

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

A regular meeting of the Mayor and Council of the City of Lyons was called to order by Mayor Brink at 5:31 P.M., April 4, 2023, at Lyons City Hall. Present were Council members Steinmeyer, Vacha, and Phillips as well as newly appointed Council Member Matthew Carr. Also in attendance were City Clerk Anderson, City Attorney Smith, Library Director Heavrin, Police Chief Dunn, and Utility Supervisor Ueding.

I. ROUTINE BUSINESS

The meeting was called to order upon motion by Phillips, seconded by Vacha. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. **MOTION CARRIED**

Mayor Brink 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 March 7, 2023.
2. Claims as presented except claims of KB’s Mini Mart and Steiny’s General Store.
3. Treasurer report.
4. **Resolution 2023-3:** A Resolution on the One & Six Year Street Program was adopted and signed
5. **Resolution No. 2023-4** - 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) was adopted and signed.
6. **ORDINANCE NO. 754** AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO ADD ARTICLE 1.1 CATS TO CHAPTER 6, OF THE LYONS MUNICIPAL CODE, TO PROVIDE FOR THEIR REGULATION WITHIN THE CITY OF LYONS; Effective March 7, 2023, was adopted, signed, and published.

March 2023 CLAIMS

March 2023 CLAIMS		
ACCO UNLIMITED CORPORATION	SUPPL	\$2,869.96
ALLIED SYSTEMS, INC.	LAGOON BAFFLE CURTAINS	\$64,425.00
AMERICAN FENCE COMPANY	SECURITY FENCE	\$18,375.00
AMERITAS LIFE CORP	RETIREMENT	\$1,876.09
APPA	DUES	\$700.00
APPEARA	CLOTHING	\$367.75
AUTO VALUE	MTCE	\$1,436.40
BLUE CROSS BLUE SHIELD	HEALTH INS	\$8,480.49

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

BOMGAARS	SUPPL	\$449.31
BRYAN DUNN	REIMBURSE VEST	\$1,330.51
BURT COUNTY PUBLIC POWER	ELECTRIC	\$2,742.00
BURT COUNTY SHERIFF	TELETYPE FEES	\$20.00
CITY EMPLOYEES	PAYROLL	\$26,785.26
CITY EMPLOYEES	HSA	\$1,400.00
CITY OF LYONS PETTY CASH	POSTAGE/TITLE FEE	\$48.75
CITY OF LYONS UTILITIES	UTILITIES	\$6,892.07
COMFORT INN	LODGING WATER CONF	\$239.90
DANIEL A SMITH	LEGAL SERVICES	\$1,000.00
DEPARTMENT OF ENERGY	ELECTRIC	\$6,573.06
DEPOSIT REFUNDS	REFUND DATE 03/23/2023	\$104.63
DETECTACHEM, INC.	SUPPL	\$147.00
DUTTON-LAINSON COMPANY	SUPPL	\$ 467.32
EFTPS	FED/FICA TAX	\$5,985.14
FASTWYRE BROADBAND	SERV	\$483.73
HANNA:KEELAN ASSOCIATES	COMP PLAN 75% COMPLETE	\$5,500.00
HAWTHORNE INDUSTRIES	STUMP GRINDER	\$6,025.00
HOA	MTCE	\$267.50
HOLIDAY INN-KEARNEY	LODGING - CLERK SCHOOL	\$1,149.50
IAMU	DUES 23-24	\$500.00
IMMENSE IMPACT, LLC	WEBSITE - START UP/ANNUAL SUB	\$1,004.00
JACK'S UNIFORMS	CLOTHING/EQUIP	\$2,067.25
JENSEN PLG & HTG INC	MTCE/BOILER	\$407.79
KOONS GAS MEASUREMENT	SUPPL	\$7,084.93
LINCOLN FINANCIAL	INSURANCE	\$281.58
LINCOLN WINWATER WORKS	LINE MTCE	\$9,139.81
LYONS MIRROR-SUN	LEGAL PRINTING	\$489.65
MAIN STREET SERVICES LLC	MTCE	\$438.94
MAKENNA MCCULLOCK	JANITOR SERV - MARCH	\$616.80
MAX D. DESIGNS	SUPPL	\$181.50
MIDCO DIVING & MARINE SER	MTCE - CLEANING WTR TOWER/WELL	\$7,339.00
MIDWEST LABORATORIES INC	TESTING	\$81.60
MIDWEST RADAR & EQUIP	RADAR INSPECT	\$80.00
MUTUAL OF OMAHA	INSURANCE	\$204.15
NEBRASKA DEPT OF REVENUE	SALES & USE TAX	\$10,782.17
NEBRASKA RURAL WATER ASSO	WATER CONF - TERRY	\$395.00
NMPP	DUES	\$791.36

