

**ASHLAND CITY COUNCIL
REGULAR MEETING
August 19, 2021**

A regular meeting of the Ashland City Council was held at the Ashland Community Resource Center on the 19th day of August, 2021 at 7:00 p.m.

Present: Mayor Richard Grauerholz
City Council President James Anderson
City Council Member Jake Crnkovich
City Council Member Chuck Niemeyer
City Council Member Bruce Wischmann
City Administrator Jessica Quady
City Clerk Kathleen Sliva
City Attorney Mark Fahleson

Others: Caleb Fjone, Susan Cerny, Mike Cerny, Sharon McDonald, Marilyn Wright, Christine Devillier, Krista Sender, Kim Strike, Scott Howard, Shirley Niemeyer, Judy Hall, Lowell Krueger and others

Notice of meeting was advertised in the Ashland Gazette on August 12, 2021. The Mayor and all Council Members received advance notice of the meeting and a copy of the agenda as shown by the Acknowledgment of Receipt of Notice. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor Grauerholz called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. Roll call was taken and a quorum was declared. Mayor Grauerholz noted the Open Meetings Act located on the south wall of the room.

Motion by Niemeyer, second by Anderson to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Scott Howard gave public comment on behalf of his company, Up In Smoke. He said he is requesting a spot to sell fireworks in the 2022 season. He said planning for the season starts now with ordering fireworks, and to order, the necessary documents need to show a physical address for the stand. He said he had a meeting with the City Administrator and City Clerk where he was informed the City would not allow them to sell on City property. He said in looking at ordinances he could not find anything that states they are not allowed to sell on public property. He said the location he would like to propose is at 1241 Silver Street, the gravel lot east of the new parking lot.

Christine Devillier gave public comment about the Nebraska Arts Council State Wide Conference that she and other members of the community have been virtually attending. She said it is their objective for Ashland to become one of the first Creative Districts named in the State of Nebraska. She said with this designation there will be opportunities for grants. She read excerpts from a scrapbook noting past efforts to develop the area including the Downtown Improvement District. She expressed praise for the business owners who worked to extend the bricks on downtown streets.

Mayor Grauerholz opened a Public Hearing on Conditional Use Permit #21-102 for Domestic Dog Kennel at Lot 15 Block 1 Whitetail Estate 1st Addition to Ashland, located at 677 Whitetail Run Circle at 7:13 p.m. City Administrator Quady stated the Planning Commission recommended approval of the kennel. She noted a letter regarding the Whitetail Estates covenants that states there can be no more than three dogs per lot. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:16 p.m.

Motion by Niemeyer, second by Wischmann to postpone consideration of third reading of Ordinance 1195 – PUD for a Political Subdivision known as Icehouse Ridge being a Portion of the SW¼ of Section 35, Township 13 North Range 9 East, located at approximately 2418 Furnas Street to the September 16, 2021 Council meeting.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Wischmann to introduce and approve first reading of Ordinance 1198 – Adopt the 2021-2022 General Fund and Water Wastewater Budget document.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Wischmann to approve Conditional Use Permit #21-102 for Domestic Dog Kennel at Lot 15 Block 1 Whitetail Estate 1st Addition to Ashland, located at 677 Whitetail Run Circle.

Roll Call: Ayes: All Motion Carried

Lowell Krueger, owner of 106 South 16th Street, spoke to the Council regarding his nuisance property. He asked for an extension for the completion of the nuisance abatement. He said one of the concerns is to get the house usable. He said he has talked with an engineer in Lincoln but he had not pursued it further due to the cost. He said he is trying to save the vintage house which was probably built in the 1880's. Council Member Niemeyer said the building has not been sealed up for a long time and he is concerned about someone getting in and getting injured on the property. He said he knows it is a cost for an engineer but safety is imperative. He added that he wants the house to be saved but he doesn't want it to take another twenty years. Council Member Wischmann said that he thinks it will be

money well spent for the engineering and he doesn't perceive a way that Krueger will get around the engineering fees. Krueger noted a letter from Zoning Official Krejci requesting detailed plans. Wischmann said he would like to postpone this issue until September 16th to give Krueger time to recontact the engineer and to communicate with Krejci. Niemeyer reiterated that the house needs to be sealed up to keep people and animals out. Krueger detailed the work he has been doing on the property foundation. Council Member Anderson said he was on the property years ago and the hole was there then. He added he doesn't perceive Krueger bringing the house up to city code to make it a residence and he is not in favor of any more extensions. Niemeyer said he and Wischmann think Krueger can get it done but Krueger will have to do what they are asking and he will need to spend the money to do so correctly.

