

LYONS CITY COUNCIL MEETING

January 4, 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., January 4, 2022, at Lyons City Hall. Present were Council members Wheaton, Brink, Housh Sr and Steinmeyer. Also in attendance were Safety Officer Moore, City Clerk Ritter, Utility Superintendent Ueding, and Library Director Heavrin. City Attorney Dan Smith was absent.

Visitors at the meeting were Nate Wing of Olsson, Theresa Nelson, Shelly Bacon, and Brandy McElroy.

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

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 Brink, seconded by Housh Sr to approve the following consent agenda:

1. Dispense with reading of minutes of meetings held on December 7, 2021.
2. Claims as presented except claims of KB's Mini Mart, CNA Auto, and Steiny's General Store.
3. Treasurer report.
4. Ordinance No 748: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, CLOSING N 8TH AVE FROM EVERETT ST TO THE NORTH, AS PLATTED was adopted, signed, and published.
5. Resolution No. 2021-10: A resolution of the City of Lyons, Nebraska providing for full participation by the City of Lyons Nebraska, in the Northeast Nebraska Economic Development District through the execution of an Intergovernmental agreement was approved and signed.
6. Consider to approve Resolution No. 2021-11: A resolution authorizing the signing of the Year-End Certification of City Street Superintendent 2021 by the Mayor was approved and signed.
7. Resolution No. 2021-12: A resolution that to maintain adequate fiscal policy safeguards and allow for payment of certain claims prior to approval by the City Council, the City Council desires to adopt the following policy with respect to such claims was approved and signed.

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

CLAIMS: ACCO chem 3,718.66, AMERICAN BROADBAND serv 897.93, AMERICAN FUNDS SERVICE retirement plan 402.09, BARCO MUNICIPAL PRODUCTS blades 1,962.28, BLUE CROSS BLUE SHIELD health prem 12,661.01, BOMGAARS suppl 775.79, BORDER STATES INDUSTRIES suppl 123.00, BREHMER INDUSTRIES suppl 401.01, BURT CO PUBLIC POWER elec 2,200.00, BURT COUNTY SHERIFF fees 20.00, CENTURYLINK serv 61.38, CITY OF LYONS util 4,719.48, COLONIAL RESEARCH CHEMICAL suppl 323.21, CUMING COUNTY INDUSTRIES suppl 441.56, DANIEL A SMITH fee 1,000.00, WESTERN AREA POWER ADMIN elec 5,309.31, EFTPS payroll tax 9,609.31, FIREGUARD maint fire alarm 480.00, GPM chart recorder 4,000.00, GROEBNER & ASSOCIATES suppl 124.51, HSA contributions 1,395.00, INGERSOLL RAND maint 894.29, JENSEN PLG & HTG repairs 731.24, KOONS GAS MEASUREMENT meter 3,623.07, LA MOTTE maint 269.36, LIGHT & SIREN light/siren equip 6,748.79, LINCOLN FINANCIAL ins 459.23, LYONS MIRROR-SUN publ 259.15, MAIN STREET SERVICES suppl 853.88, MATHESON TRI-GAS welding mix 156.20, MS ROOF REPAIRS maint 662.00, NE PUBLIC HEALTH ENVIRONMENT testing 16.00, NEBR DEPT OF REVENUE sales & use tax 17,700.20, NEBRASKA LIBRARY COMMISSION Overdrive dues 500.00, NORTHEAST TRACTOR PARTS part 3.00, NPGA nat gas 21,006.68, NPPD elec 25,418.34, OHIO NATIONAL retirement plan 2,006.10, OLSSON engineering fee 6,291.02, ONE CALL CONCEPTS fees 30.75, PORT-A-JOHNS rental 70.00, POWERPLAN repairs/suppl 74.37, QUADIENT LEASING USA postage meter lease 342.00, QUALITY PRINTING suppl 138.73, RICK COEN JR Dec serv 900.00, RUBIN CONSTRUCTION water treatment plant 326,940.09, SCOTT'S HARDWARE suppl 194.82, STEINY'S GENERAL STORE suppl 1,284.97, SYNCHRONY BANK/AMAZON books 134.96, T SQUARE SUPPLY fire ext inspect 32.00, UCI serv 200.00,

USABUEBOOK suppl 93.99, VERIZON serv 243.09, WASTE CONNECTIONS serv 6,314.54, WESTECH ENGINEERING steel gravity filter 164,759.00, NEBR DEPT OF REVENUE payroll tax 1,496.11, CITY OF LYONS total payroll 33,957.34.

