

MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUCIL OF PERU, NEBRASKA ON THE 17TH DAY OF MARCH 2025 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 17th of March 2025, at 6:00 P.M., for a Regular Meeting, open 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 Katy Novak called the meeting to order and informed the public of the location of the Nebraska Open Meetings Act.

Mayor Katy Novak 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. Said resolution was read aloud by Councilmember T. Westfall.

Agenda Item 1 – Roll Call

Present at 6:00 p.m.: Mayor Katy Novak and Councilmembers Theresa Westfall, Brent Brown, Josh Whisler, and Rachel Snyder. Upon roll call, a quorum was declared pursuant to Neb. Rev. Stat. 17-105.

Agenda Item 2 – Public Hearing

Public hearing was opened regarding Proposed Amendments to Zoning Overlay District Floodplain Management Ordinance. Community Member asked what amendments were happening with the changes to the ordinance. City Attorney M. Ritchie explained the new ordinance closely mirrored the ordinance we had, however, there were updates with state and federal law that we needed to reflect; the previous ordinance was used as guidance for any optional language. Mayor Novak added the current Zoning Commission members had review the changes. With no additional comments Mayor Novak closed the public hearing.

Agenda Item 3 - Water Report

Mayor Novak shared that the water report is available to the public, in city office, during business hours

Agenda Item 4 – Consent Agenda

A. Approval of Minutes: Approval of Minutes from the February 18th, regular meeting.

B. Approval of Claims: The following claims were presented to the Council by the City Clerk, review, and approved for payment: Regular Claims: Black Hills Energy (Fire/Rescue) - \$235.41 // Black Hills Energy (Gen/Utility) - \$58.58 // Kinetic/Windstream (Internet/Utility) - \$918.76 // OPPD (Gen/Utility) - \$1287.47 // OPPD (Streets) - \$1333.44 // Personnel Payroll including tax & retirement for check deposited 2/28 (Gen/Acct) - \$12889.74 // Personnel Payroll including tax & retirement for check deposited 3/15 (Gen/Acct) - \$11916.78 // Action Technology (Gen) - \$60.00 // Access Systems (Gen) - \$242.82 // American Recycling & Sanitation (Wtr/Sewer) - \$2660.00 // Anthony Dinges (Gen/Maint) - \$900.00 // Arcs & Sparks (Gen/Maint) - \$189.90 // Auburn Board of Public Works (Wtr/Swr) - \$3106.65 // Auburn Board of Public Works (Wtr/Swr) - \$20353.06 // Barb Decker (Fire/Resc) - \$376.06 // Casey's Business Mastercard (Gen/Maint) - \$605.41 // Domain Name Service (Gen) - \$265.00 // First National Bank (Card) (Gen) - \$3394.61 // Grainger (Wtr/Swr) - \$406.07 // Heather L. Pemberton (Gen) - \$649.00 // JEO (Wtr/Swr) - \$1266.25 // KanEquipp (Wtr/Swr) - \$47.39 // Municipal Supply, Inc. (Wtr/Swr) - \$940.59 //

NAPA – Bulldog (Wtr/Swr) - \$232.07 // NMVCA (Gen/Maint) - \$15.00 // One Call (Gen/Maint) - \$81.26 // OPPD (Gen/Maint) - \$90.28 // Paper Tiger (Gen) - \$35.00 // Sara Harms (Gen) - \$425.00 // Theresa Westfall (Gen) - \$219.10 // Titan Machinery (Gen/Maint) - \$4470.66

C. Resolution No. 2025-02 Establishing a policy for solid waste collection fees for properties with residential structures and active water accounts within the City pursuant to Neb. Rev. Stat. §13-2020.

D. Approval of Road Closure's Request. On behalf of PCIG Miranda Decker has requested two road closures. 1) June 7th for OMRD 9am to 3pm, for 5th & Main Street to Alley next to the Market. 2) Oct 26th for Trunk or Treat, 2pm to 6:30pm for 5th & Main to the Alley next to the Market.

Mayor Katy Novak presented the Consent Agenda. Councilmember T. Westfall made a motion to approve the Consent Agenda. The motion was seconded by Councilmember B. Brown. Upon roll call vote for approval of consent agenda: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

Agenda Item 5 – Old Business

C. City Clerk report: None this month, clerk is in training.

D. Grant Report: None this month, deputy clerk is in training.

E. Facilities Report: Phil shared that a company was giving information on Sidewalks and was going to submit a proposal for the retaining wall behind City Hall. If someone sees a pothole or road issue, make sure to report it to City Hall so that a work order can be created. Maintenance will be working on cleaning up branches and sticks that have fallen due to recent winds, if you are on a walk in a park and gather sticks in a pile, the crew will pick them up. Two, two inch meters were ordered for the west and south end of town to be able to track if there is water leaks between city limits and the water customers. Will be adding a meter to the ballpark. The college is still working on getting meters at each building, so they can more efficiently identify water loss. Phil attended a water conference and came back with some information on good tools and products that may be able to be budgeted for in the future. Phil updated that due to illegal dumping the brush pile will be open Monday-Friday 8am-2:30pm. Solid waste committee will be looking into options for a more permanent solution including gates, trail cams, etc. Phil added that JEO has sent an estimate cost of \$500,000 to complete the loop needed on the north end to complete the water project. Water committee will be reviewing this at their next meeting.

