



CITY COUNCIL MEETING

Minutes

Tuesday, September 10, 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., September 2024, at Lyons City Hall. Upon roll call, the following Council members were present: Allen Steinmeyer, Kyle Phillips, Tyler Vacha and Matthew Carr. Also in attendance were City Clerk Whitney Anderson, Utility Supervisor Terry Ueding, Library Director Mike Heavrin, City Attorney Matthew Munderloh, and Chief Svendsen.

Visitors included Gary Loftis with Lower Elkhorn NRD, Ric Ortmeier, CPA and Alyson Pedro.

I. ROUTINE BUSINESS

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: Steinmeyer, Phillips, Carr, Vacha. NAY: None. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:30 PM to consider the rezoning of the following real property within the City of Lyons from General & Highway Commercial District (C-2) to Industrial District (I-1), to wit: N100'N220'E156.3' L9 BLK5 ROBLEYS ADD ADDITION, City of Lyons, Burt County, Nebraska. Parcel: 212009800. There being no verbal or written comments or objections, a motion by Phillips, seconded by Carr was made 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 PM.
2. Motion by Phillips, seconded by Vacha to enter into a Public Hearing. On roll call, AYE: Carr, Steinmeyer, Phillips, Vacha. NAY: None. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:32 PM to consider the proposed 2024-2025 budget statement. 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: Carr, Steinmeyer, Vacha, Phillips. NAY: None. **MOTION CARRIED.** Mayor Brink Closed the Public Hearing at 5:32 PM.
3. Motion by Phillips, seconded by Carr to enter into a Public Hearing. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. **MOTION CARRIED.** Mayor Brink opened the Public Hearing at 5:33 PM to consider setting the property tax request at a different amount than the prior year. There being no verbal or written comments or objections, a motion by Phillips, seconded by Vacha was made to adjourn the Public Hearing. On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. **MOTION CARRIED.** Mayor Brink Closed the Public Hearing at 5:33 PM.



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Minutes

Tuesday, September 10, 2024 – 5:30 P.M.

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held August 13, 2024.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. **Resolution 2024-10: AUTHORIZING THE MAYOR TO SIGN THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2024 TO NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS WAS ADOPTED AND SIGNED.**

CLAIMS AUG 14-31, 2024

ACCO UNLIMITED CORPORATIO	SUPPL	\$ 2,097.83
AMERITAS LIFE CORP	RETIREMENT PLAN	\$ 2,195.41
ANOVA	PARK BENCHES	\$ 4,280.82
APPEARA	CLOTHING	\$ 418.51
AUTO VALUE	MTCE F250	\$ 10.58
BARCO MUNICIPAL PRODUCTS	SUPPL	\$ 1,583.31
BLACK DIAMOND ELECTRONICS	ZONING SIGN	\$ 165.00
BLUE CROSS BLUE SHIELD	HEALTH INS	\$ 12,856.00
BNSF(NEBRASKA)	RENT	\$ 198.35
BOMGAARS	MTCE	\$ 113.58
BURT COUNTY SHERIFF	TELETYPE FEES SEPT SERV	\$ 24.00
C & J AUTO SERVICE	TIRE REPAIR	\$ 167.50
CENGAGE LEARNING	BOOKS	\$ 82.47
CENTER POINT LARGE PRINT	BOOKS	\$ 197.16
CITY OF LYONS	HSA	\$ 700.00
CITY OF LYONS UTILITIES	UTILITIES	\$ 2,824.34
CNA AUTO SERVICE	MTCE	\$ 37.80
COLONIAL RESEARCH CHEMICA	SUPPL	\$ 947.28
CORE & MAIN	FIRE HYDRANTS	\$ 11,426.82
DEPARTMENT OF ENERGY	ELECTRIC	\$ 7,303.39
EFTPS	FED/FICA TAX	\$ 5,661.12
ENERGY WORLDNET, INC	ANNUAL SERV/TRAINING	\$ 1,409.85
FASTWYRE BROADBAND	SERV	\$ 503.00
GOD'S GREEN EARTH	SUPPL	\$ 680.00
HELENA CHEMICAL CO	WEED CONTROL	\$ 61.53
HOA	MTCE	\$ 1,319.59
INTERSTATE POWER SYSTEMS	MTCE/INSPECT	\$ 759.17
JACK'S UNIFORMS	EQUIP/CLOTHING	\$ 594.50



CITY COUNCIL MEETING

Minutes

Tuesday, September 10, 2024 – 5:30 P.M.