Nate Wing of Olsson gave an update on the Water Treatment Plant Project. The State of Nebraska conducted an inspection and the new filters are operational. A few parts need to be switched out as the new parts come in. The temporary treatment filter system has been disconnected. Olsson is working with WesTech on the temporary treatment system issues we had. The city hasn't paid anything on the temporary treatment unit and Olsson will be negotiating any costs. Olsson has a timeline with details and reports showing how the water was not being treated properly for a significant period of that time. Olsson will be presenting a case to Westech very soon as the cost should be prorated as the system was operational only for a percentage of time.

Motion by Steinmeyer, seconded by Housh Sr to approve Payment #4 for \$136,382.00 to Rubin Construction LLC for work completed on the water treatment plant project. On roll call, AYE: Steinmeyer, Housh Sr, Brink, Wheaton. NAY: None. Motion passed.

Theresa Nelson, who works for Nelson Construction, (Dave Nelson is owner of Nelson Construction) presented pictures of the brown colored water situation on December 17 and 18. Currently, the water is looking better. She asked the Council if there are any claim forms for customers to fill out and file for damages to plumbing, water heaters, power washer, and other items in the home/business due to the water and to get compensation for the repairs. It was suggested to her to contact their own insurance company. The Council was sympathetic and it was unfortunate customers have encountered the water issue. The City has also been dealing with the colored water. The understanding was that Theresa Nelson was asking for compensation from the city when the problem was caused by malfunctioning equipment from another company. Theresa is correct that we need to get some direction either from the city attorney for clarification or the company with the defective equipment. The council didn't have any answers at the time of the meeting.

Public Safety Officer Moore gave an update on police applicants. He received 12 to 14 resumes from the City Office. He called each applicant and three called back. One was a suitable candidate with knowledge of the job and focus of community policing. Other candidates interviewed were overqualified. The challenge with the person we are looking at is from North Carolina who would travel here, do an interview, examine the area, and spend some time with Mr Moore. There would be a cost associated with this process as with other applicants who applied from other states. Another challenge is the surrounding areas of Lyons are also looking for police personnel. Costs to be certified (no certification currently) at the Nebraska Academy is approximately \$10,400. If an applicant has to be recertified, the cost is approximately one third, if the State decided to extend to them, the four week recertification course verses the full academy class. At some time during the first year, the person hired would also need to attend a two week administrative training course at approximately \$1,200.

Amanda Cole's last day as a full time employee with the City of Lyons was December 31, 2021. She started her new job on January 4, 2022. She might still be used for part time work at the City of Lyons though until police personnel are hired.

If the council has someone in mind for the police department that may be local, Public Safety Officer Moore stated to make sure the person has all the in-service training for last year completed otherwise the person will be decertified by March 1.

We may receive the two police vehicles in two weeks.

Library director Mike Heavrin gave a brief summary of the library and grants reports. Finances for the month of November income was above benchmark. Expenses were above benchmark.

The Christmas concert was well attended.

Ninety-six children visited Santa at the library.

Fireguard was at the library to install the voice dialer. Recently, the windstorm caused a power outage and when the electricity came back on the alarms were set off. The voice dialer didn't work. Fireguard now said we need a new power supply. Cost estimates are being sought. An insurance claim may be filed with the city's insurance company.

Grants update: The \$300,000 increase in funding for the USDA grant/loan for the water treatment plant is being worked on.

We have not heard anything regarding the security grant for the water testing sites.

Terry Ueding stated the water tests have been good from the water treatment plant. The iron and manganese levels are low. Water customers need to be patient as it will take awhile to get the water system flushed without any setbacks. Notices with updates have been posted on the City's website.

Kazer will crush the concrete at the dump late winter or this spring. The cost will be more than \$10 a ton but not by much from the previous price quote. The concrete should be "clean," meaning no debris such as rebar, nails, etc in the crushed concrete. It is Terry's understanding they will use magnets to pull the metal debris from the crushed concrete.

