



## CITY COUNCIL MEETING

### Minutes

Tuesday, May 21, 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., May 21, 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 Burt County Emergency Manager Jason Redding-Geu, Terry Meier with JEO, and Leah Miller.

### I. ROUTINE BUSINESS

The meeting was called to order upon a motion by Vacha, seconded by Carr. On roll call, AYE: Phillips, Carr, 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 April 26, 2024.
2. Dispense with reading of minutes of meeting held May 14, 2024.
3. Claims as presented except claims of KB’s Mini Mart and Steiny’s General Store.

#### APRIL CLAIMS 2024

ACCO UNLIMITED CORPORATIO	CHEMICALS	\$872.25
COLONIAL RESEARCH CHEMICA	SUPPL	\$2,020.65
ITRON	ITRON UPDATE	\$656.45
JACK'S UNIFORMS	CLOTHING	\$287.65
LORENSEN GRAIN & READY MI	ROCK	\$135.50
LYONS MIRROR-SUN	LEGAL PRINTING	\$158.36
LYONS FIRE DISTRICT	FIRE INS OCC TAX	\$ 5.00
MEL'S SMALL ENGINE	MTCE	\$272.80
NOVUS COMPUTERS	365 EXCHANGE/BUSINESS	\$94.00
SAVEMORE MARKET	SUPPL	\$58.31
VERIZON WIRELESS	SERV - UTIL	\$152.70
MIDWEST LABORATORIES INC	TESTING	\$22.00



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WASTE CONNECTIONS OF NE	GARBAGE SERV	\$ 8,188.25
LAYNE CHRISTENSEN COMPANY	WATER WELL TESTING	\$1,050.00
T & H ELECTRIC	SUPPL	\$154.37
UCI	TESTING	\$75.00
WESCO RECEIVABLES CORP	SUPPL	\$625.93
SCOTT'S HARDWARE	EQUIP	\$ 214.06
PORT-A-JOHNS	SERV - APRIL	\$70.00
APPEARA	CLOTHING	\$336.00
COLE PAPERS INC.	SUPPL	\$283.19
AXON ENTERPRISE INC	AXON ANNUAL SERV	\$6,529.07
MEGAN VAVRA	JANITOR SERV	\$500.00

**MAY CLAIMS 2024**

EFTPS	FED/FICA TAX	\$ 7,663.91
CITY OF LYONS UTILITIES	UTILITIES	\$ 3,713.34
BURT COUNTY PLAINDEALER	1 YEAR SCRIPT LIB	\$ 50.00
BOMGAARS	SUPPL	\$ 220.98
COLONIAL RESEARCH CHEMICA	SUPPL	\$ 1,192.43
HELENA CHEMICAL CO	CHEMICAL FERT	\$ 728.90
JOHNSON-ERICKSON-O'BRIAN	DTR PLAN 75%	\$ 1,575.00
LANE'S TREE SERVICE	TREE PLANTING	\$ 6,600.00
LYONS MIRROR-SUN	LEGAL PRINTING	\$ 67.27
LINCOLN FINANCIAL	LTD	\$ 577.50
NEBRASKA DEPT OF REVENUE	SALES AND USE TAX	\$ 6,217.58
ARBOR DAY FOUNDATION	ANNUAL MEMBERSHIP	\$ 40.00
NENEDD	DD #11 ADMIN/CONST	\$ 3,985.00
NOVUS COMPUTERS	MTCE/365	\$ 82.50
NE PUBLIC HEALTH ENVIRONM	TESTING	\$ 19.00
STAN HOUSTON EQUIPMENT CO	SUPPL	\$ 177.23
VERIZON WIRELESS	SERV	\$ 177.78
APPA	Membership Dues	\$ 700.00
BURT COUNTY PUBLIC POWER	ELECTRIC	\$ 2,823.60
CENGAGE LEARNING	BOOKS	\$ 107.96
CENTER POINT LARGE PRINT	BOOK	\$ 189.36
JENSEN PLG & HTG INC	MTCE/REPAIRS	\$ 374.45



