

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF  
PERU, NEBRASKA ON THE 20<sup>th</sup> OF MAY 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 20<sup>th</sup> of May 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.

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 Quentin Kieler, 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**

1. Public hearing regarding the nuisance properties as identified and scored by the Peru Board of Health and City Building Inspection, to confirm proper procedure has been followed, and to give property owners an opportunity to present evidence and show cause as to why their property should not be declared a nuisance and ordered to be remedied. Public hearing opened at 6:02pm.

- a. 917 5<sup>th</sup> Street, Peru, NE; Owner(s): Timothy Jon Rients
- b. 720 5<sup>th</sup> Street, Peru, NE, Owner(s): Don Arms
- c. 617 Olive Street, Peru, NE; Owner(s): Trevor & Sarah Montanelli
- d. 408 Main Street, Peru, NE; Owner(s): Ruffino & Maria Gutierrez
- e. 612 5<sup>th</sup> Street, Peru, NE; Owner(s): Nyle Bartling
- f. 314 Mulberry Street, Peru, NE; Owner(s): Jason & Patricia Adams. Registered owner Patricia Adams appeared in person to discuss her property. She states that she would like for it to gain historical exemption status, so as to not have to repair to current FEMA guidelines. When asked by the City Council if Ms. Adams was going to repair the dilapidated nuisance property, Ms. Adams replied only if the City forces her to.

Evidence was presented showing the condition of each property, and that property owners were provided adequate notice. Details of each property owner's correspondence with City staff were

provided to the Counsel. Property owners were given the opportunity to show cause as to why their property should not be declared a nuisance. 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 6:12pm.

2. Public hearing regarding the possible re-zoning of Parcels #640097901 and #640042732 from Residential, to General Commercial. Public hearing opened at 6:12pm.

No public comments were submitted. With no discussion to be had, Councilmember K. Novak 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 6:13pm

3. Public hearing regarding the acquisition of 600 5<sup>th</sup> Street, Peru, Nebraska, Parcel #640036333, via bid at sheriff's sale. Said bid shall not exceed \$3,000.00. Public hearing opened at 6:14pm.

No public comments were submitted. With no discussion to be had, Councilmember K. Novak 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: K. Novak, T. Westfall, B. Brown, and Q. Kieler. The following voted NAY: None. Motion: Carried. Public hearing closed at 6:15pm

**Agenda Item 4 – Consent Agenda**

A.) Approval of Minutes

(i.) Approval of Minutes from April 15<sup>th</sup>, 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:

JEO (Flood)- \$5,737.50 // Kinetic/Windstream (Internet / Utility) - \$841.27  
OPPD (Gen / Utility) - \$2,178.29 // Black Hills Energy (Gen / Utility) - \$172.46  
Personnel Payroll for check deposited 4/30 (Gen / Acct) - \$8,652.18 // Personnel Payroll for check deposited 5/15 (Gen / Acct) - \$8,466.85 // Payroll taxes for 4/30 and 5/15 (Gen / Acct) - \$4,944.50 // Xpress Bill Pay (Wtr/Swr) - \$88.53 // Access Systems (Gen) - \$173.36 // American Recycling & Sanitation (Wtr/Swr) - \$2,900.00 // AP Electrical Solutions (Wtr/Swr) - \$150.00 // Auburn Auto Center (Maint/Strt) - \$148.00 // Auburn Board of Public Works (Wtr/Swr) - \$18,046.32 // Auburn Newspaper (Gen) - \$251.35 // Auburn Plumbing & Heating (Wtr/Swr) - \$18.27 // Casey's Business Mastercard (Gen) - \$599.40 // Feld Fire, Inc (Fire/Res) - \$7,968.50 // First National Bank Omaha (Gen)- \$2,200.46 // Grainger (Gen) - \$400.10 // // Heather Pemberton, CPA (Gen/ Acct) - \$655.00 // Mellage Truck & Tractor (Wtr/Swr) - \$56.23 // Miller Farrell Insurance Agency (Gen) - \$9,967.00 // Municipal Supply Co

(Wtr/Swr) - \$2,235.28 // NAPA Auto Parts (Maint/Strt) - \$97.97 // Nebraska Public Health Environment Lab (Wtr/Swr) - \$26.25 // Nebraska Rural Water Association (Wtr/Swr) - \$300.00 // Nemaha County Clerk (Gen) - \$20.00 // One Call Concepts (Wtr/Swr) - \$17.60 // Pitney Bowes (Gen) - \$169.29 // Verizon (Wtr/Swr) - \$120.03 // Small Claims- Microsoft, Adobe, etc (Gen) - \$23.28

C.) Approval of Monthly Treasurer's Report

D.) Approval for the City Clerk's Office to solicit bids for asphalt sealing and maintenance for Park Avenue, on behalf of the Streets and Alleyways Committee.

