



CITY COUNCIL MEETING

Minutes

Tuesday, September 12, 2023 – 5:30 P.M.

A public hearing and regular meeting of the Mayor and Council of the City of Lyons was called to order by Mayor Brink at 5:30 P.M., September 12, 2023, at Lyons City Hall. Present were Council members Vacha, Phillips, and Carr. Also in attendance were City Attorney Smith, City Clerk Anderson, Library Director Heavrin, Police Chief Dunn, and Utility Supervisor Ueding.

I. ROUTINE BUSINESS

The meeting was called to order upon motion by Vacha, seconded by Carr. On roll call, AYE: Phillips, Carr, Vacha 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

1. Motion by Vacha, seconded by Carr to enter into a Public Hearing. On roll call, AYE: Phillips, Carr, Vacha NAY: None. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:30 PM for the purpose of hearing public comments, and objections on the proposed 2023-2024 budget. There were no verbal or written comments or objections. Council President Steinmeyer arrived at 5:31. Motion by Phillips, seconded by Carr to adjourn the Public Hearing. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips NAY: None. **MOTION CARRIED.** Mayor Brink closed the public hearing at 5:31.
2. Motion by Vacha, seconded by Carr to enter into a Public Hearing. On roll call, AYE: Phillips, Steinmeyer, Carr, Vacha NAY: None. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:31 for the purpose of hearing public comments, and objections to setting the property tax request at a different amount than the prior year. There were no verbal or written comments or objections. Motion by Phillips, seconded by Carr to adjourn the Public Hearing. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips NAY: None. **MOTION CARRIED.** Mayor Brink closed the public hearing at 5:32.

The regular meeting opened after the close of the last Public Hearing.

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held August 8, 2023.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. **ORDINANCE NO. 759 AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION WATER BONDS, SERIES 2023, OF THE CITY OF LYONS, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION ONE HUNDRED THOUSAND AND 00/100 DOLLARS (\$1,100,000.00) FOR THE PURPOSE OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE WATER SYSTEM, PRESCRIBING THE FORM OF THE BONDS,**



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PROVIDING FOR THE LEVY OF TAXES TO PAY THE BONDS, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDER OF THE BONDS was adopted, signed, and published in pamphlet form.

- 4. **Resolution 2023-12 – Authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance Form 2023 to Nebraska Board of Public Roads Classifications and Standards was adopted and signed.**

AUGUST 2023 CLAIMS		
EFTPS	FED/FICA TAX	\$ 10,836.77
CITY OF LYONS PETTY CASH	REIMBURSEMENT POLICE	\$ 10.00
CITY OF LYONS UTILITIES	UTILITIES	\$ 1,502.98
ACCO UNLIMITED CORPORATIO	MTCE	\$ 176.94
BIBLIONIX	ANNUAL SOFTWARE	\$ 990.00
BURT COUNTY SHERIFF	TELETYPE FEES	\$ 20.00
BOMGAARS	MTCE/SUPPL	\$ 688.02
COLONIAL RESEARCH CHEMICA	MTCE	\$ 2,138.32
FARM AND HOME INSURANCE	INSURANCE	\$ 126,146.50
FIRST NORTHEAST BANK	LOAN PAYOFF; 33634,33748,33821	\$ 90,773.05
FIRST NORTHEAST BANK	WTP CONSTRUCTION LOAN PAYOFF #33254	\$ 1,104,257.24
IIMC	DUES	\$ 310.00
JOSUE MENDEZ	MTCE - ISLAND PAVILL NEW ROOF	\$ 6,280.00
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	\$ 2,537.07
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 225.30
LINCOLN FINANCIAL	INSURANCE	\$ 420.45
UTILITIES SECTION	WW CE	\$ 65.00
NEBRASKA DEPT OF REVENUE	SALES AND USE TAX	\$ 8,008.54
NOVUS COMPUTERS	SERV	\$ 175.00
SAVEMORE MARKET	SUPPL	\$ 80.15
DANIEL A SMITH	LEGAL SERVICES	\$ 1,000.00
SIOUX SALES COMPANY	AMMO	\$ 344.95
DHHS NEB	REFUND	\$ 630.00
VERIZON WIRELESS	SERV	\$ 290.12
WEST POINT IMPLEMENT	MTCE YELLOW TRUCK	\$ 400.63
WEST POINT NEWS	JOB AD	\$ 56.00
BNSF(NEBRASKA)	LEASE	\$ 192.57
BLUE CROSS BLUE SHIELD	HEALTH INS	\$ 10,894.08



