

**ASHLAND CITY COUNCIL
REGULAR MEETING
February 15, 2018**

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 15th of February, 2018 at 7:00 p.m.

Present: Mayor Richard Grauerholz
City Council President Russell DeVries
City Council Member James Anderson
City Council Member Paul Gossin
City Council Member Janece Mollhoff
City Administrator Jessica Quady
City Clerk Kathleen Sliva
City Attorney Mark Fahleson

Others: Ron Styskal, Amanda Roe, Tammie Wall, Hayden Wall, Katie Wall, Corin Josoff, Tim Adams, Jim Garman Sr., John Keith, Eric Downing, Megan K. Downing, Bob Luebbe, James A. Garman Jr., Theresa Dowling, Harley Moos, Dee Moos, Lenora Isom and others

Notice of meeting was advertised in the Ashland Gazette on February 8, 2018. 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 that is posted on the south wall of the Council Chambers.

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

Roll Call: Ayes: All Motion Carried

Tammie Wall, 17908 262nd Street, gave public comment in opposition to the zoning change by her home. She stated her home and 3.3 acres share the property line with the land area in the zoning proposal and plat on the agenda. She presented the Council with the Cass County Zoning Regulations for Design Guidelines Overlay District. She noted the guideline wording of ‘preserve the natural scenic beauty’ and asked ‘does the natural scenic beauty need to end where Ashland’s jurisdiction begins?’ She asked if we are going to fill our end of the corridor with higher density neighborhoods. She commented that tourist come to visit our quaint little town in the country, not to see more houses built

by the highway. She asked that her area not become another crowded development and to preserve the natural landscape at every opportunity.

Hayden Wall, 17908 262nd Street, gave public comment in opposition to the zoning change by his home stating building on this land will damage natural animal habitat, destroy the food source and cause problems for people by forcing wildlife out of their habitat. He spoke on each of these points. He noted the property has approximately 1.3 acres of wooded timber with a dry creek bed and wildlife.

Mayor Grauerholz opened the Public Hearing on Ordinance 1148 – Request for Zone Change at 07-12-10 L3 & 4 SL1 OF 4 & 5 EXC HWY W1/2 NW1/4 (24.95) approximately 18200 262nd Street and the Public Hearing on Preliminary Plat for 07-12-10 L3 & 4 SL1 OF 4 & 5 EXC HWY W1/2 NW1/4, Cass County, Nebraska approximately 18200 262nd Street at 7: 08 p.m. Zoning Administrator Isom spoke stating the City’s Future Land Use map shows this area as R-1 - Low Density Residential. She said R-1 has lots less than three acres down to 20,000 square feet. She said the request is for ten lots on 24 acres. She said the owner originally requested all RE – Residential Estates, so as a compromise the zoning request is for two lots, 9 and 10, at the back of the property, to be RE as these are just over three acre lots and are adjacent to Mahoney Estates RE and for eight lots of R-1 varying between an acre and a half to two acres. She recommended approval of the zoning change. She then discussed the proposed preliminary plat. She said there were concerns brought up about the road access and size. She said the road off of 262nd Street is 60 feet. She reminded the Council that before going ahead with the final plat and the three readings of the Ordinance, there will be a redevelopment agreement, more information on grading, information from DEQ regarding septic regulations, and development of wording in the agreement regarding attaching to City water and the future connection to a sewer main. She said the other concern in the Planning Commission meeting regarding 262nd Street related to the existing traffic on the road and how the development will affect it. She said there are two departments at the county level that have input on this. She said the owners have approval from the County to put an entrance on 262nd Street. She added the road is the County’s and discussions about the road’s safety can be held. She said expectations regarding the road would be spelled out. Isom said the Planning Commission recommended approval for both. Isom noted that this land is in Ashland’s jurisdictional territory not Cass County’s. Isom said the front half of the property would fall under the City’s Highway Overlay District. Isom answered questions of the Council. Eric Downing, representing the families who own the property, spoke stating that he appreciates the concerns as he is a land lover and the plan is to beautify the area and to put a lot of trees on it. He said this was an opportunity to buy the land and to move their children to Ashland. He said they bought the land hoping to change the zoning from TA to RE; the land is currently used as crop land; the existing trees will stay; and they do not plan to do anything with the creek. He said he would provide a conceptual picture of what is planned for the area and they plan to have covenants. Mayor Grauerholz said it has been indicated there is a need for

