

LYONS CITY COUNCIL MEETING
August 2, 2022

A regular meeting of the Mayor and Council of the City of Lyons was called to order by Mayor Fuston at 5:33 P.M., August 2, 2022, at Lyons City Hall. Present were Council members Housh Sr, Wheaton, and Steinmeyer. Council Member Brink had an excused absence. Also in attendance were City Attorney Smith, City Clerk Anderson, Police Chief Anderson, Utility Foreman McElroy, and Library Director Heavrin.

Visitors at the meeting were Nate Wing of Olsson, Shane Jensen of Ameritas, Amy Kanger, Travis Williams, Larry and Linda Kanger, Lori Shatto and Brandy McElroy.

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

Moved by Housh Sr., seconded by Wheaton to approve the following consent agenda:

1. Dispense with reading of minutes of meeting held July 5, 2022.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. Treasurer report.
4. **RESOLUTION 2022-6: A RESOLUTION TO REQUIRE THAT PAY PERIODS WILL BE EVERY TWO WEEKS AND END ON SUNDAYS AND ALL TIMECARDS WILL BE TURNED IN TO THE CITY CLERK'S OFFICE NO LATER THAN 9:00 A.M. ON TUESDAY FOLLOWING THE END OF THE PAY PERIOD. CHECKS WILL BE ISSUED ON THE FRIDAY FOLLOWING THE END OF THE PAY PERIOD. THIS CHANGE IS EFFECTIVE AS OF THE END OF THE PAY PERIOD OF JULY 24, 2022. was adopted and signed.**

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

CLAIMS: ABES MOBLIE POWERWASH 1,650 street cleaning, ACCO 9,388.80 chem, AMERICAN BROADBAND 445.00 serv, APPEARA 187.32 clothing, BLUE CROSS BLUE SHIELD 11,934.87 health ins, BOMGAARS 854.66 suppl, BREHMERS MFG 63.25 suppl, BRENDA ANDERSON reimburse clothing 656.42, BURT COUNTY PUBLIC POWER 2,640.00 elec, BURT COUNTY PLAINDEALER 80.00 subscription, CENTER POINT LARGE PRINT 178.56 books, CENTURY LINK 61.88 serv, CITY OF LYONS 3,076.09 util, COMFORN INN 192.00 lodging, CORE & MAIN 1,235.72 suppl, DAN SMITH 1,000 legal serv, CUMING COUNTY INDUSTRIES 185.40 suppl, DOLEZALS HUNTING DEPOT 697.05 police ammo, JACK'S UNIFORMS AND EQUIPMENT 121.99 suppl, JENSEN PLG & HTG 639.81 maint, LEWS FIREWORKS INC 10,000 fireworks, LINCOLN FINANCIAL 390.21 ins, LINCOLN WINWATER WORKS CO 5,394.30 suppl, LORENSEN LUMBER & GRAIN 2,866.41 gravel, LYONS MIRROR SUN 182.70 publ, MIDWEST LABORATORIES 20.00 water testing, MS ROOF REPAIRS 1,449.00 maint, NPGA 5,441.05 gas, NE DEPT OF REVENUE \$5,910.04 sales tax NE DEPT OF REVENUE \$981.43 pool tax, NE STATE FIRE MARSHAL 81.00 boiler insp, NE POWER REVIEW BOARD 102.50 assessment fee, NENEDD 720.00 fees , NOVUS COMPUTERS 1,499 laptop/serv, NPPD 43,318.26 elec, OHIO NATIONAL 480.75 retirement plan, OLSSON 2,494.82 engineering fees, PORT A JOHNS 70.00 June portable, QUALITY PRINTING 42.05 suppl, RICHARD COEN JR 900.00 janitor serv, S&S LAWN CARE 1,450 mowing, SCHMADER ELECTRIC CONST CO. 1,305.00 baseball field lights SCHWAN'S HOME DELIVERY 655.50 concessions, SCOTT'S HARDWARE 39.66 suppl, STEINY'S FARM REPAIR 408.39 maint, T & H ELECTRIC 118.60 maint, VERIZON 91.14 serv, WAPA 5,443.20 elec, WASTE CONNECTIONS 7,253.24 trash, CITY OF LYONS combined payroll 48,910.45, EFTPS payroll tax 9,311.91, HSA contributions 1,300, NEBR DEPT OF REVENUE payroll tax 1,297.76.

Nate Wing of Olsson gave an update on the Water Treatment Plant Project. The generator will be installed on August 9, then we will do a final walk through of the project. Council asked to be notified as to when that walk though was so they can be present. Clerk Anderson added that USDA notified her that a partial

grant funds payment should be received by the end of the week, but we will not receive USDA loan until project is complete.

Motion by Wheaton, seconded by Housh Sr. to approve Change Order #2, #3, #4, #6, #7, #9, and #10 for an additional amount of \$51,832.19 to Ruben Construction contingent on UDSA approval. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motion by Wheaton, seconded by Housh Sr. to approve Payment #8 minus the total change orders due to non-approval of USDA at this time to Ruben Construction in the amount of \$71,983.58. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motion by Steinmeyer, seconded by Wheaton to authorize Drawdown #10 of CDBG funds in the total amount of \$720.00 to NENEDD for Administration and Construction Management fees. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motion by Steinmeyer, seconded by Housh Sr. to approve selling 210 S 5th St Lyons, NE, (a city lot) to Amy Kanger in the amount of \$1 to build a house on. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Shane Jensen with Ameritas discussed retirement options for City Employees.

