

LYONS
CITY COUNCIL MEETING
Minutes
Tuesday, June 6, 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., June 6, 2023, at Lyons City Hall. Present were Council members Steinmeyer, Vacha, Phillips, and Carr. Also in attendance were City Clerk Anderson, City Attorney Smith, 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 Carr. On roll call, AYE: Steinmeyer, Carr, Phillips, 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. None

III. CONSENT AGENDA

1. Dispense with reading of minutes of meeting held May 9, 2023.
2. Claims as presented except claims of KB's Mini Mart and Steiny's General Store.
3. **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, was adopted, signed, and published.
4. **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 EACH; REPEALING ALL PREVIOUS ORDINANCES, AMENDMENTS, AND SECTIONS IN CONFLICT HEREWITH; EFFECTIVE May 2, 2023, was adopted, signed, and published.
5. **RESOLUTION NO. 2023-5** – Pool Rules and Lifeguard Handbook was adopted and signed.

MAY 2023 CLAIMS

ACCO UNLIMITED CORPORATIO	CHEMICALS/SUPPL	\$ 10,793.25
AMERICAN TEST CENTER (WI)	ANNUAL SAFETY INSP BUCKET TRUC	\$ 1,255.00
AMERITAS LIFE CORP	RETIREMENT	\$ 1,594.82
APPEARA	CLOTHING	\$ 320.72
AUTO VALUE	SUPPL	\$ 22.05

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BARCO MUNICIPAL PRODUCTS	SUPPL	\$ 264.05
BLUE CROSS BLUE SHIELD	HEALTH INS	\$ 8,480.49
BOK FINANCIAL	SEWER PRINCIPAL	\$ 57,973.75
BOMGAARS	SUPPL	\$ 82.93
BORDER STATES INDUSTRIES	SUPPL	\$ 788.58
BRYAN DUNN	GAS REIMBURSEMENT	\$ 50.23
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 5,484.00
BURT COUNTY SHERIFF	TELETYPE FEES	\$ 20.00
CENGAGE LEARNING	BOOKS	\$ 69.26
CENTER POINT LARGE PRINT	BOOKS	\$ 379.32
CITY OF LYONS PETTY CASH	POOL PETTY CASH	\$ 75.00
CITY OF LYONS UTILITIES	UTILITIES	\$ 3,300.78
CNA AUTO SERVICE	MTCE	\$ 76.60
COLE PAPERS INC.	suppl	\$ 1,051.72
COLONIAL RESEARCH CHEMICA	SUPPL	\$ 803.06
CORE & MAIN	MTCE	\$ 95.00
DANIEL A SMITH	LEGAL SERVICES	\$ 1,000.00
DEPARTMENT OF ENERGY	ELECTRIC	\$ 5,527.80
EFTPS	FED/FICA TAX	\$ 6,575.62
ELECTRONIC CONTRACTING CO	ANNUAL FIRE ALARM INSPECT	\$ 628.56
FASTWYRE BROADBAND	SERV	\$ 484.15
FIRST NATIONAL BANK	Excavator Loan	\$ 19,174.58
HSA	HSA-May	\$ 2,800.00
JENSEN PLG & HTG INC	MTCE	\$ 469.64
LINCOLN FINANCIAL	INS	\$ 281.58
LINCOLN WINWATER WORKS	SUPPL	\$ 187.95
LORENSEN GRAIN & READY MI	ROCK/GRAVEL	\$ 406.06
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 202.95
LYONS POSTMASTER	ANNUAL BOX FEE	\$ 252.00
MAIN STREET SERVICES LLC	MTCE	\$ 116.50
MAKENNA MCCULLOCK	JANITOR SERV MAY	\$ 487.50
MATT ANDERSON	BOAT	\$ 300.00
MENARDS	MTCE	\$ 638.03
MENARDS - SIOUX CITY	MTCE	\$ 741.42
MIDWEST CONTRUCTION RENT	MTCE	\$ 65.00
MIDWEST LABORATORIES INC	TESTING	\$ 196.57
MS ROOF REPAIRS	MTCE	\$ 1,490.00
MUTUAL OF OMAHA	INS	\$ 204.15

