

LYONS CITY COUNCIL MEETING

May 3, 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., May 3, 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 Attorney Smith, Police Chief Anderson, City Clerk Ritter, and Utility Superintendent Ueding.

Visitors at the meeting were Nate Wing of Olsson, Jason Redding-Geu of the Lyons Mirror Sun, Shalena Findlay, and Shelly Bacon.

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

PUBLIC HEARING

Motion by Brink, seconded by Steinmeyer to enter into a Public Hearing, and all council members voted yes on roll call. Mayor Fuston opened the Budget Public Hearing for the purpose of hearing support, opposition, criticism, suggestions, or observations to amending the Adopted 2021-2022 budget by a total of \$424,943 in expenditures and a total of \$359,525 in receipts due to the refinancing of Wastewater Bond Series 2016. The Necessary Cash Reserve has been reduced by \$65,418 for the remaining revenue portion with no extra property tax revenue requested. There being no verbal or written comments or objections, a motion by Wheaton, seconded by Brink was made to adjourn the Public Hearing. On roll call, AYE: Steinmeyer, Brink, Wheaton. NAY: None. Absent Housh Sr. Motion carried. Mayor Fuston closed the public hearing.

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

1. Dispense with reading of minutes of meetings held on April 5, 2022.
2. Claims as presented except claims of KB's Mini Mart, CNA Auto, and Steiny's General Store.
3. Treasurer report.
4. Resolution 2022-3: A RESOLUTION DESIGNATING OFFICIALS OF THE CITY OF LYONS TO ACT AS TRUSTEES OF THE CITY OF LYONS NON-QUALIFIED RETIREMENT PLAN was adopted and signed.

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

CLAIMS: ACCO suppl 155.45, APPEARA clothing 147.04, BLUE CROSS BLUE SHIELD health ins 10,122.44, BOMGAARS suppl 951.50, BURT COUNTY PUBLIC POWER elec 2,640.00, BURT COUNTY SHERIFF fees 20.00, CENTURYLINK serv 60.68, CITY OF LYONS petty cash 65.00, CITY OF LYONS util 5,294.81, CNA AUTO suppl 1,540.94, DANIEL A SMITH fees 1,000.00, ELECTRONIC CONTRACTING fire alarm inspection 369.00, FIRST NORTHEAST BANK OF NEBR pool bond interest & wire fee 18,823.75, HYDRAULIC EQUIPMENT SERVICE maint 282.94, LINCOLN FINANCIAL ins 419.99, MIDWEST ALARM SERVICES serv 763.85, MIDWEST LABS testing 20.00, MS ROOF REPAIRS maint 1,801.00, NEBRASKA PUBLIC HEALTH testing 499.00, NEBRASKA RURAL WATER ASSN dues 150.00, NEBRASKA.GOV maint fee 672.00, NENEDD membership fees 1,114.81, NMPP training 500.00, NPGA nat gas 21,211.89, NPPD elec 28,447.03, OHIO NATIONAL LIFE INS retirement plan 710.10, NOVUS COMPUTERS maint 1,526.24, PV BUSINESS SOLUTIONS OSHA compliance manual 298.50, RED BARN VETERINARY CLINIC fee 60.00, RICHARD P COEN JR serv 900.00, QUADIENT FINANCE postage 600.00, LYONS MIRROR-SUN publ 473.93, MAIN STREET SERVICES suppl 223.58, PORT-A-JOHNS portable 70.00, RUBIN CONSTRUCTION pymt 6 & 7 water treatment plant 115,646.35, SAM'S CLUB membership 48.15, SAPP BROS propane 50.00, SEALS & SERVICE repairs 246.00, SHALENA FINDLAY exp reimb 274.91, T & H ELECTRIC maint 1,650.00, UTILITY

SAFETY & DESIGN suppl 5,214.98, VILLACO maint 3,720.48, WESTERN AREA POWER ADMIN elec 5,575.45, WASTE CONNECTIONS serv 6,285.70, OLSSON engineering fees 4,334.63, QUALITY PRINTING suppl 739.61, STEINY'S GENERAL suppl 1,404.40, USABUEBOOK suppl 64.00, WEST POINT NEWS publ 79.50, NEBR DEPT OF REVENUE sales tax 7,418.13, CITY OF LYONS combined payroll 27,100.47, EFTPS payroll tax 6,998.21, HSA contributions 1,940.00, NEBR DEPT OF REVENUE payroll tax 1,004.44.

Nate Wing of Olsson gave an update on the Water Treatment Plant Project. Rubin Construction is working on another project, so isn't in Lyons to work on the water treatment plant.

Motion by Steinmeyer, seconded by Wheaton to approve Payment #7 of \$17,100.00 to Rubin Construction LLC for work completed on the water treatment plant project. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent Housh Sr. Motion carried.

Ruth Cole was not at the meeting.

