

**ASHLAND CITY COUNCIL**  
**REGULAR MEETING**  
March 18, 2021

A regular meeting of the Ashland City Council was held at the Ashland Community Resource Center on the 18th day of March, 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, Lowell Krueger, Susan Cerny, Suzi Nelson, Bill Krejci, Ronald Styskal, Linda Rosenboom, Eric Rosenboom, Tom Danahy, Cindy Danahy, Jill Wischmann and others

Notice of meeting was advertised in the Ashland Gazette on March 11, 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

Mayor Grauerholz continued a Public Hearing to Determine Existence of Public Nuisance regarding property at 2217 Ash Street at 7:02 p.m. City Administrator Quady said she spoke with the property owner, Tom Johnson, and he is unable to attend the meeting. Quady reviewed pictures of the property taken early in the day. She said they set a time to 'walk' the property next Thursday. She said Johnson said the house is habitable, he has windows for it and he could do two windows a weekend.

Motion by Wischmann, second by Niemeyer to close the Public Hearing at 7:08 p.m.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz opened a Public Hearing to Determine Existence of a Public Nuisance regarding property at 106 South 16<sup>th</sup> Street at 7:09 p.m. Lowell Krueger, owner of the property, spoke to the Council reminding the Council that the last time he was in front of them he was asked to come up with a plan. He said he thought the Council's goals and his goals were the same but the Council's timeline is probably quicker than what he had in mind. He said the one thing that he identifies as necessary is to finish the basement; and he would like to interface with the Building Official on the completion of this. He said he wants to get it secured and once it is closed in, he would like to be able to choose what would be done next. Lowell agreed that the basement has been open quite a few years. Council Member Anderson said the building needs to be done to meet the City's codes structural wise and nuisance wise. Krueger said that he will have more time to work on the project, wants to do it the correct way and to have a nice house. Anderson said Krueger needs to move ahead more speedily and he is going to request updates from the Building Official on the project. Krueger said he would like to get the foundation and footings in the basement finished this year. Council Member Wischmann agreed that one of the first things that should happen is getting the basement locked in. Krueger said once the foundation is in it will be a solid building. Council Member Crnkovich said it is great if Krueger has a timeline in place but he will need to stick to it. City Administrator Quady said the Council will need to set a date for the Nuisance Resolution. She added that so far, it has been project by project; each building permit is for a year; and if the Council wants it all done at once, the Council should have Krueger do it all with one building permit. She said if they want it done in a faster time frame, as part of the nuisance process, an earlier date can be put into the resolution. Krueger said to get the foundation done, he would need a year, and to get the rest of it done, maybe another year. He agreed that within two years it should be habitable. Anderson said Krueger has been using the structure to store things and within that zoning district it cannot be used for storage. Discussion held regarding storage in the building. Krueger said he would not be able to meet a deadline of making it habitable in one year and he has not really considered selling the property. Crnkovich said Krueger could sell the property and it could be habitable in a lot less than a year. Krueger agreed. Wischmann said habitable is running water, hot and cold, HVAC, a roof that doesn't leak, a foundation that is intact, commode facilities and ability to live in the house at a certain set standard. Building Official Krejci said he has not been in the house but he has been in the basement. Council Member Niemeyer said he would like to see the basement finished out. Krejci said it would be more cost effective to get one permit for all of the basement. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:23 p.m.

Mayor Grauerholz opened a Public Hearing on Public Ways Vacation Application #21-005 Ordinance 1192 for vacating all of Dale Street (570') between 6<sup>th</sup> Street and 4<sup>th</sup> Street, Beetison's Addition, Ashland, Nebraska at 7:24 p.m. Zoning Administrator Krejci said application was made to vacate that section of the street; the street was never constructed; and at that intersection there is now a retaining wall. He said Lincoln Water Department has water main lines running north to south through the area with easements through the

properties but no established easements through the City's public right of way. He said he received an email from the Lincoln Water Department and they are anticipating surveying their lines across the public right of way and to file for easements prior to the City vacating the street. Council Member Niemeyer said they should pay for these easements. Ron Styskal spoke stating the property owners, on both sides of the street to be vacated, need to agree to the vacation. City Attorney Fahleson said if the City wishes to vacate property that is dedicated to the public's interest, they may do so and it is split with the adjacent property owners. City Administrator Quady said it was an abutting property owner that applied for the vacation. Styskal said his concern is property covered with weeds. Quady said the property to the north may be in probate as the owner has passed away and it is on the nuisance list. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:34 p.m.