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

NOVUS COMPUTERS	MTCE	\$514.99
NPGA	GAS PURCHASE	\$58,056.32
NPPD COLUMBUS	ELECTRIC	\$35,159.96
OLSSON ASSOCIATES	STREET SUP SERV	\$750.00
ONE CALL CONCEPTS, INC.	SERV	\$28.22
ONE OFFICE SOLUTION	SUPPL	\$240.33
PETAL PUSHERS	CLOTHING	\$231.00
PIP MARKETING	SUPPL	\$1,053.45
QUADIENT FINANCE USA INC	POSTAGE	\$600.00
QUADIENT LEASING USA INC	METER LEASE	\$342.00
RIC ORTMEIER	2021/2022 AUDIT	\$20,400.00
RICK COEN JR	JANITOR SERVICE FEB/MARCH	\$1,103.28
SHALENA FINDLAY	REIMBURSE MILEAGE/MEALS	\$399.95
SIOUX SALES COMPANY	SUPPL	\$312.50
STANEK FIRE PROTECTION	SUPPL	\$180.00
STEINY'S FARM REPAIR	MTCE DIGGER TRUCK	\$100.00
THE JP COOKE CO	CAT TAGS	\$84.95
TRI-STATE COMMUNICATIONS	EQUIP VEHICLES	\$16,938.59
US BANK	SUPPL	\$1,027.36
USABUEBOOK	MTCE	\$115.50
USDI	MTCE	\$2,340.00
VERIZON WIRELESS	SERV	\$170.58
WASTE CONNECTIONS OF NE	GARBAGE FEE	\$7,129.95
WESCO RECEIVABLES CORP	SUPPL	\$315.65
WESTECH ENGINEERING	FINAL PMT WTP FILTER/10%	\$32,951.80
WHITNEY ANDERSON	REIMBURSE MILEAGE/MEALS	\$357.15

Motion by Steinmeyer, seconded by Vacha to approve the consent agenda. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. **MOTION CARRIED**

IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Steinmeyer, seconded by Vacha to approve Mayor Brink's recommendation to appoint Matthew Carr to fill Carvin Housh Sr. council seat. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. **MOTION CARRIED**
2. Council Member Matthew Carr was sworn into his respective office by City Attorney Dan Smith. Carr signed his Oath of Office.

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

3. Nate with Olsson Associates discussed Water Treatment Plant Project. The filter has been replaced with WesTech and was the last item needed to close out WesTech's portion of the project. The only item left is getting the polymer to function where it should.

4. Motion by Vacha, seconded by Steinmeyer to approve Final Payment #6 to WesTech for the Water Treatment Plant Project in the amount of \$32,951.80. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED**

5. Motion by Phillips, seconded by Vacha to approve an open contract for services/purchases with KB's Mini Mart with a daily expendable amount of \$500. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED**

6. Motion by Vacha, seconded by Carr to approve an open contract for services/purchases with Steiny's General Store with a daily expendable amount of \$500. On roll call, AYE: Vacha, Carr, Phillips NAY: None Abstain: Steinmeyer. **MOTION CARRIED**

7. Motion by Steinmeyer, seconded by Phillips to approve bid for garbage service from Waste Connections in the amount of \$7,228.05. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha NAY: None. **MOTION CARRIED**

8. Motion by Phillips, seconded by Carr to approve Mayor Brink's recommendation of appointing Pete Johnson, Dan Westerhold, Kassie Jensen, Travis Williams, and Jay Maddox to the Lyons Planning Commission effective April 4th, 2023 with 3-year terms up for appointment or re-appointment based on the following schedule: Pete Johnson – 1/1/2024, Dan Westerhold - 1/1/2024, Kassie Jensen – 1/1/2025, Travis Williams – 1/1/2025, Jay Maddox, 1/1/2026. On roll call, AYE: Phillips, Carr, Steinmeyer, Vacha NAY: None. **MOTION CARRIED**

9. Motion by Vacha, seconded by Phillips to approve Janitorial Contract for the Community Center with MaKenna McCulloch effective March 9th, 2023. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer NAY: None. **MOTION CARRIED**

10. Motion by Carr, seconded by Vacha to approve the Lyons Car Show Committee's request for closing Main St. from 2nd Street to the Military Garden for the 4th of July Car Show. On roll call, AYE: Carr, Vacha, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**

11. Police Chief Dunn Report. Chief Dunn recognized Josh Svendsen's work on ordinance violations and how he has been a wonderful asset. The department has utilized the spring cleanup day as a date to allow residents to get their properties cleaned up before they start enforcing ordinance violations. If all goes well with the paperwork, Svendsen should be heading to the academy in May. A discussion was held regarding the evidence room at the police station. Motion by Steinmeyer, seconded by Carr to purchase Security Room in the amount of \$3,674 from LK Goodwin Company. On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha NAY: None. **MOTION CARRIED**

12. A discussion was held regarding Ordinance Violation Fees/Abatement. Council decided to leave it as is for now.

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

13. Library & Grant reports - Mike Heavrin.

Income in February was \$0 and this is 197.92 below the monthly budgetary goal and 616.60 below FY 2022-23 goal. Expenses for February came to \$3,093.80, which is \$1,672.78 below the monthly goal and \$4,532.58 below FY 2022-23 budget. Fastwyre still hasn't finished its work to cover 80% of our Internet Costs. E-Rate process for FY 2023-2024 is underway. Form 471 has been filed. Once we receive a current estimate from the Utility Department for the sidewalk, we will ask the Endowment Funding to cover the cost. Grant Update: We did not receive the funding for CCCFF grant. The council asked Heavrin to focus on writing grants for the park project. Heavrin is also working with Andrew from Novus on a Cyber Security Grant.

