

LYONS CITY COUNCIL MEETING

June 7, 2022

A regular meeting of the Mayor and Council of the City of Lyons was called to order by council President Wheaton, at 5:30 P.M., June 7, 2022, at Lyons City Hall. Present were Council members Brink, Wheaton, Housh Sr. and Steinmeyer. Mayor Fuston had an excused absence. In attendance were City Attorney Smith, Police Chief Anderson, City Clerk Anderson, and Utility Superintendent Ueding.

Visitors at the meeting were Ric Ortmeier, CPA, Alyson Pedro, Nate Wing of Olsson, Penny Murphy of Farm & Home Insurance Agency, Sharon Kenaston, Harvetta and Lonetta Olson, Mark and DeAnne Kempcke, Jason Redding-Geu of the Lyons Mirror Sun, Corbin Wheaton, Shieler and Nikki Greve, Doreen O'Connor, Shalena Findlay, and Shelly Bacon.

Council President Wheaton 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 to approve the following consent agenda:

1. Dispense with reading of minutes of meetings held on May 3, 2022.
2. Claims as presented except claims of KB's Mini Mart, CNA Auto, and Steiny's General Store.
3. Treasurer report.
4. **RESOLUTION 2022-4: 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 was adopted and signed. 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 was adopted and signed. 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 was adopted and signed.**

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

CLAIMS: ACCO suppl 3,872.65, AMERICAN BROADBAND service 1,357.10, APPEARA clothing 164.88, BADER'S HIGHWAY & STREETS street sealing 9,984.00, BARCO MUNIFIPAL PRODUCTS suppl 402.18, , BLUE CROSS BLUE SHIELD health ins 6,146.42, BOBCAT OF OMAHA packer wheel and excavator 58,912.14, BOMGAARS suppl 1,047.41, BREHMERS MFG park post 21.33, BURT COUNTY PUBLIC POWER elec 2,640.00, BURT COUNTY SHERIFF fees 20.00, CENTURYLINK serv 60.68, CITY OF LYONS util 4,476.79, CUMING CO. INDUSTRIES steel posts 1,211.80, DANIEL A SMITH fees 1,000.00, DURABLE FLAGS main street flags 172.89, FARMERS PRIDE oil 250.25, FIRST NORTHEAST BANK OF NEBR sewer/wastewater bond principal, interest & wire fee 50,465.00, IIMC fee 290.00, JENSEN PLUMBING & HEATING serv/suppl 393.06, LEAGUE OF NEB. MUNICIPALITIES conference 499.00, LINCOLN FINANCIAL ins 316.13, LORENSEN LUMBER gravel 6,938.02, LYONS-DECATUR PUBLIC SCHOOLS fees 720.00, LYONS MIRROR SUN publ 267.30, LYONS POSTMASTER fee 226.00, MAIN STREET SERVICES serv 1,118.13, MECHANICAL SALES INC serv 1,669.20, MIDWEST LABS testing 105.00, , NEBRASKA DEPT OF ENVIRONMENT & ENERGY class 260.00, NENEDD membership fees 1,350.00, NORTHEAST TRACTOR PARTS suppl 35.00, NPGA nat gas 17,288.10, NPPD elec 26,152.16, OAKLAND LUMBER suppl 8.37, OHIO NATIONAL LIFE INS retirement plan 714.18, OLSSON engineering fees 1,970.87, PAVE LLC asphalt 30,000, PORT-A-JOHNS portable

70.00, QUALITY PRINTING suppl 255.56, RICHARD P COEN JR serv 900.00, SAPP BROS propane 20.00, SAVE MORE suppl, SCHWAN'S HOME DELIVERY concessions 616.06, SCOTTS HARDWARE suppl 162.33, SOOLAND BOBCAT rental, S&S LAWN CARE mowing 3,530, STANEK FIRE PROTECTION inspection 184.00, US BANK – REAMS SPRINKLER SUPPLY fountain 595.65, WESTERN AREA POWER ADMIN elec 4,748.75, WASTE CONNECTIONS serv 11,032.28, WEST POINT NEWS publ 185.50, NEBR DEPT OF REVENUE sales tax 6,217.70, VERIZON WIRELESS serv 34.98, JARROD MCELROY demutualization of Ohio National 167.11, MARY LOU RITTER demutualization of Ohio National 873.70, RON DAKBERKOW demutualization of Ohio National 581.86, SCOTT BURGETT demutualization of Ohio National 208.18, TERRY UEDING demutualization of Ohio National 39.96, CITY OF LYONS combined payroll 30740.63, EFTPS payroll tax 7855.11, HSA contributions 1,940.00, NEBR DEPT OF REVENUE payroll tax 1087.30.

