

ASHLAND CITY COUNCIL
REGULAR MEETING
October 21, 2021

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 21st day of October, 2021 at 7:00 p.m.

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

Absent: City Council Member Chuck Niemeyer

Others: Caleb Fjone, Susan Cerny, Nolan Welch, Ashley Welch, Scott Howard, Bryan York, Cindy Danahy, Tom Danahy, Karen Carlson, Paul Carlson, Bill Krejci and others

Notice of meeting was advertised in the Ashland Gazette on October 14, 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 Anderson, second by Crnkovich to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz opened a Public Hearing on Application #21-156, Proposed Ordinance 1199 to Modify in part Section 4.09 and Section 9.04 in the Zoning Ordinance of the City of Ashland Nebraska at 7:02 p.m. Zoning Official Krejci stated the Planning Commission heard on this item on fence elevation along the side property lines increasing the height to four feet. He said they discussed whether a six-foot front fence with no sight obstruction should be allowed. He said the Commission voted three in favor of six-foot fence on the street side yard provided no line of site obstruction occurred and two against. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:06 p.m.

Motion by Wischmann, second by Crnkovich to introduce and approve first reading of Ordinance 1199 – AN ORDINANCE TO AMEND THE FOLLOWING PORTIONS OF THE ZONING ORDINANCES OF THE CITY OF ASHLAND; SECTION 4.09 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED AND SECTION 9.04 FENCES AND RETAINING WALLS OF THE ZONING ORDINANCES OF THE CITY OF ASHLAND, AS PROVIDED IN THE CITY OF ASHLAND MUNICIPAL ZONING ORDINANCE; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; TO ORDER THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Zoning Official Krejci explained that there cannot be a vision obstruction between a height of four feet and a height of ten feet. He said this is to address sight clearance between these heights such as bushes, branches or flags. Mayor Grauerholz said he has seen a fence in town that is higher in backyard and drops down in front and he said it looks odd. Krejci said he will mail out addresses for the Council Members to look at that have fences with different heights.

Roll Call: Ayes: All Motion carried

Motion by Anderson, second by Wischmann to introduce and approve first reading of Ordinance 1200 – AN ORDINANCE OF THE CITY OF ASHLAND, NEBRASKA TO AMEND FIREWORKS REGULATIONS BY AMENDING CHAPTER 7, ARTICLE 3 OF THE ASHLAND MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

City Administrator Quady reviewed the changes as requested by the Mayor that would be made if this ordinance is approved. She said this will change the dates that fireworks can be sold from July 25 to July 28, three days shorter, leaving seven days to sell fireworks and this will add Section 7-326 Discharging Fireworks on Public Property Prohibited. She read the addition, "It shall be unlawful for any person to discharge, explode or use any permissible fireworks on any public street, public sidewalk or in any public park." Mayor Grauerholz commented that maneuvering City streets when fireworks are being put off in the streets very close to where cars are passing is a dangerous situation. He added that the morning after July 4th, he drove through town and noticed trash and burned firework's remains littering the streets. He said a number of years ago he spoke with firework stand operators who said they noticed very little difference in the stand sales in towns where they were sold fewer days. He said people usually have a set amount they are going to spend on fireworks whether it is in a week or ten days. Quady said the enforcement would be by the police department and warning and pay tickets could be issued. She said she spoke to Council Member Niemeyer who expressed concern about being closer to homes and structures but that he didn't have a concern with fireworks being sold three days less.

Quady said this is for decreasing the number of days fireworks can be sold and for using the fireworks. Council Member Wischmann questioned how public property will be determined. Quady said for ease of enforcement she suggested back of curb. City Attorney Fahleson said there would be prosecutorial discretion.

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

Motion by Wischmann, second by Crnkovich to recommend approval to the Nebraska Liquor Control Commission for Salt Creek Farm Table LLC dba Fariner Bakery for new Class C Liquor License at 120 North 14th Street.

Ashley Welch, owner of Fariner Bakery at 120 North 14th Street, said the bakery will have a classic bakery and coffee house in the morning, a small grocery section, wine and craft beers selection and possible fine liquors. She said they will be open Wednesday thru Sunday until March or April when it will then be open seven days a week. She said they will be open into early evening and there will be a three-season courtyard in the back. Mayor Grauerholz commented there will be ample parking with the city parking lot next door.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Crnkovich to place a lien for unpaid nuisance abatement at 1909 Boyd Street in the amount of \$2,598.12.

