

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, May 2, 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., May 2, 2023, at Lyons City Hall. Present were Council members Steinmeyer, Vacha, and Carr. Council Member Phillips had an excused absence. Also in attendance were 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 Steinmeyer, seconded by Vacha. On roll call, AYE: Steinmeyer, Vacha, Carr NAY: None. ABSENT: Phillips. **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. None

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held April 4, 2023.
2. Claims as presented except claims of KB’s Mini Mart and Steiny’s General Store.

APRIL 2023 CLAIMS

ACCO UNLIMITED CORPORATIO	SUPPL	\$ 130.78
AMERICAN LEGAL PUBLISHING	CODIFICATION - 20%	\$ 1,591.80
AMERITAS LIFE CORP	RETIREMENT	\$ 1,850.85
APPEARA	CLOTHING	\$ 307.46
AUTO VALUE	MTCE	\$ 12.35
BLUE CROSS BLUE SHIELD	HEALTH INS	\$ 8,480.49
BOMGAARS	SUPPL	\$ 226.56
BURT COUNTY SHERIFF	TELETYPE FEES	\$ 20.00
CENGAGE LEARNING	BOOKS	\$ 52.77
CENTER POINT LARGE PRINT	BOOKS	\$ 747.84
CITY EMPLOYEES	HSA	\$ 1,400.00
CITY EMPLOYEES	PAYROLL	\$ 25,683.49
CITY OF LYONS UTILITIES	CITY UTILITIES	\$ 5,574.71
DANIEL A SMITH	LEGAL SERVICES	\$ 1,000.00
EAKES OFFICE SOLUTIONS	SUPPL	\$ 465.96
EFTPS	FED/FICA TAX	\$ 5,686.33

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FASTWYRE BROADBAND	SERV	\$ 484.15
FIRST NATIONAL BANK	POOL BOND INTEREST PMT	\$ 17,773.75
HAWTHORNE INDUSTRIES	EQUIP	\$ 526.00
IIMC	DUES	\$ 310.00
JENSEN PLG & HTG INC	SUPPL	\$ 14.79
JOSH SVENDSEN	REIMBURSEMENT RECIPROCITY	\$ 310.62
LINCOLN FINANCIAL	INSURANCE	\$ 281.58
LINCOLN WINWATER WORKS	MTCE	\$ 5,618.88
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	\$ 3,716.54
LYONS HOUSING AUTHORITY	PRINTER	\$ 640.00
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 1,468.45
MAKENNA MCCULLOCK	JANITOR SERV	\$ 525.00
MEL'S SMALL ENGINE	SCAG MOWER	\$ 9,811.00
MENARDS	MTCE/SUPPL	\$ 363.85
MERCYONE LYONS FAMILY MED	PHYSICAL	\$ 29.58
MIDWEST ALARM SERVICES	ANNUAL ALARM SERV	\$ 824.84
MONGAN PAINTING LLC	PAINT,SANDBLAST, CAULKING	\$ 42,538.50
MS ROOF REPAIRS	MTCE ROOF	\$ 4,213.00
MUTUAL OF OMAHA	INSURANCE	\$ 204.15
NEBRASKA DEPT OF REVENUE	SALES/USE TAX	\$ 16,617.91
NENEDD	DUES	\$ 1,087.68
NOVUS COMPUTERS	365 EXCHANGE	\$ 36.00
NPGA	GAS PURCHASE	\$ 42,995.68
NPPD COLUMBUS	ELECTRIC PURCHASE	\$ 31,560.92
OAKLAND LUMBER	SUPPL	\$ 152.00
OLSSON ASSOCIATES	ENGINEER FEES	\$ 3,300.00
ONE OFFICE SOLUTION	SUPPL	\$ 222.11
PORT-A-JOHNS	MARCH/APRIL SERV	\$ 140.00
RED BARN VETERINARY CLINI	LAB FEE	\$ 251.00
SAM'S CLUB	MEMBERSHIP	\$ 53.50
SAVEMORE MARKET	SUPPL	\$ 161.79
STEINY'S FARM REPAIR	MTCE	\$ 339.48
US BANK	POLICE VEST/SUPPLIES	\$ 2,183.58
USABLUEBOOK	SUPPL	\$ 3,033.92
VERIZON WIRELESS	SERV	\$ 373.95
WAPA	ELECTRIC PURCHASE	\$ 6,490.05

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

IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Vacha, seconded by Steinmeyer to approve payment to Olsson Associates in the amount of \$3,300 for the Water Treatment Plant Project. On roll call, AYE: Vacha, Steinmeyer, Carr NAY: None. ABSENT: Phillips. **MOTION CARRIED**

