



## CITY COUNCIL MEETING

### Minutes

Wednesday, March 13, 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., March 13<sup>th</sup>, 2024, at Lyons City Hall. Present were Council members Vacha, Phillips, and Steinmeyer. Carr had an excused absence. Also in attendance were City Clerk Anderson, Police Chief Svendsen, Library Director Heavrin and Utility Supervisor Ueding.

Visitors were Matthew Smith Street Superintendent with Olsson Associates, Ric Ortmeier CPA, Alyson Pedro, and Kelly Adamson with Three Rivers Housing.

### I. ROUTINE BUSINESS

The meeting was called to order upon a motion by Vacha, seconded by Phillips. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **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: Vacha, Phillips, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:30 PM for the purpose of hearing support, opposition, criticism, suggestions, or observations concerning the adoption of the City of Lyons One & Six Year Plan. Matthew Smith, Street Superintendent with Olsson Associates, presented the plan to those in attendance. There being no other verbal or written comments or objections, a motion by Vacha, seconded by Steinmeyer was made to adjourn the Public Hearing. On roll call, AYE: Phillips, Steinmeyer, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.** Mayor Brink Closed the Public Hearing at 5:31 PM.

### III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held February 13<sup>th</sup>, 2024.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. **RESOLUTION NO. 2024-02 - A RESOLUTION OF THE CITY OF LYONS, NEBRASKA, ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE NEBRASKA LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT AND AUTHORIZING AND DIRECTING THAT TWO (2) ISSUES BE PLACED ON THE BALLOT FOR THE NEBRASKA PRIMARY ELECTION TO BE HELD ON MAY 14, 2024, TO WIT: CONSIDERATION BY THE MUNICIPALITY'S ELECTORS TO ADOPT THE ECONOMIC DEVELOPMENT PLAN AS PRESENTED AND (2) CONSIDERATION BY THE MUNICIPALITY'S ELECTORS TO FUND THE ECONOMIC DEVELOPMENT PLAN WITH A LOCAL OPTION SALES TAX OF ONE-HALF PERCENT (0.5%) was adopted and signed.**



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4. **RESOLUTION NO. 2024-03 - A RESOLUTION OF THE CITY OF LYONS, NEBRASKA, ADOPTING A POLICE CODE OF CONDUCT, POLICE POLICY 003 – VEHICLE OPERATIONS, POLICE POLICY 004 – COMMAND STRUCTURE, POLICE POLICY 005 – DRESS CODE was adopted and signed.**

**February 2024 Claims**

AMERITAS LIFE CORP	RETIREMENT PLAN	\$ 1,450.73
APPEARA	CLOTHING	\$ 420.00
AUTO VALUE	MTCE - GREEN TRUCK	\$ 47.30
BARCO MUNICIPAL PRODUCTS	SUPPL	\$ 1,724.42
BLUE CROSS BLUE SHIELD	GROUP HEALTH INS	\$ 8,766.33
BOMGAARS	SUPPL/MTCE	\$ 57.17
BORDER STATES INDUSTRIES	SUPPL-SCHOOL	\$ 362.48
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,823.60
BURT COUNTY SHERIFF	TELETYPE FEES FEB/MARCH	\$ 48.00
CENGAGE LEARNING	BOOKS	\$ 103.46
CENTER POINT LARGE PRINT	BOOKS	\$ 383.52
CITY OF LYONS UTILITIES	UTILITIES	\$ 15,262.02
COLONIAL RESEARCH CHEMICA	SUPPL	\$ 452.41
COMFORT INN	LODGING	\$ 247.05
DEPARTMENT OF ENERGY	ELECTRIC	\$ 6,710.49
DEPOSIT REFUNDS	REFUND	\$ 722.38
EFTPS	FED/FICA TAX	\$ 3,891.29
ELECTRONIC CONTRACTING CO	ANNUAL MONITOR SERV	\$ 324.00
FASTWYRE BROADBAND	SERV	\$ 646.55
HOLIDAY INN-KEARNEY	LODGING METER CONF	\$ 491.80
CITY EMPLOYEES	HSA	\$ 1,400.00
IMMENSE IMPACT, LLC	WEBSITE SUBSCRIPTION - ANNUAL	\$ 665.00
JACK'S UNIFORMS	EQUIP	\$ 75.94
JESSE RAABE	MEAL REIMBURSEMENT	\$ 63.26
JOHNSON & MOCK, PC, LLO	LEGAL SERVICES	\$ 533.00
KOONS GAS MEASUREMENT	SUPPL	\$ 2,261.76
LIFEGUARD	AED'S WITH FACF GRANT	\$ 11,571.44
LINCOLN FINANCIAL	INS	\$ 288.75
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 227.70
MEGAN VAVRA	JANITOR SERV	\$ 662.50
MIDWEST LABORATORIES INC	TESTING	\$ 51.75



