

MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF PERU, NEBRASKA ON APRIL 17, 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 April 17th, 2023, at 6:00 o'clock P.M., in Regular 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, Mainstreet 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 and announced that City Council may vote to go into closed session on any agenda item as allowed by state law.

Agenda Item 1 – Roll Call

Present at 6:00 p.m.: Mayor Dave Pease, and Council Members Cate Wyckoff, Marty Peregoy and Quintin Kieler. Council Member Spencer Vogt was Absent. 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 – Consent Agenda

The Mayor presented the Consent Agenda. Council Member Peregoy moved to approve the Consent Agenda Items as presented. The motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. The following were Absent: Spencer Vogt. Motion: Carried.

The following April claims were presented before the Council for approval/ratification:

Kinetic - \$599.45 (gen); Black Hills Energy - \$206.17 (gen); OPPD - \$2,501.92 (gen); Payroll - \$18,335.80 (gen); Access Systems - \$267.88 (gen); Auburn Auto Center - \$25.00 (res); Auburn Newspaper - \$455.15 (gen); Auburn Plumbing and Heating - \$168.63 (gen); Board of Public Works - \$4,528.34 (wtr); Decker, Miranda - \$324.85 (res); Eakes - \$40.04; Eggers Bros., Inc. - \$10.80 (rfr); Feld Fire - \$615.00 (fr, rfr); First Wireless - \$98.84 (fr, rfr, res); Hawkins - \$1707.78 (wtr); Heather Pemberton, CPA - \$2,687.03 (gen); Heiman Fire Equipment - \$283.38 (fr, rfr); Interstate Battery Center - \$282.67 (fr, rfr); Merz Ink - \$114.00 (gen); Miller Farrell Insurance Agency - \$3,254.84 (gen); Municipal Supply, Inc. - \$1,782.64(wtr); NAPA - \$134.75 (fr); NMPP - \$722.72 (gen); Nemaha County Clerk - \$74.00 (wtr); Nemaha County Treasurer - \$12,628.11 (gen); One Call Concepts, Inc. - \$36.22 (wtr); PCIG - \$75.00 (gen); Pitney Bowes - \$208.99 (gen); RAKA rentals - \$2,202.56 (wtr); Solutions computer sales & svc - \$1,16.15 (gen); Utility Service Co., Inc. - \$3,97.54 (wtr); WesTech - \$29,480.00 (wtr); Your Country Neighbor - \$50.00 (gen).

Abbreviations for this legal: gen – general; wtr – water; res - rescue; rfr - rural fire; fr - fire; res - rescue;

Agenda Item 4 – Payment of Private Contractor Claims

The following claims were made separate due to disclosed contractual conflict of interest and presented before the Council for approval.

Marty Peregoy - \$4,014.00 (gen); Cate Wyckoff - \$2,820.33

A. Cate Wyckoff.

Council Member Peregoy moved to approval of private contractor claims for Cate Wyckoff. The motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent, 1 Abstention. The following voted AYE: Marty Peregoy, Quentin Kieler, and Mayor Dave Pease as tie breaker. The following voted NAY: No one. The following were Absent: Spencer Vogt. The following Abstained: Cate Wyckoff. Motion: Carried.

B. Marty Peregoy

Council Member Kieler moved to approval of private contractor claims for Marty Peregoy. The motion was seconded by Council Member Cate Wyckoff. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent, 1 Abstention. The following voted AYE: Quentin Kieler, Marty Peregoy, and Mayor Dave Pease as tie breaker. The following voted NAY: No one. The following were Absent: Spencer Vogt. The following Abstained: Marty Peregoy. Motion: Carried.

Agenda Item 5 – Correspondence

Merz Ink has made a sign up for brush pile where brush goes. Kessler Whisler sent a letter to the City stating that he would submit bids and help with mowing and other labor around town. Brodrick Nickens stated that he would also submit bids and help with mowing and other projects around town.

Agenda Item 6 – Old Business

D. The Mayor announced that copies of the water report are available in the City Clerk's office.

E. The Mayor presented his report, which covered the following topics: The possibility of changing the time of meeting for Regular City Council Meetings from 6:00pm to 6:30pm to accommodate Council Member Spencer Vogt's schedule, as he works in Lincoln, NE and has a hard time making it to Peru, NE for Council Meeting by 6:00pm; The transition of obtaining water from Auburn, NE Board of Public Works; hiring new City Employees; and the time the Mayor is allowed to work in his capacity as mayor while the market is open, an internal audit will be conducted in June.

F. The following written reports were included in the Council packet: the Abatement Progression.

G. The Mayor reported that one interview has been conducted for the City Clerk and City Treasurer position and that another interview has been scheduled. The Mayor also reported that the City is accepting maintenance worker position applications. One Application has already been received and others have expressed interest in applying.

