



CITY COUNCIL MEETING

Minutes

Tuesday, June 11, 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., June 11, 2024, at Lyons City Hall. Present were Council members Vacha, Phillips, and Carr. Also in attendance were City Clerk Anderson, Library Director Heavrin, Utility Supervisor Ueding, and Police Chief Svendsen.

Visitors included Penny Murphy with Farm & Home Ins., Clint Simmons with LARM, and Mike Owen with Music Ambassadors.

I. ROUTINE BUSINESS

The meeting was called to order upon a motion by Vacha, seconded by Phillips. On roll call, AYE: Carr, Phillips, Vacha. NAY: None. ABSENT: Steinmeyer. **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 May 21, 2024.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. **ORDINANCE NO. 766 - AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF LYONS, NEBRASKA, AND REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES; PROVIDING FOR THE PUBLICATION OF SAID CODE IN BOOK FORM was adopted and signed.**
4. **ORDINANCE NO. 767 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO ADOPT AND IMPOSE A LOCAL SALES AND USE TAX OF AN ADDITIONAL ONE-HALF PERCENT (0.5%) (FROM 1.5% TO 2%) UPON THE SAME TRANSACTIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF LYONS, NEBRASKA, THAT ARE SOURCED UNDER THE PROVISIONS OF THE NEBRASKA REVENUE ACT OF 1967, AS AMENDED, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH A TAX, ALL PURSUANT TO THE LOCAL OPTION REVENUE ACT, TO FUND THE VOTER-APPROVED LYONS ECONOMIC DEVELOPMENT PLAN; TO PROVIDE FOR THE ADMINISTRATION, ASSESSMENT, COLLECTION, CLAIMS, REMEDIES, PENALTIES, AND DISPOSITION OF SUCH SALES AND USE TAX; TO REPEAL ALL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE PUBLICATION OF SAID ORDINANCE IN PAMPHLET FORM was adopted and signed.**
5. **ORDINANCE NO. 768 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO ESTABLISH THE LYONS ECONOMIC DEVELOPMENT PLAN, AS APPROVED BY THE MAJORITY OF THE ELECTORS OF THE CITY AT**



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THE STATEWIDE PRIMARY ELECTION HELD MAY 14, 2024; TO REPEAL ALL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM was adopted and signed.

- 6. ORDINANCE NO. 769 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, APPROVING AN AGREEMENT BETWEEN CITY AND JAY MADDOX THAT AUTHORIZES MADDOX, AS CITY’S BUILDING CONDEMNATION CONSULTANT, TO PERFORM ALL SERVICES AND DUTIES NECESSARY AND PROPER TO DETERMINE WHETHER ANY BUILDING OR STRUCTURE WITHIN THE CITY’S JURISDICTION IS DANGEROUS, UNSAFE, OR OTHERWISE A NUISANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM was adopted and signed.**
- 7. ORDINANCE NO. 770 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, TO AMEND CHAPTER 156: FLOODPLAIN MANAGEMENT OF THE LYONS MUNICIPAL CODE, FOR THE CITY OF LYONS, COUNTY OF BURT STATE OF NEBRASKA; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM was adopted and signed.**
- 8. RESOLUTION NO. 2024-06 – Personnel Manual Update was adopted and signed.**
- 9. Resolution 2024-07 - Update Pool Rules was adopted and signed.**

