



## CITY COUNCIL MEETING

### Minutes

Tuesday, February 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 5:31 P.M., February 13<sup>th</sup>, 2024, at Lyons City Hall. Present were Council members Vacha, Phillips, Steinmeyer. Carr had an excused absence. Also in attendance were City Clerk Anderson, Police Chief Svendsen, Librarian Heavrin, and Attorney Munderloh. Visitors were Matthew Smith Street Superintendent with Olsson Associates, Lindsey Beaudette Lyons-Decatur Northeast School Superintendent, and School Board Members Evan Myers, Chad Brehmer, and Jolene Troutman.

### I. ROUTINE BUSINESS

The meeting was called to order upon 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 Phillips, seconded by Vacha to enter into a Public Hearing. On roll call, AYE: Steinmeyer, Vacha Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:31 PM for the purpose of hearing support, opposition, criticism, suggestions, or observations concerning the adoption of the City of Lyons Economic Development Plan. 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, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.** Mayor Brink Closed the Public Hearing at 5:32 PM.

### III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held January 9, 2024.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. **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 was adopted, signed, and published in pamphlet form.**
4. **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;**



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**REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE was adopted, signed, and published in pamphlet form.**

- 5. **Resolution 2024-01 – Submission Deadlines was adopted and signed.**
- 6. **Approve Mayor Brink and Clerk Anderson to sign the Release of Funds Documents.**

<b>JANUARY CLAIMS</b>		
AMERITAS LIFE CORP	RETIREMENT PLAN	\$ 2,989.00
APPEARA	CLOTHING	\$ 336.00
AUTO VALUE	MTCE	\$ 701.65
BLUE CROSS BLUE SHIELD	GROUP HEALTH INS	\$ 7,120.87
BORDER STATES INDUSTRIES	SUPPL	\$ 271.77
BREHMER INDUSTRIES	ELEC	\$ 47.78
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,841.10
CENTER POINT LARGE PRINT	BOOKS	\$ 189.36
CITY EMPLOYEES	HSA	\$ 1,400.00
CITY EMPLOYEES	PAYROLL CHECKS	\$ 27,455.42
CITY OF LYONS UTILITIES	UTILITIES	\$ 8,148.15
CNA AUTO SERVICE	MTCE	\$ 106.30
CORE & MAIN	MTCE	\$ 722.24
DEPARTMENT OF ENERGY	ELECTRIC	\$ 7,047.35
DEPOSIT REFUNDS	UTILITY REFUND	\$ 455.23
EFTPS	FED/FICA TAX	\$ 6,963.36
FASTWYRE BROADBAND	SERV	\$ 925.10
FP MAILING SOLUTIONS	POSTAGE	\$ 600.00
FP MAILING SOLUTIONS LEAS	METER LEASE	\$ 251.85
INGERSOLL RAND COMPANY	MTCE AIR COMPRESSOR	\$ 939.56
INTERSTATE POWER SYSTEMS	MTCE	\$ 2,627.67
IOWA PUMP WORKS, INC.	REPAIRS	\$ 7,140.53
JACK'S UNIFORMS	EQUIP	\$ 195.80
JENSEN PLG & HTG INC	REPAIRS	\$ 181.89
JOYRIDE PUBLIC TRANSIT	ANNUAL SUPPORT	\$ 2,000.00
KB'S MINI MART	GAS/PROPANE	\$ 3,599.61
KEITH STILLMAN DRYWALL	REPAIRS	\$ 1,480.00
LINCOLN FINANCIAL	INSURANCE	\$ 238.25
LINCOLN WINWATER WORKS	MTCE	\$ 1,188.77



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LYONS MIRROR-SUN	LEGAL PRINTING/JOB AD	\$ 947.79
MEGAN VAVRA	JANITOR SERVICE	\$ 234.00
MIDWEST LABORATORIES INC	TESTING	\$ 22.00
MS ROOF REPAIRS	MTCE ROOF	\$ 637.00
MUNICIPAL SUPPLY INC OF	SUPPL	\$ 338.55
MUTUAL OF OMAHA	GROUP INS	\$ 228.45
NE DEPT OF HHS	2024 POOL LICENSE RENEWAL	\$ 40.00
NEBRASKA DEPT OF REVENUE	PAYROLL STATE TAX	\$ 1,139.33
NOVUS COMPUTERS	MTCE/SERV UPGRADE/365 EXCHANGE	\$ 3,354.50
NPGA	NATURAL GAS PURCHASES	\$ 52,790.03
ONE OFFICE SOLUTION	SUPPL	\$ 902.21
PORT-A-JOHNS	SERV-JAN	\$ 70.00
RED BARN VETERINARY CLINI	ANIMAL CONTROL ANNUAL FEE	\$ 75.00
RON DABERKOW	GAS REIMBURSEMENT	\$ 218.15
SAPP BROS PETROLEUM INC	PROPANE	\$ 20.00
SAVEMORE MARKET	SUPPL	\$ 25.23
SCOTT'S HARDWARE	MTCE	\$ 189.99
STEINY'S FARM REPAIR	REPAIRS	\$ 347.66
STEINY'S GENERAL STORE	MTCE/SUPPL	\$ 256.93
T & H ELECTRIC	MTCE	\$ 747.51
US BANK	BOOKS/POSTAGE	\$ 207.21
UTILITY SAFETY & DESIGN	SUPPL	\$ 1,358.00
VERIZON WIRELESS	SERV	\$ 267.62
WALTHILL SERVICE	MTCE	\$ 180.00
WASTE CONNECTIONS OF NE	GARBAGE SERVICE	\$ 8,193.20
WESCO RECEIVABLES CORP	SUPPL	\$ 93.09
WEST POINT IMPLEMENT	MTCE YELLOW TRUCK	\$ 6,881.79