2. Motion by Steinmeyer, seconded by Carr to approve the building permit for John and Joe Minton at 1020 Diamond St for a 100ft x 48 ft wood and steel building. On roll call, AYE: Steinmeyer, Carr, Vacha NAY: None. ABSENT: Phillips. **MOTION CARRIED**

3. Motion by Vacha, seconded by Carr to approve the building permit from Josue Mendez at 251 Main St for a 44ft x 20ft garage and storage shed. On roll call, AYE: Vacha, Carr, Steinmeyer, NAY: None. ABSENT: Phillips. **MOTION CARRIED**

4. Motion by Steinmeyer, seconded by Vacha to approve the Agreement for solid waste service with Waste Connections effective June 1, 2023. On roll call, AYE: Steinmeyer, Vacha, Carr NAY: None. ABSENT: Phillips. **MOTION CARRIED**

5. Discussion was held regarding new rates for solid waste fees.

1-96 Gallon Cart	\$17.00 per month
Additional 96 Gallon Cart	\$6.00 per month
1.5-yard Container	\$55.00 per month
2-yard Container	\$65.00 per month
4-yard Container	\$85.00 per month
6-yard Container	\$109.00 per month
8-yard Container	\$139.00 per month

6. Mayor Brink introduced **ORDINANCE 755: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO AMEND CHAPTER 3, TO ADD ARTICLE 14 TO THE LYONS MUNICIPAL CODE, TO PROVIDE FOR THE HANDLING AND DISPOSAL OF SOLID WASTE AND TO SET MUNICIPAL RATES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE FOR THE CITY OF LYONS, COUNTY OF BURT STATE OF NEBRASKA; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; EFFECTIVE MAY 2, 2023.**

Motion by Steinmeyer for the suspension of the statutory rule requiring reading on three separate days, seconded by Vacha. On roll call, AYE: Steinmeyer, Vacha, Carr NAY: None. ABSENT: Phillips. **MOTION CARRIED.** Ordinance No. 755 was read by title, and Steinmeyer moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Steinmeyer, Carr, Vacha. NAY: None. ABSENT: Phillips. **MOTION CARRIED.** **Ordinance 755 has been passed, approved, and available in pamphlet form.**

7. Mayor Brink introduced **ORDINANCE 756: 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**

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EACH; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; EFFECTIVE MAY 2, 2023. Motion by Steinmeyer for the suspension of the statutory rule requiring reading on three separate days, seconded by Carr. On roll call, AYE: Steinmeyer, Carr, Vacha. NAY: None. ABSENT: Phillips. **MOTION CARRIED.** Ordinance No. 756 was read by title, and Steinmeyer moved for passage of the ordinance, seconded by Vacha. On roll call, AYE: Steinmeyer, Vacha, Carr. NAY: None. ABSENT: Phillips. **MOTION CARRIED. Ordinance 756 has been passed, approved, and available in pamphlet form.**

8. Library & Grant reports - Mike Heavrin.

Income in March was \$1,742.74 and this is 1,544.82 above the monthly budgetary goal. Income for the fiscal year through March totaled \$2,114.14, which is \$926.64 above FY 2022-23 goal. Expenses for March came to \$3,228.22, which is \$1,538.36 below the monthly budget. Expenses for the fiscal year through March totaled \$22,490.12, which is \$6,109.38 below the approved budget.

Public Works grant opens late summer, LWCF Grant opened May 1st, RTP grant opened May 1st; these will be looked into for the Park Project. Mike is also working on a proposal to Donald E. Nielsen Foundation in an attempt to raise matching funds for upcoming government programs.

9. Utilities report – Terry Ueding

- a. Pool has been sandblasted, caulked and repainted. Looking at filling the week of the 15th.
- b. Working with Game & Parks regarding turkey vultures at the water tower and turtles at the park.
- c. Still waiting to hear back on options for the fire exit door at city office.
- d. Working on grinding stumps at the park. Rocky Lane planted 7 trees with a donation from Lyons Property Development Committee.
- e. Discussing the price with Krusemark Construction out of Waterbury Ne to crush Concrete at the Dump . Someone dumped trash at the park.
- f. Discussion was held regarding Electric service on 3rd St. which will be \$14/ft and includes 2 in conduit about 100 ft and council agreed that was the best option.
- g. Other Items: Basket Truck got certified, Island Park Shelter has a hole in the roof and will get bids to put tin on it, Water is about 8ft lower than where it should be right now, and suggested voluntary water restrictions from the community.