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MEAN	TRAINING	\$ 296.00
NE DEPT OF ENVIRONMENTAL	BACKFLOW LICENSE RAABE	\$ 115.00
NPPD COLUMBUS	ELECTRIC PURCHASES	\$ 26,113.16
USABUEBOOK	SUPPL	\$ 850.12
WESCO RECEIVABLES CORP	SUPPL-EVERETT PROJ	\$ 32,326.84
DEPARTMENT OF ENERGY	ELECTRIC	\$ 5,527.80
REAMS SPRINKLER SUPPLY	MTCE FOUNTAINS	\$ 2,274.61
LINCOLN WINWATER WORKS	LINE MTCE	\$ 512.30
AUTO VALUE	MTCE	\$ 95.79
FASTWYRE BROADBAND	SERV	\$ 648.08
ONE OFFICE SOLUTION	SUPPL	\$ 358.61
AMERITAS LIFE CORP	RETIREMENT	\$ 4,650.30
J.P. COOKE CO.	POOL TAGS	\$ 108.75
COLE PAPERS INC.	SUPPL	\$ 42.75
CONTINENTAL RESEARCH	SUPPL	\$ 264.24
JOHNSON & MOCK, PC, LLO	LEGAL FEES	\$ 968.00
NCSPC	GARNISHMENT	\$ 450.46
CREATIVE XPRESSIONS	CLOTHING	\$ 58.85
CITY EMPLOYEES	HSA	\$ 1,800.00
TOTAL FIRE & SECURITY	SEMI ANNUAL FIRE ALARM INS	\$ 250.00
REBECCA PALMER	MILEAGE	\$ 61.64
SITEONE LANDSCAPE SUPPLY	FERT	\$ 118.84
DEPOSIT REFUNDS	REFUNDS	\$ 182.04
PAYROLL CHECKS	PAYROLL CHECKS	\$ 28,780.13

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

**IV. REGULAR AGENDA / NEW BUSINESS**

1. Mayor Brink introduced **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.** Motion by Vacha, seconded by Phillips for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Carr, Phillips, Vacha. NAY: None. ABSENT: Steinmeyer. **MOTION CARRIED.**



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**ORDINANCE NO. 766** was read by title, and Phillips moved for passage of the ordinance, seconded by Carr. On roll call, AYE: Vacha, Carr, Phillips. NAY: None. ABSENT: Steinmeyer. **MOTION CARRIED.**

**ORDINANCE NO. 766 has been passed, approved, and available in pamphlet form.**

Steinmeyer arrived at 5:32

2. Mayor Brink introduced **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.** 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. ABSENT: None. **MOTION CARRIED.**  
**ORDINANCE NO. 767** 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. ABSENT: None. **MOTION CARRIED.**  
**ORDINANCE NO. 767 has been passed, approved, and available in pamphlet form.**
3. Mayor Brink introduced **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 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.** Motion by Steinmeyer, seconded by Vacha for the suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Phillips, Carr, Vacha, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**  
**ORDINANCE NO. 768** was read by title, and Steinmeyer 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. 768 has been passed, approved, and available in pamphlet form.**
4. Mayor Brink introduced **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.** Motion by Vacha, seconded by Carr for the



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suspension of the statutory rule requiring reading on three separate days. On roll call, AYE: Steinmeyer, Phillips, Carr, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**

**ORDINANCE NO. 769** was read by title, and Carr moved for passage of the ordinance, seconded by Vacha. On roll call, AYE: Steinmeyer, Phillips, Vacha, Carr. NAY: None. ABSENT: None. **MOTION CARRIED.**

