

**MINUTES OF A SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL OF PERU,
NEBRASKA ON THE 17th OF SEPTEMBER 2024 AT 6:15 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 17th of September 2024, at 6:15 P.M., for a Special 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), and the Peru Post Office.

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 Theresa Westfall, Katy Novak, and Brent Brown. Upon roll call by the City Clerk, a quorum was declared pursuant to Neb. Rev. Stat. 17-105.

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, and read aloud by Councilmember T. Westfall.

Agenda Item 3 – Public Hearing

None for this meeting

Agenda Item 4 – Consent Agenda

A.) Approval of Minutes

(i.) Approval of Minutes from August 19th, 2024 Regular Meeting

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

Regular Claims:

Black Hills Energy (Gen / Utility) - \$131.41 // Kinetic/Windstream (Internet / Utility) - \$841.82 // OPPD (Gen / Utility) - \$2202.74 // Personnel Payroll including tax & retirement for check deposited 8/30 (Gen / Acct) - \$15,317.77 // Personnel Payroll including tax & retirement for check deposited 9/15 (Gen / Acct) - \$14,310.00 // Xpress Bill Pay (Wtr/Swr) - \$89.88 // Access Systems (Gen) - \$217.32 // American Recycling & Sanitation (Wtr/Swr) - \$2,570.00 // Auburn Auto Center (Gen/Maint) - \$146.61 // Auburn Board of Public Works (Wtr/Swr) - \$21,006.68 // Auburn Newspaper (Gen) - \$187.68 // Bohl Plumbing & Heating (Gen) - \$124.61 // Bound Tree (Fire/Res) - \$424.34 // Brent Lottman (Fire/Res) - \$470.78 // Casey's Business Mastercard (Gen) - \$1,034.47 // Cather & Sons Construction (Streets) - \$99,932.50 // Eggers (Fire / Res) \$35.36 // Feld Fire, Inc. (Fire/Res) - \$11,803.00 // Fire Cat (Fire / Res) - \$3,420.00 // First National Bank Omaha (Gen) - \$684.37 // Grainger (Gen/Maint) - \$210.94 // Heather Pemberton, CPA (Gen/ Acct) - \$1,135.00 // Nemah Co. Treasurer (Gen) - \$11,984.85 // Ligouri Law Office (Gen) - \$4,684.24 // Midwest Laboratories (Wtr / Swr) - \$665.16 // NAPA Auto Parts (Fir / Res) - \$5.99 // Nebraska Public Health Env. Lab (Wtr/Swr) - \$395.00 // One Call Concepts (Wtr/Swr) - \$10.36 // Paper Tiger Shredding (Gen) - \$35.00 // Patriot Crane & Rigging (Wtr/Swr) -

\$1,992.00 // Pitney Bowes (Gen) - \$169.29 // Select Plumbing (Wtr / Swr) - \$2,415.90 // Vesperis (Gen / Maint) - \$1,180.00 // Small Claims- Microsoft, Adobe, etc. (Gen) - \$31.99

C.) Approval of Monthly Treasurer's Report.

D.) Approval: Designating signers of the city bank account. .

E.) Approval: Authorizing the purchase and installation of a public interest sign direction visitors to the city's business district.

F.) Approval: Water Study Update Option.

G.) Approval: Purchase of uniforms for the City Maintenance Staff.

Mayor Dave Pease presented the Consent Agenda. Councilmember K. Novak made motion to approve the Consent Agenda. 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: K. Novak, T. Westfall, and B. Brown. The following voted NAY: None. Motion: Carried

Agenda Item 5 – Correspondence

H.) None for this meeting

Agenda Item 6 – Old Business

I.) Water report

Monthly water report submitted.

J.) Mayor's Report

Mayor Pease reported that he has spent a lot of time working with the finance committee on finalizing the budget and wanted to acknowledge Brent Lottman for his efforts to lead that group. He believes they have a good start for this coming fiscal year. We will be going through a big transition period from moving out of the disaster recovery mode to a regular operating budget and the issues that come with that. Also, he mentioned that the water rate study will be beneficial in solving the deficit in our water budget.

