



CITY COUNCIL MEETING

Minutes

Tuesday, January 9, 2024 – 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., January 9, 2024, at Lyons City Hall. Present were Council members Vacha, Phillips, Steinmeyer and Carr. Also in attendance were City Clerk Anderson, Police Chief Svendsen, and Utility Supervisor Ueding. Visitors were Jim Vlach, Tina Ronnfeldt, Cassie Myers, Tony Mathis and Tony Dodge.

I. ROUTINE BUSINESS

The meeting was called to order upon motion by Carr, seconded by Vacha. On roll call, AYE: Steinmeyer, Phillips, Vacha, Carr. 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 December 12, 2023.
2. Claims as presented except claims of KB’s Mini Mart and Steiny’s General Store.
3. **Resolution No 2023-24: Appointment of Alternate representative to NMPP Members’ Council and National Public Gas Agency Board of Directors was adopted and signed.**

<u>DECEMBER 2023 CLAIMS</u>		
ACCO UNLIMITED CORPORATIO	CHEM	\$ 1,392.83
AMERITAS LIFE CORP	RETIREMENT PLAN	\$ 1,452.19
APPEARA	CLOTHING	\$ 336.00
AUTO VALUE	MTCE	\$ 194.09
BIBLIONIX	ANNUAL SOFTWARE	\$ 990.00
BLACK DIAMOND ELECTRONICS	RECYCLING SIGNS	\$ 380.00
BLANC’S BODY & GLASS	MTCE	\$ 327.45
BLUE CROSS BLUE SHIELD	GROUP HEALTH INS	\$ 7,120.87
BOMGAARS	SUPPL	\$ 192.15
BREHMER INDUSTRIES	MTCE RECY TRAILER	\$ 500.00
BURT CO ECONOMIC DEVELOP	1ST HALF 2024 DUES	\$ 2,100.00



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BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,823.60
BURT COUNTY SHERIFF	TELETYPE FEE	\$ 24.00
CENGAGE LEARNING	BOOKS	\$ 78.72
CENTER POINT LARGE PRINT	BOOKS	\$ 190.56
CITY EMPLOYEES	HSA	\$ 1,600.00
CITY OF LYONS UTILITIES	STATE SHED TRANSFER	\$ 121.85
COLE PAPERS INC.	SUPPL	\$ 299.93
COLONIAL RESEARCH CHEMICA	SUPPL	\$ 213.32
EFTPS	FED/FICA TAX	\$ 7,253.40
ELECTRONIC CONTRACTING CO	FIRE ALARM	\$ 369.00
GPM	MTCE	\$ 504.00
HEATH CONSULTANTS	MTCE	\$ 874.91
J.P. COOKE CO.	CAT/DOG LICENSES	\$ 140.80
JENSEN PLG & HTG INC	MTCE	\$ 1,804.69
JOSH SVENDSEN	MILEAGE REIMBURSEMENT	\$ 715.00
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	\$ 639.06
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 169.86
MAKENNA MCCULLOCK	JANITOR SERV	\$ 817.00
MIDWEST DIESEL, INC.	MTCE	\$ 484.46
MIDWEST LABORATORIES INC	TESTING	\$ 632.11
MUTUAL OF OMAHA	INS	\$ 377.85
NE PUBLIC HEALTH ENVIRONM	TESTING	\$ 151.00
NEBR MUNICIPAL CLERK INST	CLERK SCHOOL	\$ 443.00
NEBRASKA DEPT OF REVENUE	SALES AND USE TAX	\$ 8,838.80
NOVUS COMPUTERS	365 EXCHANGE/MICROSOFT 365	\$ 61.00
NPGA	NATURAL GAS PURCHASE	\$ 40,550.21
NPPD COLUMBUS	ELECTRIC PURCHASES	\$ 29,816.52
ONE CALL CONCEPTS, INC.	LOCATE FEE	\$ 40.94
ONE OFFICE SOLUTION	POSTAGE	\$ 30.83
CITY EMPLOYEES	PAYROLL CHECKS	\$ 29,924.42
PORT-A-JOHNS	SERV	\$ 70.00
SAVEMORE MARKET	SUPPL	\$ 30.16
STANEK FIRE PROTECTION	INSPECT	\$ 223.00
US BANK	SHRIMP/SUPPL/BOOKS	\$ 237.12
VERIZON WIRELESS	SERV UTIL	\$ 101.84
WASTE CONNECTIONS OF NE	GARBAGE FEE	\$ 8,278.20
WESCO RECEIVABLES CORP	SUPPL	\$ 391.62



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JANUARY 2024 CLAIMS

NOVUS COMPUTERS	MTCE	\$	135.00
LYONS MIRROR SUN	LEGAL PRINTING	\$	19.08
NE DEPT OF REVENUE	SALES AND USE TAX	\$	9,498.87
WAPA	ELECTRIC PURCHASES	\$	6,678.11
NPPD	ELECTRIC PURCHASES	\$	31,497.15

