

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF PERU,
NEBRASKA ON THE 21st OF OCTOBER 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 5th Street, Peru, Nebraska 68421, on the 21st of October 2024, at 6:00 P.M., for a 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, 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, Quintin Kieler 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 the September 16th, Budget Hearing.
- (ii.) Approval of Minutes from the September 17th, Special Hearing
- (iii.) Approval of Minutes from the September 17th, Special Meeting
- (iiii.) Approval of Minutes from the September 30th, Special 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 (Water/Flood) – \$508.75 // Black Hills Energy (Gen / Utility) - \$128.93 // Kinetic/Windstream (Internet / Utility) - \$722.12 // OPPD (Gen / Utility) - \$2117.49 // Personnel Payroll including tax & retirement for check deposited 9/30 (Gen / Acct) - \$14,210.00 // Personnel Payroll including tax & retirement for check deposited 10/15 (Gen / Acct) - \$13,767.88 // Xpress Bill Pay (Wtr/Swr) - \$98.67 // Access Systems (Gen) - \$217.32 // American Recycling & Sanitation (Wtr/Swr) - \$2,570.00 // Auburn Auto Center (Gen/Maint) - \$1,393.50 // Auburn Design Shop (Gen/Maint) - \$550.75 // Auburn Board of Public Works (Wtr/Swr) - \$19,302.02 // Auburn Newspaper (Gen) - \$129.00 // Bound Tree (Fire/Res) - \$585.11 // Carstensen Construction (Wtr/Swr) - \$550,498.54 // Casey's Business Mastercard (Gen) - \$1,027.76 // Eakes (Gen) \$64.28 // Feld Fire, Inc. (Fire/Res) - \$132.00 // First National Bank Omaha (Gen) - \$3,547.54 // Grainger (Gen/Maint) - \$80.25 //

Hamilton Equipment (Gen/Maint) - \$1,200.70 // Heather Pemberton, CPA (Gen/ Acct) - \$3,179.00 // Kan Equipment (Gen/Maint) - \$10,148.14 // L. Jensen (Gen) - \$957.74 // Midwest Laboratories (Wtr / Swr) - \$63.21 // Miller Farrell Insurance (Gen) - \$11,639.00 // Municipal Supply (Wtr/Swr) - \$4538.47 // NE Dep of Environmental Health (Wtr/Swr) - \$290.00 // Nebraska Public Health Env. Lab (Wtr/Swr) - \$500.00 // One Call Concepts (Wtr/Swr) - \$14.63 // SENDD (Streets) - \$11,347.50 // State of Nebraska (Wtr/Swr) - \$3,583,951.12 // Stryker (Fire/Res) - \$1,088.00 // Titan Machinery (Gen/Maint) - \$699.84 // Ty's Outdoor Equipment (Gen/Maint) - \$9,369.26 // United Life Insurance (Gen) - \$41.67 // Utility Services (Wtr/Swr) - \$3,979.54 // Westlake Hardware (Gen/Maint) - \$116.85

C.) Approval of Monthly Treasurer's Report.

D.) Approval: **A RESOLUTION ACCEPTING DONATED FUNDS FROM THE PERU COMMUNITY IMPROVEMENT GROUP AND APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PERU AND THE PERU COMMUNITY IMPACT GROUP FOR THE ENHANCEMENT OF THE CITY PLAYGROUND. RESOLUTION NO. 2024-17**

E.) Approval: **A RESOLUTION ADOPTING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF PERU, NEBRASKA, AND THE NEMAHA NATURAL RESOURCES DISTRICT FOR THE JOINT MANAGEMENT AND OPERATION OF THE TRAIL DEPOT, PROVIDING FOR JOINT UPKEEP AND MAINTENANCE OF THE PREMISES AND PREMISES INFRASTRUCTURE. RESOLUTION NO. 2024-18**

F.) Approval: ADA compliant ramp for city hall access at \$3,800 for Med & Mart Ramp

G.) Approval: Removal of 3 tree stumps out of the sidewalk on the east side of 5th Street between California and Main at \$375.00. This is a safety issue.

H. Approval: to get bids for custodial services.

I. Approval: of City Staff & Council Annual Gathering for Saturday December 14th, 2024, and for the service of alcoholic beverages on City property for annual employee gathering.