Motion by Wischmann, second by Niemeyer to postpone consideration of Resolution 2021-6 – Declaring the findings of the City Council regarding a Nuisance at 2217 Ash Street until April 1, 2021.

Roll Call:                      Ayes: All                      Motion Carried

City Administrator Quady said, in regards to Resolution 2021-7, that whatever the time frame placed by the Council for 106 South 16<sup>th</sup> Street to come into compliance, the property owner, Lowell Krueger, will be responsible for giving updates to the Building Official. Council Member Niemeyer said the time frame of nine months to finish the foundation is too long and it should be done by the end of summer. Crnkovich agreed.

Motion by Crnkovich, second by Wischmann to approve Resolution 2021-7 – Declaring the Findings of the City Council regarding a Nuisance at 106 South 16<sup>th</sup> Street and setting an abatement date of July 31, 2021 for repair/replacement of the entire foundation.

Council Member Anderson said the owner has been working on this house for 20 years and he hopes to see action, but if not, he is in favor of moving forward with abatement. The Council requested monthly updates.

Roll Call:                      Ayes: All                      Motion Carried

Mayor Grauerholz gave background information on the formation of Mutual Finance Organizations. City Administrator Quady said the City receives between \$16,000 to \$20,000 annually for belonging to the MFO and the resolution is approved annually.

Motion by Niemeyer, second by Wischmann to approve Resolution 2021-8 – To Enter into an Interlocal Cooperative Agreement for a Mutual Finance Organization.

Roll Call:                      Ayes: All                      Motion Carried

Motion by Anderson, second by Wischmann to approve on third and final reading of Ordinance 1188 - AN ORDINANCE TO CHANGE THE ZONING DISTRICT BOUNDARIES OF THE CITY OF ASHLAND, AS PROVIDED IN THE CITY OF ASHLAND MUNICIPAL ZONING ORDINANCE; TO AMEND THE CITY'S FUTURE LAND USE MAP; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; TO ORDER THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

City Attorney Fahleson read the Title of Ordinance 1188.

Zoning Administrator Krejci said in the next year he will be working with the county to 'square off' the zoning boundaries for Council consideration. He said the area for the new development was incorporated onto the future land use map. Krejci added zoning in Cass County is Recreational/Ag to protect the area around Mahoney State Park with a long list of what can and cannot be done in the area with a conservation overlay. He added that JEO is the Cass County Zoning professional. He said consideration could be done to create a recreational type of zoning district for the City to make a smoother transition as the City moves out that way.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Niemeyer to approve third and final reading of Ordinance 1189 - AN ORDINANCE TO CHANGE THE ZONING DISTRICT BOUNDARIES OF THE CITY OF ASHLAND, AS PROVIDED IN THE CITY OF ASHLAND MUNICIPAL ZONING ORDINANCE; TO AMEND THE CITY'S OFFICIAL LAND USE MAP; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; TO ORDER THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

City Attorney Fahleson read the Title of Ordinance 1189.

Zoning Administrator Krejci said the overlay for the future development next to the school was also done on the Official Zoning Map to allow for future growth.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Wischmann, second by Niemeyer to introduce and approve first reading of Ordinance 1192 - Vacating all of Dale Street (570') between 6<sup>th</sup> Street and 4<sup>th</sup> Street, Beetison's Addition.

City Attorney Fahleson read the Title of Ordinance 1192.

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

City Administrator Quady reviewed pictures of the vehicles and vehicle license plates on nuisance property at 2359 Boyd Street. She said all the vehicles were licensed and in fairly good condition except one with a flat tire but that she doesn't know if the vehicles are operable. She said she was unable to see the license plates on the boats or the trailers. She

commented that the owner has made substantial progress and it has been about three weeks since she spoke with the owner. Council Member Niemeyer requested the owner to appear before the Council. Quady said the property's zoning is existing non-conforming and other vehicles can come in as long as the vehicle is licensed and operable and as a commercial property the vehicles are not required to be on rock. City Attorney Fahleson said the semi-trailer could not return if it left the property.

