MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUCIL OF PERU, NEBRASKA ON THE 21ST DAY OF JANUARY 2025 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 16th of December 2024, at 6:00 P.M., for a Regular Meeting, open 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), and the Peru Post Office.

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

Mayor Katy Novak 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. Said resolution was read aloud by Councilmember T. Westfall.

**Agenda Item 1 – Roll Call**

Present at 6:00 p.m.: Mayor Katy Novak and Councilmembers Theresa Westfall, Brent Brown, and Josh Whisler. Upon roll call by the City Clerk, a quorum was declared pursuant to Neb. Rev. Stat. 17-105.

**Agenda Item 5 – Conset Agenda**

A. Approval of Minutes: Approval of Minutes from the December 16th regular meeting.

B. Approval of Claims: The following claims were presented to the Council by the City Clerk, review, and approved for payment: Regular Claims: Black Hills Energy (Gen/Utility) - $263.74 // Kinetic/Windstream (Internet/Utility) - $887.46 // OPPD (Gen/Utility) - $18008.52 // Personnel Payroll including tax & retirement for check deposited 12/31 (Gen/Acct) - $14,326.09 // Personnel Payroll including tax & retirement for check deposited 1/15 (Gen/Acct) - $14,079.48 // Quick Med (Fire/Res) - $81.66 // Access Systems (Gen) - $50.88 // Alpha Electrical Con. (Gen/Maint) $350.00 // American Recycling & Sanitation (Wtr/Swr) - $2,405.00 // Auburn Board of Public Works (Wtr/Swr) - $18,008.52 // B&C Truck & Tire repair (Fire/Res) - $117.00 // Bound Tree (Fire/Res) - $367.70 // Bulldog Auto Parts (Gen/Maint) - $174.26 // Burton Asphalt (Streets) $34,724.38 // Casey's Business Mastercard (Gen) - $1,882.12 // Dept Services (Gen) - $2110.75 // First National Bank Omaha (Gen) - $3,170.83 // Heather Pemberton, CPA (Gen/ Acct) - $741.50 // Hydro Optimization & Automation (Wtr/Swr) $266.25 // JEO (streets) $1,000 // Jim Smith (Streets & Wtr/Swr) $550.00 // KanEquip (Gen/Maint) $95.85 // Merz Ink (Streets) $40.00 // Miller Farrell (Gen) $22,873.00 // Municipal Supply (Wtr/Swr) - $6,340.08 // National Concrete Cutting (Gen/Maint) $195,150.00 // NE Dept. Of Transportation (Gen/Maint) $1,500.00 // Ne Rural Water Assoc. (Wtr/Swr) $300.00 // Nebraska Public Health Env. Lab (Wtr/Swr) $500.00 // Sack Lumber (Gen/Maint) - $3.28 // Sara Harms (Gen) - $160.00 // Ty's Outdoor (Gen/Maint) - $1,667.99 // United Life (Gen) - $41.67 // USG (Wtr/Swr) - $3,979.54 // Wilber Window & Door (Gen/Maint) - $7,699.34 // William Mathes, Lil Will's (Wtr/Swr) - $3,750.00

C. Approval of Monthly Treasure's report

D. Approval of engagement letter for 2025 from Heather Pemberton, CPA

E. Approval of partial street closure requested by KJ's for midget wrestling, on May 7th, 2025

Mayor Katy Novak presented the Consent Agenda. Councilmember T. Westfall made a motion to approve the Consent Agenda. The motion was seconded by Councilmember B. Brown. Upon roll call vote for approval of consent agenda: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

**Agenda Item 6 – Old Business**

F. The Mayors report: K. Novak spoke about the rather big water breaks on and near the campus, and how the city maintenance team work long hours, in the cold and in the middle of the night to get it under control. She thanked Phill, his crew and the maintenance staff from the college for all their hard work that went into getting things fixed.

G. Clerks Report: T. Riehle reported that all scheduled work on City Hall is underway or finished. The front door conversion is complete and will open on command. The old rusty back door has been replaced and opens and closes with out a struggle. The remodel of the men's room is nearly complete, including a nice new floor, then the actual conversion of the women's room to be ADA compliant will begin. She also thanked the maintenance crew of the great job they did cleaning and treating the streets during the first snow storm of the year.

E. Grant Report: M Williams reported that the North end of town was finished except the seeding of the bare lots in the spring, and the repair to some of the roads. All she has left is the final paperwork and filing for the final reimbursements.