14. Utility Superintendent Ueding Report.

- a. Stump grinder was received.
- b. Ueding is working with JEO on a grant to GPS our utility lines.
- d. NPPD is interested in doing a capacity agreement. The current rate is \$3.65/kw for a RICE NESHAP compliance unit. A discussion was held and decided to talk with other utility superintendents currently in the capacity agreement and report back to the council.
- e. Crack sealer was budgeted and the company will be coming to complete.
- f. Discussion was held regarding testing on the new basket truck. Council decided to have it tested.
- g. Pool will be painted by May 10th. Working on finding where there is a leak before it gets painted.

15. Clerk Anderson's Report.

- a. General, Utility, and Debt Service Income Statements for the month ending March 31st, 2023. The General Fund had a month to date net loss of \$88,187.35 and a year to date net loss of \$66,852.39. The Utility Fund had a month to date net loss of \$39,154.78 and a year to date net gain of \$139,631.41. Debt Service had a month to date net gain of \$5,824.31 and a year to date net loss of \$92,979.87. Budget reports for the sixth month (50%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 29.39%. General Expenses were 37.19%. Utility Receipts were 42.76%. Utility Expenses were 36.61%. Debt Service Receipts were 21.78% and Debt Service Expenses were 87.45%. Clerk Anderson explained that the ARPA funds were on the general side and had to be transferred to the utility side to pay for baffle curtains.
- b. American Legal provided a proposal for a recodification agreement that would recodify our Municipal Code Book. According to American legal, that has not been done since 2000 and suggests done every 8-10 years to be current with state statutes. They would allow us to pay 20% in the current fiscal year and the remaining 80% could be over the next two fiscal years. Code hosting on American Legal website would be \$495/yr and that includes adding new ordinances throughout the year. The base cost to recodify is \$7,959. Motion by Steinmeyer, seconded by Vacha to approve American Legal Publishing Recodification Agreement. On roll call, AYE: Steinmeyer, Vacha, Phillips, Carr NAY: None. **MOTION CARRIED**

16. Motion by Vacha, seconded by Carr to approve increasing the rate of pay for managers, assistant managers, and lifeguards to \$13.25, \$11.75, and 10.50, respectively. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**

17. Motion by Vacha, seconded by Steinmeyer to approve hiring the following for the 2023 Swimming Pool season with current certifications: Pool Manager – Sherri Whitaker; Assistant Manager/Lifeguard – Jaden Whitaker, Ella Whitaker, Hailey Miller; Lifeguard – Colten Miller, Bailey Tuttle, Camry Brehmer, Miriel Brokow,

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

Eyan Tuttle, Ashlynn Whitley, Layla Fisher, and Gavin Hardeman. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED**

18. Motion by Phillips, seconded by Carr to approve building permit from Kyle Brink at 240 N 3rd St. for a vinyl fence in the backyard. On roll call, AYE: Phillips, Carr, Steinmeyer, Vacha NAY: None. **MOTION CARRIED**

19. Motion by Phillips, seconded by Vacha to approve building permits from Nicole Greve at 410 N 7th Ave. for a garage, concrete driveway, and sidewalk. On roll call, AYE: Phillips, Vacha, Steinmeyer, Carr NAY: None. **MOTION CARRIED**

20. Motion by Vacha, seconded by Steinmeyer to enter executive session at 7:04 PM to discuss Jarrod McElroy's annual review and Jesse Raabe's Grade 4 Water License raise. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED.**

Motion by Vacha, seconded by Steinmeyer to return to regular session at 7:12 PM On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED.**

Motion by Steinmeyer, seconded by Vacha to approve 4% raise for Jarrod McElroy. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED.**

Motion by Vacha, seconded by Steinmeyer to approve \$1.00 raise for Jesse Raabe's Grade 4 Water License. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED**

21. Motion by Steinmeyer, seconded by Carr to approve payment of \$1,397.08 to KB's Mini Mart. On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha NAY: None. **MOTION CARRIED**

22. Motion by Phillips, seconded by Carr to approve payment of \$1,595.26 to Steiny's General Store. On roll call, AYE: Phillips, Carr, Vacha NAY: None Abstain: Steinmeyer. **MOTION CARRIED**

23. Motion by Phillips, seconded by Steinmeyer to adjourn the meeting at 7:16 PM. On roll call, AYE: Phillips, Steinmeyer, Carr, Vacha NAY: None. **MOTION CARRIED**

Kyle Brink
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

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, April 4, 2023 – 5:30 P.M.

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)