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

IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Vacha, seconded by Phillips to approve Mayor Brink's recommendation of appointing Joshua Svendsen as Chief of Police from January 1 through December 31, 2024. On roll call, AYE: Carr, Steinmeyer Phillips, Vacha. NAY: None. **MOTION CARRIED.**
2. Clerk Anderson advised Council that Chief Svendsen and Attorney Munderloh were sworn in and their Oath of Office has been signed and notarized.
3. Lyons Economic Development Committee members Jim Vlach, Cassie Myers, and Tina Ronnfeldt presented Council with an Economic Development Plan and a request to put LB840 on the May ballot. Vlach explained that LB840 is a .5% sales tax that could only be used to execute the economic development plan in the form of loans and grants. A local Citizen's Advisory Committee evaluates applications to determine if they meet the criteria prior to Council approval. A .5% sales tax would generate approximately \$64,000 per year and it also includes online sales. Vlach further explained that we are paying this tax when we do business in surrounding communities like Bancroft, Decatur, Tekamah, and West Point. Council Member Vacha and Phillips volunteered to meet with the committee to further review the plan. A Public Hearing and Resolution will be on the February agenda.
4. Tony Mathis with the Lyons Car and Bike Show Committee provided Council with a proposal for their show July 7th, 2024. Mathis requested council approval for street closure during the event. With two separate car show proposals, Mayor Brink stated that he does not feel Council should decide if one or the other can have their event. Since one show is on the 4th and the other on the 7th, they will allow street closure for both events. The Utility Department will provide barricades for the street closures.
5. Clerk Anderson let council know Ruth Cole will not be attending the meeting as she was satisfied with the new proposed ordinance but did request Council to give a credit for her demand charge. A discussion was held regarding Electric rates and the proposed ordinance setting a cap for businesses under 55 KW or 10,000 kWh to not be charged a demand rate and have a higher commodity rate. The ordinance also gives



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customers a summer and winter rate. Council would like to get numbers on cost and how many businesses would not qualify for demand rates with the new proposed ordinance and decide at the next council meeting if they would like to give a credit.

6. Mayor Brink introduced **ORDINANCE NO. 764 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO AMEND CHAPTER 3, ARTICLE 9, SECTION 3-909 OF THE LYONS MUNICIPAL CODE, TO SET MUNICIPAL ELECTRIC RATES FOR THE CITY OF LYONS, COUNTY OF BURT STATE OF NEBRASKA; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.** Motion by Phillips, seconded by Steinmeyer for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips. NAY: None. **MOTION CARRIED.** Ordinance NO. 763 was read by title, and Steinmeyer moved for passage of the ordinance, seconded by Phillips. On roll call, AYE: Vacha, Carr, Phillips, Steinmeyer. NAY: None. **MOTION CARRIED.**
ORDINANCE NO. 764 has been passed, approved, and available in pamphlet form.
7. Mayor Brink introduced **ORDINANCE NO. 765 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO AMEND CHAPTER 1 ARTICLE 9, SECTION 1-903; RELATING TO MUNICIPAL AND APPOINTED OFFICIALS, AND EMPLOYEES OF THE CITY; PROVIDING A MINIMUM AND MAXIMUM COMPENSATION RANGE SCHEDULE FOR EACH; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.** Motion by Vacha, seconded by Carr for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha. NAY: None. **MOTION CARRIED.** Ordinance NO. 765 was read by title, and Vacha moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha. NAY: None. **MOTION CARRIED.**
ORDINANCE NO. 765 has been passed, approved, and available in pamphlet form.
8. Motion by Carr, seconded by Steinmeyer to adopt **Resolution No. 2024-01: A resolution for submission deadlines.** On roll call, AYE: Phillips, Vacha, Steinmeyer, Carr. NAY: None. **MOTION CARRIED.**
9. Motion by Steinmeyer, seconded by Vacha to approve Mayor Brink's recommendation of appointing Cassie Myers to the Burt County Economic Development Board to replace Shawn Vetick. On roll call, AYE: Carr, Phillips, Vacha, Steinmeyer. NAY: None. **MOTION CARRIED.**
10. Motion by Vacha, seconded by Steinmeyer to approve Chad Brehmer's Building Permit at 600 N. 3rd St. Lyons, NE for an 8x10 ft garden shed. On roll call, AYE: Carr, Phillips, Steinmeyer, Vacha. NAY: None. **MOTION CARRIED.**
11. Motion by Carr, seconded by Steinmeyer to approve Steve Jensen's Building Permit at 600 N 3rd St for 480 sq ft addition. On roll call, AYE: Vacha, Steinmeyer, Carr. NAY: Phillips. **MOTION CARRIED.**



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12. Police Report – Chief Svendsen

Chief Svendsen presented the December police report for his time after graduating from the academy. The report included 3 ordinance violations, 1 drug traffic stop, and 1 dog at large with fine imposed. There are two strong candidates with the Skillbridge program and two potential part-time officers. An increase in pay for part-time officers with experience and removal of on call was proposed in Ordinance 765. Svendsen has also been working on organizing the PD administratively and completing certifications/trainings.

