

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF
PERU, NEBRASKA ON THE 21st OF AUGUST 2023 AT 6:00 P.M.**

The Mayor and Council of the City of Peru, Nemaha County, Nebraska, were called to meet at City Hall at 614 5th Street, Peru, Nebraska 68421, on the 21st of August 2023, at 6:00 o'clock P.M., for a Regular Council Meeting, open to the general public, advance notice of said regular meeting, the designated method of giving notice, including the agenda for said meeting, or the availability thereof was posted at: Peru City Hall, Western National Bank (Bank of Peru), Peru Post Office, and Casey's General Store.

Mayor Dave Pease called the meeting to order and informed the public of the location of the Nebraska Open Meetings Act.

Agenda Item 1 – Roll Call

Present at 6:00 p.m.: Mayor Dave Pease, and Councilmembers Cate Wyckoff, Marty Peregoy, Quintin Kieler, and Theresa Westfall. Upon roll call by the City Clerk, a quorum was declared.

Agenda Item 2 – Recognition of Visitors

Mayor Dave Pease informed the public that a copy of City Resolution #2017-02 Pertaining to Conduct Rules for City Council Meetings may be requested from the City Clerk.

Agenda Item 3 – Public Hearing: None for this meeting

Agenda Item 4 – Consent Agenda

A.) Approval of Minutes

- (i.) Approval of Minutes from July 17th, 2023 Regular Meeting

B.) Approval of Claims- This item was removed from the consent agenda at the request of C. Wyckoff.

C.) Acceptance of Independent Contractor Agreement:

(i.) Potential contract for the position of Building Inspector -This item was removed from the consent agenda at the request of M. Peregoy.

D.) JEO:

(i.) Approval of JEO Pay Application No. 10 for the 2021 Water System Improvement Project

Mayor D. Pease presented the Consent Agenda. Councilmember Q. Kieler made motion to approve the Consent Agenda, items A. (Approval of Minutes) and D. (Approval of JEO Pay Application No. 10). The motion was seconded by Councilmember T. Westfall. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: Marty Peregoy, Quentin Kieler, Cate Wyckoff, and Theresa Westfall. The following voted NAY: None. Motion: Carried

B.) Approval of Claims- the following claims were presented to the Council by the City Clerk, reviewed, and approved for payment:

Regular Claims:

JEO (Flood / Water Associated)- \$48,690.95
Kinetic/Windstream (Internet / Utility) - \$515.77
OPPD (Gen / Utility) - \$3,489.89
Black Hills Energy (Gen / Utility) - \$222.75
Personnel Payroll for check deposited 7/31 (Gen / Accounting) - \$9,768.89
Personnel Payroll for check deposited 8/15 (Gen / Accounting) - \$7,808.87
Xpress Bill Pay (Gen / Water Bill Processing) - \$103.33
Arks Equipment (Gen / Maint) - \$118.00
American Recycling & Sanitation (Gen / Utility) - \$2,836.00
AT&T (Gen/ Fire) - \$23.97
Auburn Auto (Gen/ Fire)- \$23.50
Auburn Board of Public Works (Gen / Water Associated) - \$7,404.16
Casey's Business Mastercard (Gen / Maint) - \$1,453.98
Hawkins, Inc (Gen / Maint) - \$2,249.55
Heather Pemberton, CPA (Gen/ Accounting) - \$605.00
Hire Right (Gen) - \$301.15
International Institute of Municipal Clerks (Gen) - \$225.00
Interstate All Battery Center (Gen / Fire) - \$86.25
Jim Smith Construction (Gen / Maint) - \$9,250.00
Lynch's Hardware (Gen / Maint) - \$8.88
League of Nebraska Municipalities (Gen) - \$1,013.00
Martin Marietta (Gen / Maint)- \$3,312.63
Midwest Laboratories (Gen / Water Associated) - \$9.11
Nebraska Municipal Power Pool (Gen / Training) - \$491.27
Nebraska State Volunteer Firefighters Assoc. (Fire / Res) - \$480.00
One Call Concepts (Gen / Maint) - \$42.28
Paper Tiger Shredding (Gen)- \$30.00
Pitney Bowes (Gen) - \$568.98
Quick Med Claims (Fire/ Res) - \$27.37
Raka Rentals (Gen / Water Associated) - \$1,101.28

Southeast Nebraska Development District (Gen / Maint) - \$619.00

Uline (Gen / Maint) - \$23.55

University of Nebraska Lincoln (Gen) - \$2,750.00

Verizon Wireless (Gen / Water Associated) - \$40.01

WesTech Engineering (Gen / Water Associated) - \$33,165.00

Upon discussion Councilmember C. Wyckoff inquired as to why the payroll deposit for 7/31 for seemed high. CPA H. Pemberton explained that the deposit for 7/31 was lower than the previous check was, and that is what the number looks like when the City is staffed completely, minus a building inspector, and a permanent grant coordinator. With there being no further discussion, Councilmember Q. Kieler made motion to approve Item B - Payment of claims. The motion was seconded by Councilmember T. Westfall. Upon roll call vote: Ayes, 0 Nays. The following voted AYE: Marty Peregoy, Quentin Kieler, Cate Wyckoff, and Theresa Westfall. The following voted NAY: None. Motion: Carried

Discussion for Consent Agenda item C. (Possible Independent Contractor Agreement) was had. City Clerk and City Attorney reported that the contract is not yet ready to be finalized, as the requirements for the needed insurances, certifications, and bonds have not yet been finalized. There was no action taken on this item.