Council Member Wheaton introduced Ordinance 750: AN ORDINANCE TO ADOPT THE AMENDED BUDGET STATEMENT TO BE TERMED THE AMENDED 2021-2022 APPROPRIATION BILL; TO AMEND SUMS FOR NECESSARY REVENUES AND EXPENSES IN FISCAL YEAR 2021-2022; TO PROVIDE FOR AN EFFECTIVE DATE, 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 YEA: Wheaton, Brink, Steinmeyer. The following Council members voted NAY: None. Absent: Housh Sr. The motion to suspend the rules, concurred by all Council members present was declared suspended.

Thereafter, Ordinance No. 750 was read by title, and Council member Brink moved for passage of the ordinance, said motion was seconded by Council member Steinmeyer. The Mayor then stated the question was, "Shall Ordinance No. 750 be passed and adopted?" Upon roll call vote, the following Council members voted YEA: Wheaton, Steinmeyer, Brink. The following Council members voted NAY: None. Absent: Housh Sr. The motion to adopt Ordinance No. 750, by a majority of all Council members, was declared passed and adopted, and the Mayor, in the presence of the Council, signed the ordinance, and the Clerk attested the passage and adoption of said ordinance by affixing her signature thereto, and ordered publication of said ordinance. A true, correct, and complete copy of Ordinance No. 750 was published separately.

Motion by Wheaton, seconded by Steinmeyer to approve Mayor Fuston's recommendation of appointing Brian Raabe and Gloria Myers to replace George Fritts and Deb Sunderman on the Lyons Housing Authority Board of Commissioners. On roll call, AYE: Steinmeyer, Brink, Wheaton. NAY: None. Absent: Housh Sr. Motion carried.

Chief Brenda Anderson presented cost quotes for new carpet in the police station. Knova's Carpets Inc of Sioux City IA had the lowest quote of \$6,142.00. Motion by Steinmeyer, seconded by Brink to approve the cost quote from Knova's Carpets for \$6,142.00 to replace the police station carpeting. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr. Motion carried.

A brief discussion was held on a cost quote for two new computers for the police vehicles from Applied Connective Technologies of Norfolk, NE for \$7,310.00. Motion by Steinmeyer, seconded by Wheaton to approve purchasing two new computers for the police vehicles from Applied Connective Technologies of Norfolk, NE in the amount of \$7,310.00. On roll call, AYE: Wheaton, Brink, Steinmeyer. NAY: None. Absent: Housh Sr. Motion carried.

Discussion was held on the new police vehicles that were ordered from Gene Steffy's in Fremont, NE that we have been waiting for from a year and a half ago. Currently, Steffy's have a VIN number but that was all the information we received. Council member Wheaton is to call Steffy's to find out more information.

There is mold on the ceiling tiles in several places in the police station offices and hallway. A company has been out several times to repair the roof leaks. Mr Ueding is to purchase some ceiling tiles to replace the current moldy tiles.

Josh Svendsen will fill out the paperwork we need so he can eventually work for the city police department. He will get out of the military service around January 23, 2023. Need to look into if he will be certified.

Motion by Steinmeyer, seconded by Brink to approve increasing the part-time police officer patrol pay to match Burt County pay at \$24 per hour and pay for call time will remain at \$3.00 per hour. On roll call, AYE: Steinmeyer, Wheaton, Brink. NAY: None. Absent: Housh Sr. Motion carried.

Motion by Steinmeyer, seconded by Brink to approve hiring Tim Anderson as a part-time police officer. On roll call, AYE: Wheaton, Steinmeyer, Brink. NAY: None. Absent: Housh Sr. Motion carried.

Council Member Wheaton introduced Ordinance 751: 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, and moved for the suspension of the statutory rule requiring reading on three separate days, seconded by Steinmeyer. Upon roll call vote, the following Council members voted YEA: Brink, Wheaton, Steinmeyer. The following Council members voted NAY: None. Absent: Housh Sr. The motion to suspend the rules, concurred by all Council members present was declared suspended.

Thereafter, Ordinance No. 751 was read by title, and Council member Wheaton moved for passage of the ordinance, said motion was seconded by Council member Brink. The Mayor then stated the question was, "Shall Ordinance No. 751 be passed and adopted?" Upon roll call vote, the following Council members voted YEA: Wheaton, Steinmeyer, Brink. The following Council members voted NAY: None. Absent: Housh Sr. The motion to adopt Ordinance No. 751, by a majority of all Council members, was declared passed and adopted, and the Mayor, in the presence of the Council, signed the ordinance, and the Clerk attested the passage and adoption of said ordinance by affixing her signature thereto, and ordered publication of said ordinance. A true, correct, and complete copy of Ordinance No. 751 was published separately.

Motion by Steinmeyer, seconded by Brink to approve RESOLUTION 2022-4: A RESOLUTION TO PROVIDE FOR A COORDINATED RESPONSE TO A DISASTER OR EMERGENCY IN BURT COUNTY, THE CITY OF LYONS AND OTHER CITIES AND VILLAGES IN BURT COUNTY, THE LYONS CITY COUNCIL DEEMS IT ADVISABLE AND IN THE BEST INTERESTS OF THE COMMUNITY AND THE COUNTY TO APPROVE THE BURT COUNTY LOCAL EMERGENCY OPERATIONS PLAN. On roll call, AYE: Brink, Steinmeyer, Wheaton. NAY: None. Absent: Housh Sr. Motion passed.