F. Committee Reports: T. Westfall chair of Streets & Alleys, Streets & Alleys is working with OPPD to find out about additional lighting on 6th and 7th Street to help illuminate the Elementary School Kids on the way to the bus, lighting is currently at the intersections, but it does not carry down the street. Additionally, looking to see if there is a cost to add outlets to the light poles south of downtown on 5th Street, so we could use our existing decorations on the drive to downtown. Phil, our Maintenance director will be installing the Downtown Business Sign at the corner of Park & Neal, directing visitors to Peru to know there is a downtown 1 mile ahead in the next week or two. We have two businesses that have been added to the sign, a third we are waiting on payment and a fourth is interested. We did not receive any bids for the work on 5th Street this year. We reached out to Cather & Sons who did the four streets last year and they have given us a very reasonable proposal for the cross walk in front of Al Wheeler Activity Center where the Street Sealing ends to Nebraska St. Streets & Alley recommends Council accepts this bid. On March 20th we have another company coming to give a proposal for the 5th and Nebraska Intersection and 5th and Washington Intersection as well as some of the curbing in

front of Delzell. We will be using the lid funds set aside for this project, and are hopeful that the remaining portion will fall within budget. B. Lottman Chair of the finance Committee was not able to be at the meeting, but he provided the following report and it was read by T. Westfall. During the monthly meeting of the Finance Committee, the following items were reviewed and discussed along with considerations for the Mayor and Council: The first items will be the issues of greatest concern: It was mentioned, during the meeting, that the audit for the 2023-24 fiscal year was supposed to have begun and hopefully be finished in December of 2024. As of the finance committee meeting, there have not been any steps taken toward completing the audit that the staff is aware of. After being extremely late last year, staff has been informed that if this audit is not completed, within about the next six weeks federal and state funds may not only be held, but may be lost, including outstanding allocations and current or future grants. We would recommend that the Mayor, Council and City Attorney work toward making sure that this audit occurs by the deadline, including reviewing the audit contract to make sure that the City does not lose funding because of the inaction of contractor(s). A couple of other items of note: The General and Water accounts remain with the same questions of last month, but we are making some progress in figuring out where things stand. There still may be some restricted funds that need to be moved around. There are at least three years of reports to USDA that have not been submitted. Brent and Traci may try and see if they can use their best abilities and judgement to get what is needed to bring these up to date. Other accounts appear to be about where they are expected to be. K. Novak read the Planning and Zoning Commission Report. The Planning and Zoning Commission presently has three open positions, please contact City Hall or the Mayor with your interest. You must be a registered voter and live within city limits. B. Brown Chair of the Solid Waste Committee provided an update on trash service with American Recycling increasing as of January 1st, 2025 to \$15.50 per customer; the committee is recommending an increase to \$16.00 per customer with the additional funds totaling around \$1000 annually to go towards dumpster purchase for citywide cleanup, stamps, labor, etc. The committee recommends that trash customers put trash out on Sunday night and pull it in at the latest on Monday evening. The committee plans to implement that if a residential property has a water account it will be charged for trash service to avoid any oversight and ensure the city is not paying for rural and commercial trash pickup.

Agenda Item 6 – New Business

G. Discussion and Possible Approval: Appointment of Jacki Whisler to the Park & Rec Commission.

Councilmember T. Westfall made a motion to approve the appointment of Jacki Whisler, the motion was seconded by Councilmember R. Snyder. No discussion was had. Upon roll call vote for acceptance of this payment: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

H. Discussion and Possible Approval: Appointment of Daniel Hutchison to the Planning and Zoning Commission.

Councilmember T. Westfall made a motion to approve the appointment of Daniel Hutchison, The motion was seconded by Councilmember J. Whisler. No discussion was had. Upon roll call vote for acceptance of this payment: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

I. Discussion and Possible Approval: Approve purchase of computer security program and tech support service.

Councilmember T. Westfall made a motion to approve the purchase of the security program and tech support service. The motion was seconded by Councilmember J. Whisler. T. Westfall explained after a recent audit the findings highly recommended the city get antivirus software and security; this would also include tech support for three years. Upon roll call vote: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

J. Discussion and Possible Approval: Approve purchase of Generator Service Contract.

Councilmember T. Westfall made a motion to approve the purchase of the Generator Service Contract, The motion was seconded by Councilmember J. Whisler. Discussion was held. P. Wemhoff shared the contract will include service on the three generators, checking batteries, making sure they function, repair and fix if necessary. P. Wemhoff confirmed the cost was included in the water rate study that would hopefully go before council in April. There was further discussion and Mayor Novak stated it may be best to wait until the water contract is decided upon before agreeing to the expense. Upon roll call vote for acceptance of this payment: 0 AYES, 4 NAYS. The following voted AYE: None The following voted NAY: T. Westfall, B. Brown, J. Whisler, R. Snyder. Motion: Failed

K. Discussion and Possible Approval: Cather Construction proposal for 2” milling and overlay from crosswalk in front of Al Wheeler activity center to Nebraska Street.