Agenda Item 5 – Payment of Private Contractor Claims

E.) Marty Peregoy- Grant Coordinator Duties

Independent Contractor M. Peregoy for grant coordinator duties, submitted a claim for the amount of \$845.62.

Councilmember T. Westfall motioned to approve the claim for Independent Contract labor, seconded by Councilmember C. Wyckoff. Upon roll call vote: 3 AYES, 0 NAYS, 1 ABSTAINED. The following voted AYE: Quentin Kieler, Cate Wyckoff, Theresa Westfall. The following voted NAY: None. The following Councilmember Abstained: Marty Peregoy Motion: Carried

Agenda Item 6 – Correspondence

F.) None for this meeting

Agenda Item 7 – Old Business

G.) Water report

Monthly water report submitted. Mayor D. Pease reports that the Waterline project is finishing on time, and is still projected to be finished by September.

H.) Mayor's Report-

Mayor D. Pease provided an update that since the Waterline project will be finishing soon, meetings with the Auburn Board of Public Works will be beginning soon, finalizing the details and dividing responsibilities and duties between the City and the Auburn Board of Public Works. In conjunction with that, Mayor Pease reports that the City will be in need of licensed water operators.

Furthermore, Mayor Pease voiced his gratitude to the City Finance Committee for their efforts to get the budget submitted to the State. The tracking of transactions had fallen behind due to continued personnel turnover, but things seem to be getting back on track.

Finally, it was reported that the County is expected to restore the Bluff Road near the previous water treatment plant as soon as they complete a job near Cooper Nuclear Station.

Agenda Item 8 – New Business

I.) Resident D. Cotton- Discussion of City Maintenance and Proposed Dog Park

Discussion was held regarding a Resident's expression of urgency for the City needing to be staffed fully so that proper maintenance tasks can be completed, and improve the appearance of the City. Resident wants lines on street and hydrants to be fixed and repainted.

Regarding Mr. Cotton's previous discussion last month regarding the proposed dog park, a representative from Peru State College appeared to assist in discussion. The representative expressed that collaborative progress was being made when D. Reeves was Maintenance Director. Since D. Reeves's resignation from the City, all progress has stopped. The potential dog park is donor dependent; and the college would need to contact donors to confirm approval they would still like their donation to go to a dog park, playground, etc. Questions were posed about ongoing maintenance costs. The college may need to be in contact with either the Animal Control Committee, or the Vehicle/Farm/Building/Maintenance Committee. The City must rely on volunteer help for much of it, due to understaffing in the City Office. A fence permit will be needed eventually, and possibly also a special use permit.

J.) Resident Allan Adam- Discussion of North-end roads

Resident reports that the north end of town, near the flood zone, is a concern, as housing rehab projects and possible road restoration are still pending. Mayor Pease reports that the Department of Economic Development requires matching 25% of funds for hazard mitigation buyouts. The appraisals have been done. Currently, they are waiting on a verification for the duplication of benefits and then offers will be able to be made for their buyout. Following the acceptance of offers, it will become City property green space. There is concern about ongoing expense of maintenance and City care, as recently discussed due to high personnel turnover. The demolition itself will come from FEMA funds. There were 18 property owners originally interested in the buyout, and some have dropped out for various reasons. Mayor Pease reports that property owners are allowed to back out until the very last minute. Additionally, Bluff Road intends to be restored to the original standard and done correctly. Road will need to be wider and possibly lowered, in order to meet traffic needs.

K.) Preliminary Discussion Regarding the 1-&-6- Year Plan

The Streets committee met approximately a month ago to discuss the 1-&-6 year plan. Their estimation was about \$90,000 of asphalt will be needed in order to fix many of the roads listed on the plan. Neal street will be first priority. Additional grant funding may be needed in order to see the projects to finalization. Hoyt Street, 5th Street, and 6th Street are listed on the 1-&-6 year plan, however, depending on traffic needs, project priority may need reviewed.

L.) Discussion from City Attorney M. Ritchie Regarding Open Meetings Act

City Attorney M. Ritchie provided some updated information and clarification to Councilmembers regarding the Open Meetings Act, requirements, and the use of subcommittees to increase efficiency in getting information to Council members so that informed action can be taken at council meetings.