K.) Report from City Clerk T. Riehle

The new City Clerk introduced herself, currently she held the position of Deputy clerk and has assumed the duties of Clerk as of August 26th. Mary Williams will remain as the Grant Coordinator and has also taken on the duties of the Deputy Clerk. Mary is now a notary, adding another service available at City Hall. Phil Wemhoff has marked his one-year anniversary as the City's Maintenance Superintendent and had just passed his level IV water operator license. He will now be taking over the responsibilities that we've been contracting with Auburn to do, this will result in quite a savings in the cities water budget. She also announced there will be a Special Meeting on Sep 30th at 6pm, for the 1- & 6-year plan.

L.) Committee Reports: a.) Grant report, Application of the street grant from last year. We were awarded an NDE grant for street light improvements. We should see those installed before Christmas. And we have started the process for Hazard Mitigation qualifications. b.) Streets & Alleys, Completion of 4 roads from our 1-&-6 yr plan and on schedule. Park Ave, will be sealed later this month. Millings that came off the roads have been used

to improve some of the alleys. There has been an actual Streets bank account opened. c.) Animals & Humanity reported that there has been a record number of dog and cat licenses this year, we have reach 100 licensed pets. There have been at least two dog bites within the city this year, one having been recently vaccinated against rabies for the first time, so the person bit did not need a series of rabies shots, the other person had to go through rabies shots. d.) Park & Rec, Nick Novak, Chair, explained that good things are happening! Getting things organized, planning a cleanup and overhaul of the softball field and the concession stand. And future plans of softball tournaments, and other activities for the kids. Forming a plan for Neal Park is a big goal.

Agenda Item 7 – New Business

M.) MOTION TO APPROVE: 1% increase in restrictive fund authority. Councilmember T. Westfall made motion to approve the 1% increase in restrictive funds authority. 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: K. Novak, T. Westfall, and B. Brown. The following voted NAY: None. Motion: Carried

N.) MOTION FOR CONSIDERATION BY COUNCIL of approval of the proposed FY2024-2025 Budget. Councilmember K. Novak made motion to approve the proposed FY 2024-2025 Budget. 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: K. Novak, T. Westfall, and B. Brown. The following voted NAY: None. Motion: Carried

O.) RESOLUTION No. 2024-14 To consider approval & adoption of City of Peru request to set property tax. Councilmember T. Westfall made motion to approve and adopt the City of Peru's request to set property tax. 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: K. Novak, T. Westfall, and B. Brown. The following voted NAY: None. Motion: Carried

P.) Ordinance No. 2024-04 was presented for consideration on first reading. The mayor announced that the proposed Ordinance was in order. Councilmember K. Novak 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 T. Westfall. Upon roll call vote: 3 AYES and 0 NAYS. The following members voted "AYE": T. Westfall, K. Novak, B. Brown. Motion: Carried. Councilmember T. Westfall introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended. Councilmember K. Novak seconded the motion to suspend the rules. Upon Roll call vote 3 AYES and 0 NAYS. The following Councilmembers voted AYE: B. Brown, K. Novak, T. Westfall. 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 T. Westfall introduced the proposed ordinance as Ordinance 2024-04 entitled: **An Ordinance of the City of Peru, Nemaha County, Nebraska to Adopt the Budget Statement to be Termed the Annual Appropriation Bill; to appropriate sums for necessary expenses and liabilities; to provide for an effective date hereof.** Councilmember T. Westfall read Ordinance No. 2023-16 and moved for final passage or the ordinance, which motion was seconded by Councilmember K. Novak. Upon roll call vote: 3 AYES, 0 NAYS. The following Councilmembers voted AYE: K. Novak, B. Brown, T. Westfall. Motion Carried. The Mayor declared that said Ordinance No. 2024-04 be approved on its first and final reading and its title agreed to.

Q.) Item for discussion by council: Kim Tanner's agenda item regarding an explanation of the Cooper Nuclear Station IPAWS implementation. Discussion held. Kim Tanner explained Cooper Nuclear Station will be moving away from sirens as their alert notification system for Cooper and towards IPAWS. It is a FEMA system that will send out an emergency wirelessly to phones using EAS messages, as well as radio and television. There is also a system to call landlines. The system uses geocaching targeting to notify anyone within the 10-mile emergency planning zone from Cooper Nuclear Station. This works even if location services are turned off on the phone. Sirens will be removed from the county. T. Westfall inquired about the elderly population that does not have cell phones, Tanner recommends a weather radio as a backup method of communication. No action taken.