1. Motion by Brink, seconded by Housh to approve Mayor Fuston's recommendation to appoint Whitney Anderson as City Clerk/Treasurer for June 7 through December 31, 2022. On roll call, AYE: Brink, Housh Sr., Steinmeyer. NAY: None. Motion Carried.
2. Ric Ortmeier, CPA and Alyson Pedro discussed the options to contract their financial services. They will lose their independence if we use them for more than the audit and budget.
3. Council "tabled" the consideration to approve/not approve the contract for financial services with Ric Ortmeier and Associates until the next meeting.
4. Nate Wing of Olsson gave an update on the Water Treatment Plant Project. They are still waiting on Rubin Construction to come finish the work. We are past the final competition date and no further payment is required until the job is complete. Council President Wheaton requested a weekly update. Nate Wing also added that payment #5 would exhaust the CDBG funds and approximately \$40,000 would be on the city while we wait for USDA grant approval.
 - a. Motion by Steinmeyer, seconded by Housh Sr to approve change order #3 on WesTech Engineering, Inc. for a decrease of \$43,651 on the temporary water treatment contract. On roll call, Aye: Brink, Housh Sr., Steinmeyer. NAY: None. Motion Carried.
5. Motion by Steinmeyer, seconded by Brink to approve payment #4 of \$32,951.80 to WesTech Engineering for final payment on the filter equipment for the water treatment plant project. On roll call, AYE: Steinmeyer, Housh Sr, Brink. NAY: None. Motion Carried
6. Council "tabled" payment #5 of \$95,464.00 to WesTech Engineering for final payment on the temporary water treatment system for the water treatment plant project was tabled by council until the next meeting.
7. Motion by Steinmeyer, seconded by Housh Sr. to authorize drawdown #8 of CDBG funds in the total amount of \$15,030.00; \$1,350 of this amount to NENEDD for Administration and Construction Management fees. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Motion Carried.
8. Motion by Brink, seconded by Housh Sr. to authorize drawdown #9 of CDBG funds in the total amount of \$80, 186.46 to the City of Lyons on the Water Treatment Plant project. On roll call, AYE: Steinmeyer, Housh Sr., Brink NAY: None. Motion Carried.
9. Penny Murphy of Farm and Home Insurance presented a dividend check of \$24,167.58 from EMC Insurance for their safety dividend program.

10. Sharon Kenaston wanted to thank everyone for their support from the fire and for letting them stay at the park. As a thank you, Roger and Sharon want to donate \$2,500 to park improvements.
11. Harvetta Olson discussed her issues with the neighbor's privacy fence. Council stated that the city does not have a setback in place if the fence is on their property and this becomes a civil matter.
12. Mark and DeAnne Kempcke discussed their privacy fence and building permit. Council stated that if the fence is on their property line that there is no setback in our zoning regulations and they will not be required to move their fence.
13. Shalena Findlay discussed the Volunteer Fire Department recognition event to be held on June 24th by American Broadband. American Broadband has backed out of hosting the event. Council suggested that we cancel the event at this time.
14. The consideration to close south 4th St. between Main St and State St. from 12:00 Noon – 11:00 PM, June 24th for the Volunteer Fire Department recognition event was no longer needed since the event was canceled.
15. Council member Brink motions to approve and adopt **Resolution No 2022-05: 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)**, seconded by Housh Sr. On roll call, AYE: Steinmeyer, Housh Sr., Brink NAY: None. Motion Carried.
16. Police Chief Brenda Anderson had no update for the council.
17. Library Director was absent.
18. Terry Ueding's report:
 - a. Spring cleanup went well, they filled 8 dumpsters and two metal.
 - b. Terry wanted to extend a thank you to council for the new backhoe.
 - c. The swimming pool is having issues with people cutting their feet. They scrapped areas to help but the issue will continue if we don't do something. We need to look at adding sandblasting, grout work and painting to the next budget. Council discussed options of replacing the slide with a rock-climbing wall or a basketball hoop.
 - d. Park Road is still being worked on taking out trees and put concrete in to help with the beaver issue.
 - e. Community Center refrigerator is continuing to have issues and needs replaced.
 - i. Steinmeyer motioned to replace Community Center refrigerator, seconded by Housh Sr. On roll call, AYE: Steinmeyer, Housh Sr., Brink NAY: None. Motion Carried.
 - f. John Deere tractor is back in the shop.
 - g. Roof and Fence damage from wind storm has been replaced and covered by insurance minus 1,000 deductible.
 - h. Ball park phone line was cut and is no longer in service.

