

LYONS

CITY COUNCIL MEETING

Minutes

Tuesday, January 10, 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 5:31 P.M., January 10, 2023, at Lyons City Hall. Present were Council members Steinmeyer, Vacha and Phillips. Housh Sr had an excused absence. Also in attendance were City Clerk Anderson, Utility Superintendent Ueding, Library Director Heavrin, and Police Chief Dunn.

Visitors at the meeting were Nate Wing of Olsson, Sandy Fuoss, Michele Richards, Rebecca Palmer, Heath Cram, David Armstrong and Brandy McElroy.

I. ROUTINE BUSINESS

The meeting was called to order upon motion by Steinmeyer, seconded by Vacha. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **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

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held December 6, 2022.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. Treasurer report.
4. **ORDINANCE NO. 752: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, RELATING TO APPOINTED OFFICIALS, AND ADDING THE POSITION OF CODE ENFORCEMENT OFFICER was adopted, signed and published.**
5. **RESOLUTION NO 2022-15: RESOLUTION TO AMEND DESIGNATING BANK FOR DEPOSITS AND AUTHORIZING SIGNERS FOR NECESSARY OR APPROPRIATE BANK TRANSACTIONS FOR ALL CITY OF LYONS ACCOUNTS PER THE BANK CORPORATE AUTHORIZATION RESOLUTION. (INCLUDES BANK ACCOUNT FOR THE WATER TREATMENT PLANT PROJECT) was adopted and signed.**

DECEMBER 2022 CLAIMS		
EFTPS	FED/FICA TAX	7,742.41
CITY OF LYONS	UTILITIES	4,492.49
CITY OF LYONS	PAYROLL	32,742.75
ACCO UNLIMITED CORPORATIO	CHEM	5,833.39
BURT COUNTY SHERIFF	TELETYPE FEES	20
BOMGAARS	SUPPL	1,150.02
BURT COUNTY CLERK	ELECTION EXPENSE	101.5

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RICK COEN JR	NOV SERV	1,800.00
COLONIAL RESEARCH CHEMICA	SUPPL	479.89
THE JP COOKE CO	POOL/DOG TAGS	180.95
LYONS MIRROR-SUN	LEGAL PRINTING	217.8
LINCOLN FINANCIAL	LTD	231.08
MENARDS	MTCE/SUPPL	816.43
NEBRASKA DEPT OF REVENUE	SALES TAX	8,725.94
DANIEL A SMITH	LEGAL SERVICES	1,000.00
NE PUBLIC HEALTH ENVIRONM	TESTING	16
STAN HOUSTON EQUIPMENT CO	UTILITY CAMERA	10,691.00
VERIZON WIRELESS	SERV	170.54
BLUE CROSS BLUE SHIELD	GROUP HEALTH INS	13,797.84
BURT COUNTY PUBLIC POWER	ELECTRIC	2,742.00
CREDIT BUREAU SERVICES	SERV	178.56
QUADIENT LEASING USA INC	METER LEASE	342
HEATH CONSULTANTS	MTCE	1,752.72
INGERSOLL RAND COMPANY	MTCE	916.63
JENSEN PLG & HTG INC	MTCE	180
NEBRASKA RURAL WATER ASSO	ANNUAL DUES	300
NPGA	NATURAL GAS PURCHASE	28,735.12
NPPD	ELECTRIC PURCHASE	29,020.68
PAPE AUTO BODY & DESIGN	DECALS	555
MARY LOU RITTER	CONTRACT SERVICE NOV	772.5
S & S LAWN CARE LLC	MOWING	575
CENTURYLINK	SERV	60.95
CORE & MAIN	MTCE	1,316.10
DEPARTMENT OF ENERGY	ELECTRIC	5,309.31
SCOTT'S HARDWARE	MTCE	102.38
NEBRASKA STATE PATROL	2021 TRAC FEES	235.5
PORT-A-JOHNS	NOV SERV	70
CITY EMPLOYEES	HSA CONTRIBUTION	1,200.00
WEST POINT AUTO & TRUCK	YELLOW TRUCK REPAIRS	15,550.99
MS ROOF REPAIRS	MTCE/REPAIRS	2,748.00
BOK FINANCIAL	SEWER BOND INTEREST	4,114.40
TRADEMARK DOOR	DOOR REPAIR	1,700.00
FASTWYRE BROADBAND	SERV	483.73

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ONE OFFICE SOLUTION	SUPPL	71.65
MUTUAL OF OMAHA	INSURANCE	369.9
AMERITAS LIFE CORP	RETIREMENT	500
MOTOROLA SOLUTIONS, INC.	2 POLICE CAMERAS	9,280.00