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NEBR STATE FIRE MARSHALL	ANNUAL BOILER INSPECT	\$ 81.00
NEBRASKA DEPT OF REVENUE	SALES & USE TAX	\$ 6,825.23
NEBRASKA STATE PATROL	MACH/TRACS FEE	\$ 246.00
NOVUS COMPUTERS	MTCE	\$ 93.50
NPGA	NATURAL GAS PURCHASE	\$ 9,707.26
NPPD COLUMBUS	ELECTRIC PURCHASE	\$ 28,715.08
OAKLAND LUMBER	MTCE/SUPPL	\$ 156.66
ONE OFFICE SOLUTION	SUPPL	\$ 332.71
PAYROLL	PAYROLL-May	\$ 28,804.22
POWERPLAN	MTCE	\$ 62.74
QUADIENT FINANCE USA INC	POSTAGE	\$ 600.00
S & S LAWN CARE LLC	MOWING/FERT/WEED CONTROL	\$ 3,165.00
S & S LOCKSMITH	MTCE	\$ 469.00
SAPP BROS PETROLEUM INC	PROPANE	\$ 20.00
SAVEMORE MARKET	SUPPL	\$ 94.32
SCOTT'S HARDWARE	MTCE	\$ 57.95
SEALS & SERVICE	MTCE	\$ 806.49
STAN HOUSTON EQUIPMENT CO	SUPPL	\$ 10.50
STANEK FIRE PROTECTION	INSPECT	\$ 189.00
UCI	ANNUAL FEES	\$ 560.00
US BANK	SUPPL	\$ 246.89
VERIZON WIRELESS	SERV	\$ 354.86
WASTE CONNECTIONS OF NE	GARBAGE FEES	\$ 7,149.95
WESCO RECEIVABLES CORP	MTCE	\$ 1,808.84
WEST POINT NEWS	2 YR SUB	\$ 99.00
WHITNEY ANDERSON	POOL CONCESSION REIMBURSEMENT	\$ 186.38

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

IV. REGULAR AGENDA / NEW BUSINESS

1. Motion by Vacha, seconded by Carr to approve a principal payment to First Northeast Bank of Nebraska in the amount of \$15,718.12 for Water Treatment Plant Construction Loan. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**
2. Motion by Carr, seconded by Vacha to extend Water Treatment Plant Construction loan with First Northeast Bank of Nebraska for 60 days with a 4.5% interest rate. On roll call, AYE: Carr, Vacha, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**

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3. Matt with Olsson Associates gave an update on the Water Treatment Plant Project. Approximately \$75,000 in grant money will help pay interest and loan closing costs. Waiting on NDEE closeout letter to finalize the loan. Utility Superintendent Ueding voiced his concerns about valves failing, the backwash pump failing, and the software and computer programming issues.
4. Motion by Steinmeyer, seconded by Carr to approve the building permit for Three Rivers Housing at 416 Walnut St to build a single-family dwelling. On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha NAY: None. **MOTION CARRIED**
5. Motion by Vacha, seconded by Phillips to approve Special Designated Liquor License for Tilted Table for a wedding on June 10th, 2023. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer NAY: None. **MOTION CARRIED**
6. Motion by Vacha, seconded by Carr to approve the Music Ambassadors to use the empty lot west of the Library for a firework stand. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**
7. Library & Grant reports - Mike Heavrin.
Income in April was \$0 and this is \$197.92 below the monthly budgetary goal. Income for the fiscal year through March totaled \$2,114.14, which is \$729.51 above FY 2022-23 goal. Expenses for March came to \$4,169.01, which is \$597.57 below the monthly budget. Expenses for the fiscal year through March totaled \$26,659.13, which is \$6,687.89 below the approved budget.
Mike is working on grants for the Park Project with \$30,000 in donations collected.
8. Police Report – Chief Dunn
Chief Dunn presented the May police report which include 45 ordinance violations resolved out of 53 issued. Evidence Cage is scheduled to be delivered this week. Svendsen will be attending the Academy in August. Chief Dunn is also suggesting cameras be placed in the park and business district.
9. Motion by Carr, seconded by Steinmeyer to adopt **Resolution 2023—6 – Police Manual**. On roll call, AYE: Carr, Steinmeyer, Vacha, Phillips NAY: None. **MOTION CARRIED**
10. Motion by Vacha, seconded by Phillips to adopt **Resolution 2023-7 – Police Body Armor Policy 001**. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer NAY: None. **MOTION CARRIED**
11. Utilities report – Terry Ueding
 - a. Terry asked the council where the line is drawn with maintenance/supplies for the ball fields. The council suggested the Ball Association do more fundraising to help fund the program.
 - b. Discussion was held regarding City Property between Janelle and Butch and possibly selling Janelle the ground that she has been taking care of and mowing. The city is not responsible for acts of god when heavy rain washes debris down the creek and clogs the drain. Terry is going to figure out if there is anything we can do closer to Main Street to mitigate the issue in the future.
 - c. Tires and rims for Green Truck are no good. Going to purchase used ones for the front at \$50 per tire. Going to get solid numbers and bring them back to the next meeting.