Motion by Wischmann, second by Niemeyer to approve granting an extension of completion date for abatement of nuisance at 106 South 16th Street until September 16, 2021.

Council Member Crnkovich said he would like to see an engineer stating the project can be done and a timetable for the execution of the project. Niemeyer said if the property is demolished a lien will be placed on the property for the cost of the demolition. Wischmann added it could also go to foreclosure. Mayor Grauerholz said the house has a lot of potential and he would like it to stand there another 100 years.

Roll Call: Ayes: Crnkovich, Niemeyer, Wischmann Nays: Anderson
 Motion Carried

Discussion was held regarding the nuisance property at 2217 Ash Street. City Administrator Quady said she has not spoken with the property owner. She reviewed pictures of the property taken earlier in the day. She noted the owner is continuing to work on the windows. She said he will need to comply in the fall with the new parking regulations for the trailer. Council Member Wischmann said it looks like the owner is making progress. Quady said after windows are complete, the house will need to be painted.

Motion by Niemeyer, second by Wischmann to approve granting an extension of completion date for abatement of nuisance at 2217 Ash Street to September 16, 2021.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Crnkovich to approve placing lien on 741 Cedar Street for unpaid water service line repair bill in the amount of \$10,122.00.

City Administrator Quady said she has sent the property owner two letters requesting payment and the owner has not responded. She said the work was completed last fall by General Excavating.

Roll Call: Ayes: All Motion Carried

Discussion was held regarding the lien on the property at 2602 Adams Street. City Administrator Quady said the City took the house down and has placed a lien for \$10,837.56 on it. She said it is a buildable lot. Mayor Grauerholz said this is a sizable chunk of money that needs to be brought back into the City's coffers.

Motion by Wischmann, second by Niemeyer begin foreclosure process on 2602 Adams Street.

Roll Call: Ayes: All Motion Carried

City Administrator Quady reviewed pictures taken earlier in the day of nuisance property owned by James Garman. She reminded the Council that Garman has until September 16 to complete the abatement. City Attorney Fahleson said the property can be cleaned up, a lien placed on the property and an injunction could be filed as he is a repeat offender. Quady gave a report on the nuisance property owned by Mike Smith. She said Smith has completed the fence and that she will no longer be able to take photos. She said he has not taken a building permit for a new garage and he has until the September 16th to complete the abatement. Fahleson said a salvage business cannot be operated in town.

Discussion was held regarding the Beetison House that is located in the Iron Horse Development. Council Member Wischmann shared pictures he had taken of the exterior and interior of the Beetison House. He said the condition of the house is pretty rough. He said the house is outside of City limits but within the City's jurisdiction. He said the house has open doors and windows so it is easily accessible, he noted the graffiti on the walls. He pointed out a crack that runs from a header stone to the upper deck compromising that corner. He explained the stone construction of the walls and how water has damaged the walls. He said there has been many discussions about the house, the possibilities of restoring or moving it, and the repurposing of the house stones, if the house is torn down. He said he thinks the stones will be turned to rubble if they fall down. He added restoration could be done but it will take a lot of money. Marilyn Wright stated she has been a lifelong neighbor to the house; it is heart breaking to see the condition of the house; and the owner of the house should be held accountable for boarding up the property. Wischmann confirmed the house is a historical site. City Attorney Fahleson said in the Iron Horse Development agreement from 1999 it was agreed not to demolish, move or sell the house without prior approval of the City. Wright said there have been people interested in buying the property but they have not been able to get anywhere with the owners. Susan Cerny said four years ago she and her husband, Mike, were interested in a project that involved the Beetison House. She said they were given an estimate for moving of the house of \$657,000 and there would not be a guarantee it would make it to the destination. She said they reached out to the house owner with the idea of paying honor and respect to the house by repurposing it into a welcome to Ashland sign. Cerny said the owner said if it was