13. Library & Grant reports – Due to weather Mike Heavrin was unable to attend and Clerk Anderson read report.

Income in November was \$175.50 and this is \$22.02 below the monthly budgetary goal. Income for the fiscal year totals \$410.90, which is \$16.75 above our FY 2023-2024 goal. Expenses for November came to \$4,638.35, which was \$237.90 below the monthly budget. Fiscal year expenses total \$9,209.91, and that is \$503.59 below the approved budget for this point in FY 2023-2024.

Santa Claus made a visit to the Library on December 13th and 108 children signed in.

Park Project and Ball Field Concessions project estimate is \$570, 562. Donald E. Nielsen Foundation awarded the city \$110,000 to be used in matching funds for the project.

Another grant proposal to purchase AED's, trauma kits, and stop-the-bleed kits has been submitted to the Fremont Area Community Foundation. Estimated cost are \$13,000-\$15,000. We are asking for \$11,000.

14. Utilities report

- a. Yellow truck is still having electrical issues and had to be taken back to the shop and have the computer flashed for a 2nd time. It has been working through this snow storm and hopeful it continues.
- b. Terry informed council of training and conferences the utility department will be attending in the next few months.
- c. Recycling center signs are up and look nice.
- d. The Community Center had a leak in the hallway by the restrooms. Jensen's fixed the leak and will need to have some cosmetic damage repaired.

15. Discussion was held regarding the hiring of a 5th maintenance worker. Mayor Brink stated that he cannot justify the hiring of another employee unless the department takes over the mowing and spraying of our parks as well as not hiring a part-time summer employee. Council would also like to see the hire get certifications and cross-trained for all departments as well as their main responsibility be maintaining our parks and other city property. Council would like to be proactive with the future of the utility department with two employees getting close to retirement age. Vacha stated that he is not against the hiring, but would like further numbers on the budget and the cost of benefits. Clerk Anderson stated that their insurance would depend on whether they had a spouse or dependents. Mayor Brink added the cost of mowing and part-time summer help would pay for about half of their wage.



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Motion by Phillips, seconded by Carr to approve the hiring of a 5th maintenance worker. On roll call, AYE: Steinmeyer, Carr, Phillips. NAY: None. Abstain: Vacha. **MOTION CARRIED.**

16. Clerk's Report – Whitney Anderson

- a. Motion by Vacha, seconded by Carr to accept Clerk Anderson's Treasurer Report. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha. NAY: None. **MOTION CARRIED.**
- b. General, Utility, and Debt Service Income Statements for the month ending December 31st, 2023. The General Fund had a month-to-date net gain of \$122,577.84 and a year-to-date net gain of \$84,701.44. The Utility Fund had a month-to-date net gain of \$28,854.04 and a year-to-date net gain of \$87,793.73. Debt Service had a month-to-date net gain of \$1,498.66 and a year-to-date net loss of \$119,361.23.
- c. Budget reports for the third month of FY 23-24 (25%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 17.15%. General Expenses were 11.32%. Utility Receipts were 26.01%. Utility Expenses were 20.08%. Debt Service Receipts were 5.82% and Debt Service Expenses were 88.51%.
- d. The City was awarded \$4,950 from the Lower Elkhorn NRD for the Community Forestry Incentive Program. The grant requires a 25% match and funds will go towards the planting of trees in our parks and boulevards. We will receive grant funds no earlier than July 1, 2024, but can start the project immediately.
- e. Attorney Munderloh will attend our February Council meeting to discuss the legal review from American Legal to finish up the codification of our codebook.
- f. A letter was received from Burt County Assessor regarding the intent to tax city-owned parcels that are not used for public use.

17. Mayor Brink opened sealed bids for Janitor Services. Motion by Phillips, seconded by Steinmeyer to accept Megan Vavra's bid of \$50/hr. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSTAIN: Carr. **MOTION CARRIED.**

18. Motion by Steinmeyer, seconded by Carr to approve payment of \$1,329.25 to KB's Mini Mart. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer. NAY: None. **MOTION CARRIED.**

19. Motion by Carr, seconded by Vacha to approve payment of \$172.18 to Steiny's General Store. On roll call, AYE: Phillips, Vacha, Steinmeyer. NAY: None. ABSTAIN: Steinmeyer. **MOTION CARRIED.**

20. Mayor Brink adjourned the meeting at 7:40 PM.



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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)