

**MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF PERU, NEBRASKA ON JANUARY 21, 2020 AT 6:00 P.M.**

Mayor Dave Pease called the meeting to order and informed the public of the location of the Nebraska Open Meetings Act.

Present were: Mayor Dave Pease, and Council Members Marty Peregoy, Jason Jones, Bill Hunter, and Ethan Coatney. Upon roll call by the City Clerk, a quorum was declared.

The Council reviewed the minutes from the December 16, 2019 regular Council meeting. Council Member Coatney made a motion to approve the minutes. Council Member Peregoy seconded the motion, Roll Call Vote indicated; “AYE” All present. Motion Carried.

The City Clerk reported that the January HWY Allocation was \$7,914.78 and that October 2019 City Sales Tax was \$3,286.66. The Clerk also reported that the 2<sup>nd</sup> District Municipal Equalization was \$21,757.93.

Council Member Hunter made the motion to approve the claims already paid pursuant to Resolution No. 2018-01. Motion was seconded by Council Member Jones, Roll Call Vote indicated; “AYE” All present. Motion Carried.

Council Member Hunter made motion to approve the claims still needing paid. Motion was seconded by Council Member Coatney. Roll Call Vote indicated; “AYE” All present. Motion Carried.

JEO Consulting & Engineering-\$17,951.25 (swr,wtr)); WesTech- \$12,600.00 (wtr); Hawkins - \$491.78 (wtr); Kerns Excavating-\$15,860.00 (wtr); OPPD -\$3,285.58 (wtr,gen,sts,p&r,fr,rurfr); Windstream - \$559.19 (gen,wtr,fr,rurfr,); Verizon - \$41.65(gen); Casey’s Business Mastercard-\$722.37 (sts, fr,rurfr,res); Card Services - \$260.54 (gen,fr,rurfr); Black Hills Energy -\$159.93 (gen, fr, rurfr); Lynch’s Hardware-\$55.96(gen); NEMSA-\$270.00(res); J.P. Cooke-\$34.50(gen); Decker’s Food Center-\$16.35(gen); Charlotte Carpenter-\$38.60(gen); Emergency Medical Products-\$73.42(res); Access Systems-\$163.89(gen); MY-LOR, INC.-\$214.03(fr,rurfr); NE Public Health Enviro Lab-\$78.00(wtr); United Life Insurance Comp.-\$67.62(gen); American Recycling and Sanitation-\$2150.00(gen); Auburn Automotive-\$733.22(sts); Westover Rock & Sand, INC-\$3,732.56(sts); Nemaha County Treasurer-\$7,428.48(gen,wtr,p&r,fr,res,swr); Brent Lottman-\$25.00(res); Board of Public Works-\$5,712.18(wtr); Auburn Newspaper-\$92.88(gen); One Call Concepts, Inc-\$11.51(wtr); Eakes Office Solutions-\$75.98(gen); Heather Pemberton-\$1,085.00(gen); Westrum Leak Detection-\$1,275.00(wtr); Quick Med Claims -\$105.37(res); Kelly Adams - \$8.00(gen); Burr Farms-\$175.00(sts); SUEZ Utility Service Co. -\$3,460.47(wtr)

General(gen), Streets(sts), Water(wtr), Sewer(swtr), Parks & Rec(p&r), City Fire(fr), Rural Fire(rurfr), Rescue(res), Grant(grnt)

## **OLD BUSINESS**

Mayor Pease stated the water report can be found in the Clerk's office.

No Mayor's Report was given.

## **NEW BUSINESS**

**Item 1.** After brief discussion in regards to Gerald Stukenholtz's potential farm lease of the City bottom ground and the City hilltop ground, Council Member Hunter made motion to separate leases to begin with and then start with the hill top ground (Parcel 640065368) at \$200 an acre and the ground consist of 42 acres and have the lease be 3 years. Council Member Coatney seconded the motion. There was then further discussion that the Council would like to review a percentage lease for the bottom ground and have an answer for Gerald at the regular February 2020 Council Meeting. With there be no further discussion, Roll Call Vote indicated; "AYE" All present. Motion Carried.

**Item 2.** Council Member Hunter requested discussion with SUEZ for account credit and maintenance recommendations for water well 81-1 be moved to the regular February 2020 Council Meeting. No Council action taken.