H. Ordinance No. 2023-05 Authorizing Suspension of the Rules, Vacating the platted portion of 6th street running north/south between block 88 and 89, south of Mulberry street, north of Olive street, in the Original Town Addition of Peru, Nemaha County, Nebraska, authorizing amendment of the official zoning map of the city of Peru, Nebraska, to show the aforementioned portion of 6th street vacated, providing for the repeal of conflicting ordinances or sections thereof, and to provide for an effective date, was presented for consideration. The Mayor announced that the proposed Ordinance was in order. Council Member Marty 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 the same as though it were spread at large herein, which motion was seconded by Council Member Quentin Kieler. Upon Roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. Council Member Marty Peregoy introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended. Council Member Cate Wyckoff seconded the motion to suspend the rules. Upon Roll Call vote: 3 AYES, 0 Nays, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. The motion to suspend the rules was adopted by the Council and the statutory rule was declared suspended for consideration of said ordinance. Council Member Marty Peregoy read Ordinance No. 2023-05 and moved for final passage for the ordinance, which motion was seconded by Council Member Quentin Kieler. Roll Call Vote as follows: Council Member Peregoy: AYE; Council Member Kieler: AYE; Council Member Wyckoff: AYE; Council Member Vogt: Absent. Motion Carried 3-0.

I. Council Member Kieler made a motion to accept the bid from Arcs and Sparks for grate repair in front of 5th Street Post. Council Member Wyckoff seconded the motion. Upon Roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: no one, the following were Absent: Spencer Vogt. Motion: carried.

J. Council Member Marty Peregoy made a motion to accept the bid from Jimmy Smith for repair of drainage ditches so long as the Mayor gains more information about the specifics of the project, and has the final say to accept the bid if content with the specifics. Council Member Quentin Kieler seconded the motion. Upon Roll Call Vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: no one, the following were Absent: Spencer Vogt. Motion: carried.

Agenda Item 7 – New Business

K. Proposed Ordinance No. 2023-04, amending the original chapter 93 of the municipal code of the City of Peru, Nebraska Code of Ordinances relating to violations of Section 93.02 “Running at Large; Tethering”; Repealing the original section 93.02(c) of the Municipal code of Peru, Nebraska; providing for the effective date hereof and ordering the publication or posting of the Ordinance. The Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Peregoy moved that the 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 the same as though it were spread at large herein, which motion was seconded by Council Member Wyckoff. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. Council Member Peregoy read Ordinance No. 2023-

04 and moved for said Ordinance to be approved on its first reading and its title agreed to, which motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. The Mayor declared that said Ordinance No. 2023-04 be approved on its first reading and its title agreed to.

L. Proposed Ordinance No. 2023-03, amending the original chapter 93 of the municipal code of the City of Peru, Nebraska Code of Ordinances by adding an additional section which shall be entitled “93.5 Keeping of Poultry”; defining poultry and creating policies for keeping poultry within city limits; 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 publication or posting of the ordinance. The Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Peregoy moved that the 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 the same as though it were spread at large herein, which motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. Council Member Peregoy read Ordinance No. 2023-03 and moved for said Ordinance to be approved on its second reading and its title agreed to, which motion was seconded by Council Member Wyckoff. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. The Mayor declared that said Ordinance No. 2023-03 be approved on its second reading and its title agreed to.

M. Council Member Kieler moved to ratify the amendment of a scrivener’s error in the numbering of Resolution No. 2023-06, changing it to Resolution No. 2023-08. Said amendment had no effect on the content of the resolution; there was simply an error in the numbering. Said motion was seconded by Council Member Wyckoff. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

N. A discussion was had about the water supply contract by and between the City of Peru, NE and the City of Auburn, NE Board of Public Works and transition plan. Members of the public also participated in this discussion. Mayor Pease stated that he had a meeting with Auburn, NE Board of Public Works, Allen Slater and the Treasurer of Water supply. Discussion was had about the specified connection fee. Discussion was had about the requirement that the new City maintenance worker be a certified water operator. Discussion was had about whether the City of Peru will send an Operator to Auburn to check water samples or if the City of Peru will contract one of Auburn, Board of Public Works employees to do it. No action was taken by the Council as this agenda item was for discussion only.

O. Council Member Peregoy moved to accept the application for membership of the Peru Volunteer Fire Department by Triston Davis. Said motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

P. A discussion was had about Peru City Ordinance No. 2007-001, prohibiting persons from residing in motor vehicles, camper or other form of vehicle within the city or Peru, Nebraska, providing a

penalty for violations, and to provide for an effective date. Council Member Peregoy read section 4-308 of Ordinance No. 2007-001. Members of the Public joined in on this discussion. There were comments made that the 14-day time period which constitutes a violation may be too short. No action was taken by the Council as this agenda item was for discussion only.

Q. A discussion was had about tenant parking in the City of Peru. Members of the public also participated in this discussion. Ideas were discussed about how to fix the parking conditions in the City of Peru, whether landlords should be responsible for tenants parking violations or whether each individual driver should be held responsible for their parking violations. No action was taken by the Council as this agenda item was for discussion only.