10. Motion by Steinmeyer, seconded by Carr to approve the hiring of Miles Pearson at \$11/hr as a part-time seasonal mower. On roll call, AYE: Steinmeyer, Carr, Vacha. NAY: None. ABSENT: Phillips. MOTION CARRIED.

11. Clerk's Report – Whitney Anderson

- a. Treasurer report. Motion by Vacha, seconded by Carr to approve Treasurer Report. On roll call, AYE: Vacha, Carr, Steinmeyer, NAY: None. ABSENT: Phillips. **MOTION CARRIED**
- b. General, Utility, and Debt Service Income Statements for the month ending April 30th, 2023. The General Fund had a month to date net loss of \$19,122.70 and a year to date net loss of \$104,263.81. The Utility Fund had a month to date net gain of \$48,938.92 and a year to date net gain of \$188570.33. Debt Service had a month to date net loss of \$6,241.51 and a year to date net loss of \$99,221.38. Budget reports for the seventh month (58.3%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 35.43%. General Expenses were 47.55%. Utility Receipts

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were 48.56%. Utility Expenses were 40.65%. Debt Service Receipts were 29.92% and Debt Service Expenses were 100%

- c. Met the April 30, 2023 report filing deadline for the ARPA funds in the Treasury portal.
 - d. Comp/zoning regulations are almost complete with Hanna:Keelan and should have a public hearing within the next month or so to consider approval.
 - e. Council member Carr is going to help Clerk Anderson with a fee schedule to refer to when we update our Municipal Code Book.
 - f. Council gave Clerk Anderson approval to attend 2023 Municipal Accounting & Finance Conference June 21-23
 - g. Clerk Anderson asked council to let her know what items they would like to see in the 23-24 Budget as she will start budget in June.
12. Pool Discussion was held and decided to further discuss at the special meeting.
- a. Motion by Vacha, seconded by Carr to approve payment to Mongan Painting LLC in the amount of \$42,538.50 for crack repair, caulking repair and painting of the Swimming Pool. On roll call, AYE: Vacha, Carr, Steinmeyer, NAY: None. ABSENT: Phillips. **MOTION CARRIED**
 - b. Council tabled the Consideration to adopt **Resolution No. 2023-5 – Pool Rules and Lifeguard Handbook.**
 - c. Motion by Vacha, seconded by Carr to approve hiring the following for the 2023 Swimming Pool season with current certifications: Lifeguard- Addison Maise, Anastin Geisert, Brandi Helzer, and Atley Shepherd. On roll call, AYE: Vacha, Carr, Steinmeyer. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
13. Council tabled discussion on Community Center Floor.
14. Chief Dunn presented April Police Report which included 24 Ordinance violations, 1 arrest, and 6 welfare checks.
- a. Chief Dunn asked council to provide input on the proposed updated Police Personnel Manual & Code of Conduct. A final draft will be considered for approval at the June council meeting.
 - b. Motion by Vacha, seconded by Carr to approve the purchase of HD Wire Mesh Security Room in the amount of \$5,424.89. On roll call, AYE: Vacha, Carr, Steinmeyer. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
 - c. Josh Svendsen Reciprocity paperwork was submitted.
15. Motion by Vacha, seconded by Steinmeyer to enter into executive session at 7:53 PM to discuss Employee Personnel – Whitney Anderson’s annual review and Josh Svendsen’s wage. On roll call, AYE: Vacha, Steinmeyer, Carr. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
Motion by Carr, seconded by Vacha to return to regular session at 7:59 PM. On roll call, AYE: Carr, Vacha, Steinmeyer. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
16. Motion by Vacha, seconded by Carr to approve a 4% raise for Clerk Anderson effective May 19, 2023. On roll call, AYE: Vacha, Carr, Steinmeyer. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**

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17. Motion by Carr, seconded by Vacha to approve salary of \$55,000 for Josh Svendsen effective June 1st, 2023. On roll call, AYE: Carr, Vacha, Steinmeyer. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
18. Motion by Carr, seconded by Steinmeyer to approve Clerk Anderson’s request to carry over comp and sick time to be used at the end of July. On roll call, AYE: Car, Steinmeyer, Vacha. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
19. Motion by Steinmeyer, seconded by Carr to approve payment of \$2,315.95 to KB’s Mini Mart. On roll call, AYE: Steinmeyer, Carr, Vacha. NAY: None. ABSENT: Phillips. **MOTION CARRIED.**
20. Motion by Carr, seconded by Vacha to approve payment of \$677.06 to Steiny’s General Store. On roll call, AYE: Carr, Vacha, Brink NAY: None. ABSTAIN: STEINMEYER. ABSENT: Phillips. **MOTION CARRIED.**
21. Mayor Brink adjourned the meeting at 8:07.

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)