

ASHLAND CITY COUNCIL
REGULAR MEETING
July 21, 2016

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 21st day of July, 2016 at 7:00 p.m.

Present: Mayor Richard Grauerholz
City Council Member James Anderson
City Council Member Janece Mollhoff
City Council Member Kyle Vest
City Administrator Jessica Quady
Assistant City Attorney Sheila Bentzen

Absent: City Council President Russell DeVries
City Clerk Kathleen Sliva

Others: Shirley Niemeyer, Chuck Niemeyer, Peggy Curtis, Dave Potter and Lenora Isom

Notice of meeting was advertised in the Ashland Gazette on July 14, 2016. 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, seconded by Mollhoff to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Chuck Niemeyer gave public comment regarding the planning materials that are on the agenda. He stated that the whole stack of papers will not be worth anything unless someone enforces the rules that are there. He added that he thinks it was a mistake to push both jobs for building inspections and economic development into one. He also stated that when he reviewed the draft documents he was interested in the floodplain and floodway items. He said he is concerned about the Strode's property that is now up for sale. He said it is zoned as public area and he is concerned about what is going to happen in that area, especially because of flooding.

Zoning Official and Floodplain Administrator Isom stated that in the '80's when all the homes were removed from the area it was rezoned Public to prevent new things from going in there. She said that if there are things that are currently built in those areas they are allowed to remain; the County updates the zoning when something new happens and we send them a building permit for that site; the zoning is the City's regulation; and the City follows FEMA's regulations and maps. She said she will be meeting with the realtor for the C&S property so that everybody understands what can happen there.

Dave Potter of JEO Consulting Group stated that if the use of a property is consistent it will have grandfather rights. He said they may not be required to obtain floodplain insurance if the property is owned outright.

Shirley Niemeyer gave public comment. She distributed a copy of the Stir-Up event schedule. She said that the Army Corp of Engineers is asking for public input on if there should be a public hearing on the Silver Street Bridge. She said that she will submit a request for a public hearing as it is a great opportunity to find another use for the bridge in Ashland. She encouraged the council members to submit a request for a hearing. She provided the Council with a list of domestic animals. She commented that the regulations need to be enforced and other city staff designated for reporting. She added that not enforcing codes related to harborage, rubbish, trash, waste, garbage and junk on properties is a safety, health and economic issue and the lack of solid fences to screen some of this is an issue. She said we probably need a group of volunteers to help the elderly, handicapped and low income people clean up their properties when they are in violation. She said there needs to be a fall and a spring clean up with lots of volunteers set up to haul tires, metal, waste, trash, trees and appliances. She asked for enforcement of the sidewalk codes and with some assistance for low income.

Building Official Isom commented that the current zoning regulation update is a snap shot in time and it is never finalized. She said that we are taking the time to make a fresh copy of it and that it has been good going through this process as we are finding a few items that need to be discussed. She said in regards to the enforcement of this document, there is a lot to enforce and she must prioritize items to work on; however, at times she must be reactive to concerns that are important to other people. Isom explained her handling of concerns that were expressed this past week. She added that she would like to have written documentation of concerns with an address; that she does not ever say who she has spoken to about the concern; and she would like the public to give her anonymous comments. She said that in regards to items in people lawns and driveways, it is very difficult to determine what is someone's personal property, what is rubbish and what is trash; and when you get into peoples civil liberties you can get your municipality sued very quickly.

Mayor Grauerholz opened a public hearing on a Special Use Permit for a Domestic Dog Kennel in the R-2 Medium Density Residential District at W ½ of TR 2 PT NW 12-12-9,

located at 2701 Furnas Street at 7:26 p.m. Zoning Official Isom stated that the Planning Commission has recommended approval, that there are no complaints and the dogs vaccinations are current. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:27 p.m.

Mayor Grauerholz opened a Public Hearing on a Special Use Permit for a Domestic Dog Kennel in the R-3 High Density Residential District at Lot 4 & W ½ Lot 3, Block 14, Dean's Addition, located at 725 Cedar Street at 7:27 p.m. Peggy Curtis stated that this is her application and she was available to answer questions. Zoning Administrator Isom stated that the Planning Commission will address dog fostering and the potential of setting up a different license type for kennels monitored by the Department of Agriculture. Curtis said she is currently fostering a dog for three months and she is with the Nebraska No Kill Rescue. She added she didn't think any of her neighbors have ever complained. Isom added that this has been recommended for approval by the Planning Commission. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:29 p.m.