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NEBR STATE FIRE MARSHALL	METER ASSESSMENT	\$ 92.80
NEBRASKA DEPT OF REVENUE	STATE TAXES	\$ 1,069.31
NEBRASKA RURAL WATER ASSO	BACKFLOW COURSE - RAABE	\$ 750.00
NORTHEAST TRACTOR PARTS	MTCE-RED TRACTOR	\$ 28.06
NOVUS COMPUTERS	REPAIRS	\$ 61.00
NPGA	NATURAL GAS PURCHASES	\$ 77,882.76
ONE OFFICE SOLUTION	SUPPL	\$ 214.68
CITY EMPLOYEES	PAYROLL CHECKS	\$ 30,538.88
PORT-A-JOHNS	SERV - FEB	\$ 70.00
SAVEMORE MARKET	SUPPL	\$ 51.69
SCOTT'S HARDWARE	SUPPL	\$ 522.07
SEALS & SERVICE	MTCE	\$ 21.03
STANEK FIRE PROTECTION	MTCE/FIRE EXT	\$ 2,234.00
TERRY UEDING	MEAL REIMBURSEMENT	\$ 58.51
US BANK	TRAINING	\$ 1,242.21
UTILITIES SECTION	METER CONF - UEDING, RAABE	\$ 500.00
VERIZON WIRELESS	SERV	\$ 203.98
WAGNER TIRE AND REPAIR	MTCE 02 F350	\$ 133.49
WASTE CONNECTIONS OF NE	GARBAGE FEE	\$ 8,193.25
WESCO RECEIVABLES CORP	SUPPL	\$ 32.74
WINDOW FILMS COMPANY	MTCE	\$ 820.00

#### **MARCH 2024 CLAIMS**

VERIZON	SERV - POLICE	\$ 122.90
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Motion by Phillips, seconded by Steinmeyer to approve the consent agenda. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**

#### **IV. REGULAR AGENDA / NEW BUSINESS**

1. Motion by Vacha, seconded by Phillips to adopt **Resolution No. 2024-04 – One & Six Year Street Program.** On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
2. Ric Ortmeier, CPA, along with Alyson Pedro reviewed the 2022-2023 Audited Financial Report with council.



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3. Motion by Phillips, seconded by Steinmeyer to accept the 2022/2023 Audited Financial Report. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
4. Denise Johnson with the Lyons Community Club discussed Christmas lights at the park. The city will work with the community club and have no problem with the lights being located in all areas of the horseshoe.
5. Kelly Adamson with Three Rivers Housing discussed Blight Studies, how TIFF works, and an update on housing projects. Three Rivers Housing has partnered with Habitat for Humanity and there is a critical care program with a 0% loan with a 10-year payback.
6. Police Report – Chief Svendsen  
Chief Svendsen presented the February police report. The report included 27 calls for service. Window tint had been installed at the station. Discussion was also held regarding the high issue of dogs running at large and Svendsen is working on implementing more strict animal control measures.
  - a. Motion by Vacha, seconded by Phillips to approve parallel parking spots along the PD. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
  - b. Motion by Vacha, seconded by Phillips to approve **Resolution No. 2024-05 - A RESOLUTION OF THE CITY OF LYONS, NEBRASKA, ADOPTING POLICE POLICY 006 - MOBILE VIDEO/AUDIO EQUIPMENT, POLICY 007 - TRAINING, BEGIN AND END TOUR OF DUTY, POLICY 009 - OFF DUTY EMPLOYMENT.** On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
7. Library Director Mike Heavrin Library and Grant Report: Income in January was \$0 and this is \$197.92 below the monthly budgetary goal. Income for the fiscal year totals \$2,135.90, which is \$1,344.23 above our FY 2023-2024 goal. Expenses for January came to \$3,866.68, which was \$1,009.57 below the monthly budget. Fiscal year expenses total \$18,066.64, and that is \$1,438.18 below the approved budget for this point in FY 2023-2024.  
The E-rate Form 471 to USAC has been submitted.  
Fremont Area Community Foundation awarded the City of Lyons with \$11,000 to purchase AED's, trauma kits, and stop the bleed kits.  
Heavrin is researching the SLCG Cybersecurity Grant program.  
CDBG Downtown Revitalization grant is due Sept 15, 2024.
8. Utilities report –Terry Ueding
  - a. Discussion was held regarding cost sharing for the schools electric project. Motion by Phillips, seconded by Steinmeier to waive labor costs for Lyons-Decatur School Electric Project for underground wiring. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.** The City will also cover the costs for Schmader Electric to come help the Utility Department terminate the underground wiring ends.