R.) Proposed Ordinance No. 2024-05 was presented for consideration on its first reading. The Mayor announced that the proposed ordinance was in order. Councilmember K. Novak 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 T. Westfall. Upon roll call vote: 3 AYES and 0 NAYs. The following voted "AYE": T. Westfall, B. Brown, K. Novak. Motion Carried. Council Member T. Westfall introduced the proposed ordinance as **Ordinance No. 2024-05 entitled: ORDINANCE NO.2024-05 OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA AN ORDINANCE COMBINING AND MERGING THE OFFICES AND EMPLOYMENT OF THE DEPUTY CITY CLERK AND GRANT COORDINATOR POSITIONS; PROVIDING FOR DUTIES, COMPENSATION, AND OTHER ADMINISTRATIVE DETAILS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION.** Ordinance 2024-05 having been read, Councilmember K. Novak moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember T. Westfall. Upon roll call vote: 3 AYES and 0 NAYs. The following Council Members votes "AYE" K. Novak, T. Westfall, B. Brown. Motion Carried. The Mayor declared that said Ordinance No. 2024-05 be approved on its first reading and its title agreed to.

S.) Proposed Ordinance No. 2024-02 was presented for consideration on its first reading. The Mayor announced that the proposed ordinance was in order. Councilmember T. Westfall 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 K. Novak. Upon roll call vote: 3 AYES and 0 NAYs. The following voted "AYE": T. Westfall, B. Brown, K. Novak. Motion Carried. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2024-02 entitled: **ORDINANCE NO.2024-02 AN ORDINANCE AMENDING THE COMPENSATION OF THE MAYOR AND CITY COUNCIL MEMBERS; FIXING COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE CITY OF PERU; TO PROVIDE 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 2024-02, Councilmember T. Westfall moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember K. Novak. Discussion was held. Councilmember B. Brown asked if Council and Staff wages could be separated. The City Attorney, M. Ritchie informed they could be separated. Community member S. Hassler recommended a mayor's salary of \$10,000 per quarter to attract more candidates. T. Westfall shared finance committee had received a Nebraska Pay Study provided by The League of Municipalities of other cities of the second class and this is what was used to update the Council Wages by finance committee after community input that they wanted to see a fair compensation for our council members and mayors to attract better options. Community

discussion of other budgetary needs of the city. K. Novak stated we are having a hard time filling open council seats and an additional \$200 per quarter is not a lot of money. D. Pease stated this is his third term on council and first consideration for an increase for council. K. Novak stated the cost of everything has gone up. T. Westfall compared current staff positions and wages to previous staff position and wages found in Ordinance 2023-11. Discussion of staff gaining more licenses that are reducing the city's dependency on outside companies such as Auburn BPW and this will help pay the city wages. With no further discussion roll call. Upon roll call vote: 3 AYES and 1 NAYs. The following Council Members votes "AYE" K. Novak, T. Westfall, D. Pease. The following voted Nay: B. Brown. Motion Carried. The Mayor declared that said Ordinance No. 2024-02 be approved on its first reading and its title agreed to.

T.) Proposed Ordinance No. 2024-06 was presented for consideration on its first reading. The Mayor announced that the proposed ordinance was in order. Councilmember T. Westfall 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 B. Brown. Upon roll call vote: 3 AYES and 0 NAYs. The following voted "AYE": T. Westfall, B. Brown, K. Novak. Motion Carried. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2024-06 entitled: **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 ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED "71.07 ATVs, UTVs, & GOLF CARTS"; DEFINING ATVs, UTVs AND GOLF CARTS, AND CREATING POLICIES FOR USING ATVs, UTVs, AND GOLF CARTS 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 THE PUBLICATION OR POSTING OF THE ORDINANCE.** Having read Ordinance 2024-06, Councilmember T. Westfall moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember K. Novak. Discussion commenced. Councilmember K. Novak inquired as to which committee brought the ordinance. Councilmember T. Westfall explained, it was brought up by the office to Streets & Alleys, there are two existing ordinances for ATV's and Golf Carts, this will clean up the ordinances, combine and update them. This update will require, as was already required, that operators register with the city to prove compliance, insurance, safety equipment, etc. B. Brown brought up the cost of \$75 registration fee. T. Westfall informed the old ordinances had \$60 fee, nearby cities were at \$100 fee. Discussion of statute requirements, vs city, destruction of roads and side roads by ATV's, UTVs. Community would like to see fee reduced to original fee and more consideration for drivers with provisional operator's permits to drive with a licensed operator. Upon roll call vote: 0 AYES and 3 NAYs. The following Council Members votes "AYE" None. The following Council Members vote "NAY": K. Novak, T. Westfall, B. Brown. Motion did not carry. At the request of Council, this proposed ordinance will go back to committee.