Mayor Grauerholz opened a Public Hearing on Special Use Permit for a Domestic Dog Kennel in the RT Residential Transition District at Lot 4 & W 31' Lot 3, Block 5, Folsom's Addition, located at 1317 Dawes Street at 7:29 p.m. Zoning Official Isom stated that this is also a dog fostering situation; there are no complaints; and it was recommended for approval. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:30 p.m.

Zoning Official Isom requested that the Public Hearing on proposed Ordinance 1128 – Regarding the adoption of the 2012 International Residential, Building, Energy, Plumbing, Mechanical, Electrical, and Property Maintenance Codes for the City of Ashland not be held at this time as there are changes that need to be made in the ordinance prior to consideration.

Mayor Grauerholz opened Public Hearings on proposed Ordinance 1129 – Regarding the adoption of the Revised Zoning Regulations and Zoning Map for the City of Ashland, proposed Ordinance 1130 – Regarding the adoption of the Revised Subdivision Regulations for the City of Ashland and proposed Ordinance 1131 – Regarding the adoption of the Revised Future Land Use Map for the City of Ashland at 7:31 p.m. David Potter of JEO Consulting Group addressed the Council stating that he will be resigning from JEO at the end of July to become the Assistant General Manager of the Lower Platte South NRD. He said the proposed documents are living, breathing documents that can be changed and that is why we are in the process of updating Ashland's today. He said there have been many amendments over the years and part of the process of updating zoning is to implement those changes as well as others. He said that there have been comments and that he is prepared to answer those as they are addressed some place in the regulations. He said the future land use map has been included in this process to make sure the

corporate limits and the one mile zoning jurisdiction is correct and to plug in the GIS information. He said that at the end of the adoption process, JEO will supply the City with hard copies of the ordinances and maps and electronic copies both in Pdf and in Word; and these will be supplied to Cass and Saunders County. He added that in the process, they looked at squaring off the jurisdiction. He said he has provided a draft squared off jurisdiction and it exceeds the one mile jurisdiction, so in the future the City would need to work through the process to request the County to cede over additional jurisdiction. He said they looked at the Future Land Use Map to make sure it was consistent with the zoning. He explained that State Statutes are very clear that zoning must conform to the Comprehensive Plan therefore the Zoning Map should be consistent with the Future Land Use Map. He told the Council about the steps used to develop the new regulations. He made note of changes on the documents including changes on the Future Land Use Map, Zoning Map, definitions, well head protection regulations, setbacks for structures from alleys, home occupations, expansion of non-conforming use in R-2, Special Use to Conditional Use, domestic and commercial kennel regulations, exotic animals and chicken regulations, to allow for metal roofing on houses, to prohibit vertical metal siding on houses, to sight triangle to include street/street and street/railroad, to clarify accessory structures, to create a flex and modified district, allow trailer homes and trailer parks in a modified district in R-3, create a corridor overlay district on Highway 6 and Highway 66, setbacks for buildings less than 100 square feet, adult establishment regulations, and to allow tattoo parlors in the downtown. He explained why special uses are being change to conditional uses. Zoning Official Isom gave further explanation on signs and alley setbacks. Potter said the historic preservation overlay district in the downtown is still in place and pyramidal zoning was removed from the highway business district. He said they addressed signs, parking on street right of way, removed street side yard provisions for a corner lot, and updated subdivision regulations. Shirley Niemeyer provided definitions of domestic animal, farm animal, household pet and exotic pet. She noted that the USDA has definitions of exotic animals. She suggested that if a child care home, day care or school meets the criteria for licensing by the Department of Health that there be a statement that they must be licensed; and that drones be added to the definitions and a statement that they should not invade the privacy of residents and business people. She asked that definitions of garage, lean to, car port, rubbish, waste, junk, harborage, motor vehicle and farm equipment be checked. She asked if off street parking can be on pavers for water percolation; if an outdoor storage container can include a tractor, semi-trailer, railroad car or a roll off; for clarification of automobile and motorized vehicle as it relates to parking; if poultry includes ducks, geese and pheasants and fencing for them; for a definition for right-of-way; for where RV parking and storage is allowed or restricted; about the use of right of way for vehicles or pedestrians; if salvage yards should have solid screening; if the outdoor area of a service station or auto repair business should be restricted from view; if a domesticated horse can be kept in town; and what is not allowed on property that attract vermin and mosquitoes. Dave Potter addressed many of the comments and questions raised by Niemeyer and how they are addressed in specific regulations. He suggested that the City Attorney will need

to review the proposed documents prior to their final adoption. Potter told the Council because there are three readings of the ordinances, they have the option of closing or continuing the hearings. Council Member Anderson stated that he would like the hearings to be continued and he expressed his appreciation for the work done on the documents. Potter said that if ordinance changes are made in the future that the Future Land Use Map needs to be adopted first. Council Member Vest thanked Potter for their work on this project, for being proactive, professional and objective. He continued that this sets a great foundation for Ashland. Potter reminded the Council that this adopted set of rules and regulations and comprehensive plan are for public health, safety and general welfare not the individual property owner.