R. A discussion was had about the preparation of bleacher area at the old ballfield. Members of the public participated. Council Member Peregoy informed that these bleacher's cannot be torn out because they serve as almost like a retaining wall for the street. No action was taken by the Council as this agenda item was for discussion only.

S. A discussion was had about putting a limit on the length of time, of one month, for which water bills can be estimated. Council Member Peregoy explained that there are members of the community who have had their water bills estimated month after month and that with estimations, it is unknown whether the estimation is in the City's favor or in the Customer's favor. It is important that City Employees be allowed on these properties to assess meters and replace them if need be. It would be in the best interests of the City to make sure that all of the water meters work whenever the transition of water services from Auburn, NE occurs. The public participated in this discussion. There was also discussion about methods of reading meters. No action was taken by the Council as this agenda item was for discussion only.

T. Council Member Kieler moved to approve the proposed Justin Hiykel Memorial Family Movie Night to be held at regular intervals in the warm months at the mini park south of City Hall. Council Member Wyckoff seconded the motion. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

U. This Agenda Item pertaining to the proposed purchase by the City of the masonic hall next to the bank to use as a business incubator, to lease to a business that will directly benefit the community, or to serve as a community resource, was tabled for a future City Council meeting.

V. A discussion was had about the change in water rates taking place in May. The agenda referenced Ordinance No. 2017-01; However, the correct Ordinance is Ordinance No. 2022-02. All references made to the Ordinance, by the Council members was not made to the number, but the Council Members were referring to Ordinance No. 2022-02. The Mayor discussed that the City has to up water rates to accommodate the transfer to receiving water from Auburn, NE Board of Public Works. That the City of Peru passed an Ordinance to do just that. This update is on the City of Peru's website at Perunebraska.org under announcements and events. No action was taken by the Council as this agenda item was for discussion only.

W. Council Member Peregoy moved to accept the bid from Jimmy Smith for the repair of 7th and California Street, the site of water/gas leak. Council Member Kieler seconded the motion, discussion was

had. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

X. A discussion was had about Brodrick Nicken's intention to build 6 1-2 bedroom tiny homes along Mulberry Street, currently zoned R1. Members of the Public participated in the discussion. Discussion was had about obtaining a special use permit. No action was taken by the Council as this agenda item was for discussion only.

Y. A discussion was had about the illegal use of the City's brush pile. Council Member Peregoy informed that an application has been made to the State for a permit to burn the brush pile. The illegal use of the brush pile was addressed. There have been people using the brush pile as a dump. The Council discussed putting up trail cameras around the brush pile to monitor illegal dumping. The public participated in the discussion. No action was taken by the Council as this agenda item was for discussion only.

Z. A discussion was had about codifying the City Code with American Legal Publishing Corporation. The City Attorney informed that she would like to look into this matter further. No action was taken by the Council as this agenda item was for discussion only.

AA. Council Member Peregoy moved to approve the Carstensen Pay Application 6. Council Member Kieler seconded the motion. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

BB. A discussion was had about the sale of water outside City limits. A draft of a proposed ordinance and two relating agreements were discussed. No action was taken by the Council as this agenda item was for discussion only.

CC. Proposed Ordinance No. 2023-02, amending Municipal code of the City of Peru, Nebraska section 10.17 relating to local changes to the Code of Ordinances; Repealing the original section 10.17 of the Municipal Code of Peru, Nebraska; Providing for the effective date hereof and ordering the publication or posting of the Ordinance. The Mayor announced that the introduction of the proposed Ordinance was in order. Council Member Peregoy moved that the 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 the same as though it were spread at large herein, which motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. Council Member Peregoy read Ordinance No. 2023-03 and moved for said Ordinance to be approved on its second reading and its title agreed to, which motion was seconded by Council Member Kieler. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried. The Mayor declared that said Ordinance No. 2023-03 be approved on its second reading and its title agreed to.

DD. Council Member Peregoy moved to approve Jay and Kim Allgood's request for street closings for Oldman River Days on June 3rd from 7:00pm to 9:00am on June 4th. Council Member Wyckoff seconded

the motion. Upon roll call vote: 3 AYES, 0 NAYS, 1 Absent. The following Council Members voted AYE: Marty Peregoy, Quentin Kieler, and Cate Wyckoff. The following voted NAY: No one. Motion: Carried.

EE. A discussion was had about building permits, the violations occurring in the City, and how the City should respond to violators of the Building Permit Ordinance. Members of the public participated in the discussion. The importance of obtaining building permits was discussed. No action was taken as this agenda item was for discussion only.


Agenda Item 8 – Adjournment

Mayor Pease declared the meeting adjourned at 9:19 p.m.

ATTEST



City Clerk



Dave Pease, Mayor