#### **FEBRUARY CLAIMS**

INTOXIMETERS INC	SUPPL	\$ 654.75
LINCOLN WINWATER WORKS	MTCE/REPAIRS	\$ 764.29
NEBRASKA STATE PATROL	2024 MACH/TRAC	\$ 208.00
NOVUS COMPUTERS	REPAIRS	\$ 67.50
ONE OFFICE SOLUTIONS	SUPPL	\$ 417.09
RON DABERKOW	GAS/MEAL REIMBURSEMENT	\$ 106.35



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WESCO RECEIVABLES CORP

SUPPL

\$ 6,164.27

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

#### IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Steinmeyer, seconded by Vacha to approve Council Member Matthew Carr's absence from February through May, 2024. On roll call, AYE: Phillips, Vacha, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
2. Matthew Smith, of Olsson Associates discussed the One & Six Year Plan. A map of the plan was presented to council. The plan includes the same streets as the prior year except adding an addition to Main Street between 4<sup>th</sup> and 5<sup>th</sup> Street. Smith advised council to provide any changes as the plan will be set for a public hearing at the March council meeting.
3. Motion by Vacha, seconded by Phillips to enter into a general administration/construction management contract with NENEDD for the Community Block Grant 23PFW003. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
4. Attorney Matthew Munderloh discussed the legal review with American Legal for recodification on the Municipal Code Book. Munderloh provided a copy of his answers for review and will work with Clerk Anderson to answer the remaining questions before submitting them to American Legal by the March deadline.
5. Motion by Vacha, seconded by Phillips to adopt **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%).** On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
6. Motion by Phillips, seconded by Steinmeyer to approve the Agreement between JEO and the City of Lyons for the Downtown Revitalization Visioning Plan with a lump sum price of \$3,500. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
7. Lyons-Decatur Northeast Schools Superintendent Beaudette and members of the school board discussed the moving of their water line that ran under the school through Crystal Street, underground electric



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service, and pole removal. Utility Superintendent Ueding was at a conference and unable to attend the meeting. Council felt it would be best to attend the school's meeting on Thursday the 15<sup>th</sup> at 1:00 PM with Ueding present. Mayor Brink and Council Member Phillips agreed to be present for that meeting.

8. Bill Hedges and Brigitte Timmerman were not able to attend to discuss a music festival event and asked to be moved to the March Agenda.
9. Denise Johnson was not in attendance to discuss Christmas Lights.
10. Lyons Park and Rec Advisory Board member Dale Webster discussed the location of the new park pavilion and restroom/storm shelter. The Board would like to see the pavilion face north and south and the restroom/storm shelter be moved where the sand volleyball pits are. This would require the removal of the sand volleyball pits and potentially adding more camping spots to that area as well.

Ball Association member Cassie Myers was also present to discuss the construction of a concession stand at the ball fields. Attorney Munderloh advised that since the City was the applicant on the grant, they would need to follow city ordinance and put it out for bid. Discussion was held on who would oversee the project and get the documents available for bidding.

Motion by Vacha, seconded by Steinmeyer for the city to pay fees for JEO to engineer the construction of a concession stand at the ball fields. On roll call, AYE: Phillips, Steinmeyer, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**

The Park and Rec Advisory Board would also like to see the cement pushed down and seed the south bank. The LENRD has a grant for a 50% match up to \$25,000 for erosion to seed and rock the banks of the lagoon. The LENRD also has a grant for Recreation Development for a 50% match up to \$25,000 that could be used to replace the wooden playground on the island of the park. These grants are due by March 14<sup>th</sup>.

11. Motion by Phillips, seconded by Steinmeyer to approve a 50% match of up to \$25,000 for the Lower Elkhorn NRD Urban Conservation Assistance Program if awarded. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
12. Motion by Phillips, seconded by Steinmeyer to approve a 50% match of up to \$25,000 for the Lower Elkhorn NRD Recreation Area Development Program in awarded. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
13. Police Report – Chief Svendsen  
Chief Svendsen presented the January police report. The report included 23 calls for service, 4 traffic accidents, and 42 Ordinance violations. NCJIS Training was completed and enrolled in Management



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Training at NLETC October 1-3. Svendsen is also working on getting the windows and door at the PD tinted.