JENSEN PLG & HTG INC	POOL HEATER	\$ 40,400.74
JOHNSON & MOCK, PC, LLO	LEGAL FEES	\$ 676.50
KOONS GAS MEASUREMENT	GAS MTCE	\$ 259.40
LINCOLN FINANCIAL	INSURANCE	\$ 290.50
LORENSEN GRAIN & READY MI	ROCK/CONCRETE	\$ 8,894.32
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 462.36
MAIN STREET SERVICES LLC	REPAIRS	\$ 132.00
MEGAN VAVRA	JANITOR SERVICES	\$ 159.00
MIDWEST LABORATORIES INC	TESTING	\$ 22.00
MS ROOF REPAIRS	ROOF REPAIR	\$ 430.00
MUTUAL OF OMAHA	INSURANCE	\$ 353.55
NCSPC	GARNISHMENT PAYABLE	\$ 225.23
NEBRASKA DEPT OF REVENUE	STATE TAX	\$ 1,382.70
NOVUS COMPUTERS	365 EXCHANGE/BUSINESS	\$ 307.13
NPGA	NATURAL GAS PURCHASES	\$ 3,590.32
NPPD COLUMBUS	ELECTRIC PURCHASES	\$ 49,245.34
OAKLAND LUMBER	SUPPL	\$ 64.32
ONE OFFICE SOLUTION	SUPPL	\$ 408.30
PAYROLL CHECKS	PAYROLL CHECKS ON 08/23/2024	\$ 24,094.64
PORT-A-JOHNS	SERV-AUGUST	\$ 70.00
SAFE LIFE DEFENSE	POLICE VEST	\$ 1,173.30
SAVEMORE MARKET	SUPPL	\$ 103.05
SCHMADER ELECTRIC	SCHOOL PROJECT ELECTRIC	\$ 5,135.00
STAN HOUSTON EQUIPMENT CO	SUPPL	\$ 280.00
TERRY UEDING	MILEAGE REIMBURSEMENT	\$ 209.04
THREE RIVERS CLERK'S ASSN	DUES	\$ 20.00
US BANK	SUPPL	\$ 615.62
USDA RURAL DEVELOPMENT	WTP USDA LOAN/INTEREST	\$ 36,013.00
VERIZON WIRELESS	SERV/TABLETS	\$ 1,310.78

SEPTEMBER CLAIMS

UTILITY CUSTOMERS	DEPOSIT REFUND	\$ 244.38
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Motion by Steinmeyer, seconded by Carr to approve the consent agenda. On roll call, AYE: Phillips, Carr, Steinmeyer. NAY: None. ABTAIN: Vacha. **MOTION CARRIED.**



CITY COUNCIL MEETING

Minutes

Tuesday, September 10, 2024 – 5:30 P.M.

IV. REGULAR AGENDA / NEW BUSINESS

Mayor Brink stated that during this time, comments from members of the public are permitted only on the agenda items listed below. Comments are limited to 2 minutes per individual and 20 minutes total per meeting. If speaking tonight, please state your name, address, and the name of the organization you represent. There was no public comment.

1. Gary Loftis, a director for the Lower Elkhorn NRD, presented the council with a check for \$4,950 for the completion of phase 2 of the City of Trees project through the Community Forestry Incentive Program. The project involved planting 33 trees in the parks and boulevards of Lyons.
2. Mayor Brink introduced **ORDINANCE NO. 773 – AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, REZONING REAL PROPERTY WITHIN THE CITY’S ZONING JURISDICTION LOCATED AT N100’ N220’ E156.3’, LOT 9, BLOCK 5, ROBLEY ADDITION (PARCEL ID NO. 212009800), FROM GENERAL & HIGHWAY COMMERCIAL (C-2) TO INDUSTRIAL (I-1); AMENDING THE CITY’S OFFICIAL ZONING MAP ACCORDINGLY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.** Motion by Phillips, seconded by Vacha for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. **MOTION CARRIED. ORDINANCE NO. 773** was read by title, and Phillips moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips. NAY: None. **MOTION CARRIED. ORDINANCE NO. 773 has been passed, approved, and available in pamphlet form.**
3. Motion by Phillips, seconded by Carr to adopt **RESOLUTION NO. 2024-11: INCREASE THE RESTRICTED FUNDS AUTHORITY BY ONE PERCENT, TO BECOME THREE AND ONE HALF PERCENT.** On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. **MOTION CARRIED.**
4. Motion by Carr, seconded by Vacha to adopt **RESOLUTION NO. 2024-12: ADOPT THE 2024-2025 BUDGET.** On roll call, AYE: Phillips, Steinmeyer, Vacha, Carr. NAY: None. **MOTION CARRIED.**
5. Motion by Vacha, seconded by Phillips to adopt **RESOLUTION NO. 2024-13: 2024-2025 BUDGET YEAR - SET PROPERTY TAX REQUEST AT A DIFFERENT AMOUNT THAN PRIOR YEAR.** On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. **MOTION CARRIED.**
6. Motion by Carr, seconded by Vacha to adopt **Resolution 2024-14: DESIGNATING THE NORTH SIDE OF CRYSTAL STREET, BETWEEN SOUTH FOURTH AND SOUTH FIFTH STREETS, A “NO PARKING” ZONE BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. DURING ANY DAY SCHOOL IS IN SESSION.** On roll call, AYE: Phillips, Steinmeyer, Vacha, Carr. NAY: None. **MOTION CARRIED.**
7. Mayor Brink introduced **ORDINANCE NO. 774 – AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, DESIGNATING ADDITIONAL STREETS NEAR THE SCHOOL AS SUBJECT TO A MAXIMUM SPEED OF 15 MPH; ORDERING THE PLACEMENT OF SPEED LIMIT SIGNS ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND CODIFICATION AT CHAPTER 74, SCHEDULE**