City Administrator Quady said she is watching the property to see if the nuisance begins again. She said there are unpaid fines for citations. City Attorney Fahleson said a civil action could be filed if the nuisance occurs again.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Crnkovich to grant an extension of completion date for abatement of nuisance at 106 South 16th Street until November 4, 2021.

City Administrator Quady said the property owner or his engineer did not contact the City regarding this property since the last meeting. She said before the last meeting they were told final details would be done in a couple of days but these have not been received. Council Member Anderson noted this has been an ongoing problem for 20 years. Council Member Wischmann requested a certified or hand delivered letter be sent out to the owner. He added voting to knock someone's house down is a very serious matter and he would like all members of the Council to be present when it is voted on.

Roll Call: Ayes: All Motion Carried

Motion by Crnkovich, second by Anderson to grant an extension of completion date for abatement of nuisance at 2217 Ash Street until November 4, 2021.

City Administrator Quady said the property owner has cleaned up some of the building materials, replaced the front door and completed installation of the windows. She said he needs to finish wood below windows. She reviewed pictures of the property.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Crnkovich to approve construction contract award to MIT Contracting for Project #008 Owner Occupied Rehabilitation Housing Program.

City Administrator Quady said SENDD sent out three requests for bids but MIT Contracting is the only one that returned a bid.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Anderson to authorize the Mayor to sign Low Income Household Water Assistance Program Vendor Agreement.

Roll Call: Ayes: All Motion Carried

Discussion was held regarding the Highway 6 Corridor and the possible completion of a blight study. City Administrator Quady said there is a current blight study that encompasses Highway 6 corridor but it does not specify parcels with legal descriptions. She said a new study can be done for the corridor for approximately \$5000 by JEO Consulting Group in about three weeks. She said a redevelopment plan would not be included. After discussion, Quady said an agreement with JEO to do this project will be brought before the Council at the next meeting.

Discussion was held regarding a request to utilize City owned property for a private firework stand. City Administrator Quady said that Scott Howard asked about placing a stand by the Oxbow Parking lot as it is close to downtown. She said the City to date has not allowed anything like this. Scott Howard, 208 North 15th Street, said Mead allows them to use public property for this. He said the proposed location is 1241 Silver Street and he didn't see anything in the ordinance that wouldn't allow this. Quady said that liability policies are required from the Chamber for their events listing the City as a named insured. She said she is looking at a complete policy for use of property. Howard said they would carry a \$1 million policy. Crnkovich said he doesn't see a problem with this but it would need to come with some sort of permitting and fee, maybe a bidding process. City Attorney Fahleson said the key is that there be equity and fairness and uniformity as to the charge. Wischmann questioned how many stands would be allowed to do this. Quady noted there

is a frisbee golf hole close to this area. Wischmann noted the proximity to the RV park. Quady said she can work with Fahleson on this.

Reviewed the September 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 Wischmann, second by Crnkovich to approve the consent agenda which included the approval of the October 7, 2021 City Council meeting minutes; the approval of the October 19, 2021 Special City Council meeting minutes; and the approval of the September 30, 2021 Planning Commission meeting minutes.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Wischmann to approve the first half of October 2021 Claims.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Crnkovich to approve September 2021 Treasurer's Report and the Fiscal Year 2021 Year End Treasurer's Report.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz reminded the Council that Clean Up Day will be held on Saturday.

Council Member Anderson mentioned the upcoming Teacher Appreciation Breakfast sponsored by the Chamber of Commerce.

Caleb Fjone, Executive Director of the Ashland Area Economic Development Committee, said there will be a ground breaking ceremony for Storage Ninja's on Tuesday at 5:30 p.m. He said he attended a meeting regarding the American Job Center. He added he is planning Lunch and Learn programs for employees and employers and he could set up a TIF 101 course for the Council and public.

City Administrator Quady said that she has met with Fjone on the Creative District and will have a list for committee appointments for the November 4th meeting.

Mayor Grauerholz asked for suggestions for other committee appointments.

Motion by Wischmann, second by Crnkovich to enter into executive session to discuss possible and pending litigation at 8:31 p.m.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Crnkovich to leave executive session at 8:44 p.m.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Crnkovich to adjourn the meeting at 8:45 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 October 21, 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.