F. Committee Reports: a. Animal & Humanities, T. Westfall Chair: She reminded everyone that animal licenses become delinquent on January 31st. Fees will increase if the deadline is missed. b. Steets & Alleys: T. Westfall Chair: Reported that the committee met and worked together with the city's lawyer to update the Downtown parking rules and the snow ordinance and they are both going to be read tonight. The change to the ordinance will update the snow amount to declare the emergency at two inches; it will prohibit parking on the streets to allow the maintenance crew to properly clear the streets; it will also change the Mayor or their designee to declare the emergency instead of the police; the notification of the emergency to be according to the best and most immediate means available. Lastly, this coming Friday the 24th, the committee will meet to discuss this year's plan for the 1&6 year plan. c. Park & recreation Chair N. Novak announced that a pasta bake fundraiser is planned for March 1st, everyone who ordered a city T-shirt should plan on picking theirs up then. The T-shirt fundraiser is currently under way and reminded everyone to jump on line and get theirs ordered. The proceeds go towards Sid Brown Park and the Parks Department in general. d. Water/Sewer committee represented by J. Whisler reported that all members had met and discussed all the issues both past and present. The issue most prominent was the looping problem in the north end of town. This problem was created when the city started bring water in from Auburn instead from the other side of town. The north end of the city is mostly affected, the problem lies with the water actually sitting stagnant and instead of getting circulated.

J. The annual Peru Emergency Services Report was submitted.

K. The Water tower is scheduled for its Cleaning and Rehab for the week of May 19th, and the process will last approximately 3 weeks.

**Agenda Item 7 – New Business**

**L. Discussion and Possible Action:** Permission is needed to request additional money be added to the current Water grant money needed to correct or add the needed loop in water system in the north end of town. The grant cannot be closed until this issue is fixed. Phil had brought this problem to the Water committees' attention. It was discussed and the maps were reviewed. If this is not corrected, it will result in the pipe dead ending at the end of town, unusable water dumped out on the ground and wasted. J. Whisler asked how the process worked and Mary explained that she applies for an extension of the grant and ask for a new scope of work and get it approved through FEMA. Then we wait for an answer. Mary went on to explain that she had to present proof that the request was approved by council, hence this agenda item.

Councilmember J. Whisler made a motion to approve Mary filing for an extension. The motion was seconded by Councilmember T. Westfall. Upon roll call vote for approval of consent agenda: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

**M. For Approval:** Changing the status of the Building Inspector D. Hibbler from a city employee to contract employee during the interim that another building inspector can be employed. Mayor Novak will be posting the job. B. Brown asked what his scope of service he will be doing for the city? Mayor Novak explained that Hibbler won't be going on properties due to insurance issues, but he will still be preparing documents and advising those needing building permits.

Councilmember T. Westfall made a motion to approve the status change for D. Hibbler. The motion was seconded by Councilmember J. Whisler. Upon roll call vote for approval of changing D. Hibbler Status with the city: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

**N. Discussion and Possible Action**: To Approve the forgiveness of the CDBG loan to The Market, in whole, and to grant the City Attorney permission to move forward in releasing any collateral. Mayor Novak stated that this is a formality, the grant period has concluded.

Councilmember T. Westfall made a motion to approve the forgiveness of the CDBG loan to the market in whole and to grant the city's attorney permission to move forward in releasing any collateral. No discussion was had. The motion was seconded by Councilmember J. Whisler. Upon roll call vote for approval to approve the forgiveness of the CDBG loan to the Market: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

**O. For Approval:** De-obligate Loan funds for the street Project. Councilmember T. Westfall made a motion for approval and it was seconded by Councilmember B. Brown. Westfall explained that several years ago the plan was to pursue a loan to do the 5th and Hoyt in the 1&6 year plan. That plan has changed and we are no longer seeking the loan to do the Hoyt portion of that and it has been moved to the six year plan. We are now notifying the USDA we no longer are planning to take out the loan to do Hoyt St. So, we have to officially de-obligate those funds to the USDA.

Upon roll call vote for approval to de-obligate the funds: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

P. Action Item: "Motion to approve entering into a rehabilitation agreement with the property owners of 314 Mulberry Street, including specific terms deadlines, and consequences for noncompliance' or, in the alterative, motion to authorize city staff to proceed with formal nuisance abatement". Mayor Novak directed the council to the supporting documents supplied, and explained that she had met with the property owner, several times since November and that they had put together the document provided, in which a time line had been laid out with corresponding task or goals that would need to be met in order to keep her property to be nuisance abated. Starting first with the required survey and then moving through repairs to the property as laid out in the document. The owner, T. Tynon stated she was still waiting to hear if she had gotten the grant she had applied for. The city Attorney then clarified that the council had the following options, to move forward with this agreement and this timeline, they could make modifications or considerations, or move forward with the nuisance abatement process. Councilmember T. Westfall made a motion to approve entering into a rehabilitation agreement with the property owners of 314 Mulberry St. including specific term deadlines and consequences for noncompliance and it was seconded by Councilmember J. Whisler. Discussion was held about the presented timeline. Upon roll call vote for approval to approve entering into a modified rehabilitation agreement with the property owners of 314 mulberry St.: 0 AYES, 3 NAYS. The following voted AYE: None. The following voted NAY: T. Westfall, B. Brown, J. Whisler. Motion: Failed