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

IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Steinmeyer, seconded by Phillips to approve building permit for Palmers at 905 Diamond St and waive the 10ft setback to 1ft off of 915 Diamond St to the east side of the property line due to written agreement with neighbor. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED.**
2. Nate with Olsson Associates discussed the Water Treatment Plant Project. Waiting on Piping from Jensen’s and O&M Manuals from Rubin. There was some concern that Jensen’s still haven’t been paid for the Boiler and Rubin told Nate he sent the check a week and a half ago. Rubin told Clerk Anderson that he had not received the invoice from Olsson’s until late December. Nate was going to talk to Rubin. Clerk Anderson let Nate know that Rubin also stated he has not been paid from Westech. Nate was also going to look into that.
3. Motion by Vacha, seconded by Phillips to approve Payment #12 to Rubin Construction in the amount of \$4,976.19 for the remaining amount of CO 14 & 17 on Water Treatment Plant Project. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED.**
4. Mayor Brink introduced **Ordinance No. 753: AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, RELATING TO MUNICIPAL AND APPOINTED OFFICIALS, AND EMPLOYEES OF THE CITY; PROVIDING A MINIMUM AND MAXIMUM COMPENSATION RANGE SCHEDULE FOR EACH; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; EFFECTIVE JANUARY 10, 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, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED.** Ordinance No. 753 was read by title, and Steinmeyer moved for passage of the ordinance, seconded by Phillips. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED.**
5. Motion by Vacha, seconded by Phillips to adopt **Resolution No 2023-01: A Resolution that the form of the Participation Agreement of City of Lyons, a Participating Employer, which evidences the adoption of the amended Plan sponsored by Village of Valparaiso is hereby approved and adopted and that an authorized representative of the Participating Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Participation Agreement.** On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED.**

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6. Motion by Vacha, seconded by Steinmeyer to approve Mayor Brink's recommendation of appointing John Hegge, RonDa Armagost, Brian Raabe, and Gloria Myers on the Lyons Housing Authority Board of Commissioners effective January 10th, 2023 with 5 year terms up for appointment or re-appointment based on the following schedule: John Hegge – 1/1/2024, RonDa Armagost - 1/1/2025, Brian Raabe – 1/1/2026, Gloria Myers – 1/1/2027, Jack Waite (1/1/2028). On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED.**
7. Motion by Vacha, seconded by Phillips to approve Mayor Brink's recommendation of appointing Ross Bacon (Extraterritorial Zoning Jurisdiction), Jay Maddox (Planning Commission Member), Brantley Vavra, Glenn Thummel, Erin Mockler, and Rebecca Palmer (Alternate) on the Board of Adjustments effective January 10th, 2023 with 3 year terms up for appointment or re-appointment based of the following schedule: Erin Mockler – 1/1/2024, Brantley Vavra – 1/1/2024, Jay Maddox – 1/1/2025, Glenn Thummel – 1/1/2025, Ross Bacon – 1/1/2026, Rebecca Palmer – 1/1/2026. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED**
8. Sandy Fuoss and Michele Richards discussed a leash-free dog park at Burlington Park. Sandy got a quote from West Point Lumber for 3/4 acre chain link fence, cement and freight costing a total of \$12,650. Install is not included but was hoping to find volunteers. Sandy stated that it would have to be at least a half acre. Concerns were mentioned regarding where the funds would come from, location, liability and maintenance. Sandy said they would help make sure it was maintained and talked to Mike Heavrin to see if there were any grants available. Sandy and Michele were going to do more research and get back to council.
9. Discussion was held regarding the CD at the bank. Currently getting a 1.76% rate that renews annually in October. Penalties would be waived if a different option was chosen. The two options the Council looked at were a 15 Month 4.00% interest rate or a 31 Month bump up at 3.45%. With the bump up you would have a one-time option over the term to lock in a different interest rate if rates increased.
Motion by Vacha, seconded by Steinmeyer to change our CD at First Northeast Bank of Nebraska to a 31-month Bump up. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED**
10. Mayor Brink welcomed new Police Chief Dunn. Chief Dunn introduced himself to the chamber. Dunn has been in Law Enforcement since May 2017 and Graduated from the Academy in December of 2017. He is married with one child and currently lives in Oakland. He is looking forward to working with the community. Dunn would like to hire two part-time officers, Derek Warner, and Joshua Townsend. Both currently working full-time for the Burt County Sheriff's Office. Chief Dunn also met with Kathy of the Working Cat Project to discuss an ordinance specific to the population control of cats within city limits. The idea is to limit nuisance and improve the quality of life of residents in Lyons and of the cats as well. Chief Dunn is working on an inventory list for the Police Department. Council asked to have it on the agenda for next meeting to decide what to do with the 2013 Charger.
11. Mike Heavrin Library and Grant Report: Finances for the month of November – Income was \$371.40, and was 173.48 above monthly budget goal. Expenses were \$4,291.33, which was 475.25 below monthly budgets. Amanda is going to focus on her EMT studies and will no longer be cleaning the Library. Lacy agreed to do the cleaning. Letter of Intent and Pre-Application for grant will be turned in Friday. Full

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proposal is due February 15th and awards will be announced around March 30th. The matching grant we are applying for is due on February 28th. Funds are being requested for new pavilion and bathhouse/storm shelter at the park, repairs to Lightplant and Police Station roofs and exterior.