lots sized for accessory buildings. Isom shared RE and R-1 guidelines for lot size and accessory buildings. Justin Schmidt, co-owner of the property, said the covenants will speak to setbacks. He said the road into the development will initially be gravel and they have spoken with Cass County regarding the road requirements. Rich Krebs stated he lives on Ranch Road and that he is concerned about the safety of turning off the highway onto the access road, the speed of highway traffic and the need for a turn lane. He added the shoulders are bad because of the sharp curve and trailers going off the side of the road. Theresa Dowling, 26747 Ranch Road, she said she looked at purchasing this property but that she could not get past the safety issue. She said people turning onto the access road do not realize they almost have to stop to make the turn. She said it is a safety issue for construction vehicles, delivery vehicles and school buses. She said she is concerned that Ashland is forcing the property owner to have higher density but then waiving the state requirement of three acres for septic and not requiring them to bring the sewer from Iron Horse. She said she objects to the zoning. Isom stated that prior to adding any septic they will have to meet NDEQ regulations. She added in her research she found that it's not that you can't have septic on less than three acres but that you have to meet the regulations. She said the discussion on the use of septic systems or the adding on to City sewer is part of the redevelopment agreement discussion. She said the bus lane would be something that could be flushed out between now and the final plat. Council Member Anderson said the bus using this road is definitely a concern. Council Member Mollhoff said that her initial understanding was that only the estate sized lots would have septic and the others would have city sewer. She said her objection would be that she doesn't want a bunch of septic out there. Isom said that once the sewer system is brought out to the area, they would be required to connect on. Schmidt said that he has spoken to an engineer about the use of septic on the lots. Isom reiterated that NDEQ will have the final say on the septic systems. Dowling said she has only seen two cases where zoning has gone to less dense. She asked if there was 10 consecutive days of notice as the posted sign has been blown over. Isom noted she put the sign back up and said that is why the notice is also posted in paper form. Dowling again requested that the Council look into the safety of the hairpin turn and the road. Mollhoff noted there is already buses coming into this area and the addition of 10 homes into this area does not exponentially add to the safety concern of this is preexisting condition. Schmidt said that they hope to build as soon as possible. Corin Josoff, 26192 Ranch Road, noted that her property is Trans-Ag with livestock. She says they already have Iron Horse shooting off fireworks scaring the animals and she doesn't want that coming from both sides. She said she likes seeing the deer and fox and this will go away with this. She said the reason this property is valuable to them is getting taken away with all this development. Downing reiterated that this will be 10 homes. Josoff noted that Saber Heights and Iron Horse are still filling up and now there are two new developments and this will devalue her property. Gossin noted that the housing study shows we need lots of every size and this is a different market from what is going into Whitetail. Devries noted Ashland doesn't have many places to expand and build. Mike Rhode spoke saying they moved to this community for space, peace and quiet when everything in this area was ten to twenty acre lots; and now they are going to

plant ten more families with kids and dogs. He asked what the covenants will say about fences. Megan Downing said between their two families, they have seven kids under the age of nine, so safety is of utmost importance. When questioned, she agreed the property was offered for sale publicly and they chose to buy it. She added the only way the property would stay TA is if a farmer would have bought it. Linda Rhode, 26639 Ranch Road, said she has a long driveway along the property and doesn't know what to expect. Mike Rhode said the neighboring property drains through their property and on to their road and this will be a big issue. Isom said once the preliminary plat is approved than engineers can become involved to make construction grade documents to address issues such as drainage. She noted people do not have the right to discharge water onto someone else's property. She said the zoning approval is because the land matches the Future Use Map and approval of the Preliminary Plat is to say the initial plan is feasible, but between now and the final plat, changes can be considered and details worked out. She said the change of the Future Land Use map was in the last year or two and public hearings were held. Dee Moos said she has lived on the corner of Ranch Road and 262nd Street for 15 years and the number one reason they moved there was because they wanted to live in the country. She said the addition of ten families is a big deal. She said that she understands that time and development are inevitable but they are going to fight for as long as they can. She added she is concerned about property value and taxes going up. With no further comment, Mayor Grauerholz closed both Public Hearings at 8:14 p.m.