E.) Approval of the Chevrolet 2500 (3-quarter ton) old maintenance truck, and the 8-foot Boss V-Plow be sent to Big Iron Scrap Metal for proper disposal.

F.) Approval for Peru Fire Department's use of City hydrants and water for Old Man River Days event.

G. Approval of National Concrete Cutting Inc's bid for demolition and cleanup of the FEMA flood buyout properties, for \$123,850.00 to be reimbursed by FEMA within 90 days.

H. Approval of City Resolution No. 2024-06, regarding placing an auction bid for the real property located at 600 5<sup>th</sup> Street.

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

Consent Agenda Item E. Councilmember Q. Kieler requested clarification on the disposal procedure of the maintenance equipment. With no further discussion to be had. Council Member Q. Kieler moved to approve Item E. The motion was seconded by Council Member T. Westfall. Upon roll call vote for approval of Item E of the 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**

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 water tower had been experiencing many internet outages this last month, and Windstream had been out several times to work on it. The issue was related to the HOA Solutions system that was not connecting to the internet router. It appears to finally be fixed now. Additionally, Mayor D. Pease thanked all City maintenance staff for their diligent work fixing the tower issue, while balancing other projects that had come up during the month.

#### L.) Ordinance: No. 2024-01:

Proposed Ordinance No. 2024-01 was presented for consideration on its third and final 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. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2024-01 entitled: ADDING SECTION 71.06 TO THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES; TO SET DESIGNATED TRUCK ROUTES & RESOLUTION(S) FOR SEMI-TRUCKS TRAVELING UPON CITY STREETS; TO PROVIDE FOR A WEIGHT RESTRICTION; TO PROVIDE FOR A PENALTY FOR VIOLATORS, TO REPEAL ANY CONFLICTING ORDINANCES AND SECTIONS THEREWITH' AND TO PROVIDE FOR AN EFFECTIVE DATE. Councilmember T. Westfall motioned for final passage of the proposed ordinance, Ordinance No. 2024-01, seconded by Q. Kieler. Upon roll call vote: 3 AYES and 1 NAYs. The following members voted "AYE": K. Novak, Q. Kieler, and T. Westfall. The following voted "NAY": B. Brown. Motion: Carried.

#### **Agenda Item 7 – NEW BUSINESS**

#### M.) Report from City Clerk T. Schuetz

City Clerk provided an update regarding current City happenings. The GIS mapping project has been completed, and the Clerk's Office is in possession of the physical and electronic map. Additionally, the needed parts for fixing the Peru splashpad have been ordered and shipped, the City expects the splashpad to be opened and working properly before the Old Man River Days event. Additionally, the City's contract with the NRD has expired, a new one is currently being worked on. In the meantime, the City and the NRD's main concern regarding the depot building is safety and security. After the damage after last season, the NRD and the City are continuing to work towards finding solutions to prevent future damage.

Regarding the audit, Dana Cole & Co., has given the City the requested item list, and City staff has begun to gather the requested documents. However, Dana Cole will not be able to accommodate the City as an audit client for next year, and the City Clerk and the City CPA have already begun to make inquiries to other firms for next year.

Finally, the FEMA flood-buyout area is set for demolition and cleanup soon. The Peru Fire Department will be burning a portion of it, although a specific date has not yet been set. The City Clerk encouraged residents to check the City's Facebook page for continued updates and official burn dates, when they become available.

N.) Motion for Consideration by Council: Streets and Alleyways committee update by Committee Chair / Councilmember T. Westfall on 5th and Hoyt Project with possible approval to move forward with CDBG grant application to complete 1 & 6 Year plan project M-487 (81) 5th Street from Washington Street to Al Wheeler & Project M-487(86) 5th and Nebraska Street Intersection.

