

The regular meeting of the Mayor and City Council of the City of Henderson, Nebraska was held at 7:00 p.m. on July 13, 2021 at City Hall in Henderson, Nebraska. Notice of this meeting was posted at the City Hall and Post Office and published in the July 8, 2021 *Henderson News*.

Mayor Don Regier called the meeting to order at 7:00 p.m. Mayor Regier declared the meeting to be legal and properly advertised with all members having been informed of the nature of the meeting and having received related information. Mayor Regier also referred to the open meetings law poster at the back of the council chambers.

Roll call showed the following present: Mayor Don Regier and council members Brian Hiebner, Matt Friesen, Corbin Tessman and Stan Friesen.

Minutes from the June 8, 2021 meeting were reviewed. Corbin Tessman made a motion to accept the minutes as presented. Matt Friesen seconded. Roll vote: Ayes - Corbin Tessman, Matt Friesen, Brian Hiebner and Stan Friesen. Motion carried.

Matt Friesen made a motion to pay the claims as presented. Stan Friesen seconded. Roll vote: Ayes - Matt Friesen, Stan Friesen, Brian Hiebner and Corbin Tessman. Motion carried.

Zoning Administrator Blake Grimes gave a report of two approved zoning permits since the last meeting. Heidi Widick for a fence and Marty Lyons for a fence.

Mark Pollet was present during public forum to inquire about amending ordinance to allow golf carts to be driven within city limits. No formal action taken.

Anna Sievers was present to ask for reimbursement of having to move her sprinkler line due to going to the neighbor's property stake in Providence Subdivision since her property stake had been removed. After discussion, Brian Hiebner made a motion to pay the Sievers \$500 to go towards reimbursement of the moving of the sprinkler line. Stan Friesen seconded. Roll vote: Ayes - Brian Hiebner, Stan Friesen and Matt Friesen. Abstain: Corbin Tessman. Motion carried.

At 7:17 p.m., Don Regier opened the public hearing for John and Adeline Huebert located at 701 Road B, to change a section of their property zoning from Transitional Agriculture to R-2, Medium Density Zoning to allow the house to be sold separately from the outbuildings. A plat has been performed to divide the single-resident house from the outbuildings. To conform with the Henderson zoning code, the zoning for the single-resident house portion will need to be changed to R-2, Medium Density and the outbuildings will need to remain zoned as Transitional Agriculture to allow the house to be sold separately.

The Henderson Planning Commission met on July 12 to consider the zoning change. The concern the Planning Commission had is the same driveway will be utilized by both property owners and they would like to see a statement made with the plat that both property owners have the right to utilize the same driveway to protect future property owners.

As no public was present for the public hearing, Mayor Regier closed the public hearing at 7:21 p.m.

Matt Friesen made a motion to change the zoning at 701 Road B, Henderson to have the single-resident house to be zoned R-2, Medium Density and the outbuildings to remain as Transitional Agriculture for the purpose of allowing the house to be sold separate from the outbuildings and to include a statement concerning the sharing of the driveway. Stan Friesen seconded. Roll vote: Ayes - Matt Friesen, Stan Friesen, Brian Hiebner and Corbin Tessman. Motion carried.

Brian Hiebner made a motion to accept Figgins Construction's change order #1 of asphalt patching some streets prior to armor coating in the amount of \$3,500. Corbin Tessman seconded. Roll vote: Ayes: Brian Hiebner, Corbin Tessman, Matt Friesen and Stan Friesen. Motion carried.

Stan Friesen made a motion to accept Figgins Construction's pay application in the amount of \$59,003.50 for armor coating the designated asphalt streets. Matt Frisen seconded. Roll vote: Ayes Stan Friesen, Matt Friesen, Corbin Tessman and Brian Hiebner. Motion carried.

Brian Hiebner made a motion to approve Paulsen Inc.'s Pay Application #4 in the amount of \$544,534.14 for the 2020 Street Reconstruction Project which includes Change Order #4 in the amount of \$122,196 for the reconstruction of 10<sup>th</sup> Street between Maple Street and Oak Street. Stan Friesen seconded. Roll vote: Ayes Brian Hiebner, Stan Friesen, Matt Friesen and Corbin Tessman. Motion carried.

Brian Hiebner made a motion to authorize the third and final reading of Ordinance #439, an ordinance proposing an increase of water rates effective October 1, 2021. Corbin Tessman seconded. Roll vote: Brian Hiebner, Corbin Tessman, Matt Friesen and Stan Friesen. Motion carried.

The following will be the new monthly water rates: Residential: \$40.75; Residential/heat pump with reclaim: \$52.75; Residential/heat pump with no reclaim: \$64.75; Duplex: \$81.55; 4-Plex: \$89.90; 5-10 Unit Apartments: \$180.00; 11-20 Unit Apartments: \$216.00; Business: \$42.00; Car Wash: \$90.00; Hospital/Clinic/Nursing Home: \$360.00; and School \$360.00.

Brian Hiebner made a motion to authorize the third and final reading of Ordinance #440, an ordinance proposing an increase of sewer rates effective October 1, 2021. Corbin Tessman seconded. Roll vote: Ayes - Brian Hiebner, Corbin Tessman, Matt Friesen and Stan Friesen. Motion carried.

The following will be the new monthly sewer rates: Residential: \$19.80; Residential/heat pump with reclaim: \$20.40; Residential/heat pump with no reclaim: \$26.40; Duplex: \$33.60; 4-Plex: \$39.60; 5-10 Unit Apartments: \$64.75; 11-20 Unit Apartments: \$96.00; Business: \$20.40; Car Wash: \$30.30; Hospital/Clinic/Nursing Home: \$180.00; and School \$180.00.

Matt Friesen made a motion to convene into executive session to discuss litigation progress with TL Sund Constructors. Corbin Tessman seconded. Roll vote: Ayes - Matt Friesen, Corbin Tessman, Stan Friesen and Brian Hiebner. Motion carried.

At 8:05 p.m., Corbin Tessman made a motion to reconvene into regular session. Matt Friesen seconded. Roll vote: Ayes Corbin Tessman, Matt Friesen, Brian Hiebner and Stan Friesen. Motion carried. No formal action taken.

Reports were given. No formal action taken.

Corbin Tessman made a motion to adjourn. Matt Friesen seconded. Roll vote: Ayes - Corbin Tessman, Matt Friesen, Brian Hiebner and Stan Friesen. Motion carried.

Adjourned at 8:35 p.m.

Donald J. Regier, Mayor  
Connie Brown, City Clerk