

LYONS
CITY COUNCIL MEETING
Thursday, October 6th, 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., October 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, and Library Director Heavrin.

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

I. ROUTINE BUSINESS

The meeting was called to order upon motion by Brink, second 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

None

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held September 13, 2022.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. Treasurer report.
4. **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 approved and signed**

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

SEPTEMBER CLAIMS 2022		
VENDOR NAME	REFERENCE	TOTAL
ACCO UNLIMITED CORPORATION	SUPPL	\$ 208.97
AMERICAN FUNDS SERVICE CO	RETIREMENT PLAN	\$ 366.43
APPLIED CONNECTIVE	POLICE LAPTOPS	\$ 6,809.00
BLUE CROSS BLUE SHIELD OF NEBR	GROUP HEALTH INS	\$ 9,973.65

BOMGAARS	SUPPL	\$ 1,132.91
BOO INC	MTCE BACKHOE	\$ 260.21
BORDER STATES INDUSTRIES	SUPPL	\$ 234.52
BREHMER MANUFACTURING INC	SHIPPING	\$ 199.09
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,655.60
BURT COUNTY SHERIFF	TELETYPE FEES	\$ 20.00
CENGAGE LEARNING	BOOKS	\$ 67.06
CENTER POINT LARGE PRINT	BOOKS	\$ 361.92
CENTURYLINK	SERV	\$ 61.88
CITY OF LYONS UTILITIES	STATE SHED TRANSFER	\$ 118.24
CITY OF LYONS UTILITIES	UTILITIES	\$ 1,572.37
CITY OF LYONS EMPLOYEES	COMBINED PAYROLL	\$ 28,465.89
CITY OF LYONS EMPLOYEES	HSA CONTRIBUTIONS	\$ 1,300.00
DALE'S TRASH SERVICE INC	AUG SERVICES	\$ 70.00
DANIEL A SMITH	LEGAL SERVICES	\$ 1,000.00
RUBIN CONSTRUCTION	WTP PAYMENT#9	\$ 120,957.35
DUTTON-LAINSON COMPANY	SUPPL	\$ 1,026.80
ELECTRONIC CONTRACTING CO	ANNUAL SPRINKLER INSPECT	\$ 369.00
FASTWYRE BROADBAND	SERV	\$ 483.92
FRANSYL EQUIPMENT CO	MTCE	\$ 665.84
GENE STEFFY	POLICE VEHICLE/RUNNING BOARDS	\$ 29,927.00
JENSEN PLUMBING & HEATING INC	SERV/MTCE	\$ 2,051.48
LAYNE CHRISTENSEN COMPANY	WATER WELL TESTING	\$ 750.00
LINCOLN FINANCIAL GROUP	INSURANCE	\$ 428.72
LINCOLN WINWATER WORKS	LINE MTCE	\$ 6,852.90
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 197.55
MARY LOU RITTER	CONTRACT SERVICES AUGUST	\$ 2,235.00
MELS SMALL ENGINE	MTCE	\$ 162.75
MENARDS - SIOUX CITY	SUPPL	\$ 327.23
NEBR DEPT OF REVENUE	SALES TAX/RECYCLING FEE/PAYROLL TAX	\$ 7,896.18
NEBR STATE FIRE MARSHAL AGENCY	ANNUAL BOILER INSP/CERT	\$ 183.00
NEBRASKA PUBLIC HEALTH	TESTING	\$ 1,350.00
NPGA	GAS PURCHASE	\$ 4,546.98
NPPD	ELECTRIC PURCHASE	\$ 46,995.45
OAKLAND LUMBER	SUPPL	\$ 305.82
OHIO NATIONAL LIFE INSURANCE	RETIREMENT PLAN	\$ 1,236.75
OLSSON	ENGINEER FEES WATER PLANT PROJECT	\$ 3,069.36
ONE CALL CONCEPTS INC	LOCATE FEES	\$ 45.28
PETAL PUSHERS	UTILITY SHIRTS	\$ 394.50
QUADIENT LEASING USA INC	METER LEASE	\$ 342.00
QUALITY PRINTING	SUPPL	\$ 49.90
RICHARD P COEN JR	JANITOR SERVICE	\$ 900.00
RONNFELDT FARMS INC.	PALLETS	\$ 150.00
SCOTT'S HARDWARE	SUPPL	\$ 117.43