Council "tabled" to Nominate a replacement for Roger Anderson on the Planning Commission.

Motioned by Wheaton, seconded by Steinmeyer to approve the recommendation of Lot Split at 160 N Main St. Legal description: Lot-PT L1 & E24'L2 Block- 1 Lyons. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motioned by Wheaton, seconded by Housh Sr. to approve the recommendation of a building permit from Lyle Webster for a new grain bin north of town on County Road 10. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Police Chief Anderson gave the police report. The police department is still looking for full-time and part-time help. New police cars have been shipped.

Motion by Steinmeyer, seconded by Housh Sr. to approve the purchase of two video cameras for police vehicles totaling \$9,280. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Council "tabled" the approval/non approval of hiring bonus for new hire Police officers.

Library director Mike Heavrin gave the Library and grants reports. Finances for the month of July: income was above monthly goal and above yearly goal. Expenses were above monthly budget and above yearly budget. Library Board approved the hiring of a cleaning personnel. Grants update: Downtown Revitalization Grant, we should be eligible to apply next year with our old plan. The city would need to match 25%. Councilman Housh Sr. voiced his concern on the sidewalk in front of the Library. Jarrod is going to look into pricing for the Utility department to do the labor.

Deputy Clerk Findlay discussed payroll policies and employee manual. She would like to see our Employee and Police Manuals updated.

Council "tabled" **RESOLUTION NO. 2022-7: RESOLUTION AMENDING DEFINITIONS OF CALL-IN AND CALL-BACK IN THE LYONS EMPLOYEE MANUAL.**

After a lengthy discussion, Council decided to not change the definition of a call-in and call-back in the Lyons Employee Manual at this time, but to change the practice.

Motioned by Housh Sr., seconded by Wheaton to approve retroactively paying utility department employees time and a half for hours worked on Saturday and Sunday for June and July at the water plant and pool. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Terry Ueding had an excused absence. Jarrod reported that sample stations are almost complete.

City Clerk Anderson reported on the General, Utility, and Debt Service Income Statements for the month ending July 31, 2022. The General Fund had a month to date net loss of \$26,690.75 and a year to date net loss of \$86,318.08. The Utility Fund had a month to date net gain of \$81,590.91 and a year to date net loss of \$1,464,354.44. Debt Service had a month to date net gain of \$3,341.44 and a year to date net loss of \$36,728.71. Budget reports for the tenth month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 68.34%. General Expenses were 79.02%. Utility Receipts were 52.61%. Utility Expenses were 86.72%. Debt Service Receipts were 74.35% and Debt Service Expenses were 100.00%.

Council “tabled” to consider approval for Gworks FrontDesk until they come out with the Utility Billing Module.

Motion by Steinmeyer, seconded by Housh Sr. to approve advertising for sealed bids on the pool slide. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Clerk Anderson let council know that ARPA funds should be distributed soon and council decided to put it into a special fund once received.

Discussed the option of TextMyGov to communicate with the community.

Motion by Wheaton, seconded by Steinmeyer to approve adding a tent fee at the Lyons Campground for \$7 per night. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Discussed issues at the park pond with set lines and encouraging catch and release. A catch and release sign was suggested to be put up.

Council requested to put \$22,000 in 22/23 budget for updating the Zoning Regulations and Comprehensive plan.

Council requested to put \$25,000 for new park shelter and 3% raise in the 22/23 budget.

Budget workshop will be scheduled for August 25, 2022 at 5:30 P.M.

Motion Steinmeyer, seconded by Housh Sr. to change September 6, 2022 Council meeting to September 13, 2022. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Council considered public hearing date for 22/23 budget to be September 15, 2022.

Motion by Wheaton, seconded by Steinmeyer to approve the automatic renewal of a Class CK Liquor License to Carvin Housh, dba The Fallout Bar. AYE: Wheaton, Steinmeyer, Fuston. NAY: None. Absent: Brink. Abstained: Housh Sr. Motion carried.

Motion by Wheaton, seconded by Housh Sr. to approve payment of \$2,819.20 to KB’s Mini Mart. On roll call, AYE: Housh Sr, Steinmeyer, Wheaton. NAY: None. Absent: Brink. Motion passed.

Motion by Wheaton, seconded by Housh Sr. to approve payment of \$769.71 to Steiny’s General Store. On roll call, AYE: Housh Sr, Wheaton, Fuston. NAY: None. Abstained: Steinmeyer. Motion passed.

Motion by Steinmeyer, seconded by Wheaton to approve hiring Jeremiah Vasquez for a seasonal part-time mowing position at \$10/hr. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motion by Wheaton, seconded by Steinmeyer to approve hiring Amanda Alford for a part-time cleaning position at the Library at \$10.25/hr. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Council member Wheaton moved to enter into Executive Session, seconded by Housh Sr. at 8:29 p.m. to discuss employee Joel Fredrickson raise after Water Certification. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried. The meeting returned to Regular session at 8:32 p.m. by motion by Steinmeyer, seconded by Wheaton. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motion by Wheaton, second by Steinmeyer to approve 75 cent raise for Joel Fredrickson, effective the first full pay period after Water Certification. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. Motion carried.

Motion by Wheaton, seconded by Steinmeyer to adjourn the meeting at 8:33 PM. On roll call, AYE: Housh Sr, Wheaton, Steinmeyer. NAY: None. Absent: Brink. 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)