dismantled within a strict time frame and repurposed respectfully, it would be gifted to the city. Krista Sender, a member of the Bettison family, said she has called the land owner several times and promises were made but never kept. She noted that the property is historical and questioned why the City hasn't required that it be kept up. Fahleson commented on the nuisance abatements being done around town and the limited budget. He said the ultimate responsibility lies with the property owner. Sender said there is a cellar that someone could fall into. Kim Strike, another Beetison family member, said she has contacted the owners many times and she had learned today that there are new owners. Cerny said the property ownership is different than the building and that the building has the same ownership. Wischmann said the City is focusing on nuisances inside City limits but the property does need to be boarded up, the cellar needs to be boarded, and wells need to be capped. Shirley Niemeyer shared some of the history of the property and information from the National Register. She asked the Council to do what they can to prevent the further destruction of the property. She added it could be a beautiful home again. Mayor Grauerholz asked if the local Historical Society would be interested in this as a project, spearheading a wide array of citizens to find out if there is a desire to save the structure, and if there is a desire, to do the research of how to save and acquire it, to do fundraising and apply for grants to do so. Cerny said a restoration firm gave a bid to restore the house that was cost prohibitive. Niemeyer said it would take the involvement of all the owners and that one small organization couldn't do all of it but they could do some of it. Council Members Crnkovich, Niemeyer and Wischmann all said that don't want to see the house torn down. Crnkovich said there may be people who see value in it and they may be willing to give money toward it. Discussion continued about the potential of restoring or moving the house. AAEDC Executive Director Fjone said he would be willing to help organize a town hall meeting for discussing and brainstorming about the project and to put together a survey to determine the community's desires.

Motion by Niemeyer, second by Wischmann to approve 1% Additional Budget Authority.
Roll Call: Ayes: All Motion Carried

Lucius Payson spoke to the Council regarding his proposed Eagle Scout Project. He said he had noticed two picnic tables/benches at Wiggenhorn Park covered with the graffiti and scratches. He said he would like to sand, repaint and apply protective coating to the tables/benches.

Motion by Niemeyer, second by Wischmann to approve Eagle Scout Project by Lucius Payson in coordination with the Public Works Director.
Roll Call: Ayes: All Motion Carried

City Administrator Quady reviewed bids for the alley replacement between the Fire Hall and Golden Apartments from Stephens and Smith Construction Co., Schroeder Concrete and Rosenboom Concrete. She said Rosenboom's bid was \$36,000 but it was for 6-inch concrete and that he was asked to update the bid for 8-inch but he did not update it. She

said Schroeder bid is for \$39,235.00 with half of it being \$19,617.50 which would be the City's share. She said the other half would be paid for by Golden Apartments as well a \$11,600 for the additional parking stalls and drainage trough at the apartments. She added Schroeder can begin the work on Monday.

Motion by Niemeyer, second by Wischmann to accept bid from Schoeder Construction for the alley replacement between the Fire Hall and Golden Apartments.

Roll Call: Ayes: All Motion Carried

Reviewed the July 2021 Keno Report.

Reviewed the Public Works Director's Report.

Reviewed Utility Superintendent's Report.

Reviewed Police Chief's Report.

Reviewed Building Official's Report.

Reviewed Library Report.

Motion by Niemeyer, second by Anderson to approve the consent agenda which included approval of the August 5, 2021 City Council meeting minutes; approval of the July 29, 2021 Planning Commission meeting; and approval of the August 12, 2021 Budget Workshop minutes.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Wischmann to approve the first half of August 2021 Claims.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Wischmann to approve July 2021 Treasurer's Reports.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz gave his report mentioning a recent article and picture in the League of Nebraska Municipalities magazine about Ashland's recent designation as a Leadership Community. He said an information session on flood control on the Platte River will be held on Monday. He said there will be an Open House for the Wellhead Protection Plan on August 24. He said a mailer on Ordinance 1193 will be mailed to residents within the city limits on Friday. He said the League's Fall conference will be held in September. He added LB 26 was passed taking sales tax off residential water.

Motion by Niemeyer, second by Anderson to adjourn the meeting at 9:16 p.m.

Roll Call: Ayes: All

Motion Carried



Richard Grauerholz, Mayor



Kathleen Sliva, City Clerk



I, the above signed City Clerk of Ashland, Saunders County, Nebraska hereby certify that the foregoing is a true and accurate copy of the proceedings had and done by the Council on August 19, 2021 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty four hours prior to said meeting; that said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten business days or prior to the next convened meeting of said body.