

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF  
PERU, NEBRASKA ON THE 17<sup>th</sup> OF JUNE 2024 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 5<sup>th</sup> Street, Peru, Nebraska 68421, on the 17<sup>th</sup> of June 2024, at 6:00 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.

Councilmember Q. Kieler, sitting as Council President, 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.: Councilmembers Quentin Kieler, Theresa Westfall, Katy Novak, and Brent Brown. Mayor Dave Pease was absent. Upon roll call by the City Clerk, a quorum was declared pursuant to Neb. Rev. Stat. 17-105.

**Agenda Item 2 – Recognition of Visitors**

Councilmember Q. Kieler 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, and read aloud by Councilmember T. Westfall.

**Agenda Item 3 – Public Hearing**

A.) Appeal Hearing Pursuant to City Code Section 91.24(F) – Property: 720 Mulberry St., Peru, NE. Record Title Owner: Marty Peregoy, opened at 6:02pm.

Property owner was given the opportunity to show cause as to why their property should not be declared a nuisance. Ms. Peregoy described that her bank was dangerous for her to mow, and she has been working with contractors since 2021, with the intention to have goats on her property to handle the lawncare. Property photos were provided by the City. With no further discussion to be had, Councilmember T. Westfall motioned to close the public hearing, seconded by Councilmember Q. Kieler. Upon roll call vote for public hearing closure: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, Q. Kieler, T. Westfall, and K. Novak. The following voted NAY: None. Motion: Carried. Public hearing closed at 6:24pm.

B.) Appeal Hearing Pursuant to City Code Section 91.24 (F) – Property: 1820 Park Ave., Peru, NE. Record Title Owner: Trevor & Sarah Montanelli, opened at 6:25pm.

Property owner was given the opportunity to show cause as to why their property should not be declared a nuisance. City Building Inspector D. Hibler noted that the lawn had been mowed since the appeal was filed, and was in compliance with the current City Ordinance. Ms. Montanelli wanted it to be notated that the postal service was slow, and she does not feel that the

five (5) day timeline is long enough for those with families and children. Councilmember T. Westfall noted that the City encourages people to communicate with the City offices for extensions to be granted, and the City office is happy to work with people. With no further discussion to be had, Councilmember Q. Kieler motioned to close the public hearing, seconded by Councilmember T. Westfall. Upon roll call vote for public hearing closure: 4 AYES, 0 NAYS. The following voted AYE: T. Westfall, B. Brown, Q. Kieler, and K. Novak. The following voted NAY: None. Motion: Carried. Public hearing closed at 6:29pm

#### **Agenda Item 4 – Consent Agenda**

##### C.) Approval of Minutes

(i.) Approval of Minutes from May 20<sup>th</sup>, 2024 Regular Meeting

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

##### Regular Claims:

JEO (Flood)- \$16,932.75 // Kinetic/Windstream (Internet / Utility) - \$848.03  
OPPD (Gen / Utility) - \$1,977.06 // Black Hills Energy (Gen / Utility) - \$137.89  
Personnel Payroll for check deposited 5/31 (Gen / Acct) - \$9,655.20 // Personnel Payroll for check deposited 6/14 (Gen / Acct) - \$8,84.27 // Payroll taxes for 5/31 and 6/14 (Gen / Acct) - \$4,883.30 // Xpress Bill Pay (Wtr/Swr) - \$96.44 // Access Systems (Gen) - \$173.36 // American Recycling & Sanitation (Wtr/Swr) - \$4,017.75 // AP Electrical Solutions (Wtr/Swr) - \$187.21 // Auburn Board of Public Works (Wtr/Swr) - \$16,032.23 // Auburn Newspaper (Gen) - \$130.60 // Bennett's Fire Protection (Fire/Res) - \$311.00 // Casey's Business Mastercard (Gen) - \$1,583.69 // Commercial Recreation Specialists (Wtr/Swr) - \$1,737.10 // Grainger (Gen) - \$237.64 // Hamilton Equipment (Maint) - \$123.57 // Heather Pemberton, CPA (Gen/ Acct) - \$1,280.00 // Lovell Excavating (Wtr/Swr) - \$650.00 // Miller Farrell Insurance Agency (Gen) - \$1,317.60 // Municipal Supply Co (Wtr/Swr) - \$509.39 // Nebraska Department of Environment and Energy (Wtr/Swr) - \$2,000.00 // Nebraska Public Health Environment Lab (Wtr/Swr) - \$278.00 // One Call Concepts (Wtr/Swr) - \$22.32 // Paper Tiger Shredding (Gen) - \$35.00 // Small Claims- Microsoft, Adobe, etc (Gen) - \$23.28

E.) Approval of Monthly Treasurer's Report.