Motion by Crnkovich, second by Wischmann to grant extension of completion date for abatement of nuisance at 2359 Boyd Street to April 1, 2021.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Wischmann, second by Niemeyer to award bid for Ashland Housing Rehabilitation Owner Occupied Program Application #0005 to MIT Contracting.

City Administrator Quady said this is the second application to be approved and is not in Ashland. She said there are a couple of spots available for Ashland projects. She said there are low-income requirements and there is \$25,000 available for projects that can be brought up to code.

Roll Call:                   Ayes: All                   Motion Carried

City Administrator Quady said in a small survey of Nebraska communities all were planning on opening their pools for the 2021 season. She said the pool is budgeted for and if opened she would need to begin to advertise for a pool manager and lifeguards.

Motion by Wischmann, second by Niemeyer to open the pool for the 2021 season.

Roll Call:                   Ayes: All                   Motion Carried

City Administrator Quady said the sewer line project approved last year includes approximately five blocks of sewer mains. She said included in the project bid was paving the alley approaches in the amount of \$36,432.18. She said this should come out of the street department budget. She said the utility budget would cover putting back 'in-kind' white rock but not the paving. She said a separate line item on the bid was to completely redo the alley by the Catholic Church with paving and replacement of the storm sewer inlets in the amount of \$9,700.00 to be paid for by the Street Department. She said it is the Public Works Director's and her recommendation to move forward with the paving and storm sewer inlets by the Catholic Church and to not do the \$36,000 of alley abutments by removing Line 18 on the tab sheet. She said there are many other street projects that need to be done other than the abutments. Discussion was held regarding paving the alley by the City Shop. Council Member Wischmann reminded the Council that the City will begin collecting funds from the new impact fee. Council Member Niemeyer suggested the Council stay with Quady's recommendation but also look at the alley approaches for the next budget.

Motion by Niemeyer, second by Wischmann to stay with City Administrator Quady's recommendation to remove Line 18 on tab sheet for the Sewer Main Project in the amount of \$36,432.18.

Roll Call:                   Ayes: All                   Motion Carried

Reviewed the February 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 Crnkovich to approve the consent agenda which included approval of the March 4, 2021 City Council meeting minutes; and the approval of the February 25, 2021 Planning Commission meeting minutes.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Niemeyer to approve the first half of March 2021 Claims.

Roll Call:                   Ayes: All                   Motion Carried

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

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz reported Mead had tested their drinking water and the test results came back showing no contamination at this time. He said he participated in a Zoom meeting with the Ashland Youth Ball Association where discussion on donor recognition was held.

City Administrator Quady gave an update on the landscaping work at the Community Resource Center.

Mayor Grauerholz welcomed the Ashland-Greenwood Civic student in attendance.

Council Member Wischmann requested Ordinance 1185 be read aloud. He then commented on negative Facebook posts and said the Council's character and resolve should never be in question, and if the public doesn't think the Council is doing an adequate job, it is their responsibility to remove someone from office with their next vote. Zoning

Administrator then reviewed proposed Ordinance 1193 that affects Zoning Ordinance Section 8.02 related to storage of vehicles on the property. He said this was tabled at the last Planning Commission meeting and will be reviewed at the next meeting with their recommendation forwarded to the Council. Quady said she thought there was a misunderstanding at the last Planning Commission meeting as the City does not have a limit on the number of motor vehicles that can be parked in the driveway or in the street. She said in the side and back yard, vehicles have to be on a permeable interlocking surface or pavement or asphalt. She said vehicles must be licensed and operable. Tom and Cindy Danahy, new residents in Whitetail, stated they abided by the City's ordinances when they put in a new parking area for their camper and it is their hope that it will continue to be permissible with any Ordinance changes. Quady said when this section was sent to the Planning Commission, it was not to make it more stringent but it was to review the surfacing requirements. Wischmann said the Historic Preservation Committee and the Planning Commission make recommendations only and when the Council changes an ordinance it takes three readings.

Motion by Niemeyer, second by Wischmann to adjourn the meeting at 9:10 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 March 18, 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.