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- d. Big Budget items for next fiscal year are a skid loader and Small JD Tractor.
 - e. Repairs to sidewalk at Library has begun.
 - f. Pool heater burner is lighting hard and may need to be replaced.
 - g. Water levels are dropping and voluntary restrictions are not reducing usage. Suggested a Mandatory Water Restriction.
12. Motion by Vacha, seconded by Steinmeyer to approve bid from JMR Construction in the amount of \$6,280 to replace roof at island park shelter. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None.
MOTION CARRIED
The council asked for the project to either be finished before the 4th of July celebration or started after.
13. Motion Vacha, seconded by Carr to donate \$2,500 to Lyons Sports Program. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**
14. Motion by Steinmeyer, seconded by Vacha to approve the proposal from Krusemark Construction & Excavation to crush concrete at city dump site. On roll call, AYE: Steinmeyer, Vacha, Phillips, Carr NAY: None. **MOTION CARRIED**
The proposal would cost \$0 and provide the city with 100 cubic yards of concrete for their own use.
15. Butch Imus was unable to attend the meeting.
16. Clerk's Report – Whitney Anderson
- a. Motion by Phillips, seconded by Steinmeyer to approve Clerk Anderson's Treasurer report.
 - b. General, Utility, and Debt Service Income Statements for the month ending May 31st, 2023. The General Fund had a month to date net gain of \$29,486.51 and a year to date net loss of \$74,777.30. The Utility Fund had a month to date net loss of \$58,408.72 and a year to date net gain of \$130,161.61. Debt Service had a month to date net gain of \$47,641.20 and a year to date net loss of \$51,580.18. Budget reports for the eighth month (66.6%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 47.04%. General Expenses were 55.83%. Utility Receipts were 53.07%. Utility Expenses were 46.78%. Debt Service Receipts were 63.54% and Debt Service Expenses were 100%
 - c. Would like 23-24 Budget requests by June 30th. Mary Lou will be coming in July to help with the budget.
 - d. Suggest that we do a Utility Rate Study. Will look into companies and pricing.
 - e. We have not received July 1 renewal for EMC insurance. Brink, Vacha, Ueding and Anderson will review it once it comes in and make suggestions for July council meeting.
 - f. Reminder that the next Council Meeting is July 11th. Mayor Brink suggested changing council meetings to the second Tuesday of the month and will put on July Agenda.
17. Motion by Steinmeyer, seconded by Phillips to continue with the same Health Insurance Plan HSA OPT 3 Embedded. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha NAY: None. **MOTION CARRIED**
18. Motion by Vacha, seconded by Steinmeyer to approve the hire of Kaylin Miller as a lifeguard. On roll call, AYE: Vacha, Steinmeyer, Phillips, Carr NAY: None. **MOTION CARRIED**

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19. Motion by Vacha, seconded by Carr to enter executive session at 7:37 to discuss Employee Personnel – Chief Bryan Dunn’s 6-month Review, Jesse Raabe’s annual review. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**
Motion by Vacha, seconded by Phillips to return to regular sessions at 7:42. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer NAY: None. **MOTION CARRIED**
20. Motion by Steinmeyer, seconded by Vacha to approve ending the probation period for Chief Bryan Dunn effective July 3, 2023. On roll call, AYE: Steinmeyer, Vacha, Phillips, Carr NAY: None. **MOTION CARRIED**
21. Motion by Vacha, seconded by Carr to approve a 4% raise for Jesse Raabe effective June 27, 2023. On roll call, AYE: Vacha, Carr, Steinmeyer, Phillips NAY: None. **MOTION CARRIED**
22. Motion by Carr, seconded by Steinmeyer to approve payment of \$2,939.11 to KB’s Mini Mart. On roll call, AYE: Carr, Steinmeyer, Vacha, Phillips NAY: None. **MOTION CARRIED**
23. Motion by Phillips, seconded by Carr to approve payment of \$1,542.56 to Steiny’s General Store. On roll call, AYE: Phillips, Carr, Vacha NAY: None. ABSTAIN: STEINMEYER. **MOTION CARRIED.**
24. Mayor Brink adjourned the meeting at 7:44.

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)