M.) Report from CPA H. Pemberton Regarding Upcoming Budget and State of Current Books

CPA H. Pemberton gave a report on City financials. First by explaining the process for creating a budget, what has happened so far, what still needs to occur, and the timeline in which things will happen the next few months. Additionally, CPA Pemberton provided an update on the involvement with the State Auditor of Public Accounts (“APA”). Due to continued personnel turnover, many financial transactions from previous years were found excluded from Treasurer’s reports. CPA Pemberton thanked the City Clerk and Deputy Clerk for being so responsive to emails, providing the APA with all needed documents within a timely manner, and assisting in cleaning up the books, in addition to all normal job duties. The APA will continue to advise the City on items that need amended, as well as advising the City on next year’s budget.

N.) Proposed Sale/Auction of Various City Items

Discussion was held regarding various miscellaneous City items. Councilmember T. Westfall proposes putting items up for sale/auction. City Attorney explained the buying process, and that it must be done by City Council Resolution. After the resolution is passed, directing the sale of the property, notice of the sale must be posted in three prominent places within the city at least 7 days prior to the sale of the property. The Council must agree on value/appraisal. Items of value over \$5,000 must first be published in the newspaper at least 7 days before the sale of the property. The more notice we can give, that would be beneficial to citizens, and could possibly bring in more money. City Clerk will facilitate sealed bid auction for City of Peru. Each item listed for sale will need its own resolution before the Council. Councilmember T. Westfall moves for a vote to go forth with a sealed bid auction of various City items, Councilmember Q. Kieler seconds. Upon roll call vote: 4 AYES, 0 NAYS. The following Council Members voted AYE: Marty Peregoy, Theresa Westfall, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

O.) Resolution No. 2023-09: Annual Certification of Program Compliance

Resolution 2023-09, for the Nebraska Department of Transportation, regarding the annual compliance certification, in conjunction with the Board of Public Roads Classification. This is something that is done annually, as it allows for the City to receive funding from the Nebraska Department of Transportation. Discussion was held. Councilmember Q. Kieler motions for a vote to approve the proposed resolution, Councilmember T. Westfall seconds the motion. Upon roll call vote: 3 AYES, 1 NAYS. The following Council Members voted AYE: Marty Peregoy, Theresa Westfall, and Quentin Kieler. The following voted NAY: C. Wyckoff. Motion: Carried.

P.) Proposed Ordinance No. 2023-07, Regarding the Sale of Water Outside City Limits

Proposed Ordinance No. 2023-07 amending the original chapter 50 of the Municipal Code of the City of Peru, Nebraska, Code of Ordinances by adding an additional section which shall be entitled “50.06 Sale of Water Outside to Customers Outside City Limits”; Creating policies for the sale of water outside city limits; repealing all ordinances or parts thereof in conflict therewith; Making various findings and provisions related to the subject matter herein; and setting an effective date, was presented for third reading. Proposed Ordinance No. 2023-07 came on for third reading. Councilmember M. Peregoy read proposed Ordinance No. 2023-07 by title for its third reading. Council Member M. Peregoy moved that said proposed Ordinance No. 2023-07 be approved on its third reading and its title agreed to, which motion was seconded by Council Member Q. Kieler. Upon roll call vote: 4 AYES, 0 NAYS. The following Council Members Voted AYE: M. Peregoy, Q. Kieler, C. Wyckoff, and T. Westfall. The following voted NAY: No one. The Mayor declared said proposed Ordinance No. 2023-07 approved on its third reading and its title agreed to. Said ordinance having been read by title the first, second, and third time, the AYES and NAYS having been called and recorded, the said ordinance having been approved each reading and its title agreed to, Council Member C. Wyckoff moved for the final passage of said ordinance, which motion was seconded by T. Westfall. The Mayor then stated the question “Shall Ordinance No. 2023-07 be passed and adopted?” Upon roll call vote: 4 AYES, 0 NAYS. The following Council Members Voted AYE: M. Peregoy, Q. Kieler, C. Wyckoff, and T. Westfall. The following voted NAY: No one. Motion: Carried.

Q.) Proposed Ordinance 2023-10, Regarding Visible House Numbers

Proposed Ordinance No. 2023-10 amending the Original Chapter 92 of the Municipal Code of the City of Peru, Nebraska Code of Ordinances by Amending section 92.71 Entitled “Names and Numbers”; to provide for a policy requiring the display of proper house numbers on each building in the City of Peru, Nebraska; to Provide for the repeal of conflicting ordinances or sections thereof; and to provide for an effective date, was presented for consideration. The Mayor announced the proposed Ordinance was in order. Council Member M. Peregoy moved that these proceedings be kept in a separate and distinct volume known as the “Ordinance Record of the City of Peru”, and that said volume be made part of these proceedings as though it were spread at large herein, which motion was seconded by Council member T. Westfall. Upon Roll