Councilmember T. Westfall made a motion to approve the proposal, The motion was seconded by Councilmember J. Whisler. Discussion was held. T. Westfall reiterated that the proposal is very reasonable and less than anticipated, with the work Phil has been leading with maintenance we hope that the work can last 15 to 20 years rather than the 10 years of the last road work. Upon roll call vote for acceptance of this payment: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

L. Discussion and Possible Acceptance of bid on Pasture Land: legally described as:

Part of Lot One (1) of Tract No. Eighteen (18); Part of lot Two (2) of Tract No. Seventeen (17); and part of Lot Two (2) of Tract No. Twenty Eight (28), except a 4.23 acre tract therefrom; and part of Tract No. Twenty-Nine (29), all in Section Twenty-One (21), Township Six (6), North, Range Fifteen (15), East of the 6th P.M., in Nemaha County, Nebraska.

Councilmember T. Westfall made a motion to approve the bid, The motion was seconded by Councilmember B. Brown. Discussion was held. The current lease is \$950 twice a year, so \$1900 this bid totals \$2832.50 The contract would still require the lease holder to pay taxes on the land. Upon roll call vote for acceptance of this payment: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

M. Discussion and Possible Approval: The Parks & Recreation Commission would like approval to collect entry fees of \$300 per team of 10 people for a softball tournament during Old Man River Days on Saturday June 7th and name it after Dan Cotton. Additionally, to use a portion of those funds to provide team members a commemorative shirt.

Councilmember T. Westfall made a motion to approve the tournament, The motion was seconded by Councilmember B. Brown. Discussion was held. Chair N. Novak shared he hoped for 6-8 teams to sign up and confirmed only the tournament would be named after Dan Cotton, not the field. Upon roll call

vote for acceptance of this payment: 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried

N. Ordinance No. 2025-02: AN ORDINANCE AMENDING CITY OF PERU, NEMAHA COUNTY, NEBRASKA ORDINANCE NO. 2021-04 RELATED TO THE FLOODPLAIN/FLOODWAY OVERLAY DISTRICT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Councilmember T. Westfall 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." The motion was seconded by J. Whisler. Upon roll call 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried. Councilmember T. Westfall motioned for suspension of rules. The motion was seconded by J. Whisler. Upon roll call 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried. The mayor declared statutory rules in regard to the passage and approval of Ordinances be suspended. Councilmember T. Westfall read Ordinance No. 2025-02 by title and moved for final passage. The motion was seconded by J. Whisler. Upon roll call 4 AYES, 0 NAYS. The following voted AYE T. Westfall, B. Brown, J. Whisler, R. Snyder. The following voted NAY: None. Motion: Carried. The Mayor declared Ordinance No. 2025-02 adopted and approved.

O. Ordinance No. 2025-03: AN ORDINANCE 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.

Proposed Ordinance No. 2025-03 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, said motion was seconded by B. Brown. Upon roll call vote: 4 AYES, 0 NAYS. The following voted "AYE": T. Westfall, B. Brown, J. Whisler, R. Snyder. Motion Carried. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2025-03 entitled: AN ORDINANCE 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. Having read Ordinance 2025-03, Councilmember T. Westfall moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember J. Whisler. Discussion was held in which T. Westfall explained the issue of livestock in city limits was brought up by a citizen and the work had been previously completed, but never brought in front of council, so it is in front of council today. No further discussion was held. Upon roll call vote: 4 AYES, 0 NAYS. The following Council Members votes "AYE" B. Brown, T. Westfall, J. Whisler, R. Snyder

The following voted Nay: none. Motion Carried. The Mayor declared that said Ordinance No. 2025-03 be approved on its first reading and its title agreed to.

P. Ordinance No. 2025-04: 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, SOLID WASTE COLLECTION, 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.

Proposed Ordinance No. 2025-04 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, said motion was seconded by B. Brown. Upon roll call vote: 4 AYES, 0 NAYs. The following voted "AYE": T. Westfall, B. Brown, J. Whisler, R. Snyder. Motion Carried. Council Member T. Westfall introduced the proposed ordinance as Ordinance No. 2025-04 entitled: AN ORDINANCE 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. Having read Ordinance 2025-04, Councilmember T. Westfall moved for its approval on its first reading and its title agreed to, which motion was seconded by Councilmember J. Whisler. Discussion was held that the ordinance's only change was updating the trash rates previously discussed by B. Brown and accurately recording the building fees to \$40. No further discussion was held. Upon roll call vote: 4 AYES, 0 NAYs. The following Council Members votes "AYE" B. Brown, T. Westfall, J. Whisler, R. Snyder, the following voted Nay: none. Motion Carried. The Mayor declared that said Ordinance No. 2025-04 be approved on its first reading and its title agreed to.

Meeting adjourned on the same day at 6:49 p.m.

HEREBY ATTESTED AND ACKNOWLEDGED:

Katy Novak

Katy Novak, Mayor

Traci A. Ribble

City Clerk