Motion by Mollhoff, seconded by Vest that proposed Ordinance 1129, proposed Ordinance 1130 and proposed Ordinance 1131 public hearings be left open for public comment until the next meeting.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Vest to postpone consideration of Ordinance 1128 – Adoption of the 2012 International Residential, Building, Energy, Plumbing, mechanical, Electrical, and Property Maintenance Codes for the City of Ashland.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by Mollhoff to introduce and approve first reading of Ordinance 1131 – Adoption of the Revised Future Land Use Map for the City of Ashland.

Assistant City Attorney Bentzen read the Title of Ordinance 1131.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Anderson to introduce and approve first reading of Ordinance 1130 – Adoption of the Revised Subdivision Regulations for the City of Ashland.

Assistant City Attorney Bentzen read the Title of Ordinance 1130.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, seconded by Mollhoff to introduce and approve first reading of Ordinance 1129 – Adoption of the Revised Zoning Regulations and Zoning Map for the City of Ashland.

Assistant City Attorney Bentzen read the Title of Ordinance 1129.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Vest to approve Special Use Permit for a Domestic Dog Kennel in the R-2 Medium Density Residential District at 2701 Furnas Street.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, seconded by Vest to approve Special Use Permit for a Domestic Dog Kennel in the R-3 High Density Residential District at 725 Cedar Street.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by Anderson to approve a Special Use Permit for a Domestic Dog Kennel in the RT Residential Transition District at 1317 Dawes Street.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, seconded by Vest to approve placing a lien for unpaid utility bill on 2102 Dawes Street in the amount of \$332.82.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, seconded by Vest to postpone discussion on sidewalks.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Anderson to enter into executive session to consider the purchase of property at 8:56 p.m.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by Mollhoff to come out of executive session at 9:21 p.m.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Vest to not purchase 105 North 15th Street at this time.

Roll Call: Ayes: Mollhoff, Vest Nays: Anderson Motion Carried

Reviewed the June 2016 Keno report.

Reviewed the Public Works Director's Report.

Reviewed the Utility Superintendent's Report.

Reviewed Police Chief's Report.

Reviewed Building Inspector's Report.

Reviewed Library Report.

Motion by Mollhoff, seconded by Anderson to approve the consent agenda which included approval of the July 7, 2016 City Council meeting minutes, approval of the July 14, 2016 Budget Workshop, approval of the June 30, 2016 Planning Commission meeting minutes and accept resignation of Council Member Vest.

Appreciation was expressed to Council Member Vest for his work on the Council and on the Economic Development Committee.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by Mollhoff to approve the first half of July 2016 Claims.

City Administrator Quady requested that check 52167 to HNR Outdoor Designs be removed from the claims list.

Motion by Anderson, seconded by Vest to remove HNR Outdoor Designs from claims.

Roll Call: Ayes: All Motion Carried

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Vest to approve June 2016 Treasurer's Report.

Roll Call: Ayes: All Motion Carried

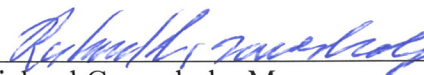
Mayor Grauerholz gave his Mayor's Report. He stated that Utility Superintendent Torpy said there is seven miles worth of sewer lining in the City. He said that the City will be advertising for Vest's Council position.

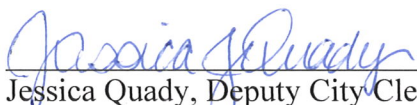
City Administrator stated that there will not be a budget meeting on July 26 and one more may be scheduled in August.

Shirley Niemeyer made comment that the downtown area looks really good, the new roadway looks great, and that there are a lot of positive things in Ashland and people love living here.

Motion by Vest, seconded by Mollhoff to adjourn the meeting at 9:44 p.m.

Roll Call: Ayes: All Motion Carried


Richard Grauerholz, Mayor


Jessica Quady, Deputy City Clerk



I, the above signed Deputy 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 July 21, 2016 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.