MAY CLAIMS 2024

EFTPS	FED/FICA TAX	\$4,810.86
AMERICAN LEGAL PUBLISHING	WEB HOSTING	\$495.00
ACCO UNLIMITED CORPORATIO	CHEM	\$19,808.38
B & D DIAMOND PRO INC	FIELD MTCE	\$2,100.00
BADER'S HIGHWAY & STREET	CRACK FILLING	\$10,485.00
BURT COUNTY CLERK	ELECTION EXPENSE	\$2,309.00
CNA AUTO SERVICE	MTCE	\$434.19
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	\$4,690.44
LYONS MIRROR-SUN	LEGAL PRINTING	\$8.63
LYONS POSTMASTER	ANNUAL BOX FEE	\$266.00
LYONS-DECATUR PUBLIC SCHO	TOBACCO/LIQUOR LICENSE FEES	\$720.00
MENARDS	MTCE	\$82.50
NEBRASKA DEPT OF REVENUE	STATE TAX	\$1,862.03
NOVUS COMPUTERS	365 EXCHANGE/BUSINESS	\$94.00
OMAHA WINWATER	LINE MTCE	\$512.30
SAVEMORE MARKET	SUPPL	\$90.21
S & S LOCKSMITH	SUPPL	\$156.00
STANEK FIRE PROTECTION	INSPECT	\$197.00
VERIZON WIRELESS	SERV UTIL	\$152.70



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MIDWEST LABORATORIES INC	TESTING	\$22.00
BLUE CROSS BLUE SHIELD	GROUP HEALTH INS	\$10,411.79
WASTE CONNECTIONS OF NE	GARBAGE SERV/SPRING CLEANUP	\$14,004.39
JENSEN PLG & HTG INC	MTCE	\$1,347.02
SAPP BROS PETROLEUM INC	PROPANE	\$24.00
NEBRASKA RURAL WATER ASSO	WTF CONF RAABE	\$890.00
NPGA	NATURAL GAS PURCHASES	\$12,239.58
UCI	ANNUAL FEE	\$795.00
WESCO RECEIVABLES CORP	SUPPL	\$754.35
PORT-A-JOHNS	SERV-MAY	\$70.00
APPEARA	CLOTHING	\$420.00
BOBCAT OF OMAHA	MTCE	\$773.47
FASTWYRE BROADBAND	SERV	\$606.81
ONE OFFICE SOLUTION	SUPPL	\$108.04
MUTUAL OF OMAHA	INSURANCE	\$295.15
AMERITAS LIFE CORP	RETIREMENT	\$2,338.46
FP MAILING SOLUTIONS	POSTAGE	\$800.00
MEGAN VAVRA	JANITOR SERV	\$467.00
NCSPC	GARNISHMENT	\$225.23
CREATIVE XPRESSIONS	CLOTHING	\$157.60
PAYROLL CHECKS	PAYROLL CHECKS	\$20,178.67

JUNE CLAIMS

BURT COUNTY SHERIFF	TELETYPE FEES JUNE/JULY	\$48.00
WILLIAM FINDLAY	ATV LICENSE PLATES	\$263.50
JACK'S UNIFORM & EQUIP	CLOTHING/EQUIP	\$992.14
LYONS MIRROR SUN	LEGAL PRINTING	\$219.53
ONE OFFICE SOLUTIONS	SUPPL	\$316.50