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- b. Ueding also addressed Zoning Regulation 4.11.01 regarding a trellis. He recommends the city either remove or rewords a trellis not being a permitted obstruction.
  - c. Spring Cleanup will be May 3<sup>rd</sup> and 4<sup>th</sup>. Discussion was held about possibly having a fall cleanup as well.
  - d. Motion by Vacha, seconded by Phillips to approve the purchase of an 84" broom attachment for the skid loader in the amount of \$7,796. On roll call, AYE: Steinmeyer, Vacha, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
  - e. Ueding discussed Electric Project for next FY which would include replacing the underground wiring from 3<sup>rd</sup>-8<sup>th</sup> Street on Everett. He plans on buying materials this FY and budgeting for Schmader Electric and replacing the underground in FY 24-25.
  - f. Joel F. is scheduled for school April 10<sup>th</sup> for spraying license 00 and 09. He may also need 04.
  - g. Ueding would like to see the skid loader, payloader and a pickup replaced over the next few years and wanted to know what item he should get numbers on for next FY budget. Mayor Brink asked what order of importance it is to the department and Ueding responded with skid loader, a pickup, and a payloader. Ueding will get numbers for May budget workshop on a skid loader.
  - h. Ueding wanted the council to consider renting machinery or hiring help to rock the lagoon.
  - i. The city received \$949.59 grant from NMPP for a local innovative energy project. Anderson suggested using these funds to go towards GIS mapping of our gas and electric. We will work with JEO on costs.
  - j. Motion by Vacha, seconded by Phillips to enter into executive session at 7:57 PM to discuss employee personal. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.** Motion by Phillips, seconded by Vacha to return to regular session at 8:02 PM. On roll call, AYE: Steinmeyer, Vacha, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
9. Motion by Vacha, seconded by Phillips to hire Jordan Paulson as a utility maintenance worker at \$20/hr with a relocation agreement of 12 months from start date. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
  10. Motion by Phillips, seconded by Steinmeyer to appoint Joel Fredrickson as the Park/Utility Maintenance Worker. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
  11. Motion by Vacha, seconded by Phillips to approve the transmission service agreement between NPPD and City of Lyons. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED**
  12. Motion by Phillips, seconded by Steinmeyer to approve the JEO water system and sewer system agreement with the water system phase one lump sum of \$14,500 and sewer system lump sum of \$500 for GIS Mapping. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.** NDEE awarded the City of Lyons a Water System security Grant up to 90% of the total project cost, not to exceed \$10,000.



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13. Motion by Vacha, seconded by Phillips to table the approval of JEO Gas System Agreement for GIS Mapping. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED**
14. Motion by Vacha, seconded by Phillips to table the approval of JEO Park Project Agreement. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED**
15. Clerk's Report – Whitney Anderson
  - a. Motion by Phillips, seconded by Steinmeyer to accept Clerk Anderson's Treasurer Report. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
  - b. General, Utility, and Debt Service Income Statements for the month ending February 29th, 2024. The General Fund had a month-to-date net gain of \$4,520 and a year-to-date net gain of \$102,218.48. The Utility Fund had a month-to-date net gain of \$93,767.08 and a year-to-date net gain of \$217,683.18. Debt Service had a month-to-date net gain of \$8,266.82 and a year-to-date net loss of \$100,961.12.
  - c. Budget reports for the fifth month (41.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 24.19%. General Expenses were 17.20%. Utility Receipts were 49.95%. Utility Expenses were 36.16%. Debt Service Receipts were 18.52% and Debt Service Expenses were 88.51%.
  - d. Discussion was held regarding a water leak at 400 Grant Street. The council would like to know how many times the water meter rolled over before making any decision on charges to the owner. We will have an answer once Ueding can get into the home and inspect the meter.
  - e. A General Money Management savings account was created at First Northeast Bank of Nebraska and will transfer Nielsen Foundation Grant Funds into that account until needed for the park project.
  - f. Anderson submitted two grants by the March 14<sup>th</sup> deadline to the LENRD for their Recreation Area Development Program and Urban Conservation Assistance Program.
  - g. Ueding and Anderson have been working on updating the City's Mitigation Plan. Anderson provided council with a copy and asked for council to review and get back to her by the end of March with any additions or changes.
  - h. Discussion was held regarding outsourcing exterior inspections on properties. Cost would be \$200/inspection. Council agreed to have attorney write up a contract for April council meeting.
  - i. Anderson will be attending Clerk School March 18-22.
16. Motion by Vacha, seconded by Phillips approve hiring the following for the 2024 Swimming Pool season with current certifications: Pool Manager – Sherri Whitaker; Assistant Manager/Lifeguard – Jaden Whitaker, Ella Whitaker, Hailey Miller; Lifeguard –Bailey Tuttle, Kwyntin Kampa, Lexus Petersen, Layla Fisher, Miriel Brokaw, Eric Hart, Kaylin Miller, . On roll call, AYE: Phillips, Steinmeyer, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**



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17. Motion by Steinmeyer, seconded by Phillips to approve a building permit for Brian Raabe for a shed at 515 S 2<sup>nd</sup> St. On roll call, AYE: Vacha, Phillips, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
18. Motion by Steinmeyer, seconded by Vacha to approve a building permit for Whitney Anderson for a deck at 810 Debbie Ln. On roll call, AYE: Phillips, Vacha, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
19. Motion by Phillips, seconded by Steinmeyer to approve payment of \$1,235.41 to KB's Mini Mart. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
20. Motion by Vacha, seconded by Phillips to approve payment of \$205.49 to Steiny's General Store. On roll call, AYE: Phillips, Vacha, Brink. NAY: None. ABSTAIN: Steinmeyer. **MOTION CARRIED.**
21. Mayor Brink adjourned the meeting at 8:33 PM.

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)