F.) Approval of Zech Construction's demolition proposal for 600 5<sup>th</sup> Street (Old post office location), totaling the amount of \$28,300.00.

G.) Approval for Parks and Recreation Commission to purchase 2 picnic tables for Sid Brown Park, totaling the amount of \$1,000.00, from the Nemaha County Leadership Class.

H.) Approval for Peru State College's request for a temporary liquor license, to serve alcohol on July 9<sup>th</sup>, for an evening banquet event for the Nebraska Choral Directors Association.

I.) Approval of Bohl Plumbing's proposal for updating City Hall bathrooms, making them ADA-compliant, totaling the amount of \$2,813.00.

Councilmember Q. Kieler presented the Consent Agenda. Councilmember Q. Kieler made motion to approve the Consent Agenda. The motion was seconded by Councilmember T. Westfall. Upon roll call vote for approval of consent agenda: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, Q. Kieler, T. Westfall, and K. Novak. The following voted NAY: None. Motion: Carried

#### **Agenda Item 5 – Correspondence**

J.) None for this meeting

#### **Agenda Item 6 – Old Business**

K.) Water report

Monthly water report submitted.

L.) Mayor's Report

No Mayor's report for this meeting.

M.) Report from City Clerk T. Schuetz

City Clerk reports that the Peru Splashpad was opened in time for Old Man River Days 2024, however, it sustained damage during that weekend, and is continuing to be worked on by maintenance. Additionally, the audit for Peru is underway, with the Clerk's Office and the City CPA collaborating to gather items requested by the auditors.

N.) Discussion and Possible Action: Rehabilitation Agreement between the City of Peru and Donald Arms for 720 5<sup>th</sup> Street, Peru, Nebraska. Possible action includes: approval of entering into the rehabilitation agreement as proposed; entering into the rehabilitation agreement with amendments; approval of Declaration No. 2024-04, declaring said property to be a nuisance pursuant to City Code Sections 91.20, ordering that the condition be remedied pursuant to City Code; or, finding that substantial progress has been made to remedy the nuisance status of the above stated property with no further action required.

City Building Inspector D. Hibler states that Mr. Arms was unable to attend the Council meeting, however, Mr. Arms has pulled all of his needed permits and continues to make excellent progress on the building at 720 5<sup>th</sup> Street, entering into the rehabilitation agreement as was proposed at last Council meeting will just ensure that deadlines and progress continues to be made. Councilmember Q. Kieler made a motion to approve the rehabilitation agreement, seconded by Councilmember K. Novak. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: T. Westfall, B. Brown, Q. Kieler, and K. Novak. The following voted NAY: None. Motion: Carried

O.) Discussion and Possible Action: Rehabilitation Agreement between the City of Peru and Brodrick Nickens and Ruffino and Maria Gutierrez for 408 Main Street, Peru, Nebraska.  
Possible action includes: approval of entering into the rehabilitation agreement as proposed; entering into the rehabilitation agreement with amendments; approval of Declaration No. 2024-05, declaring said property to be a nuisance pursuant to City Code Sections 91.20, ordering that the condition be remedied pursuant to City Code; or, finding that substantial progress has been made to remedy the nuisance status of the above stated property with no further action required.  
Registered property owner(s) did not appear in-person before the City Council. City Building Inspector D. Hibler states that Mr. Nickens does have plans in mind for the space once it is finished being cleaned up from the fire. Councilmember T. Westfall made a motion to approve the rehabilitation agreement, seconded by Councilmember B. Brown. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: K. Novak, T. Westfall, B. Brown, and Q. Kieler. The following voted NAY: None. Motion: Carried

