

The regular meeting of the Mayor and City Council of the City of Henderson, Nebraska was held at 7:00 p.m. on December 13, 2022 at City Hall in Henderson, Nebraska. Notice of this meeting was posted at City Hall and published in the December 8, 2022 *Henderson News*.

Mayor Corbin Tessman called the meeting to order at 7:00 p.m. Mayor Tessman 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 Tessman referred to the open meetings law poster and also stated if a member of the public wishes to speak on matters not listed on the agenda, they may speak during the Public Forum Period. Speakers will be given five minutes to address the Board. The public should be aware that the Board is unable, by law, to deliberate or act on the items raised during the Public Forum Period. The public may request the item to be placed on a future agenda for deliberation and/or action.

Roll call showed the following present: Corbin Tessman, Mike Wall and Stan Friesen. Two council seats are vacant due to resignations. With two council members vacant, state statute gives the mayor of a second class the right to vote on a city council action when his or her vote will provide the additional vote required to create a number of votes equal to the majority of the council.

Minutes from the November 8, 2022 meetings were reviewed. Mike Wall made a motion to accept the minutes as presented. Stan Friesen seconded. Roll vote: Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

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

One building permit was issued since the last meeting. John Huebert for a pivot pad.

Homer Peters was present for the public forum expressing concern with amending the Henderson Municipal Code to clarify the duties of the commissioners and the utility superintendent and also the selling of surplus items.

At 7:10 p.m., Mayor Tessman opened the public hearing for the 1 & 6 Year Street Improvement Plan. Reed Miller from Miller and Associates went through the list of streets included in the current plan. The council discussed adding to the one-year plan the alley between Cedar and Birch Streets and 14th Street and Main Street; Maple Street from 11th Street west to end of street; and adding to the 1 & 6 year plan 10th Street north of Front Street and 16th Street north of Front Street.

At 7:17 p.m., Mayor Tessman closed the public hearing.

With no further discussion, Mike Wall made a motion to adopt Resolution 2022-08, a resolution adopting the 1&6 Year Street Improvement Program. Stan Friesen seconded. Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

Mike Wall made a motion to accept Change Order #1 from Maguire Iron, Inc. to replace freeze-proof tank drain and welded coupling, touch-up paint on interior wet and dry damaged areas from repairs; touch-up paint as needed on interior dry landing due to existing leak, clean and disinfect tank to obtain two (2) satisfactory samples with all to be completed in the spring of 2023, within the extended substantial completion date of June 1, 2023 with zero increase in contract price. Stan Friesen seconded. Roll vote: Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

Stan Friesen made a motion to accept Maguire Iron Inc.'s Pay Application #3 in the amount of \$10,800 leaving a retainage amount of \$14,222 to finish the water tower restoration project in the spring of 2023. Mike Wall seconded. Roll vote: Ayes - Stan Friesen, Mike Wall and Corbin Tessman. Motion carried.

Mike Wall made a motion to accept Diamond Engineering's Pay Application #2 in the amount of \$126,085.09 leaving a retainage amount of \$40,535.42 to finish street reconstruction project in the spring of 2023. Stan Friesen seconded. Roll vote: Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

Stan Friesen made a motion to accept Resolution 2022-09, a resolution to dispose of surplus property by consigning with Nick's Farm Store in Geneva for the 2006 Grasshopper lawnmower with a 10% fee and the 1990s John Deere Tractor Mower with a 15% fee and to also advertise for selling the Kelly-Creswell paint striper and the Bubba's BBQ Oven/Grill. Mike Wall seconded. Roll vote: Ayes - Stan Friesen, Mike Wall and Corbin Tessman. Motion carried.

Stan Friesen made a motion to solicit multiple bids for the purchase of a generator for Well #1 and to have at the January 2023 meeting. Mike Wall seconded. Roll vote: Stan Friesen, Mike Wall and Corbin Tessman. Motion carried.