**ORDINANCE NO. 769 has been passed, approved, and available in pamphlet form.**

5. Mayor Brink introduced **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.** 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. ABSENT: None. **MOTION CARRIED.** **ORDINANCE NO. 770** was read by title, and Vacha moved for passage of the ordinance, seconded by Steinmeyer. On roll call, AYE: Carr, Phillips, Steinmeyer, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.** **ORDINANCE NO. 770 has been passed, approved, and available in pamphlet form.**
6. Motion by Vacha, seconded by Phillips to adopt **RESOLUTION NO. 2024-06 – Personnel Manual Update.** On roll call, AYE: Steinmeyer, Carr, Phillips, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**
7. Motion by Steinmeyer, seconded by Carr to authorize final Drawdown #11 of CDBG funds in the amount of \$3,985 to NENEDD for Administration and Construction Management fees for Water Treatment Plant Project. On roll call, AYE: Phillips, Vacha, Carr, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**
8. Mayor Brink Signed the Final Financial Report for Community Development Block Grant #19WW005 for Water Treatment Plant Project.
9. Jason Redding-Geu introduced himself as the new Burt County Emergency Manager. He let the council know he is here to help whether that is training, future grants, etc. to prevent future disasters. Jason stated that his primary goal is to get all communities in Burt County on the same alert system.
10. Terry Meier with JEO presented council with a draft update to the Downtown Revitalization Plan. If there are any changes they see to let Clerk Anderson know.
11. Discussion was held regarding the Park Project. Mayor Brink advised the council that he has spoken with Corey about ways to minimize their scope of work on engineering fees for the project, which amount to approximately \$75,000. He plans to speak with NENEDD and will get back to the council on what they can do to move forward with the bidding process.  
Motion by Steinmeyer, seconded by Vacha to NOT approve JEO Park Project Agreement. On roll call, AYE: Phillips, Carr, Vacha, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**



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12. Motion by Phillips, seconded by Carr to approve JEO agreement for GIS zone mapping in a lump sum not to exceed \$1,420.00. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
  
13. Leah Miller spoke on behalf of St. Johns Lutheran Church that they plan to work with the fire department to make sure they are not blocking their trucks with the street closure.  
Motion by Carr, seconded by Vacha to approve St. Johns Lutheran Church's request to block off 4<sup>th</sup> st from Main St. to State St. on Sunday June 9<sup>th</sup>, 2024 during the hours of their celebration. On roll call, AYE: Steinmeyer, Phillips, Vacha, Carr. NAY: None. ABSENT: None. **MOTION CARRIED.**
  
14. Motion by Phillips, seconded by Carr to approve the building permit for Dale Yarges for a 629 sq ft concrete patio. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
  
15. Motion by Phillips, seconded by Vacha to approve Lexi Vertin to replace Rebecca Palmer as an alternate on the Board of Adjustments with a term expiration of 1/1/2026. On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
  
16. Police Report – Chief Svendsen  
Chief Svendsen presented the April police report. The report included 14 calls for service, 1 arrest, and 3 traffic stops. Justice is set to start the Skillbridge program on June 18<sup>th</sup>.
  
17. Library Director Mike Heavrin Library and Grant Report: Income in March was \$35 and this is \$162.92 below the monthly budgetary goal. Income for the fiscal year totals \$2,235.90, which is \$1,048.40 above our FY 2023-2024 goal. Expenses for March came to \$3,595.75, which was \$1,280.50 below the monthly budget. Fiscal year expenses total \$25,722.05, and that is \$3,535.45 below the approved budget for this point in FY 2023-2024.  
Celebration of Life was held on April 27<sup>th</sup> at the Library for Mary Jane Bell and the family requested memorial donations go to the library with a total of \$1,235. E-rate has been approved for a 80% subsidy for library internet bill.  
Grant update: CDBG Downtown Revitalization is in the planning stage and Mike will be working with Andrea with NENEDD once we receive the updated DTR Plan from JEO.  
LOI was submitted to Peter Kiewit Foundations for playground equipment on Brink Park Island. Heavrin believes he has located a potential funder to repair the fountain at the lagoon.
  
18. Utilities Report – Terry Ueding
  - a. Ueding would like council to look into new benches at the park.
  - b. The Pool is filled and ready for opening day, the burner has been replaced but we most likely will need a new boiler in the future.