**Item 3.** President Dan Hanson updated the Council on what the Northeast Nemaha County Long Term Recovery Group has been focusing on and that they are currently working with the Governor Task Force.

**Item 4.** Vanessa Sherman from the Peru Community Impact Group gave an update that the community meals are now being held on the 2<sup>nd</sup> & 4<sup>th</sup> Monday of the month. The 2<sup>nd</sup> Monday the group will have limited supply distribution and the 4<sup>th</sup> Monday will be a snack and activity.

**Item 5.** President Dan Hanson gave an update on behalf of ImPERUving as oNE. He stated that the group is glad to support housing initiative and they are currently working with the grocery store that is for sale.

**Item 6.** Council Member Hunter made motion to approve the Annual Certification for the Volunteer Emergency Responders Incentive Act. Council Member Jones seconded the motion. Further discussion offered but none needed, Roll Call Vote indicated; "AYE" All present. Motion Carried.

**Item 7.** Council Member Jones stated that he would like to see people moved around on the committee's because the Mayor currently sits on 10 of them. Council Member Peregoy offered to sit on the Vehicle and Building Maintenance, Planning & Zoning, and Animal Humanity & Control. Council Member Coatney offered to sit on the Ordinances and Farm and Building. Mayor Pease agreed with these changes and removed himself from the Finance, Streets & Alleys, Vehicle & Building Maintenance, Planning & Zoning, Ordinances, & Farm & Building.

Council Member Jones made motion to approve the changes to the committees. Council Member Hunter seconded the motion. After discussion and with no further discussion, Roll Call Vote indicated; “AYE” All present. Motion Carried.

**Item 8.** Council Member Hunter made motion to approve the Proclamation – National Mentoring Month, January 2020. Council Member Jones seconded the motion. With there being no further discussion needed, Roll Call Vote indicated; “AYE” All present. Motion Carried.

**Item 9.** Zach Schulz with JEO Consulting gave his recommendation to go with NMC CAT Rental for the generator bid at the temporary water treatment plant. Schulz stated that it is critical that a generator is in place because if a power outage were to occur it would be a huge threat to the City’s water system. Schulz informed the Council that FEMA does view this as an emergency protective measure so this project could potentially be obligated through FEMA. Council Member Hunter made motion that the City accept the bid of NMC CAT Rental to provide a generator for the temporary water treatment plant. Council Member Coatney seconded the motion. After discussion, Roll Call Vote indicated; “AYE” All present. Motion Carried.

**Item 10.** JEO Consulting, City Engineers, made an Engineer’s estimate of \$27,500.00 for electrical improvements necessary to accept power from emergency backup generator(s). Zach Schulz with JEO Consulting stated that the invitation to bid for the Water Treatment Plant and Well 81-1 electrical modifications was sent out to 4 contractors as well as posted on JEO’s bidding site and posted in 3 locations within the City of Peru. One bid was received in the amount of \$32,875.00 from HACO Electric Company, Inc. The Council received the City Engineer’s estimate and discussed with the City Engineer, JEO’s recommendation of the accepting HACO Electric’s bid of \$32,875.00. Zach Schulz with JEO reported to the City Council that a competitive procurement process constant with JEO’s competitive bidding process was followed allowing all qualified contractors to bid on the improvement project. The City Council further discussed with the City Engineer the difference in price between the Engineer estimate, received by Council, and the recommended bid by HACO Electric. After discussion Council Member Peregoy made motion that the minutes of these proceedings will be kept in a separate and distinct volume known as the “Ordinance Record of the City of Peru”. Council Member Coatney seconded the motion. Roll Call Vote indicated; “AYE” All present. Motion Carried. Council Member Peregoy introduced Ordinance No. 2020-01 and moved for the “suspension of rules”. Council Member Hunter seconded the motion. Roll Call Vote indicated; “AYE” All present. Motion Carried. Mayor Pease declared the statutory rules in regard to the passage and approval of Ordinances be suspended so that Ordinance No. 2020-01 might be introduced, read by title and then moved for final passage at the same meeting. Council Member Coatney read Ordinance No. 2020-01 An Ordinance authorizing the suspension of rules; waiving advertising for bids within a newspaper of general circulation, and accepting bids, costs and quotations provided through JEO consulting Group Inc., project engineer, from contractors and suppliers determined necessary for the improvement and/or operation of the city water treatment system on an immediate basis resulting from public emergency caused by extreme, unanticipated flooding;