Library Director was absent.

Terry Ueding's report: The pillars to the west gate at Brink Park are crumbling. The city crew will put in metal posts and gate to lock in the winter.

The new nozzles are installed in the park fountains but don't like the patterns. Council gave okay to purchase two new mahogany nozzles. Terry to get cost quotes to redo the base of the stone fountain in the park.

Motion by Steinmeyer, second by Brink to approve hiring of Darrel Roddy for the part-time seasonal mowing position at \$10 per hour. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. Motion passed.

Terry asked if the council had any questions on Joel Fredrickson's six-month review. Terry is very pleased as he is doing a good job. Joel has his wastewater license now.

The city received several applications for the utility maintenance position and will be holding interviews soon.

There is a six inch water main that runs under the school building. Terry was wondering if the main is moved who is responsible for the cost.

Last month, the company who will be making black top repairs needed to stay within the city budget so Cemetery Rd (city's portion) will be eliminated this year so the cost would be around \$30,000.00.

Terry mentioned updating the building codes and zoning codes to current standards. Needs to be brought before the Planning Commission.

Tractor was fixed and we are still waiting for a price on the green truck front end.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending April 30, 2022. The General Fund had a month to date net gain of \$10,159 and a year to date net loss of \$42,659. The Utility Fund had a month to date net loss of \$80,335 and a year to date net loss of

\$1,295,123. Debt Service had a month to date net loss of \$3,373 and a year to date net loss of \$93,663. Budget reports for the seventh month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 37.71%. General Expenses were 42.99%. Utility Receipts were 44.26%. Utility Expenses were 78.68%. Utility fund needs the budget amended due to refinancing of the sewer bond. Debt Service Receipts were 34.76% and Debt Service Expenses were 100.00% due to the payment of bond principal and one-half interest on November 1, 2021. Benchmark for April was 58.3%.

The federal report filing on the ARPA funds was completed.

A request from the Lyons Fire Department to borrow some of the Community Center's white tables and chairs was made for the pancake feed fund raiser on May 22, 2022. Normally, the City's policy is the white tables and chairs are not removed from the Community Center. However, we work with the Fire Department and vice versa so it will be allowed.

Discussion was held on rescheduling the June 7 Council Meeting as the mayor would not be available. The council decided to keep the Council Meeting on Tuesday, June 7, 2022.

Motion by Steinmeyer, seconded by Wheaton to approve hiring the following for the 2022 Swimming Pool season with current certifications: Pool Manager – Sherri Whitaker; Assistant Manager/Lifeguard – Lisa Simonsen and Jaden Whitaker; Lifeguard – Ella Whitaker, Madisen Compton, Colten Miller, Hailey Miller, Zachery Randall, Bailey Tuttle, Camryn Brehmer, Miriel Brokow, Addison James, Makenna James, Eyan Tuttle, and Ashlynn Whitley. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr. Motion passed.

Motion by Steinmeyer, seconded by Brink to approve payment of \$1,540.94 to CNA Automotive Services. On roll call, AYE: Steinmeyer, Brink, Mayor Fuston. NAY: None. Abstained: Wheaton. Absent: Housh Sr. Motion passed.

No claim received for this meeting for KB's Mini Mart.

Motion by Wheaton, seconded by Brink to approve payment of \$1,404.40 to Steiny's General Store. On roll call, AYE: Wheaton, Brink, Mayor Fuston. NAY: None. Abstained: Steinmeyer. Absent: Housh Sr. Motion passed.

Council member Brink moved to enter into Executive Session, seconded by Wheaton at 6:47 p.m. to discuss personnel. On roll call, AYE: Steinmeyer, Brink, Wheaton. NAY: None. Absent: Housh Sr. The meeting returned to Regular session at 7:03 p.m. by motion by Steinmeyer, seconded by Brink. On roll call, AYE: Brink, Wheaton, Steinmeyer. NAY: None. Absent: Housh Sr.

Council gave the okay to remove the six month work probation period for Shalena Findlay and Joel Fredrickson. For Joel, raises are not given after six month probation. Council member Wheaton and Terry Ueding need to have a meeting to go over a few items including licenses

Council agreed to extend an offer of the City Clerk position to Whitney Anderson at \$22.00 per hour. Mayor to call her after the council meeting to see if she will accept the offer.

Council approved to work with Ric Ortmeier and Associates to provide financial services to supplement until skill base is adequate. Dan Smith said the council can't approve the contract with Ric Ortmeier as it isn't on the agenda. The contract will be approved at the next meeting, June 7, 2022.

Motion by Wheaton, seconded by Brink to adjourn the meeting at 7:14 PM. On roll call, AYE: Wheaton, Brink, Steinmeyer. 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)