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

IV. REGULAR AGENDA / NEW BUSINESS

Steinmeyer arrived at 5:32



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1. Penny from Farm and Home Insurance did not have the renewal numbers for July 1st from EMC. She asked the council if they would be willing to postpone their decision because the underwriting process is behind schedule. They won't have the numbers until about a week after they receive the requested paperwork. Ueding will work with Penny to ensure that the paperwork is submitted by the end of the week. Motion by Vacha, seconded by Phillips to **table** the consideration to approve insurance Renewal with EMC until a special meeting. On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**
2. Clint Simmons from LARM presented an insurance proposal. LARM is an insurance pool for municipalities across the State of Nebraska. Member services include the Lean on LARM Safety Grant, LARM Armor Program, property evaluation, coverage analysis and legal review of issues, annual policy review, law enforcement training, contract review, liability and work comp site reviews, work comp accident analysis, and an online library of training videos. Coverage includes replacement cost of roofs regardless of age, no cosmetic exclusion, and property deductible reduction from \$10,000 to \$1,000, except on Power Gen, where it would be \$5,000. A 3-year commitment with a 180-day notice gives a 5% discount for an estimated annual contribution of \$105,667. Motion by Phillips, seconded by Carr to **table** the consideration to approve LARM insurance proposal. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
3. Motion by Steinmeyer, seconded by Phillips to **table** the consideration to approve the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management. On roll call, AYE: Vacha, Carr, Phillips, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**
4. Motion by Phillips, seconded by Carr to **table** the consideration of adopting **RESOLUTION 2024-08 – LARM AGREEMENT 2024-25**. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
5. Mayor Brink introduced **ORDINANCE NO. 771- AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, AMENDING SECTIONS OF THE CITY'S MUNICIPAL CODE PERTAINING TO UNSAFE BUILDINGS AND STRUCTURES AND PROCEDURES TO ABATE THEM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES AND MUNICIPAL CODE SECTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.** Motion by Phillips, seconded by Steinmeyer for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.** **ORDINANCE NO. 771** was read by title, and Steinmeier moved for passage of the ordinance, seconded by Vacha. On roll call, AYE: Phillips, Carr, Vacha, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.** **ORDINANCE NO. 771 has been passed, approved, and available in pamphlet form.**
6. Mayor Brink introduced **ORDINANCE NO. 772 - AN ORDINANCE OF THE CITY OF LYONS, NEBRASKA, ESTABLISHING A FEE AND TAX SCHEDULE TO INCLUDE THE VARIOUS AND CERTAIN FEES AND TAXES CHARGED BY THE CITY FOR VARIOUS PERMITS, SERVICES, LICENSES, AND OTHER MATTERS; REPEALING**



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CONFLICTING ORDINANCES AND SECTIONS THEREOF; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM. Motion by Phillips, seconded by Vacha for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Carr, Steinmeyer, Vacha, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**

ORDINANCE NO. 772 was read by title, and Steinmeier moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**

ORDINANCE NO. 772 has been passed, approved, and available in pamphlet form

7. Motion by Steinmeyer, seconded by Vacha to approve Building Permit 2024-014 for Dan Bacon. On roll call, AYE: Phillips, Carr, Vacha, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**
8. Motion by Vacha, seconded by Phillips to approve the Music Ambassadors to use the empty lot west of the Library for a firework stand. On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**
9. Police Report – Chief Svendsen
Chief Svendsen presented the May police report. The report included 14 calls for service, 7 traffic stops, and 52 ordinance violations. Justice Hansen is to start Skillbridge program June 18th. William Findlay's Law Enforcement Certification has been reinstated and will start working part-time again. Installed Datamaster into Lyons PD and ordered calibration kits. The police budget for FY 24-25 has been submitted to Clerk Anderson. Steinmeyer asked Chief Svendsen to be on the lookout for kids driving ATV's and suspicious activity at the park pavilion.
 - a. Motion by Phillips, seconded by Steinmeyer to hire Justin King as part-time Police Officer at \$26/hr. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
 - b. Motion by Phillips, seconded by Carr to delegate authority to Police Chief Svendsen to select, hire, assign duties, and terminate employees for the Lyons Police Department. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
10. Library Director Mike Heavrin Library and Grant Report: Income in April was \$940 and this is \$742.08 above the monthly budgetary goal. Income for the fiscal year totals \$3,175.90, which is \$1,791.27 above our FY 2023-2024 goal. Expenses for April came to \$4,373.82, which was \$502.43 below the monthly budget. Fiscal year expenses total \$30,095.87, and that is \$4,018.38 below the approved budget for this point in FY 2023-2024.
The AC is not working in the meeting room and Ueding will contact Jensen's.
As a Memorial to Mary Jane Bell, Paul and Michelle Roscoe have arranged to include a guest speaker for the Lyons 4th of July observance. Darrell Draper will be the Humanities speaker on the Statue of Liberty. The program will start at 2 pm on the 4th of July.
Summer Reading Program is currently underway thanks to the library staff and Friends of the Library. It will run from 10 AM – 11 AM every Wednesday in June.



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The Lyons Public Library Board of Directors and the Library Endowment Board of Directors have set up a committee to consider a number of improvements to the library building. The committee is hoping to repaint the inside of the building and do some remodeling at the same time. Once JEO has updated the DTR Plan, Mike will get to work with NENEDD to complete CDBG Downtown Revitalization Grant due Sept 15, 2024. There is no update on the Peter Kiewit Foundation since providing Request Summary.

