

**LYONS**  
**CITY COUNCIL MEETING**  
**Minutes**  
**Tuesday, March 7, 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 5:30 P.M., March 7, 2023, at Lyons City Hall. Present were Council members Steinmeyer, Vacha and Phillips. Council Member Housh Sr. had an excused absence. Also in attendance were City Clerk Anderson, City Attorney Smith, Library Director Heavrin, Police Chief Dunn, and Utility Supervisor Ueding.

Visitors at the meeting were Ric Ortmeier, CPA, Alyson Pedro, Nate Wing of Olsson, Kirk Brown of NENEDD, Corbin Wheaton, Bill Hedges, and Viv Novotny, Terry Meier, Matt Kalin with JEO.

**I. ROUTINE BUSINESS**

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

1. Motion by Steinmeyer, seconded by Phillips to enter into a Public Hearing. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:30 PM for the purpose of hearing support, opposition, criticism, suggestions, or observations to the One & Six Year Plan. There being no verbal or written comments or objections, a motion by Steinmeyer, seconded by Vacha was made to adjourn the Public Hearing. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.** Mayor Brink Closed the Public Hearing at 5:31PM.
  
2. Motion by Vacha, seconded by Phillips to enter into a Public Hearing. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:31 PM for the purpose concerning the activities of the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG) and to give citizens the opportunity to be heard regarding the Water/Wastewater (WW) grant. There being no verbal or written comments or objections, a motion by Vacha, seconded by Phillips was made to adjourn the Public Hearing. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.** Mayor Brink Closed the Public Hearing at 5:32.

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**III. CONSENT AGENDA**

1. Dispense with reading of minutes of meeting held February 7, 2023.
2. Dispense with reading of minutes of meeting held February 16, 2023.
3. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
4. Treasurer report.

**February Claims**

AMERICAN TEST CENTER (WI)	TEST/INSPECT	\$ 1,689.00
AMERITAS INVESTMENT CORP.	RETIREMENT	\$ 5,078.82
A-OX WELDING SUPPLY CO	SUPPL	\$ 233.93
APPA	MEMBERSHIP DUES	\$ 700.00
APPEARA	CLOTHING	\$ 294.20
AUTO VALUE	MTCE	\$ 900.82
BLUE CROSS BLUE SHIELD	GROUP HEALTH INS	\$ 8,480.49
BOMGAARS	SUPPL	\$ 298.97
BORDER STATES INDUSTRIES	UTILITY FLAGS	\$ 768.08
BRYAN DUNN	REIMBURSEMENT VEST/CUFFS	\$ 1,682.66
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,742.00
BURT COUNTY SHERIFF	TELETYPE FEES	\$ 20.00
CITY OF LYONS PETTY CASH	MEALS - TERRY/JARROD	\$ 91.55
CITY OF LYONS UTILITIES	UTILITIES	\$ 6,963.92
COMFORT INN	LODGING TERRY FIRE M CONF	\$ 196.00
DANIEL A SMITH	LEGAL SERVICES	\$ 1,000.00
EFTPS	FED/FICA TAX	\$ 13,837.26
ELECTRONIC CONTRACTING CO	ANNUAL MONT SERV	\$ 324.00
FASTWYRE BROADBAND	SERV	\$ 483.73
GREAT PLAINS UNIFORMS	CLOTHING	\$ 554.25
CITY OF LYONS EMPLOYEES	HSA	\$ 1,400.00
JACK'S UNIFORMS	EQUIP	\$ 269.80
LANE'S TREE SERVICE	TREE REMOVAL	\$ 2,500.00
LINCOLN FINANCIAL	INSURANCE	\$ 281.58
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	\$ 209.66
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 407.44
MIDWEST LABORATORIES INC	TESTING	\$ 46.12
MUTUAL OF OMAHA	INSURANCE	\$ 204.15
NDEE-PUBLIC WATER OPERATR	WATER CLASS - RAABE	\$ 375.00
NE DEPT OF HHS	2023 POOL LICENCE RENEWAL	\$ 40.00
NE PUBLIC HEALTH ENVIRONM	TESTING	\$ 157.00
NEBR STATE FIRE MARSHALL	METER ASSESSMENT	\$ 106.00