Bobcat was called two or three weeks ago to get an update on the mini excavator. Hopefully, it will arrive by end of January or first part of February.

NPGA's June meeting is in Fort Collins, CO and Terry is planning to attend. The council thought it was important for him to attend this meeting.

The red chevy pickup needs new tires. Approximate cost is \$845 for four new Bridgestone tires that are the same as what we have now. The prices may increase as a new price sheet was received on January 3, 2022. The city still gets the government discount. Tire purchases from Bridgestone/Firestone have a state net price and CNA Auto can't charge anymore for that tire more than the allotted unit charge.

Not all sirens are working in the city. Some people didn't hear the sirens when the tornado warnings were issued in December. Terry will investigate.

The outside light to the front door entrance of the Community Center/City Hall to the west side wasn't lit Friday evening. Terry to look into why the light wasn't lit.

City Clerk Ritter reported on the General, Utility, and Debt Service Income Statements for the month ending December 31, 2021. The General Fund had a month to date net loss of \$2,452 and a year to date net loss of \$85,833. The Utility Fund had a month to date net gain of \$491,980 and a year to date net gain of \$159,298. Debt Service had a month to date net gain of \$2,874 and a year to date net loss of \$115,328. Budget reports for the third month on the General, Utility, and Debt Service Funds were as follows: General Receipts were 14.27%. General Expenses were 24.83%. Utility Receipts were 42.49%. Utility Expenses were 38.09%. Debt Service Receipts were 6.60% and Debt Service Expenses were 86.89% due to the payment of bond principal and one-half interest on November 1, 2021. Benchmark for December was 25.00%.

Burt County Public Power District is proposing a rate change and it will be on their February 3, 2022 board meeting starting at 9:30 a.m. Our projected increase would be approximately \$5,280 per year. Currently, we pay \$2,200 per month.

The request for Shalena Findlay to attend the NE Municipal Clerk Institute & Academy in Grand Island March 13 through March 18, 2022 was granted by the council.

Motion by Steinmeyer, seconded by Housh Sr to approve the building permit from Mason & Rachel Alitz for a 6 ft vinyl fence at 225 N 5th St, Lyons, NE with the stipulation that the fence facing 5th Street not be taller than 42 inches according to Section 7.12 and appropriate setbacks from lot lines and sidewalks are abided by. On roll call, AYE: Steinmeyer, Brink, Wheaton, Housh Sr. NAY: None. Motion passed.

Motion by Steinmeyer, seconded by Brink to approve the building permit from Kate Webster/J & K Mini Storage for a new storage building to the west of current storage buildings at 830 Main St, Lyons, NE. On roll call, AYE: Housh Sr, Brink, Steinmeyer, Wheaton. NAY: None. Motion passed.

Motion by Wheaton, seconded by Brink to approve the building permit from Kent and Lyn Steinmeyer for a new 24' x 72' open front storage building at 1821 Hwy 77, Lyons, NE. On roll call, AYE: Wheaton, Housh Sr, Brink. NAY: None. Abstained: Steinmeyer. Motion passed.

Motion by Brink, seconded by Housh Sr to approve payment of \$979.07 to CNA Automotive Services. On roll call, AYE: Housh Sr, Steinmeyer, Brink. NAY: None. Abstained: Wheaton. Motion passed.

There was no bill presented on KB's Mini Mart.

Motion by Housh Sr, seconded by Brink to approve payment of \$1,284.97 to Steiny's General Store. On roll call, AYE: Wheaton, Housh Sr, Brink. NAY: None. Abstained: Steinmeyer. Motion passed.

Council member Steinmeyer moved to enter Closed Session, seconded by Housh Sr at 6:11 p.m. to discuss personnel. On roll call, AYE: Steinmeyer, Housh Sr, Brink, Wheaton. NAY: None. Motion passed. The meeting returned to Regular session at 6:21 p.m. Decision was tabled until Dan Smith, City Attorney, is able to attend meeting.

Motion by Brink, seconded by Housh Sr to adjourn the meeting at 6:24 PM. On roll call, AYE: Brink, Housh Sr, Wheaton, Steinmeyer. NAY: None. 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)