SEALS & SERVICE	SERV	\$	225.00
SOOLAND BOBCAT	MTCE BACKHOE	\$	32.74
STAN HOUSTON EQUIPMENT CO	SUPPL	\$	545.00
THREE RIVERS CLERK'S ASSN	22-23 DUES SHALENA/WHITNEY	\$	20.00
US BANK/CORP PAYMENT SYSTEMS	BOOKS/SUPPL	\$	362.11
USABLUBOOK	SUPPL	\$	737.66
VERIZON WIRELESS	SERV POLICE	\$	239.57
WESCO RECEIVABLES CORP	SUPPL	\$	2,629.85
WESTERN AREA POWER ADMIN	ELECTRIC	\$	5,219.35

IV. REGULAR AGENDA / NEW BUSINESS

1. Nate Wing of Olsson gave an update on the Water Treatment Plant Project. Up until this point, everything that was planned is complete except some O&M Manuals. The approximate \$95,000 left in funding is grant money.
2. Motion by Brink, seconded by Wheaton to approve Payment #10 to Rubin Construction LLC for the Water Treatment Plant Project in the amount of \$7,665.23 that would bring retainage to .5% from 1%. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
3. Council “tabled” Change Order #13 in the amount of \$19,293.75 for the Water Treatment Plant Project adding a fence to building exterior for security purposes. Council questioned the height and if security wire was included in the estimate. Nate Wing was not certain and will provide council with the estimate.
4. Motion by Steinmeyer, seconded by Housh Sr to approve Change Order #14 for the Water Treatment Plant Project in the amount of \$5,014.90 to replace boiler and appurtenances. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
5. Motion by Steinmeyer, seconded by Housh Sr to approve Change Order #15 for the Water Treatment Plant Project in the amount of \$8,794.50 to replace piping into mixer. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
6. Sherri Whitaker discussed Pool changes she would like to see for the 2023 season. Sherri will get together with Pool Commissioner Brink to update rules. Water Fountains are broken, depth markers need redone, shade on east side, basketball hoop to replace old slide, move fence to make eating area larger, have metal signs made, replace umbrellas, bell at from door and seating outside the fence. Discussion was also had about requiring pool parties to be outside of working hours. Adult Swim will be from 12:00-12:30.
7. Lori Wheaton was unable to attend.
8. Council discussed opening the City Auditorium to the public in the winter for community members to walk. Past issues were scratching the floor. Council decided to do a trial run with rules in place. No Food or Drinks, tennis balls on walkers, indoor shoes only, open from 9:00 AM- 11:00 AM Monday – Friday.
9. **Library Director Mike Heavrin Library and Grants reports:** Finances for the month of August: income was below monthly goal and above yearly goal. Expenses were below monthly budget and above

yearly budget. This is due to purchases that were grant funded. Sidewalks will cost approximately 3,000 to do the north side of the Library with utility department doing the labor. Sidewalk has been patched in the meantime. Community Forester Grant program with NRD is available to help cover the cost of adding trees to the city. Cybersecurity Grant Program is being researched and Mike will work with Novus Computers to see if they can come up with a plan to keep our electronic data safe and secure. We received the funds from Public Water System Security Grant. This project assisted in the cost to purchase 10 water testing stations with a 10% match from the city.

10. **Police Report:** We received the two new police vehicles. Brenda is helping get those set up with equipment and decals.

11. **Utility Superintendent Terry Ueding's Report:** Due to a family emergency, Terry was moved to the beginning of the agenda and had to leave early.

- a. Water Treatment Plant- Fence Bid – Will discuss with Nate Wing with Olssons, pipe that goes into mixer needs replaced, boiler needs replaced – 20 years old and might not run very long after the plant was flooded and we would be out of heat with the time it would take to get a new one ordered.
- b. Yellow Truck – Estimate from West Point Auto and Truck Center for \$6,462.66. This estimate does not include two new front tires. Council suggested getting truck fixed now before winter when the truck is primarily used.
- c. Council wants Terry to go ahead and purchase the camera if we can look at the pool this fall otherwise wait until after the first of the year.
- d. Motion by Housh Sr seconded by Steinmeyer to approve a 5% increase on base rate for Gas effective January 1st, 2023. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
- e. Due to liability reasons, council does not want a siren blast to let people know it is safe after a tornado siren. A long 3 minute blast means to take cover.
- f. It is going to cost \$4,555 to remove the 5101 Abandon Well.
- g. The water tower and clear well needs cleaned. It will cost approximately 7,000. Council suggested an appointment set up with Midco for next spring.
- h. Discussed whose responsibility it is for school transformer. Going to look into what was done with Brehmers when they received their own.