immediate action or remedy determined necessary to prevent a serious loss of or injury or damage to life, health, or property of the community of Peru, NE; repealing all other ordinances or parts of ordinances in conflict herewith; making various findings and provisions related to the subject herein and the emergency nature thereof; and setting an immediate effective date. and moved for final passage. Council Member Hunter seconded the motion for final passage. Mayor Pease asked is Ordinance No. 2020-01 to be passed and adopted at this meeting? Discussion had; Roll Call Vote indicated; “AYE” All. Motion Carried, Ordinance No. 2020-01 of the City of Peru, NE., an emergency ordinance for the protection and welfare of the community of Peru, NE., was hereby passed and approved.

**Item 11.** Zach Schulz with JEO consulting updated the Council and public on the estimated cost to restore the wastewater facility. Schulz stated that the detailed engineering evaluation is an ongoing process with FEMA. There is no clear recommendation as to which direction to go. The document containing the different alternatives is available in the City Clerk’s office for public review. One of the alternatives mentioned was to build a flood wall to protect the lagoons while another alternative could be to potentially connect to Auburn. Some discussion was had. No Council action was made.

**Item 12.** Council discussed the possibility of initiating action for reimbursement of expenses from WesTech for the temporary water treatment plant. The City Attorney feels it necessary to first sit down with the Mayor and a JEO representative to see specifically how the City got to this point. Mayor Pease stated that a lot of these expenses have been reimbursed so it looks like more of an ethical issue and funds would have to be reimbursed to FEMA. The City Attorney stated that the City will have to notify WesTech of the City’s position. Further review and consideration of JEO’s correspondence shall be reviewed by the Mayor and legal counsel. No Council action was made.

**Item 13.** Council discussed the estimated cost given presented by Safety-Kleen to dispose of the excess chemical at the temporary water treatment plant. Council Member Hunter stated that this is chemical that was left by WesTech and it should not be the City’s issue. Mayor Pease noted that it would not be seen that way by regulators. Council Member Hunter made motion to have Safety-Kleen dispose of excess chemical at the temporary water treatment plant. Council Member Peregoy seconded the motion. Discussion had; Roll Call Vote indicated; “AYE” All present. Motion Carried.

**Item 14.** Mayor Pease removed Item 14 from the agenda.

City Attorney, Angelo Ligouri, notified City Council of a settlement offer made by Ms. Iris Hunter in regard to her claim against the City with the NEOC. Councilmember Bill Hunter (spouse to Ms. Iris Hunter) withdrew his consideration and participation in review of Ms. Iris Hunter’s claim and matters relating thereto, citing his relationship with claimant as her spouse, creating a conflict of interest for him. City Attorney requested Council consideration of the

proposed settlement offer of Ms. Hunter's NEOC claim against the City in closed session as it involves a pending claim against the City and strategy in consideration of the claim and negotiating guidance on the proposed settlement offer by Ms. Iris Hunter, making closed session necessary for the protection of public interest or the prevention of needless injury to the reputation of an individual who has not requested a public meeting. Council Member Peregoy made motion to go into closed session for the reasons given by legal counsel. Council Member Jones seconded the motion. Roll Call Vote indicated; "Aye" – 3 "Abstain" -1. Motion Carried. Mayor Pease restated on the record the limitation of only reviewing the settlement offer of Ms. Iris Hunter's NEOC claim for consideration and negotiating guidance with legal counsel due to the pending legal matter. Council went into closed session at 7:44 P.M. Closed session was restricted to only the matter stated and motioned. Council Member Jones made motion to come out of closed session. Council Member Peregoy seconded the motion. Roll Call vote indicated: "AYE" – 3. Motion Carried. Council came out of closed session at 8:13 P.M.

**Item 15.** With there being no further business, Council Member Jones made a motion to adjourn. Council Member Coatney seconded the motion. Roll Call Vote indicated; "AYE" -3 Council Member Hunter previously left the meeting and was not present. Motion Carried.

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Dave Pease, Mayor

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Charlotte Carpenter, City Clerk - Treasurer