19. Motioned by Steinmeyer to approve the hiring of Jesse Raabe as a new utility maintenance employee. Seconded by Brink. On roll call, AYE: Steinmeyer, Housh Sr., Brink NAY: None. Motion Carried.
20. Corbin Wheaton presented his plan for the upcoming car show on the 4th of July. House Sr. motioned to approve the closing of Main St. from 2nd-3rd St. and 3rd Street from Main St - State St. from 8:00 AM – 4:00 PM, July 4th for the Car Show, seconded by Brink. On roll call, AYE: Steinmeyer, Housh Sr., Brink NAY: None. Motion Carried.
21. City Clerk Anderson reported on the General, Utility, and Debt Service Income Statements for the month ending May 31st, 2022. The General Fund had a month to date net loss of \$6,435.94 and a year to date net loss of \$49,094.69. The Utility Fund had a month to date net loss of \$152,653.94 and a year to date net loss of \$1,447,776.83. Debt Service had a month to date net gain of \$42,212.85 and a year to date net loss of \$51,450.06. Budget reports for the eighth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 48.5%. General Expenses were 54.58%. Utility Receipts were 43.64%. Utility Expenses were 77.53%. Debt Service Receipts were 64.11% and Debt Service Expenses were 100%.
22. The council approved Whitney's request to attend the League's Accounting and Finance Conference in Kearney, NE June 15-17.
23. The Household Hazardous Waste held by Loess Hills will be on October 8, 2022 from 9 to 11 AM and will be held west of the recycling building.
24. Motioned by Brink to approve the recommendation of a building permit from Judy Wyland for a new 12'x18' patio open cover at 730 Logan Ave, seconded by Steinmeyer. On roll call, AYE: Steinmeyer, Housh Sr., Brink NAY: None. Motion Carried.
25. Motioned by Steinmeyer to approve the recommendation of a lot split located in the Northwest ¼ of the Northeast ¼ of section 25, township 23 North, Range 8 East of the 6th P.M. Burt County, Nebraska, seconded by Housh Sr. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Motion Carried.
26. Motioned by Steinmeyer to approve the recommendation of a building permit from Nikki Greve for a new house at 410 N 7th St. Seconded by Housh Sr. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Motion Carried.
27. Motioned by Steinmeyer to approve the recommendation of a building permit from Clyde & Lori Marr for a new fence at 305 N 6th St. Seconded by Housh Sr. On roll call, AYE: Brink, Steinmeyer, Housh Sr. NAY: None. Motion Carried.
28. Motioned by Brink to approve payment of \$233.84 to CNA Automotive Services. Seconded by Housh Sr. On roll call, AYE: Steinmeyer, Brink, Housh Sr. NAY: None. Motion Carried.
29. Motioned by Housh Sr to approve payment of \$998.71 to KB's Mini Mart. Seconded by Steinmeyer. On roll call, AYE: Steinmeyer, Housh Sr, Wheaton. NAY: None. Abstained: Brink. Motion Carried.
30. Motioned by Housh Sr to approve payment of \$1,052.88 to Steiny's General Store. Seconded by Brink. AYE: Brink, Housh Sr, Wheaton. NAY: None. Abstained: Steinmeyer. Motion Carried.

Executive Session:

Council member Brink moved to enter into Executive Session, seconded by Housh Sr. at 6:58 p.m. to discuss personnel. On roll call, AYE: Steinmeyer, Brink, Housh Sr. NAY: None. The meeting returned to Regular session at 7:17 p.m. by motion by Brink, seconded by Steinmeyer. On roll call, AYE: Brink, Housh Sr, Steinmeyer. NAY: None.

Motion by Steinmeyer, seconded by Brink to adjourn the meeting at 7:20 PM. On roll call, AYE: Housh Sr, Brink, Steinmeyer. NAY: None. Motion passed.

Charlie Wheaton, Council President

Whitey 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)