11. Utilities Report – Terry Ueding

- a. Well 7801 will be pulled and rebuilt.
- b. A lengthy discussion was held regarding issues at the pool. The diving board will need to be replaced next year. The skimmer covers coating has worn off and will cost approximately \$9,500 to replace. If they are removed and painted with an epoxy coat, it will require a 7 day cure time. The boiler has quit working, and Jensen's have tried unsuccessfully to repair it for the season. We have not received numbers yet from Jensen's but Ueding thinks it will be around \$15,000. Motion by Phillips, seconded by Vacha to approve \$25,000 in pool repairs. On roll call, AYE: Carr, Steinmeyer, Vacha, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
- c. Discussion was held regarding park benches and picnic tables. Phillips will check with Northeast Nebraska Power Coating on a sandblast and powder coat cost.
- d. Anderson and Ueding met with Jeff from First Star Recycling at the Recycling Center in May to discuss options for recycling and their Hefty ReNew Program (HRP). HRP is a program where they collect hard-to-recycle plastics like bubble wrap, grocery bags, foam packaging, toothpaste tubes, etc., and use them to make 100% plastic lumber. The City can receive the lumber at a discounted price if they participate in the program. First Star Recycling will provide some starter kits for residents and sell 13-gallon bag rolls at wholesale to the city for resale to participating residents. If we start sorting #1 plastic, we could potentially earn more money. Currently, they are comingled with #3-7 plastics. Ueding is going to check with pricing from Siouxland Recovery before moving forward.

12. Clerk's Report – Whitney Anderson

- a. Clerk Anderson presented the May Treasurer Report. Motion by Phillips, seconded by Carr to accept Clerk Anderson's Treasurer Report. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
- b. General, Utility, and Debt Service Income Statements for the month ending May 31, 2024. The General Fund had a month-to-date net gain of \$15,646.12 and a year-to-date net gain of \$113,775.54. The Utility Fund had a month-to-date net loss of \$99,402.02 and a year-to-date net gain of \$161,795.39. Debt Service had a month-to-date net gain of \$44,964.60 and a year-to-date net loss of \$55,741.56.
- c. Budget reports for the eighth month (66.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 39.79%. General Expenses were 32.20%. Utility Receipts were 76.40%. Utility Expenses were 52.52%. Debt Service Receipts were 61.17% and Debt Service Expenses were 99.99%



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- d. The Utility Department was finally able to get into 400 Grant St. to retrieve water meter. The meter did not roll over and 960,900 gallons were used and will be billed accordingly.
 - e. Still working on welcome sign ideas for the highway and Burlington park.
 - f. Park Project update – Waiting on word from Andrea with NENEDD if we can move forward without a city engineer due to the high cost and instead require the contractor to have structures engineer-stamped in their bid.
13. Motion by Vacha, seconded by Phillips to enter executive session at 7:33 PM to discuss employee Jesse Raabe’s annual review. On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**
Motion by Phillips, seconded by Steinmeyer to return to regular session at 7:37 PM. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
14. Motion by Vacha, seconded by Carr to approve a raise of 4% for Jesse Raabe effective June 27, 2024. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha, NAY: None. ABSENT: None. **MOTION CARRIED.**
15. Motion by Phillips, seconded by Carr to approve payment to KB’s Mini Mart in the amount of \$1,881.81 for Gas and \$535.53 for pool concessions. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
16. Motion by Vacha, seconded by Phillips to approve payment of \$1,051.35 to Steiny’s General Store. On roll call, AYE: Carr, Phillips, Vacha. NAY: None. ABSTAIN: Steinmeyer. ABSENT: None. **MOTION CARRIED.**
17. Clerk Anderson provided Council with the General Revenue and Expense Budget Worksheet for FY 24-25 to review. Council decided to move forward with a Budget Workshop in July.
18. Mayor Brink adjourned the meeting at 7:50 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



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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)