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SCOTT BURGETT	CPR TRAINING	\$ 50.00
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,742.00
CENTER POINT LARGE PRINT	BOOKS	\$ 379.92
WASTE CONNECTIONS OF NE	GARBAGE FEE	\$ 8,150.35
QUADIENT FINANCE USA INC	POSTAGE	\$ 600.00
NE DEPT OF ENVIRONMENTAL	WW LICENSE	\$ 290.00
NPGA	GAS PURCHASE	\$ 3,245.38
NPPD COLUMBUS	ELECTRIC	\$ 47,063.78
NEBRASKA.GOV	WEBSITE FEE	\$ 672.00
MARY LOU RITTER	CONTRACT SERV	\$ 213.50
US BANK	SUPPL/ACADEMY EXPENSE	\$ 1,653.76
MUNICIPAL SUPPLY INC OF	SUPPL	\$ 941.39
WAPA	ELECTRIC	\$ 7,303.39
SCOTT'S HARDWARE	MTCE	\$ 70.00
PORT-A-JOHNS	SERV AUG	\$ 70.00
CITY EMPLOYEES	HSA	\$ 1,600.00
LINCOLN WINWATER WORKS	SUPPL	\$ 64.20
APPEARA	CLOTHING	\$ 401.40
PV BUSINESS SOLUTIONS	OSHA MANUAL	\$ 298.50
MENARDS - SIOUX CITY	SUPPL	\$ 111.66
AUTO VALUE	MTCE	\$ 51.26
FASTWYRE BROADBAND	SERV	\$ 645.80
ONE OFFICE SOLUTION	SUPPL/SHIPPING	\$ 274.88
HAWKINS INC.	CHEMICALS	\$ 100.92
MUTUAL OF OMAHA	INS	\$ 225.85
AMERITAS LIFE CORP	RETIREMENT	\$ 2,651.78
MAKENNA MCCULLOCK	JANITOR SERV	\$ 125.00
CONSOLIDATED MANAGEMENT	ACADEMY - MEALS	\$ 1,905.00
KAMINSKY, SULLENBERGER &	FTO TRAINING	\$ 400.00
AXON ENTERPRISE INC	STARTER BUNDLE/TASERS&CAMERAS	\$ 6,529.02
OAKLAND - INDEPENDENT	LIB 2 YR SUB	\$ 82.00
DEPOSIT REFUNDS	REFUND DATE 08/31/2023	\$ 602.80
CITY EMPLOYEES	PAYROLL	\$ 46,715.78



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

IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Phillips, seconded by Carr to adopt **Resolution No. 2023-13: Increase the restricted funds authority by one percent, to become three and one half percent. (This is the Budget Authority and not increasing taxes)** On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips NAY: None. **MOTION CARRIED. Resolution No. 2023-13 has been passed and adopted.**
2. Motion by Vacha, seconded by Carr to adopt **Resolution No. 2023-14: Adopt the 2023-2024 Budget.** On roll call, AYE: Phillips, Steinmeyer, Carr, Vacha NAY: None. **MOTION CARRIED. Resolution No. 2023-14 has been passed and adopted.**
3. Motion by Carr, seconded by Phillips to adopt **Resolution No. 2023-15: Adopt the Official City Logo.** On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED.** Tereva Scott, a 2023 LDNE graduate, was the winner of the logo contest and received a scholarship from the Lyons Community Foundation. **Resolution No. 2023-15 has been passed and adopted.**
4. Motion by Vacha, seconded by Carr to adopt **Resolution No. 2023-16: A RESOLUTION DESIGNATING OFFICIALS OF THE CITY OF LYONS TO ACT AS TRUSTEES OF THE CITY OF LYONS NON-QUALIFIED RETIREMENT PLAN.** On roll call, AYE: Phillips, Steinmeyer, Carr, Vacha NAY: None. **MOTION CARRIED. Resolution No. 2023-16 has been passed and adopted.**
5. Mayor Brink introduced **ORDINANCE NO. 760 - AN ORDINANCE TO AMEND PROVISIONS RELATING TO RATES FOR WATER PROVIDED BY MUNICIPAL WATER DEPARTMENT; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; EFFECTIVE FOR OCTOBER CONSUMPTION BILLED IN NOVEMBER.** Motion by Steinmeyer, seconded by Carr for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer NAY: None. **MOTION CARRIED.** Ordinance NO. 760 was read by title, and Steinmeyer moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Phillips, Vacha, Carr, Steinmeyer NAY: None. **MOTION CARRIED. ORDINANCE NO. 760 has been passed, approved, and available in pamphlet form.**
6. Mayor Brink introduced **ORDINANCE NO. 761 - AN ORDINANCE TO AMEND PROVISIONS RELATING TO RATE STRUCTURE OF MUNICIPAL SEWER DEPARTMENT; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; EFFECTIVE FOR OCTOBER CONSUMPTION BILLED IN NOVEMBER.** Motion by Steinmeyer, seconded by Phillips for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Carr, Vacha, Phillips, Steinmeyer NAY: None. **MOTION CARRIED.** Ordinance NO. 761 was read



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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. 761 has been passed, approved, and available in pamphlet form.