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NEBRASKA DEPT OF REVENUE	SALES & USE TAX	\$ 14,570.04
NORTHSTAR TRUCK SALES	2007 4400 BUCKET TRUCK	\$ 34,950.00
NOVUS COMPUTERS	MTCE/OFFICE 365	\$ 185.75
NPGA	GAS PURCHASE	\$ 90,498.07
NPPD	ELECTRIC	\$ 34,988.94
OAKLAND LUMBER	MTCE	\$ 10.49
ONE OFFICE SOLUTION	SUPPL	\$ 119.00
CITY OF LYONS EMPLOYEES	PAYROLL	\$ 30,204.11
PORT-A-JOHNS	FEB SERV	\$ 70.00
QUADIENT FINANCE USA INC	POSTAGE	\$ 600.00
RICK COEN JR	JANITOR SERV	\$ 900.00
RUBIN CONSTRUCTION LLC	PMT #13 WTP	\$ 21,474.63
S & S LOCKSMITH	MTCE LOCKS	\$ 123.00
SAVEMORE MARKET	SUPPL	\$ 83.61
SCOTT'S HARDWARE	SUPPL/MTCE	\$ 20.98
SEALS & SERVICE	REPAIRS	\$ 854.00
SIOUX SALES COMPANY	AMMO/SUPPL	\$ 104.80
TERRY UEDING	GAS/MEAL REIMBURSEMENT	\$ 179.43
VERIZON WIRELESS	POLICE SERV	\$ 258.73
WAPA	ELECTRIC	\$ 7,047.35
WASTE CONNECTIONS OF NE	GARBAGE FEE	\$ 7,138.95
WEST POINT IMPLEMENT	MTCE	\$ 211.04

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

**IV. REGULAR AGENDA / NEW BUSINESS**

1. Motion by Vacha, seconded by Steinmeyer to adopt **Resolution No. 2023-3 – One & Six Year Street Program**. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
2. Ric Ortmeier, CPA, along with Alyson Pedro reviewed the 2021/2022 Audited Financial Report with the council. Motion by Vacha, seconded by Phillips to accept the 2021/2022 Audited Financial Report. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
3. Viv Novotny, Client Manager with JEO Consulting Group, discussed engineering services they offer. Terry Meier, Funding Specialist with JEO, discussed their role in applying for public grants. Matt Kalin, Power and Electrical Engineer, discussed his findings after speaking with Ueding and visiting our power plant. He suggested contacting NPPD regarding capacity payment and has contacts for mechanical if that's the route the city wishes to take.

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4. Corbin Wheaton asked for an update on when the park gates will be open. Council let him know that depending on mother nature and when the road firms up, they hope to open soon.
5. Mayor Brink introduced **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.** Motion by Steinmeyer for the suspension of the statutory rule requiring reading on three separate days, seconded by Phillips. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.** Ordinance No. 754 was read by title, and Steinmeyer moved for passage of the ordinance, seconded by Phillips. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
6. Motion by Vacha, seconded by Steinmeyer to adopt **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)** On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
7. Motion by Phillips, seconded by Steinmeyer to approve Bill Hedges request to close Main Street between 2<sup>nd</sup> and 3<sup>rd</sup> St from 9 AM – 3 PM and 7<sup>th</sup> St from Pearl to Main St from 1 PM – 5 PM on May 21<sup>st</sup> to film with a rain date of June 4<sup>th</sup>, 2023. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.**
8. Motion by Vacha, seconded by Phillips to approve Jameel Whitlock with Creation at Play’s request to close Main Street between 2<sup>nd</sup> and 3<sup>rd</sup> St on April 25<sup>th</sup> from 6:00 PM – 10:00 PM and 1<sup>st</sup> Av between Main St and Pearl St on April 26<sup>th</sup> from 7:00 PM to 11:00 PM to film a sequence for their short film “Atomic Zombies” contingent on the approval of affected businesses Emi’s and Merly’s. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED.**  
  
Clerk Anderson will talk to business owners for approval.
9. Police Chief Dunn is seeking approval for a purchase agreement with Axon Enterprises that would provide body cameras and tasers for the police department. The vehicles are waiting on a docking station and need printers and scanners to complete their installation with Tri-State. It was suggested to hire Josh Svendsen as a trainee so the 16-week clock doesn’t start until he goes to the academy in May. Through the Skillbridge program, there will be no cost to the city for Svendsen’s training hours. Mayor Brink let the council know the City of Lyons received a check from the City of Oakland for half of the overlap of hours from former police officer Terry Poland for approximately \$1,700.
10. Motion by Vacha, seconded by Phillips to approve Service and Purchase Agreement with Axon Enterprises, Inc. for a 60-month service costing \$6,529.07 annually. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**

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11. Motion by Steinmeyer, seconded by Vacha to approve the purchase of three printers, scanners, and car adapters for police vehicles in the amount of \$3,095.39. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
12. Motion by Steinmeyer, seconded by Phillips to accept the sealed bid for a 2013 Dodge Charger from Dan Tranmer in the amount of \$800. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
13. Motion by Vacha, seconded by Phillips to approve the hiring of a training officer through the DOD Skillbridge Program. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
14. Library & Grant reports - Mike Heavrin.

Income in January was \$0 and this is 197.92 below the monthly budgetary goal. Income for the fiscal year through January totaled \$371.40, which is \$420.22 below FY 2022-23 goal. Expenses for January came to \$3,115.58, which is \$1,651 below the monthly budget. Expenses for the fiscal year through January totaled \$16,168.10, which is \$2,896.34 below the approved budget.

Friends of the Library and Library Staff hosted a WinterFest.

Lacy had taken over the cleaning duties at the library. She will have up to 7.5 hours per week to clean the facility.

The E-Rate Form 470 has been filed. Fastwyre has not finished its work to cover 80% of Internet costs. Clerk Anderson will give Mike a different person to contact.