Stan Friesen made a motion to have ERDBAU Construction Services to perform soil sampling under the swimming pool deck and to prepare a report and make a recommendation for repairs in the amount of \$2,290. Mike Wall seconded. Roll vote: Ayes - Stan Friesen, Mike Wall and Corbin Tessman. Motion carried.

Mike Wall made a motion to approve Driewer Inc.'s estimated cost of \$7,500 to demolish house and remove debris at 1141 N Main Street. Stan Friesen seconded. Roll vote: Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

Mike Wall made a motion to adopt Ordinance #450, and ordinance defining the ownership of an animal by any person, partnership, or corporation owning, keeping or harboring one or more animals if fed or sheltered for three consecutive days or more and to suspend the three readings on three different days. Stan Friesen seconded. Roll vote: Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

Mike Wall made a motion to table the ordinances that would amend the Henderson Municipal Code to clarify the duties of the commissioners and the utility superintendent until the January meeting for further discussion with the newly elected council. Stan Friesen seconded. Roll vote: Ayes - Mike Wall, Stan Friesen and Corbin Tessman. Motion carried.

No reports were given.

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

Meeting adjourned at 7:48 p.m.

Corbin Tessman, Mayor
Connie Brown, City Clerk

At 7:48 p.m. the clerk swore in council-elects Brian Hiebner, Teri Pollet and Mitch Huxoll.

Mayor Corbin Tessman called the meeting to order at 7:50 p.m. Mayor Tessman 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 Tessman referred to the open meetings law poster.

Roll call showed the following present: Mayor Corbin Tessman. Council members: Brian Hiebner, Teri Pollet and Mitch Huxoll.

Brian Hiebner made a motion to approve the Mayor's recommendation to appoint Kevin J. Friesen to fulfill Corbin's remaining 2 year term as council member when Corbin became Mayor in October. Teri Pollet seconded. Roll vote: Ayes - Brian Hiebner, Teri Pollet and Mitch Huxoll. Motion carried.

The clerk swore in Kevin J. Friesen as council member.

The Mayor's appointment recommendations were reviewed. Mitch Huxoll made a motion to accept the Mayor's appointment recommendations for 2023. Brian Hiebner seconded. Roll vote: Ayes - Mitch Huxoll, Brian Hiebner, Teri Pollet and Kevin Friesen. Motion carried.

Mayor appointment recommendations for 2023 are as follows:

Water & Sewer Commissioner	Brian Hiebner
Swimming Pool/Recreation Commissioner	Teri Pollet
Parks Commissioner	Mitch Huxoll
Street Commissioner	Kevin J. Friesen
City/Clerk Administrator	Connie Brown
City Attorney	Charles Campbell
Deputy City Attorney	Mike Murphy
City Engineers/Street Superintendent	Miller & Associates/Reed Miller
Chief of Police	John Prusia
Zoning Administrator	Connie Brown/John Prusia/Aaron Johnson
Health Officer	Dr. Jim Ohrt/Dr. Chris Vanderneck
Recreation Administrators	Recreation Committee
Pool Administrator	Angie Bergen

Mitch Huxoll nominated Brian Hiebner as council president for 2023. Kevin Friesen seconded the nomination. Mitch Huxoll moved to close the nominations. Mayor Tessman closed the nominations and asked for roll call. Roll call: Ayes - Mitch Huxoll, Kevin Friesen, Teri Pollet and Brian Hiebner. Mayor Tessman announced Brian Hiebner as the council president for 2023.

Teri Pollet made a motion to authorize Mayor Corbin Tessman, Council President Brian Hiebner and City Clerk Connie Brown to sign checks on behalf of the City of Henderson at Cornerstone Bank and Henderson State Bank. Kevin Friesen seconded. Roll vote: Ayes - Teri Pollet, Kevin Friesen, Brian Hiebner and Mitch Huxoll. Motion carried.

Teri Pollet made a motion to adjourn. Kevin Friesen seconded. Roll vote: Ayes - Teri Pollet, Kevin Friesen, Brian Hiebner and Mitch Huxoll. Motion carried.

Corbin Tessman, Mayor
Connie Brown, City Clerk