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- c. Ueding asked council if there is anything they would like to see him put in his budget for 24-25 FY. Fixing some alleys and storm drains was mentioned.
  - d. Town cleanup had 9 dumpsters filled and 3 metal dumpsters. Discussion was held regarding having a fall cleanup.  
Motion by Phillips, seconded by Vacha to provide 4 dumpsters for fall cleanup. On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
  - e. Jesse Rabbe received his Grade 6 License which will give him a \$0.50 raise.
  - f. Annual inspection on trucks were completed with a few minor itmes that need to be fixed.
  - g. Senior Center would like a handicap ramp in front of their building. Council would like more information and for them to attend a meeting.
19. Clerk's Report – Whitney Anderson
- a. Clerk Anderson presented the April Treasurer Report. Motion by Vacha, seconded by Carr to accept Clerk Anderson's Treasurer Report. On roll call, AYE: Phillips, Steinmeyer, Carr, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**
  - b. General, Utility, and Debt Service Income Statements for the month ending April 30<sup>th</sup>, 2024. The General Fund had a month-to-date net loss of \$30,194.81 and a year-to-date net gain of \$98,129.42. The Utility Fund had a month-to-date net gain of \$46,897.66 and a year-to-date net gain of \$261,196.41. Debt Service had a month-to-date net loss of \$6,043.16 and a year-to-date net loss of \$100,706.16.
  - c. Budget reports for the seventh month (58.3%) on the General, Utility, and Debt Service Funds were as follows: General Receipts were 32.54%. General Expenses were 25.97%. Utility Receipts were 69.67%. Utility Expenses were 52.52%. Debt Service Receipts were 30.13% and Debt Service Expenses were 99.99%.
  - d. Discussion was held regarding a water leak at 400 Grant Street. We are still unable to get into the house and waiting on the attorney to see if we can move forward with an inspection warrant.
  - e. Discussion was held regarding the welcome sign on Hwy 77 and a new sign at Burlington park. Denise Johnson with the community club is looking into options for the one on Hwy 77. Anderson requested council to send her ideas.
  - f. 24/25 budget requests are wanted – Will possibly have the 1st budget workshop at the June 11<sup>th</sup> council meeting or will schedule it at that meeting.
  - g. Waste Connection rates have increased. Informational for when we review the fee schedule in June.
  - h. Nebraska Forest Service IRA Grant was submitted which included 20 boulevard trees and 35 spruce trees. Amount requested was just under \$25,000 with no match.
  - i. Lower Elkhorn NRD Recreation Area Development Program awarded the city \$25,000 towards a new playground at Brink Memorial Park. Mayor Brink signed the Special Operation and Maintenance agreement and Interlocal Cooperation agreement.



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20. Motion by Phillips, seconded by Carr to keep the Health Insurance Plan the same, HSA Option 3 Network BLUE for July 1, 2024 coverage. On roll call, AYE: Steinmeyer, Vacha, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
21. Motion by Phillips, seconded by Carr to set hourly wages for Pool Manager - \$15.25, Assistant Manager - \$13.25, and Lifeguard \$12.00. On roll call, AYE: Vacha, Steinmeyer, Carr, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
22. Motion by Phillips, seconded by Vacha to adopt **Resolution 2024-07 - Update Pool Rules.** On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED**
23. Motion by Vacha, seconded by Steinmeyer to enter executive session at 7:06 PM to discuss employee Whitney Anderson's annual review. On roll call, AYE: Phillips, Carr, Steinmeyer, Vacha. NAY: None. ABSENT: None. **MOTION CARRIED.**  
Motion by Steinmeyer, seconded by Carr to return to regular session at 7:12 PM. On roll call, AYE: Vacha, Phillips, Carr, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**  
Motion by Phillips, seconded by Vacha to approve a wage of \$25.75/hr for Clerk Anderson. On roll call, AYE: Steinmeyer, Carr, Vacha, Phillips. NAY: None. ABSENT: None. **MOTION CARRIED.**
24. Motion by Steinmeyer, seconded by Carr to approve payment of \$1,727.79 to KB's Mini Mart. On roll call, AYE: Phillips, Vacha, Carr, Steinmeyer. NAY: None. ABSENT: None. **MOTION CARRIED.**
25. Motion by Phillips, seconded by Carr to approve payment of \$472.69 to Steiny's General Store. On roll call, AYE: Vacha, Carr, Phillips. NAY: None. ABSTAIN: Steinmeyer. ABSENT: None. **MOTION CARRIED.**
26. Mayor Brink adjourned the meeting at 7:15 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





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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)