Councilmember T. Westfall motioned to approve entering into a modified rehabilitation agreement with the property owners of 314 mulberry St. updating the specific timeline for the Flood Plain survey to occur by March of this year and the asbestos inspection and tuck point brick to occur by summer of this year with the other items to follow. The motion was seconded by Councilmember J. Whisler. Upon roll call vote for approval to approve entering into a modified rehabilitation agreement with the property owners of 314 mulberry St.: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

8. **Discussion and Possible approval: ORDINANCE NO.2024-08 (third reading)** AN ORDINANCE FOR THE MANAGEMENT, PLANTING, MAINTENANCE, AND PROTECTION OF TREES ON PUBLIC PROPERTY; ESTABLISHING THE CITY OF PERU, NEBRASKA AS A TREE CITY; ESTABLISHING STANDARS, PROHIBITING DAMAGES, DECLARING CERTAIN TREES A NUISANCE, PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Having read ordinance 2024-08 Councilmember T. Westfall moved for its approval on its third reading and its title agreed to, which motion was seconded by Councilmember B. Brown. With no further discussion roll call. Upon roll call vote: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried. The Mayor declared that said Ordinance No. 2024-08 be approved on its third reading and its title agreed to. Councilmember T. Westfall motioned for final passage. The motion was seconded by Councilmember J. Whisler. Upon roll call vote to if proposed Ordinance 2024-08 should be passed and adopted as Ordinance No. 2024-08 of the City of Peru, Nemaha County, Nebraska: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried The Mayor declared Ordinance No. 2024-08 adopted and approved.

**9. Discussion and Possible approval: Resolution 2025-01,** A RESOLUTION FIXING A TIME LIMIT FOR PARKING AND STOPPING OF VEHICLES DOWNTOWN FROM 5TH AND CALIFORNIA STREET TO 5TH AND MAIN STREET; REPEALING ANY CONFLICTING RESOLUTIONS OR SECTIONS THEREOF; AND TO PROVIDE FOR AN EFFECTIVE DATE. The discussion was had; B. Brown wanted to know the reason for the 2am to 6am restriction. Maintenance Supervisor Wemhoff stated that it was mainly to have the street clear of vehicles in order to preform maintenance and mainly for snow removal. Brown the stated he would prefer a 24-hour limit.

Making the point that it wouldn't make sense to penalize someone who chose get a sober ride home instead of driving drunk. Other problems were mentioned such as abandoned cars, the requirement for landlords to provide off street parking, and a group that recently parked in mass and went out of town for several days and blocked parking to an individual business. Talk of signage for the parking restrictions and snow emergency was also part of the discussion.

Councilmember T. Westfall made a motion to approve the Resolution 2025-01. The motion was seconded by Councilmember J. Whisler Upon roll call vote for approval of Resolution 2025-01: AYES, 2 NAYS 3. The following voted AYE T. Westfall, J. Whisler. The following voted NAY: B. Brown, K. Novak. Motion: Failed

**10. Discussion and Possible approval including suspension of rules: Ordinance 2025-01**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, AMENDING THE ORIGINAL CHAPTER 70 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY AMENDING SECTION 72.11 ENTITLED "SNOW; WEATHER EMERGENCIES; HIGHWAY MAINTENANCE"; UPDATING PROCEDURES FOR SNOW AND WEATHER EMERGENCY DECLARATIONS AND NOTIFICATIONS AND AUTHORIZING VEHICLE TOWING FOR VIOLATIONS IN SUCH EVENT; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN; SETTING AN EFFECTIVE DATE HEREOF AND ORDERING THE PUBLICATION OR POSTING OF THE ORDINANCE.

Councilmember T. Westfall made motion that the minutes of these proceedings will be kept in a separate and distinct volume known as the "Ordinance Record of the City of Peru." The motion was seconded by B. Brown. Upon roll call 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried. Councilmember T. Westfall motioned for suspension of rules. The motion was seconded by J. Whisler. Upon roll call 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried. The mayor declared statutory rules in regard to the passage and approval of Ordinances be suspended. Councilmember T. Westfall read Ordinance No. 2025-01 by title and moved for final passage. The motion was seconded by J. Whisler. Upon roll call 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried. The Mayor declared Ordinance No. 2025-01 adopted and approved.

**11. COUNCIL VOTE**

Q. **Vote -** Approval of the Mayor's nomination of Rachel Snyder for appointment of City Council Member to fill the vacancy left by Council Member K Novak for the balance of the unexpired term (2025).

Councilmember T. Westfall made a motion to approve Rachel Snyder's appointment to Peru City Council. The motion was seconded by Councilmember J. Whisler. Upon roll call vote for approval of Rachel Snyder to serve on the city council.: 3 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler. The following voted NAY: None. Motion: Carried

R. **Oath of office** – Rachel Snyder raised her right hand and took the oath of office administered by T. Riehle, City Clerk.

Meeting adjourned on the same day at 6:47 p.m.

**HEREBY ATTESTED AND ACKNOWLEDGED:**

Katy Novak

Katy Novak, Mayor

Traci A. Riehle

City Clerk

CITY OF PERU, NEBRASKA CORPORATE SEAL