14. Motion by Steinmeyer, seconded by Phillips to adopt **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.** On roll call, AYE: Vacha, Phillips, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
  
15. Library Director Mike Heavrin Library and Grant Report: Income in December was \$1,725 and this is \$1,131.25 above the monthly budgetary goal. Income for the fiscal year totals \$2,135.90, which is \$1,542.15 above our FY 2023-2024 goal. Expenses for December came to \$4,468.35, which was \$407.90 below the monthly budget. Fiscal year expenses total \$14,199.96, and that is \$428.79 below the approved budget for this point in FY 2023-2024.  
The E-rate process is now underway for FY2024-25. Heavrin has submitted Form 470 to USAC. Heavrin has also been monitoring usage on adult computers. Due to not more than two computers being used simultaneously, he has held off moving forward on replacing all four adult computers and doing two at a time.  
Grant Update: DED awarded the City of Lyons \$415,321 in CDBG Public Works Grant for the park project. Donald E. Nielsen Foundation awarded the City \$110,000 to be used in matching funds for CDBG Grant and the Ball concessions.  
A grant proposal was submitted to the Fremont Area Community Foundation to purchase AED's, trauma kits, and stop the bleeds—no word on if we have been awarded yet.  
CDBG Downtown Revitalization grant should be open up sometime in mid-September.
  
16. Chief Joshua Svendsen has been with the city for a year now and the Chief of Police for a little over a month. Mayor Brink stated that Svendsen has brought a lot of improvements to the department in his short time here. Due to the Employee Promotion Package when hired as Chief, Svendsen will not be receiving a raise.
  
17. Mayor Brink ordered agenda item for raise for Svendsen be removed due to being unnecessary.
  
18. Utilities report – Utility Superintendent Ueding was unable to attend due to a conference in Kearney. A letter was provided from the Nebraska Dept. of Environment and Energy that a survey of the Public Water Supply System was conducted and no deficiencies were found.
  
19. Discussion was held regarding a request to refund businesses who now do not qualify to be charged demand with the new electric ordinance. Council felt that since the ordinance was followed, no refund was necessary.



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Motion by Steinmeyer, seconded by Phillips to not refund demand charges for electric usage for select businesses. On roll call, AYE: Vacha, Phillips, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**

#### 20. Clerk's Report – Whitney Anderson

- a. Anderson advised council that \$553.14 has been in an individual account (Keno Funds) for over 10 years untouched and Ric Ortmeier advised to move the funds to the general account.

Motion by Phillips, seconded by Vacha to accept Clerk Anderson's Treasurer Report. On roll call, AYE: Steinmeyer, Vacha, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**

- b. General, Utility, and Debt Service Income Statements for the month ending January 31st, 2024. The General Fund had a month-to-date net gain of \$12,997.04 and a year-to-date net gain of \$97,698.48. The Utility Fund had a month-to-date net gain of \$36,122.37 and a year-to-date net gain of \$123,916.10. Debt Service had a month-to-date net gain of \$10,133.29 and a year-to-date net loss of \$109,227.94.
- c. Budget reports for the fourth month (33.3%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 20.77%. General Expenses were 14.05%. Utility Receipts were 36.75%. Utility Expenses were 28.38%. Debt Service Receipts were 12.81% and Debt Service Expenses were 88.51%

21. Motion by Vacha, seconded by Steinmeyer to table the hiring of Pool manager for the 2024 season until March Council Meeting. On roll call, AYE: Phillips, Steinmeyer, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
22. Motion by Vacha, seconded by Phillips to approve the Janitorial Contract for the Community Center with Megan Vavra. On roll call, AYE: Steinmeyer, Phillips, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
23. Motion by Vacha, seconded by Steinmeyer to approve Interlocal Agreement for Rural Transit Program Funding. On roll call, AYE: Phillips, Steinmeyer, Vacha. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
24. Motion by Steinmeyer, seconded by Vacha to approve the Class D Liquor License renewal to KenEm LLC dba KB's Mini Mart. On roll call, AYE: Phillips, Vacha, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
25. Motion by Steinmeyer, seconded by Vacha to approve the Class D Liquor License renewal to Herbolsheimer Stores Inc dba Savemore Market (Lyons). On roll call, AYE: Phillips, Vacha, Steinmeyer. NAY: None. ABSENT: Carr. **MOTION CARRIED.**
26. Motion by Phillips, seconded by Steinmeyer to approve payment of \$3,599.61 to KB's Mini Mart. On roll call, AYE: Vacha, Steinmeyer, Phillips. NAY: None. ABSENT: Carr. **MOTION CARRIED.**



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27. Motion by Vacha, seconded by Phillips to approve payment of \$256.93 to Steiny's General Store. On roll call, AYE: Phillips, Vacha, Brink. NAY: None. ABSTAIN: Steinmeyer. **MOTION CARRIED.**
28. Mayor Brink adjourned the meeting at 7:27 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)