7. Mayor Brink **ORDINANCE NO. 762 - 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, AMEND-MENTS, AND SECTIONS IN CONFLICT HEREWITH; EFFECTIVE FOR OCTOBER CONSUMPTION BILLED IN NOVEMBER.** Motion by Steinmeyer, seconded by Phillips for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Carr, Vacha, Phillips, Steinmeyer NAY: None. **MOTION CARRIED.** Ordinance NO. 762 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. 762 has been passed, approved, and available in pamphlet form.
8. The Council received an update on the Water Treatment Plant from Utility Supervisor Ueding regarding the polymer. Ueding has been working with the state and Hawkins to get the polymer to function properly and has been functioning well the past week. Motion by Steinmeyer, seconded by Vacha to “table” payment to Olsson in the amount of \$6,155 for the final payment of professional services for the Water Treatment Plant Project. On roll call, AYE: Carr, Phillips, Vacha, Steinmeyer NAY: None. **MOTION CARRIED.**
9. Motion by Steinmeyer, seconded by Carr to approve the renewal of a Class C Liquor License to Ruth Cole, dba Merly’s. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer NAY: None. **MOTION CARRIED.**
10. Library & Grant reports - Mike Heavrin.
Income in July was \$0 and this is \$197.92 below the monthly budgetary goal. Income for the fiscal year through July totaled \$2,609.14, which is \$630.76 above our FY 2022-2023 goal. Expenses for July came to \$3,937.85, which was \$828.73 below the monthly budget. Fiscal year expenses through the end of July totals \$39,222.17, and that is \$8,424.60 below the approved budget for this point in FY 2022-2023. We will be changing our alarm system vendor and the Library Endowment will cover the cost of approximately \$2,500 in repairs. A grant application to Donald E. Nielsen Foundation was delivered for a request of \$110,000 that can be used as matching funds for the CDBG grant for the Park Project. Kirk Brown of NENEDD also completed the pre-requisite steps and submitted the final proposal to DED. The estimated total cost of the project comes to \$516,389.
11. Police Report – Chief Dunn
Chief Dunn presented the August police report, which included 3 arrests all stemming from assault and 29 ordinance violations. Dunn attended a week of FTO training. The Skillbridge program is still looking into candidates and the possibility of having them sign a 2-year commitment from any candidate that is chosen.



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Svensden is doing good at the NLETC Academy and is looking to graduate in December. Dunn proposed Policy 002 regarding the proper documentation, collection, preservation, and submission of evidence.

12. Motion by Vacha, seconded by Carr to adopt **Resolution No. 2023-17: Police Property and Evidence Policy 002**. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha NAY: None. **MOTION CARRIED.**
Resolution No. 2023-17 has been passed and adopted.

13. Utilities report – Terry Ueding

- a. Ueding is seeking approval for a new Air Compressor that was in this year's budget and the council would like to put the old compressor up for a sealed bid.
- b. Mayor Brink, Council President Steinmeyer, and Ueding went and looked at the T574HC tractor we are looking to purchase in next year's budget and also got pricing on a 2022 JD 4066R for \$57,580. Council would like to see more options on new and used tractors before they make the decision. Ueding will get more numbers and give them to the council for the next council meeting so they can receive before snowfall.
- c. An audit was done of all the commercial electric meters. Ct's on century links building are old and would be good to replace. There are three of them, approximately \$200 apiece. Council agreed to go ahead and replace them.
- d. No further discussion on the Water Plant

14. Motion by Vacha, seconded by Steinmeyer to approve the purchase of an Air Compressor from Stan Houston Equip Co. in the amount of \$24,900. On roll call, AYE: Phillips, Carr, Steinmeyer, Vacha NAY: None. **MOTION CARRIED.**

15. 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 August 31st, 2023. The General Fund had a month to date net loss of \$29,310.55 and a year to date net loss of \$149,825. Budget: \$4,378. The Utility Fund had a month to date net loss of \$101,542.23 and a year to date net gain of \$92,901.75. Budget: -\$139,033. Debt Service had a month to date net gain of \$4,388.42 and a year to date net loss of \$29,908.65.
- c. Budget reports for the eleventh month (91.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 76.74%. General Expenses were 94.28%. Utility Receipts were 104.81%. Utility Expenses were 97.44%. Debt Service Receipts were 78.83% and Debt Service Expenses were 100%. Clerk Anderson noted that the utility fund has only transferred \$50,000 to the general fund, the general fund received \$40,000 in September for property tax, and we still have USDA grant funds that have not been received. Anderson will make a transfer from the utility to general before month end.



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- d. The Joint Public Hearing is in Tekamah September 21st, at 6:01 PM and a public official must attend. A special meeting will be held at Lyons City Hall on September 22nd at 8:30 AM to approve a final tax rate.

16. Motion by Carr, seconded by Phillips to approve payment of \$2,441.09 to KB's Mini Mart. On roll call, AYE: Steinmeyer, Vacha, Phillips, Carr NAY: None. **MOTION CARRIED.**

17. Motion by Vacha, seconded by Carr to approve payment of \$318.21 to Steiny's General Store. On roll call, AYE: Phillips, Carr, Vacha NAY: None. ABSTAIN: Steinmeyer. **MOTION CARRIED.**

18. Mayor Brink adjourned the meeting at 6:47 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)