
5. Andrew with Novus discuss options for city employee emails. Currently using ABB which will be changed to FastWyre, and emails will need to be changed either way. Andrew suggested we get our own domain. Mayor Fuston advised to start the process of our own domain name and email with Office 365.
6. Kathy Robertson with The Working Cat Project discussed her non-profit organization to help with the feral cat issues in Lyons. Kathy and Annie Christensen identified over 10 locations where there are issues. She is looking for donations from the community to fund her project to spay and neuter. Once the cats are trapped, spayed and neutered they will be returned back into the community. Kathy says this option has proven to work rather than eradication. Cost per cat will be \$100 and she is hoping to set up an account at the local bank for community members to donate.

7. Sheri Whitaker was unable to attend meeting to discuss Pool changes for 2023 season and was moved to October Agenda.
8. Motioned by Steinmeyer, seconded by Brink to approve Mayor Fuston's nomination of Travis Williams on Planning Commission Board. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
9. Motioned by Steinmeyer, seconded by Wheaton. to approve the recommendation of a building permit from Ross Bacon for a 40x60 garage added onto north side of house at 1923 Hwy 77. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
10. Motion by Wheaton, seconded by Brink. to approve agreement between Hanna:Keelan, P.C. and City of Lyons to provide consulting services to prepare a new Comprehensive Plan and review and update the current Zoning and Subdivision Regulations. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
11. Motion by Brink, seconded by Wheaton to approve the release of Special Assessment at Lots 6 to 10, Block 41, Sunnyside Addition, City of Lyons, Burt County, Nebraska. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
12. Motion by Wheaton, seconded by Brink to approve the release of Special Assessment at West One Half of Lot 4 and all of Lot 5, Block 38, Sunnyside Addition, City of Lyons, Burt County, Nebraska. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
13. Motion by Brink, seconded by Steinmeyer to approve **Resolution 2022-11: Authorizing the Mayor or Council President to sign the Municipal Annual Certification of Program Compliance Form 2022 to Nebraska Board of Public Roads Classifications and Standards.** On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
14. **Library Director Mike Heavrin Library and Grants reports:** Finances for the month of July: income was above monthly goal and above yearly goal. Expenses were below monthly budget and above yearly budget. Library Board would like to hold quarterly in-person meetings (January, April, July October) and then in other months, review and approve financial statements. Looking at replacing the sidewalk in front of the Library. Mike was wondering if council thinks it should be just the north sidewalk, north sidewalk and rounding the corner to the west, or north and west sidewalk around the building. Wheaton suggested that if the whole sidewalk is done, it might be too big of a job for the utility department and should look at hiring it out. Mike will work up a proposal to present to the Endowment Board for a grant to pay for the project. The final ARPA Report was submitted to the NLC for our ARPA grant (three new laptops). Mike wanted to know what matching fund the city could offer for any near grant programs. Mike will look into grants for a new park shelter/bathhouse storm shelter with a 10,000 match from the city.
15. **Police Report:** Mayor Fuston gave an update on Police Personnel. Brenda Anderson has stepped down as police chief effective September 3rd. She will still help set up the new police vehicles and some other obligations until a replacement is found. Applications have been received and will be holding interviews soon.
16. **Utility Superintendent Terry Ueding's Report:** Terry asked council if he could carry over his comp hours into next year. Council agreed but asked he get some hours used up or keep his hours down.

Water Treatment Plant issue, lug on top of the breaker got hot and tripped the breaker causing the power to go out. The reason the alarm did not go off is because when the phone company replaced the damage line, they now go through the Wi-Fi modem which did not have a battery pack. This caused the water tower to drain causing a boil water advisory until we received clean samples back.

Terry attended a Gas conference that discussed the increasing rate of gas and they suggested looking into base rates for gas with possibly increase to match today's costs.

Terry discussed the pool leak and using the cameras they will purchase in next year's budget to assist in finding the leak. Also discussed sandblasting, caulking and painting the pool. Painter suggested using white paint instead of blue. Council requested paint to not be done until spring.

The council is still deciding on what to do with the 2,500 donation they will receive from the Kenaston family for park improvements. Council asked Clerk Anderson to do an online survey to ask the public what they would like to see done.

17. **City Clerk Whitney Anderson's report:** General, Utility, and Debt Service Income Statements for the month ending August 31st, 2022. The General Fund had a month to date net gain of \$71,778.28 and a year to date net loss of \$14,539.80. The Utility Fund had a month to date net gain of \$366,633.44 and a year to date net loss of \$1,097,721. Debt Service had a month to date net gain of \$3,805.27 and a year to date net loss of \$32,923.44. Budget reports for the eleventh month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 88.21%. General Expenses were 90.07%. Utility Receipts were 67.54%. Utility Expenses were 92.59%. Debt Service Receipts were 77% and Debt Service Expenses were 100.00%

Reminder: Hazardous Waste Collection will be held Saturday; October 8th behind the Recycling Center (405 S. 2nd St.) Loess Hills are requesting at least 5 volunteers. This is open to residents in the surrounding communities. Council asked to inquire about volunteers on City's Facebook page.

18. Motion by Wheaton, seconded by Brink to accept Pool Slide Bid from Dudley Persson's in the amount \$1,250 and pool is sold AS IS. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**
19. Motion by Brink, seconded by Steinmeyer to approve payment of \$1,569.85 to CNA Automotive Services. On roll call, AYE: Steinmeyer, Brink, Mayor Fuston. NAY: None. Abstained: Wheaton. Absent: Housh Sr. **MOTION CARRIED**
20. Motion by Wheaton, seconded by Steinmeyer to approve payment of \$3,412.05 to KB's Mini Mart for July and August charges. On roll call, AYE: Steinmeyer, Wheaton, Mayor Fuston. NAY: None. Abstained: Brink. Absent: Housh Sr. **MOTION CARRIED**
21. Motion by Wheaton, seconded by Brink to approve payment of \$1,104.49 to Steiny's General Store. On roll call, AYE: Wheaton, Brink, Mayor Fuston. NAY: None. Abstained: Steinmeyer. Absent: Housh Sr. **MOTION CARRIED**
22. Motion by Wheaton, seconded by Brink to adjourn the meeting at 7:44 PM. On roll call, AYE: Wheaton, Brink, Steinmeyer. NAY: None. Absent: Housh Sr. **MOTION CARRIED**

Andrew Fuston, 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)