Need to get a current estimate from utility department to replace the sidewalk on the north side of the Library. The Endowment will cover the cost and the utility department will do the work.

CCCCFF grant was submitted and should know by the end of March if it was awarded.

Public Works Grant was not submitted due to not being able to complete the required planning steps. Another round is expected late this summer. In the meantime, two new grants are possible.
  
15. Utilities Superintendent Ueding report.
  - a. Terry thanked the council for their help in the purchase of a Bucket truck. There were a few issues in the beginning that were covered through warranty. Overall, it is a really nice truck and well taken care of.
  - b. Motion by Steinmeyer, seconded by Vacha to purchase stump grinder. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  - c. Spring Cleanup – Clerk Anderson will discuss.
  - d. Discussion was held regarding the blacktop roads and possibly renting a roller. There would be a discount if the Cemetery Board gets their road done at the same time.
  - e. Wastewater Curtains have been received and are ready for installation by the Utility Department.
  - f. Jesse passed his water license. Mayor Brink asked Steinmeyer and Ueding to get a written procedure for raises when the Utility Department earns licenses.
  - g. Motion by Vacha, seconded by Phillips to repair digger truck for \$5,200 from Steiny’s Farm Repair. On roll call, AYE: Vacha, Phillips, Brink NAY: None. ABSTAIN: Steinmeyer ABSENT: Housh Sr. **MOTION CARRIED**

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16. Motion by Steinmeyer, seconded by Phillips to approve payment to Allied Systems, Inc for Lagoon baffle Curtain Replacement in the amount of \$64,425 using ARPA Funds. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
17. Clerk Anderson Report.
  - a. General, Utility, and Debt Service Income Statements for the month ending February 28<sup>th</sup>, 2023. The General Fund had a month-to-date net gain of \$11,676.44 and a year-to-date net gain of \$21,334.96. The Utility Fund had a month-to-date net loss of \$31,539.57 and a year-to-date net gain of \$98,804.18. Debt Service had a month-to-date net gain of \$8,507.18 and a year-to-date net loss of \$98,804.18.
  - b. Budget Reports for the fifth month (41.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 23.38%. General Expenses were 30.22%. Utility Receipts were 34%. Utility Expenses were 27.05%. Debt Service Receipts were 17.67%. Debt Service Expenses were 87.45%.
  - c. City Office Closed March 13<sup>th</sup> – 17<sup>th</sup>, 2023 for Clerk School for Shalena and Whitney.
  - d. Spring Cleanup date will be April 21<sup>st</sup> and April 22<sup>nd</sup> from 8 AM – 5 PM, Rain or Shine. Council will provide trash bags and gloves if a volunteer city cleanup is done on April 22<sup>nd</sup>.
  
18. Mayor Brink informed the public and council of a Notice of Resignation by Council Member Carvin Housh Sr. effective April 4, 2023, due to health issues.
  
19. Discussion was held regarding what to do with the community center flooring. Steinmeyer stated that Rick is noticing a lot of peeling of the previously heavily waxed floor and thinks it needs to be stripped. Council decided to wait until the new Janitor starts to decide what to do.
  
20. Motion by Phillips, seconded by Vacha to approve a sealed bid from MaKenna McCulloch for Janitor Services at Community Center at \$50/hr. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
21. Motion by Phillips, seconded by Steinmeyer to approve the building permit from KB's Mini-Mart at 600 Main St. for a 27'x19'x12' office addition. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
22. Motion by Steinmeyer, seconded by Phillips to approve the building permit from Kyle Brink for a shed/garage at 240 N 3<sup>rd</sup> St. Lyons, NE. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
23. Motion by Vacha, seconded by Steinmeyer to approve a special designated liquor license from Lyons Vol. Fire Department for the Fish Fry on March 31, 2023, in Lyons, NE. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
  
24. Motion by Steinmeyer, seconded by Phillips to approve a special designated liquor license from Lyons Vol. Fire Department for the Alumni Dance on May 27, 2023, in Lyons, NE. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**

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25. Motion by Steinmeyer, seconded by Phillips to approve a special designated liquor license from Lyons Fire Department for the Annual Street Dance on July 3, 2023, in Lyons, NE. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
26. Motion by Steinmeyer, seconded by Vacha to approve a special designated liquor license from Lyons Fire Department for a Pheasant Forever Event on April 15, 2023, in Lyons, NE. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
27. Motion by Phillips, seconded by Steinmeyer to approve payment of \$1,944.52 to KB’s Mini Mart. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **MOTION CARRIED**
28. Motion by Phillips, seconded by Vacha to approve payment of \$764.28 to Steiny’s General Store. On roll call, AYE: Vacha, Phillips, Mayor Brink NAY: None. ABSENT: Housh Sr. ABSTAIN: Steinmeyer. **MOTION CARRIED**
29. Motion Steinmeyer, seconded by Vacha to adjourn the meeting at 7:31 PM. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. ABSENT: Housh Sr. **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 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)