CITY COUNCIL MEETING

Minutes

Tuesday, September 10, 2024 – 5:30 P.M.

I OF THE CITY'S MUNICIPAL CODE. Motion by Vacha, seconded by Carr for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Phillips, Steinmeyer, Carr, Vacha. NAY: None. **MOTION CARRIED. ORDINANCE NO. 774** was read by title, and Phillips moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. **MOTION CARRIED.**

ORDINANCE NO. 774 has been passed, approved, and available in pamphlet form.

8. Motion by Phillips, seconded by Carr to approve a memorial bench to be placed at Brink Memorial Park for Duane & Dorthy Slaughter. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. **MOTION CARRIED.**
9. The October Regular Council Meeting will be rescheduled for Tuesday, October 15, 2024.
10. Police Report – Chief Svendsen
Chief Svendsen presented the August police report, which included 14 calls for service and 20 ordinance violations. Aaron Brensel was hired full-time as a Patrol Sergeant. Matt Schott will be surveying the town for security cameras.
11. Library Director Mike Heavrin Library and Grant Report: Income in June was \$147.30 and this is \$50.62 below the monthly budgetary goal. Income for the fiscal year totals \$7,120.73 which is \$2,841.95 above our FY 2023-2024 goal. Expenses for June came to \$5,488.02, which was \$611.77 above the monthly budget. Fiscal year expenses total \$43,730.92, and that is \$155.33 below the approved budget for this point in FY 2023-2024.
Clerk Anderson asked Heavrin if this was a typo since we received June numbers last meeting. Heavrin responded that he attached the wrong month to the report and will provide the council with July's numbers after the meeting.
Heavrin is searching for grant opportunities that would fund the replacement of streetlights in the business district. The Safe Streets and Roads for All Grant is expected to open in early 2025 and can be utilized for recreational projects, improving access for people with disabilities, as well as for trails and campgrounds in rural areas.
12. Utilities Report – Terry Ueding
 - a. Ueding asked the council if they think we should require concrete permits to be approved in the same process as building permits. Attorney Munderloh is going to review the Codebook and send back his recommendations.
 - b. School Traffic – Signs have been installed for no parking and school zones.
 - c. Patching black top roads will not be completed this Fiscal Year due to other projects needing to be completed in September.
 - d. Ueding asked the council if he could start the process of ordering a new skid loader for the next fiscal year and received approval.



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Minutes

Tuesday, September 10, 2024 – 5:30 P.M.

- e. Lead Pipe Survey is due at the end of September, and we will be conducting door-to-door visits to collect responses.
13. Clerk's Report – Whitney Anderson
- a. Clerk Anderson presented the August Treasurer Report. Motion by Carr, seconded by Vacha to accept Clerk Anderson's Treasurer Report. On roll call, AYE: Phillips, Steinmeyer, Vacha, Carr. NAY: None. **MOTION CARRIED.**
 - b. General, Utility, and Debt Service Income Statements for the month ending August 31, 2024. The General Fund had a month-to-date net loss of \$53,816.97 and a year-to-date net gain of \$51,911.54. The Utility Fund had a month-to-date net gain of \$10,397.09 and a year-to-date net gain of \$156,911.01. Debt Service had a month-to-date net gain of \$3,955.23 and a year-to-date net loss of \$32,476.85.
 - c. Budget reports for the eleventh month (91.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 54.67%. General Expenses were 51.75%. Utility Receipts were 100.70%. Utility Expenses were 86.76%. Debt Service Receipts were 77.23% and Debt Service Expenses were 99.99%
14. Motion by Steinmeyer, seconded by Carr to approve payment of \$1,701.47 to KB's Mini Mart. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer. NAY: None. **MOTION CARRIED.**
15. Motion by Carr, seconded by Vacha to approve payment of \$238.82 to Steiny's General Store. On roll call, AYE: Phillips, Vacha, Carr. NAY: None. ABSTAIN: Steinmeyer. **MOTION CARRIED.**
16. Mayor Brink adjourned the meeting at 6:18 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.



CITY COUNCIL MEETING

Minutes

Tuesday, September 10, 2024 – 5:30 P.M.

Whitney Anderson
City Clerk
(SEAL)