12. Utilities report.

- a. The lightplant hanging heaters need replaced. There are some on Amazon for \$600/unit and would need 3-4. If council plans to get rid of the generators, the boilers would no longer be needed and could put in radiant heat instead. Clerk Anderson asked Terry to explain what is wrong with the generators. There are many reasons the generators are not functioning at this time. One reason is the "RICE Rule". The RICE Rule only allows 50 hr/year to run and we would need all of those hours just to keep them exercised. We opted to not follow the RICE Rule which would also require us to put catalytic converters on the generators. That cost was approximately \$140,000 at the time per engine according to Steinmeyer. The fuel tank for Engine #4 is leaking and was going to cost \$50,000 to fix. Engine #2 has a head gasket out. We have control issues with all 3 engines. We cannot find a mechanic to work on them and Terry asked if anyone has knowledge of anyone to send them his way. Vacha asked for a cost vs return analysis before making any decision.
- b. Terry ordered a frost ripper for the backhoe. (\$1500)
- c. Yellow Truck is back and running great so far.
- d. Upcoming classes: Jarrod is heading to wastewater class this week, Terry is heading to Fire Marshall Conference in February and Water Conference in March, Joel and Jesse are taking water classes in February to get grade 4 licensed.
- e. Basket Truck issue – still waiting on mechanic
- f. Tree Board meet last week and made a list of trees that need to be removed and replaced; list was given to council. The board would like to see council put money in the future budgets for tree planting, removal, and pruning. The tree board is also looking into grants. Clerk Anderson added that she had discovered that Lyons was once known as the "City of Trees" but has been forgotten since the Dutch Elm disease came through in the 60s; and would like to see us bring that slogan back. We used to be a Tree City USA by the Arbor Day Foundation and Clerk Anderson will let council know what the requirements are but knew one of the requirements was to have an established tree board.
- g. Water Plant and Generator Contract – Terry is waiting to get a quote on service contract. He had a set fault and an emergency stop happen this week, the set fault was a loose wire which was covered under warranty and still waiting to hear back on why there was an emergency stop. Council would like to know what the warranty is on the water plant generator.

13. Clerk's Report.

- a. General, Utility, and Debt Service Income Statements for the month ending December 31st, 2022. The General Fund had a month-to-date net gain of \$17,377.74 and a year-to-date net gain of \$20,485.26. The Utility Fund had a month-to-date net loss of \$1,109.47 and a year-to-date net gain of \$189,831. Debt Service had a month-to-date net gain of \$978.03 and a year-to-date net loss of \$115,592.71.

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- b. Budget reports for the third month (25%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 13.91%. General Expenses were 11.64%. Utility Receipts were 19.74%. Utility Expenses were 13.04%. Debt Service Receipts were 5.82% and Debt Service Expenses were 87.45%
 - c. Park Project: The Lyons Property Development Committee has been working with Anderson Structures to get plans and bids drawn up for a new pavilion and bathhouse/storm shelter to replace the current structures. The only item left is to pick the color, otherwise we are ready to start project if we receive the grant funding.
 - d. Comp Plan and Zoning regulations have been in progress with Hanna Keelan. We have a zoom meeting Wednesday night to discuss survey results.
 - e. Town Hall Meeting February 15th, 2023 to discuss the first community survey and our Strategic Plan. A light supper will be provided at 5:30 and meeting starts at 6:00.
14. Motion by Steinmeyer, seconded by Vacha to approve payment of \$963.05 to KB's Mini Mart. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED**
15. Motion by Phillips, seconded by Vacha to approve payment of \$1,010.31 to Steiny's General Store. On roll call, AYE: Vacha, Phillips, Mayor Brink NAY: None. Absent: Housh Sr Abstain: Steinmeyer. **MOTION CARRIED**
16. Motion by Vacha, seconded by Phillips to enter executive session at 7:25. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED** Motion by Steinmeyer, seconded by Phillips to return to regular session at 7:28. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED** Motion by Phillips, seconded by Steinmeyer for Jesse Raabe's probation period to end. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED**
17. Motion by Steinmeyer, seconded by Vacha to adjourn the meeting at 7:29. On roll call, AYE: Steinmeyer, Vacha, Phillips NAY: None. Absent: Housh Sr. **MOTION CARRIED**

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

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of said meeting and subjects to be covered at said meeting.

Whitney Anderson
City Clerk
(SEAL)