

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF
PERU, NEBRASKA ON THE 18th OF DECEMBER 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 18th of December 2023, 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.

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 Quintin Kieler and Theresa Westfall. 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

Agenda Item 4 – Consent Agenda

A.) Approval of Minutes

(i.) Approval of Minutes from November 20th, 2023 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:

JEO (Flood / Water Associated)- \$21,533.50 // Kinetic/Windstream (Internet / Utility) - \$1,288.31
OPPD (Gen / Utility) - \$2,968.62 // Black Hills Energy (Gen / Utility) - \$176.14
Personnel Payroll for check deposited 11/30 (Gen / Accounting) - \$9,024.89
Personnel Payroll for check deposited 12/15 (Gen / Accounting) - \$9,022.21
Xpress Bill Pay (Gen / Water Bill Processing) - \$105.08 // Access Systems (Gen) - \$173.36 // American Recycling & Sanitation (Gen / Utility) - \$2,735.00 // AT&T (Gen/ Fire) - \$37.27
Auburn Auto (Gen)- \$1,591.08 // Auburn Board of Public Works (Gen / Water Associated) - \$12,394.45
Auburn Newspaper (Gen) - \$222.72 // Bohl Plumbing (Office Maint) - \$168.03

Bound Tree (Gen/ Fire) - \$451.20 // Burr Farms Machinery (Maint/Street) - \$225.00 // Brent Lottman (Fire/Res) - \$52.85 // Casey's Business Mastercard (Gen) - \$1,660.88 // Eggers (Fire/Res) - \$192.60 // Feld Fire, Inc (Gen/Fire) - \$75,000.00 // Grainger (Gen / Maint) - \$93.95 // Hawkins, Inc (Gen / Maint) - \$1,441.18
Heather Pemberton, CPA (Gen/ Accounting) - \$615.00 // Interstate Power Systems (Wtr) - \$921.77 // KJ Whitehorse (Gen) - \$400.00 // Miller Farrell Insurance Company (Fire/Res) - \$362.00 // Municipal Supply (Wtr) - \$2,019.06 // Nebraska Dept. of Environment and Energy (Debt Svc) - \$2,000.00 // Nebraska Public Health Env. Lab (Gen) - \$47.00 // One Call Concepts (Gen / Maint) - \$16.34 // Pitney Bowes (Gen) - \$238.93 // Quick Med Claims (Fire/ Res) - \$109.40 // Raka Rentals (Wtr) - \$1,101.28 // Titan Rentals (Maint/Wtr) - \$53,729.04 // United Life Insurance Company (Gen) - \$67.62 // Verizon Wireless (Gen / Wtr) - \$40.01 // WesTech Engineering (Gen / Wtr) - \$15,340.00
Wilson Electric (Wtr) - \$102.30 // Small Claims- Amazon Office, Microsoft, Adobe, etc (Gen) - \$1,435.49

C.) Acceptance of Johnny McConnaughey's bid

(i) for City owned Police Service-Six .357 Magnum and Eastfield Model 915 Smith and Wesson 12 GA, 3-inch chamber shotgun pursuant to City Resolution #s 2023-13 and 2023-12, Except that the provision of Resolution 2023-12 setting a minimum bid/reserve is hereby waived for want of bidders within the timeline specified in said resolution.

D.) Resolution No. 2023-16 Annual Nebraska Department of Transportation Year-End Street Superintendent Certification.

E.) **Resolution:** Resolution No. 2023-17, a resolution directing the sale of city owned real estate described as 1008 5th Street, Peru, NE, pursuant to Peru City Code 92.30.

F.) Approval of Opening New Business Checking Account, specifically for the Peru Fire Department.

G. Approval for owner's construction of an emergency exit, for the commercial building located at 620 5th Street, belonging to P. and B. Wemhoff. This is for them to build an emergency fire exit for the building, located right next to the City's mini park.

H. Approval of Carstensen's Pay Application No. 14 and JEO Change Order No. 7:

JEO recommends approval of this change order. The change order results in a net project cost increase of \$12,555.87. It includes the cost to install temporary generators at each building.

JEO recommends approval in the amount of \$75,097.50. This pay application generally covers water main and building installations.

Mayor D. Pease presented the Consent Agenda. Councilmember T. Westfall made motion to approve the Consent Agenda. The motion was seconded by Councilmember Q. Kieler. Upon roll call vote: 3 AYES, 0 NAYS. The following voted AYE: Theresa Westfall, Quentin Kieler, and Mayor Dave Pease. The following voted NAY: None. Motion: Carried

Agenda Item 5 – Correspondence

I.) None for this meeting

Agenda Item 6 – Old Business

J.) Water report

Monthly water report submitted.