P.) Discussion and Possible Action: Rehabilitation Agreement between the City of Peru and Jason & Patricia Adams for 314 Mulberry Street, Peru, Nebraska.  
Possible action includes: approval of entering into the rehabilitation agreement as proposed; entering into the rehabilitation agreement with amendments; approval of Declaration No. 2024-06, declaring said property to be a nuisance pursuant to City Code Sections 91.20, ordering that the condition be remedied pursuant to City Code; or, finding that substantial progress has been made to remedy the nuisance status of the above stated property with no further action required.  
Registered property owner, Patricia Adams, was granted an opportunity to address the council regarding her concerns with the draft rehabilitation agreement provided to Ms. Adams prior to the council meeting for her consideration. Ms. Adams specifically took issue with the requirement that a survey be conducted on her property for flood zone height. The Council and City Attorney addressed this issue reiterating that the provision for the survey is required pursuant to FEMA regulations due to her property being within the flood zone. Given the disconnect between the feedback from Ms. Adams and the Council's responsibility to ensure compliance with city and FEMA regulations, no further discussion was had on this matter. Due to no significant progress made to remedy the nuisance condition of the property and considering Ms. Adams' unwillingness to comply with the terms of the rehabilitation agreement as drafted, Councilmember Q. Kieler motioned to approve Declaration 2024-06, declaring 314 Mulberry Street a nuisance pursuant to City Code Sections 91.20 and 150.36, ordering that the condition be remedied according to city code and notifying property owners that failure to do so may result in the City performing the necessary work at her expense. Said motion was seconded by Councilmember T. Westfall. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, K. Novak, T. Westfall, and Q. Kieler. The following voted NAY: None. Motion: Carried

## **Agenda Item 7 – New Business**

### Q.) Resolution No. 2024-08

A resolution finding that the condition of 720 Mulberry St., Peru, NE is a nuisance pursuant to City Code Section 91.24; Ordering and directing the property owner or occupant of 720 Mulberry St., Peru, NE to remedy the nuisance at once. Discussion held. City Building Inspector D. Hibler provided options available to Ms. Peregoy- including planting wildflowers, different types of low-growing grass, etc. Councilmember Q. Kieler suggested additional time to complete the mowing, and suggests no later than July 1<sup>st</sup>, 2024. Councilmember T. Westfall made a motion to approve the proposed resolution, with the amended deadline of no later than July 1<sup>st</sup>, seconded by Councilmember Q. Kieler. Upon roll call vote: 3 AYES, 1 NAYS. The following voted AYE: Q. Kieler, K. Novak, and T. Westfall. The following voted NAY: B. Brown. Motion: Carried

### R.) Resolution No. 2024-09

A resolution finding that the condition of 1820 Park Ave., Peru, NE is a nuisance pursuant to City Code Section 91.24; Ordering and directing the property owner or occupant of 1820 Park Ave., Peru, NE to remedy the nuisance at once. No action was taken on this item, due to the property owners having already mowed the property.

### S.) Discussion Item: Laua Neal Park lease with Peru State College that will be ending August 15<sup>th</sup>, 2024.

Peru State College will be ending their lease with the City for Laura Neal Park. Discussion was held on what this means for the City maintenance department as far as mowing and maintaining it is concerned. Maintenance Supervisor P. Wemhoff states that they are set to get newer equipment soon, and are hoping to be fully staffed within the next few months. On the long-term scale, the City maintenance department will need to increase staffing allowance, and have the necessary equipment to perform their job duties. P. Wemhoff expressed no concerns over maintaining it. No action taken on this item, for discussion only.

### T.) Discussion Item: City Clerk T. Schuetz report and discussion of implementing and improving office safety and security.

City Clerk T. Schuetz requested that the City Council enter into a closed session in compliance with Neb. Rev. Stat. Section 84-1410(b) to discuss possible deployment of security personnel or devices. City Attorney explained to the members of the public that pursuant to Neb. Rev. Stat. Section 84-1410(b), City Council is permitted, should they so choose, to go into closed session for the purpose of discussing deployment of security personnel or devices, as discussing these matters in a public session could potentially compromise the effectiveness of the security measures under consideration. Council Member K. Novak motioned to go into closed session. Said motion was seconded by Council Member T. Westfall. Q. Kieler, sitting as City Council president, informed the members of the public that the subject matter to be discussed within closed session would be limited to potential deployment of security personnel or devices only.

Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, K. Novak, T. Westfall, and Q. Kieler. The following voted NAY: None. Motion: Carried. The City Council entered into a closed session at 7:17 pm. At 8:23 p.m. Councilmember T. Westfall motioned to return to open session. Said motion was seconded by Councilmember Q. Kieler. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, K. Novak, T. Westfall, and Q. Kieler. The following voted NAY: None. Motion: Carried. Although this item was a discussion item, Councilmember T. Westfall informally requested that the City employees start looking into security cameras that could be implemented within City Hall so that this item may return on the agenda as an action item in the future.

**ADJOURNMENT**

Meeting adjourned on the same day at 8:27p.m.

**HEREBY ATTESTED AND ACKNOWLEDGED:**



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Dave Pease, Mayor



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City Clerk