J. Approval: **A RESOLUTION SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT 2024. RESOLUTION 2024-19**

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

Agenda Item 5 – Correspondence

J.) None for this meeting

Agenda Item 6 – Old Business

K. Water report

L.) Mayor's Report None for this meeting

M.) Report from City Clerk T. Riehle

The situation of the recycling bin has been answered, the former recycling station has decided to close, and the new company that American recycling is going to be more expensive, the cost per pickup would now be \$200.00 each time and there is an added cost of tonnage. The bin was picked up and it will not be brought back at this time. A reminder that the City Hall will be a polling station on November the 5th, and the City office will also be open for business. Also, a reminder that there is no campaigning within 200 feet of the building in any direction. We are taking bids for tree removal around the water tower and up and down the streets in general. The Audit is ready for submission and will be done before the end of the month, which will result in the highway allocation funds that have been held by the state to be released. Due to Mary's hard work these last couple of months assisting the city account to get the final reports needed by the auditing company, Dana Cole has agreed to do the coming years audit.

N.) Grant Report from M. Williams

She was sent to a one-day training on Grant Matches for highway programs, community programs and the like. She then attended a 3-day class in Lincoln to become a certified CDBG grant operator. Certification is now required to work with these grants. There is a lot of work to do to be competitive for these grants. The City will need to develop an action plan. Also, housing rehab grants are out there that we will be exploring. The work on installing the new downtown street light will begin on Wednesday. These will run from California to Main and there will be 15 on each side of the street. The water line project is in its last stage and we are closing out the last of the bills and beginning the process of requesting reimbursements. The north end deconstruction is still underway but we are nearing the end of the cleanup.

O.) Committee Reports. Park & Rec, Nick Novak, Chair, explained that they are working hard towards the playground, OPPD & B Black Hills are going to contribute some labor when it is time to get it put together. They are working to put together some fundraisers, and plans for extended park maintenance, as well as more improvements to both city parks.

Agenda Item 7 – New Business

P.) 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: 4 AYES and 0 NAYs. The following voted "AYE": T. Westfall, B. Brown, K. Novak, Q. Kieler. 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 second reading and its title agreed to, which motion was seconded by Councilmember K. Novak. 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, Q. Kieler. The following voted Nay: B. Brown. Motion Carried. The Mayor declared that said Ordinance No. 2024-02 be approved on its second reading and its title agreed to.

Q.) Proposed Ordinance No. 2024-05 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 K. Novak. Upon roll call vote: 4 AYES and 0 NAYs. The following voted "AYE": T. Westfall, B. Q. Kieler, 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 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 AYES and 0 NAYs. The following Council Members votes "AYE" Q. Kieler, K. Novak, T. Westfall, B. Brown. Motion Carried. The Mayor declared that said Ordinance No. 2024-05 be approved on its second reading and its title agreed to.

Discussion & Possible Action: Update regarding correspondence with legal counsel for WesTech, regarding negotiations over amounts due on rental equipment invoices. City Attorney requests further guidance on how the city would like to proceed with these negotiations, including the possible resolution of this matter through legal action or settlement.

Council Member T. Westfall moved that the City Council enter into a closed session pursuant to Neb. Rev. Stat. §84-1410, specifically for the purpose of conducting a strategy session with respect to litigation which is imminent, as evidenced by communication of a claim or threat of litigation to or by the public body. The motion was seconded by Council Member Q. Kieler. Upon roll call vote: 4 AYES and 0 NAYs. The following Council Members voted "AYE" Q. Kieler, K. Novak, T. Westfall, B. Brown. Motion Carried. The Council entered closed session at 6:35 p.m. Discussion was had. Council Member T. Westfall moved that the City reopen the council meeting to the public. The motion was seconded by Council Member Q. Kieler. Upon roll call vote: 4 AYES and 0 NAYs. The following Council Members voted "AYE" Q. Kieler, K. Novak, T. Westfall, B. Brown. Motion Carried. The Council meeting was reopened at 6:58 p.m. In open session, Council Member T. Westfall made a motion directing the City clerk to send WesTech the checks that were previously approved by City Council and for the City Attorney to inform legal counsel for WesTech that the City will comply with their request. Said motion was seconded by K. Novak. Upon roll call vote: 4 AYES and 0 NAYs. The following Council Members votes "AYE" Q. Kieler, K. Novak, T. Westfall, B. Brown. Motion Carried.

ADJOURNMENT

Meeting adjourned on the same day at 7:00 p.m.

HEREBY ATTESTED AND ACKNOWLEDGED:

Dave Pease

Dave Pease, Mayor

Traci A. Riddle

City Clerk