K.) Mayor’s Report

Mayor D. Pease reported that the waterline is set for final testing in the coming weeks, and that if no issues occur for testing, then they are able to start the flow of Auburn water for residents.

Agenda item 7- ADJOURN SINE-DIE – Motion & Roll Call

Councilmembers T. Westfall, Q. Kieler, and Mayor Pease Present.

RECONVENE- New Councilmembers Seated.

Agenda Item 8 – ACCEPTING CREDENTIALS

L.) City Clerk Accepts Credentials

Peru City Clerk T. Schuetz read the Certified Election Results from the Nemaha County Election Commission, announcing that Katy Novak and Brent Brown will be filling the two Council vacancies.

Councilmember T. Westfall made motion to approve the credentials and election results. The motion was seconded by Councilmember Q. Kieler. Upon roll call vote: 3 AYES, 0 NAYS. The following voted AYE: Theresa Westfall, Quentin Kieler, and Mayor Dave Pease. The following voted NAY: None. Motion: Carried

M.) Oaths of Office

New Councilmembers K. Novak and B. Brown took the Oaths of Office, notarized by City Clerk T. Schuetz

Agenda Item 9 – ANNUAL ELECTIONS & APPOINTMENTS

N.) Elect City Council President

Councilmember T. Westfall motions to elect Councilmember Q. Kieler as Council President, Councilmember B. Brown seconds the motion. Upon roll call vote: 4 AYES and 0 NAYS. The following Council Members voted “AYE” T. Westfall, Q. Kieler, B. Brown, and K. Novak. Motion: Carried.

O.) Annual Standing Committee Appointments

The 2023 Mayoral appointments were presented. Any changes made were announced, including committees the new councilmembers will be joining. Councilmember T. Westfall motions to approve the Standing Committee Appointments, seconded by Councilmember K. Novak. 4 AYE's and 0 NAY's. The following Council Members voted "AYE" Q. Kieler, B. Brown, T. Westfall, and K. Novak. Motion: Carried.

P.) 2024 Street Superintendent Appointment

Evan Wickersham of JEO submitted to renew his appointment for Street Superintendent another year. Councilmember Q. Kieler motions to approve E. Wickersham of JEO to be the City of Peru 2024 Street Superintendent, seconded by Councilmember T. Westfall. Upon roll call vote: 4 AYE's and 0 NAY's. The following Council Members voted "AYE" T. Westfall, Q. Kieler, B. Brown, and K. Novak. Motion: Carried.

Q.) Approval of Annual Mayoral Appointments

No new Peru residents have applied for consideration to be placed on committees, therefore, no action was taken on this item.

R.) Approval of Updated City of Peru Employee Handbook

This item was re-introduced after being tabled in September Councilmember Q. Kieler asked if any major changes had been made from the draft presented in September. City Clerk T. Schuetz stated that the holidays were updated to add Juneteenth (June 19th), now that it is a Federally recognized holiday. Councilmember T. Westfall motions to approve the updated City Handbook, seconded by Councilmember K. Novak. Upon roll call vote: 4 AYE's and 0 NAY's. The following Council Members voted "AYE" B. Brown, K. Novak. Motion, T. Westfall, and Q. Kieler. Motion: Carried.

S.) Approval of 2024 City of Peru Holidays

Councilmember K. Novak motions to approve the 2024 holiday list as presented, seconded by Councilmember Q. Kieler. Upon roll call vote: 4 AYE's and 0 NAY's. The following Council Members voted "AYE" T. Westfall, Q. Kieler, B. Brown, and K. Novak. Motion: Carried.

T.) Motion to Approve the Public Notice Seeking Bids for Leased Farm Ground

Property owned by the City of Peru, described as: 240 acres of bottom-ground owned by the City of Peru, Nemaha County, Nebraska, Parcel Identification Numbers: 640060641 and 640060609. Discussion was held regarding the issues of the leased ground the last three contract years, specifically, regarding the property and drainage taxes. Councilmember Q. Kieler suggested that in the future lease, taxes should be paid by the City, directly to the County, and the tax amount built-in to the cash rent price. Mayor Pease agreed. Current tenant, R. Trail appeared in person to

discuss the farmland. R. Trail states that he is interested in leasing it again, but this time he intends to be the sole tenant, not having a co-tenant. R. Trail expresses no concern with maintenance, payments, or drainage. With no more discussion to be had, Councilmember T. Westfall moves for the City of Peru to post public notice seeking bids for the leased farm ground, seconded by Councilmember K. Novak. Upon roll call vote: 4 AYE's and 0 NAY's. The following Council Members voted "AYE", Q. Kieler, B. Brown, K. Novak, and T. Westfall. Motion: Carried.