U). Proposed Ordinance No. 2024-07 was presented for consideration on its first reading. The Mayor announced that the proposed ordinance was in order. Councilmember K. Novak 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 T. Westfall. Upon roll call vote: 3 AYES and 0 NAYs. The following voted "AYE": T. Westfall, B. Brown, K. Novak. Motion Carried. Council Member K. Novak introduced the proposed ordinance as Ordinance No. 2024-07 entitled: **ORDINANCE NO 2024-07 OF THE CITY COUNCIL OF THE CITY OF**

PERU, NEBRASKA, 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 “93.11 KEEPING OF LIVESTOCK”; CREATING POLICIES FOR KEEPING LIVESTOCK 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 THE PUBLICATION OR POSTING OF THE ORDINANCE. Ordinance 2024-07 having been read, Councilmember T. Westfall moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember B. Brown. Ordinance 2024-07 having been read, Councilmember T. Westfall moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember B. Brown. Discussion was held about current livestock ordinances. D. Pease felt poultry and livestock was a matter for zoning and that an Ordinance affecting zoning should not be passed. T. Westfall shared the city’s building inspector uses ordinances not found in the zoning manual like the poultry ordinance when issuing permits. Community member M. Peregoy felt the definition of “livestock” was lacking as it did not define bovine as livestock. D. Pease shared the Zoning table that states livestock production is not allowed in R1 or R2; T. Westfall stated not all keeping of livestock is with the intent to produce, this is what this ordinance is attempting to prevent. T. Westfall stated the current zoning ordinance is over two decades old and should likely be completely updated. The ordinance as presented does not define size of an exception allowed to keep livestock for the zoning committee. Upon roll call vote: 0 AYES and 3 NAYs. The following Council Members votes “AYE”: None. The following Council Member votes were “NAY”: K. Novak, T. Westfall, B. Brown. Motion did not carry. At the request of Council, this proposed ordinance will go back to committee.

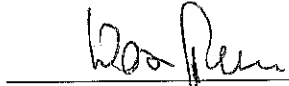
V.) DISCUSSION: Stephen Hassler request the Council discuss possible reduction of the fees charged for the rental of City Hall’s Community Room. Discussion held; S. Hassler explained why he wanted fees reduced. Clarification was made that 501c3’s can rent city hall at no charge; non-profits are \$60 per rental and private rentals are \$80 per rental. Should a member of the public wish the fee to be waived they may bring it to council for possible approval of waiver. The rental form is available at city hall. K. Novak chair of Ordinance stated Ordinance Committee would look at the current fees associated. No action taken.

W.) DISCUSSION WITH POSSIBLE APPROVAL: - adopting a general policy that the city clerk be cc'd in all communications between City Council members and the City attorney to promote time and economic efficiency. Discussion held that the reason this came up is the city office fields most of the questions about what is going on in the city, but are not always included in communication, they have to track down what the caller is inquiring about, this may help keep the office informed. Council member K. Novak brought up a recent issue where council was reaching out to the city attorney about the city clerk and thus not comfortable making it a policy. No action was taken, for consideration to include an outline of communication policies in future update of employee handbook.

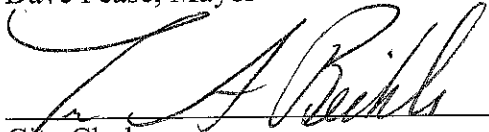
ADJOURNMENT

Meeting adjourned on the same day at 8:23 p.m.

HEREBY ATTESTED AND ACKNOWLEDGED:



Dave Pease, Mayor



City Clerk