Mayor Grauerholz opened a Public Hearing on Ordinance 1149 - Requesting Zone Change at N 90' LOTS 1-2 & N 90' E 1/2 LOT 3 and S 50' LOTS 1-2 & S 50' E 1/2 & S 54' W 1/2 LOT 3 BLK 35 FLORA CITY ADDITION approximately 13th and Ash Streets at 8:15 p.m. Zoning Administrator Isom stated this is for a zoning change to Public on two parcels adjacent to the C&S Property purchased by Bob Luebbe. She said the majority of this area is already Public because of the flood plain. She said in the 80's several homes were moved out of the area and C&S Iron was grandfathered in and some of the property remained zoned B-2 Downtown Commercial. She said there is no street address for these lots. She said that she and the Planning Commission recommend the rezoning to Public. Bob Luebbe spoke saying the request was made in preparation for a campground. With no further comment, Mayor Grauerholz closed the Public Hearing at 8:18 p.m.

Mayor Grauerholz opened a Public Hearing on Firework Application for Hometown Fireworks Inc. at 103 South 22nd Street at 8:18 p.m. City Administrator Quady said this stand has been located here for several years and there have been no issues. With no further comments, Mayor Grauerholz closed the Public Hearing at 8:20 p.m.

Motion by Mollhoff, second by Anderson to approve Resolution 2018-3 – Calling for an Election considering One-Half Percent Sales Tax.

John Keith, 809 North 17th Avenue, representative of the AYBA (Ashland Youth Ball Association) and member of the Jack Anderson Ball Park Improvement Committee said the project has been going on for multiple years and kids use the area for baseball, softball and t-ball, and hopefully in the future, other activities. He said what they are seeking to do with this resolution is to put on the ballot the option for a financing the final stages of Jack Anderson Ballpark. He said the project is estimated to cost three million dollars and would be funded half by private donation and half by a bond with the sales tax used to pay off the bonds. He said the Interlocal agreement is between the City and the local school district. City Attorney Fahleson said there is currently an Interlocal agreement but a new version will be coming before the board in March. Keith said the sales tax would sunset once the bonds are paid. Mollhoff said she is not generally in favor of raising taxes but this is a great idea to allow the citizens of Ashland to vote by putting this on the ballot. Keith said there will be subcommittees to educate the community on the project and the benefits to the kids and to the community. He noted there are tournaments that bring people to Ashland and over 250 kids registered this year for softball, baseball and t-ball. He said the project was begun ten years ago; it would be nice to have it finished; and for the park to be multipurpose. He said if the sales tax does not pass there are still several issues that will need to be addressed at the ball park. City Administrator Quady said the half cent sales tax could raise approximately \$130,000 per year. Mayor Grauerholz said passing this resolution will allow this to be on the ballot where the voters of Ashland can make the decision whether they want the sales tax spent on this project. Keith said there will be a committee going for grants.

Roll Call: Ayes: All Motion Carried

Motion by Gossin, second by Anderson to introduce and approve first reading of Ordinance 1148 – Zoning change for approximately 18200 262nd Street.
City Attorney Fahleson read the Title of Ordinance 1148.

Council Member DeVries said there were a lot of issues brought up that need to be addressed and this is just the first step. Council Member Gossin requested that the developers do due diligence to relieve their neighbors concerns.

Roll Call: Ayes: All Motion Carried

Motion by DeVries, second by Mollhoff to introduce and approve Ordinance 1149 – Zoning Change for approximately 13th and Ash Streets.
City Attorney Fahleson read the Title of Ordinance 1149.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, second by DeVries to approve Preliminary Plat for 07-12-10 L3 & 4 SL1 OF 4 & 5 EXC HWY W1/2 NW1/4, Cass County, Nebraska approximately 18200 262nd Street.

Council Member Gossin stated this property is in the growth path for the city. Council Member DeVries stated that the City needs to grow when there are opportunities. Gossin said this will fit another housing niche.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, second by Anderson to approve the Firework License for Hometown Fireworks Inc. at 103 South 22nd Street.

Mayor Grauerholz requested that copies of the City's regulations be given to the operator to train all employees working the firework stand.

Roll Call: Ayes: All Motion Carried

Proposals for 14th Street Lighting was not considered as there was no updated information for the Council.

Motion by Anderson, second DeVries to approve authorizing the Mayor to sign amendment to agreement with JEO Consulting Group Inc. for 2017 Water Main Improvements.