U.) Ordinance 2023-13: Third Reading

Proposed Ordinance No. 2023-13 was presented for consideration on its third reading. The Mayor announced that the proposed Ordinance was in order. Council Member 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 Council Member Q. Kieler. Upon roll call vote: 4 AYE's and 0 NAY's. The following members voted "AYE": K. Novak, T. Westfall, Q. Kieler, and B. Brown. The following voted "NAY": No one. Motion: Carried. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2023-13 entitled: AN ORDINANCE OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA, TO AMEND THE ORIGINAL CHAPTER 31 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA, CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED "31.14 CODE ENFORCEMENT OFFICER"; PROVIDING FOR THE APPOINTMENT; TERMS; POWERS; AND DUTIES OF A CODE ENFORCEMENT OFFICER; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISION RELATED TO THE SUBJECT MATTER HEREIN; ORDERING THE PUBLICATION OR POSTING OF THE ORDINANCE; AND SETTING AN EFFECTIVE DATE. Having read Ordinance No. 2023-13, Council member T. Westfall moved for its approval on its third and final reading and its title agreed to, which motion was seconded by Council member K. Novak. Upon roll call vote: 4 AYE's and 0 NAY's. The following Council Members voted "AYE" B. Brown, K. Novak, Q. Kieler, and T. Westfall. Motion: Carried.

V.) Ordinance No. 2023-15:

Proposed Ordinance No. 2023-15 was presented for consideration on its second 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 Councilmember K. Novak. Upon roll call vote: 4 AYE's and 0 NAY's. The following members voted "AYE": T. Westfall, Q. Kieler, K. Novak, and B. Brown. The following voted "NAY": No one. Motion: Carried. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2023-15

entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, AMENDING THE ORIGINAL CHAPTER 32 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED "32.07 BOARD OF PARK AND RECREATION COMMISSION"; TO PROVIDE A POLICY FOR THE CREATION, ORGANIZATION, OPERATION, AND FUNDING OF A PARK AND RECREATION COMMISSION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS THEREOF; ORDERING THE PUBLICATION OR POSTING OF THE ORDINANCE' AND TO PROVIDE FOR AN EFFECTIVE DATE. Having read Ordinance No. 2023-15, Council member T. Westfall moved for its approval on its second reading and its title agreed to, which motion was seconded by Councilmember K. Novak. Upon roll call vote: 4 AYE's and 0 NAY's. The following Council Members voted "AYE" T. Westfall, Q. Kieler, B. Brown, and K. Novak. Motion: Carried.

W.) Ordinance No. 2023-16: First Reading

Proposed Ordinance No. 2023-16 was presented for consideration on 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 Councilmember Q. Kieler. Upon roll call vote: 4 AYE's and 0 NAY's. The following members voted "AYE": T. Westfall, B. Brown, K. Novak, and Q. Kieler. Councilmember T. Westfall introduced the proposed Ordinance and moved that the statutory rule requiring reading on three different days be suspended.

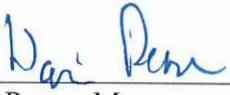
Councilmember K. Novak seconded the motion to suspend the rules. Upon Roll call vote 4 AYE's, 0 NAY's. The following Councilmembers voted AYE: Q. Kieler, K. Novak, T. Westfall, and B. Brown. The following voted NAY: No one. Motion: Carried. The motion to suspend the rules was adopted by the Council and the statutory rule was declared suspended for consideration of said ordinance. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2023-16 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, TO UPDATE THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF PERU FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, PET LICENSING, WATER TAPPING, AND CITY KEY DISTRIBUTION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE HEREOF; AND ORDERING THE PUBLICATION OR POSTING OF THE ORDINANCE. Councilmember T. Westfall read Ordinance No. 2023-16 and moved for final passage for the ordinance, which motion was seconded by Councilmember K. Novak. Upon Roll call vote: 4 AYE's, 0 NAY's. The following Councilmembers voted AYE: Q. Kieler, B. Brown, T. Westfall, and K. Novak. The following

voted NAY: No one. Motion: Carried The Mayor declared that said Ordinance No. 2023-16 be approved on its first and final reading and its title agreed to.


ADJOURNMENT

Meeting adjourned on the same day at 6:36p.m.

HEREBY ATTESTED AND ACKNOWLEDGED:



Dave Pease, Mayor



City Clerk