Streets and Alleyways Committee Chairperson, Councilmember T. Westfall reports that lots of research has been done into previous proposed City Street projects. Councilmember T. Westfall has spoke with the City's Street Superintendent, Evan Wickersham, on this proposed project regarding 5<sup>th</sup> and Hoyt Street. The City may be able to break the project up into smaller pieces, but funding will be the governing factor. The City may be eligible for CDBG grant funds, and Councilmember T. Westfall would like the City to submit a request for funds when the application window opens this fall, and made a motion to approve the request. The motion was seconded by Councilmember Q. Kieler. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: Q. Kieler, B. Brown, T. Westfall, and K. Novak. The following voted NAY: None. Motion: Carried

O. Discussion and Possible Action by Council: The following properties have been identified by the Peru Board of Health as nuisances, as provided by Peru City code §91.21 and §150.40 and have failed to be resolved, maintained, or fixed. Possible action includes declaring the following property(ties) a nuisance and ordering the abatement of said nuisance, and/or entering into a rehabilitation agreement with the following property owners.

- 1.) 917 5th Street, registered owner Timothy Jon Rients, scoring 17+ on review worksheet.
- 2.) 720 5th Street, registered owner Donald Arms, scoring 17 + on review worksheet.
- 3.) 617 Olive Street, registered owner Trevor & Sarah Montanelli, scoring 17 + on review worksheet.
- 4.) 408 Main Street, registered owner Ruffino & Maria Guterrez, scoring 17 + on review worksheet.
- 5.) 612 5th Street, registered owner Nyle Bartling, scoring 16 on review worksheet.
- 6.) 314 Mulberry Street, registered owner Jason & Patricia Adams, scoring 17 + on review worksheet.

Councilmember Q. Kieler motioned for the City to declare 917 5<sup>th</sup> Street, 617 Olive Street, and 612 5<sup>th</sup> Street nuisances, and order the abatement of said nuisances. The motion was seconded by

Councilmember K. Novak. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: K. Novak, Q. Kieler, B. Brown, and T. Westfall. The following voted NAY: None. Motion: Carried

Councilmember K. Novak motioned for the City to enter into rehabilitation agreements in collaboration with the Peru City Building Inspector and the registered property owner(s) for 720 5<sup>th</sup> Street, 408 Main Street, and 314 Mulberry Street. The motion was seconded by Councilmember Q. Kieler. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, K. Novak, Q. Kieler, and T. Westfall. The following voted NAY: None. Motion: Carried

P.) Resident A. Adams's request for update on Street projects and submitting a comment on the proposed truck route.

Resident inquired into City's plans to repair Bluff Road after the 2019 flooding. Bluff Road is on the project list, and it is one of many streets currently out for bid. So far, the City has not yet received any official bids, but the City has made contact with a few contractors, inviting them to place a bid on the project. Mr. Adams encouraged the City to collaborate with the County on a few road concerns. Discussion held. No action taken on this item, for discussion only.

Q. Resolution No. 2024-07

To amend zoning classification/designation of parcels 640097901 and 640042732 from Residential (R-1) to General Commercial (GC); to authorize amendment of the official zoning map of the City to show such change; to provide for the repeal of conflicting ordinances and resolutions or sections thereof; and to provide for an effective date. Councilmember T. Westfall made a motion to approve the proposed resolution, seconded by Councilmember K. Novak. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: Q. Kieler, B. Brown, K. Novak, and T. Westfall. The following voted NAY: None. Motion: Carried

R. Motion for Consideration by Council: On recommendations made by the Peru Planning and Zoning committee: Approval for R. Baltensperger's request to move a single-family home to the City of Peru.

Councilmember K. Novak made a motion to approve the request, seconded by Councilmember T. Westfall. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE: B. Brown, K. Novak, Q. Kieler, and T. Westfall. The following voted NAY: None. Motion: Carried

S. Discussion Item: Renewal and possible changes to be made for 8<sup>th</sup> and Hoyt maintenance MOU with Peru State College.

Councilmember T. Westfall states that it is not a City-owned Street, rather a private driveway. City Attorney M. Ritchie states that a potential benefit the City receives is that residents are able to use this as a shortcut, when 5<sup>th</sup> Street is busy. Councilmember Q. Kieler suggests that the Streets and Alley committee meet with the college maintenance director to work out some sort of agreement. Discussion held. No action taken on this item, for discussion only.

**ADJOURNMENT**

Meeting adjourned on the same day at 7:15p.m.

**HEREBY ATTESTED AND ACKNOWLEDGED:**

*Dave Pease*

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Dave Pease, Mayor

*T. Schell*

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City Clerk