Tim Adams of JEO said when the design agreement was initially signed the Council decided to wait on the construction services portion of the agreement. He said this is what is now before the Council as an amendment. He said there are two fee schedules, one for construction services and one for the hourly schedule of onsite inspections. He said construction is planned to start in April with substantial completion in September.

Roll Call: Ayes: All Motion Carried

Motion by Gossin, second by DeVries to award bid for 2017 Silver Street Water Main Improvements.

Tim Adams of JEO said three bids for the project were opened on February 12th with General Excavating the low bidder at \$501,228.00. He said JEO and City staff have worked with GE on projects. He said he recommends awarding the bid to them. He said two alternates were bid for consideration at a later time. City Attorney Fahleson said GE is the winning bidder.

Roll Call: Ayes: All Motion Carried

Tim Adams of JEO asked the Council to review a map of water main and sewer mains to the Whitetail Subdivision. He said the original sewer plan was for gravity service along

Highway 6 but after discussion it was decided to explore the installation of a lift station attached to an existing line on the east side. He said the Council needs to give them direction on if they would like the lift station option or the gravity service. He provided cost estimates for the project. He said it is 20 to 25% more expensive to build the gravity option but this is offset by the lift station having more maintenance expenses over time. City Administrator Quady said it is the Utility Superintendent's recommendation to do the lift station. Adams answered questions of the Council. Adams said a lift station rehab would be in 20 to 25 years and cost between \$50,000 to \$75,000.

Motion by Anderson, second by Mollhoff to approve JEO Consulting Group Inc. to move forward with the lift station option for Whitetail Sewer Main.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, second by Gossin to approve Pay Request from JEO Consulting Group Inc. for the Silver Street Bridge Replacement Construction Services in the amount of \$13,500.00.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, second by Gossin to approve Pay Request #3 from Simon Contractors for the Silver Street Bridge in the amount of \$39,860.10.

Roll Call: Ayes: All Motion Carried

Discussion was held regarding required snow removal on sidewalks. Mayor Grauerholz said he had received complaints about un-shoveled sidewalks. He said citizens can be made aware of the snow removal requirements with education, social media and advertising.

Reviewed the January 2018 Keno Report.

Reviewed the Public Works Director's Report.

Reviewed Utility Superintendent's Report.

Reviewed the Police Chief's Report.

Reviewed Building Inspector's Report. Building Official Isom gave a year recap of new Residential Construction building permits.

Reviewed Library Report.

Reviewed Rescue Report.

Motion by Mollhoff, second by DeVries to approve the consent agenda which included approval of the February 1, 2018 City Council meeting minutes; confirmation and approval of Heather Kennedy as Certification Administrator for the Ashland Rescue Squad; approval of Stephanie Schiffbauer and Margee Taylor as members of Ashland Emergency Services; and approval of Karl Rosenbaum as member of the Planning Commission and Susan Cerny as a member of the Historic Preservation Committee.

Roll Call: Ayes: All Motion Carried

Motion by DeVries, second by Anderson to approve the first half of February 2018 Claims.

Roll Call: Ayes: All Motion Carried

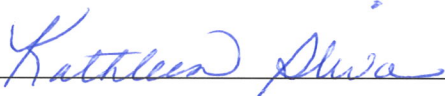
Motion by Gossin, second by Mollhoff to approve January 2018 Treasurer's Report.

Roll Call: Ayes: All Motion Carried


Mayor Grauerholz reported on the Rescue Squad meeting he had attended. He said he attended the DARE Graduation; he commended the children who participated; and he said he would support funding the program at budget time. He said he attended the last Chamber of Commerce meeting and noted they have a number of upcoming projects. He reported on a meeting with school representatives regarding community growth as they plan for facility expansion. He reminded the Council about the planning retreat on March 3rd.

Motion by Mollhoff, second by Anderson to adjourn the meeting at 9:31 p.m.

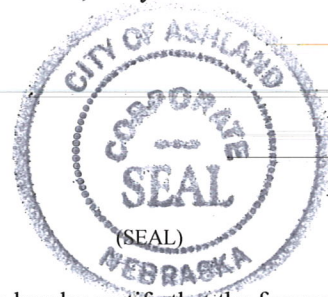
Roll Call: Ayes: All Motion Carried



Kathleen Sliva, City Clerk



Richard Grauerholz, Mayor



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 February 15, 2018 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.