12. **City Clerk Whitney Anderson's report:**

- a. Fire Inspection was completed at Community building and everything was clear.
- b. Working Cat Project update – A bank account has been set up at the local bank to take donations.
- c. Discussed park donation ideas. Council asked Mike, our grant writer, if he would look into a grant for handicap equipment and a walking path to that equipment. The donation money could possibly be used as matching funds for a grant.
- d. Strategic Plan Surveys we out in the mail with October bills. NPPD offers this service to their customers to help put together a Strategic Plan.
- e. Met with WAPA in September and they informed us of an approximate 15% increase coming January of 2023.
- f. Still needing volunteers for the Hazardous Waste Collection October 8, 2022.
- g. @lyonsne.com emails are up and running. The Utility Department and City Office are set up with access. Still need to get the Library and Police Station access.
- h. General, Utility, and Debt Service Income Statements for the month ending September 30th, 2022. The General Fund had a month to date net gain of \$82136.28 and a year to date net gain of \$67,596.48. The Utility Fund had a month to date net loss of \$117,674.72 and a year to date net loss of \$1,215,395.72. We have yet to receive 192,940.93 in grant money already expended

and 1.1 Million USDA Loan for Water Treatment Plant Project. If those amounts were received, utility department would have a net gain of 77,545.21.

- i. Debt Service had a month to date net gain of \$33,392.34 and a year to date net gain of \$468.90. Budget reports for the twelfth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 106%. General Expenses were 97.78%. Utility Receipts were 72.44%. Utility Expenses were 100.22%. Debt Service Receipts were 100.22% and Debt Service Expenses were 100.00%.
13. Motion by Brink, seconded by Housh Sr to approve the 2021/2022 Audit Agreement with Ric Ortmeier, CPA for \$18,900 plus an amount not to exceed \$1,500 for preparation of financial statements and an additional fee no more than \$4,500 if a single audit is required. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
14. Motion by Wheaton, seconded by Steinmeyer to approve Fred W. Schellpeper, Jr. with Sundance Investments LLC as the City of Lyons Retirement Plan Advisor. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
15. Motion by Wheaton, seconded by Brink to go with 457 Retirement plan with 5% match. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
16. A lengthy discussion was held regarding the 12.06% increase on current Health Insurance Plan. Council discussed possibly increase deductible to mitigate the increase and insurance employees HSA contributions. Waiting to hear back from agent on other quotes and options available and will further discuss at November meeting.
17. Discussion was held regarding Ordinance 743 Section 1 #3 regarding operating hours of all-terrain and utility-type vehicles. Looking into changing the ordinance to allow operating after dark if they have lights and proper equipment.
18. Discussion was held regarding the possibility of hiring a code enforcement officer to enforce city ordinances. County Attorney Smith suggested, for now, that complaints be given to Clerk Anderson to pass along to him regarding nuisance properties.
19. Motion by Housh Sr, seconded by Wheaton to approve moving November 1st, 2022 Council Meeting to November 3rd, 2022. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**
20. Motion by Wheaton, seconded by Housh Sr. to approve payment of \$1,112.90 to KB's Mini Mart for July and August charges. On roll call, AYE: Steinmeyer, Wheaton, Housh Sr. NAY: None. Abstained: Brink. **MOTION CARRIED**
21. Motion by Housh Sr, seconded by Brink to approve payment of \$2,409.09 to Steiny's General Store. On roll call, AYE: Wheaton, Brink, Housh Sr. NAY: None. Abstained: Steinmeyer. **MOTION CARRIED**
22. Motion by Wheaton, seconded by Brink to enter executive session at 8:10. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED** Motion by Housh Sr, seconded by Steinmeyer to return to regular session at 8:17. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED** Motion by Wheaton, seconded by Steinmeyer to give Terry Ueding a 3% raise, Shalena Findlay a 4% raise, and Mike Heavrin a 5% raise. On roll call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED** Motion by Wheaton, seconded by Steinmeyer to reimburse Police Candidate \$300 for Certification testing through the state. On roll

call, AYE: Wheaton, Steinmeyer, Brink, Housh Sr. NAY: None. **MOTION CARRIED**

23. Motion by Wheaton, seconded by Brink to adjourn the meeting at 8:21 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)