

**ASHLAND CITY COUNCIL  
REGULAR MEETING  
April 20, 2017**

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 20th day of April, 2017 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: Lenora Isom, Ron Blessie, Christy Eichorn, Richard Hilske, Don Kracl, Donnie Laughlin, Ben Anderson and others

Notice of meeting was advertised in the Ashland Gazette on April 13, 2017. 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

Mayor Grauerholz opened a public hearing on a Conditional Use Permit for Exterior Alterations at E ½ Lot 11, Block 24, Flora City Addition, located at 1410 Silver Street at 7:02 p.m. Zoning Administrator Isom spoke to the Council regarding the alterations proposed for the new business, Raikes Meat Company, a retail meat store where there will not be meat processing or packaging. She said the existing white awning will be cleaned, the lettering removed and their bovine logo added. She said the Historic Preservation Committee and Planning Commission recommended approval with any

changes to the logo going through her. She said the lettering will be black. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:04 p.m.

Mayor Grauerholz opened a public hearing on a Conditional Use Permit for a Steel Utility Pole at ROW adjacent to Lot 1 Grahams Subdivision N2-12-7, located at 2401 – 2519 Birch Street at 7:05 p.m. Zoning Administrator Isom said representatives of Mobilitie had met with her and City Administrator Quady about Mobilitie’s proposed project. She said that the company obtained their right-of-way permit for the pole from the County; they have increased the height of the pole from 93’ to 100’; and the permit is for the pole not for equipment. She said the pole height will go no higher than 100’, if the pole went higher it would need to be installed on a three acre parcel. She added the Planning Commission recommended approval. City Administrator Quady noted the tower is in the City’s zoning district but not in City limits. Christy Eichorn of Mobilitie spoke saying this is a telecommunications pole; and Mobilitie owns, operates and maintains poles with the purpose of contracting with providers to put equipment on the poles to provide greater capacity and coverage to an area. She said at this location they were able to meet the structure separation and height requirements and the pole is built for 5g technology. She said they can work with the City to attach services that may be a benefit such as 911 services or lights and they can carry multiple providers on the pole. When questioned, she said the providers that currently rent space on the water tower may move to their pole but the water tower is taller than the proposed pole so the provider would not be able to get the coverage they have now on the water tower. She said the projected life span is at least 50 years. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:10 p.m.

Motion by Mollhoff, second by DeVries to approve on second reading Ordinance 1135 – Zoning Amendment from R-3 High Density Residential to B-2 Downtown Commercial located at 105 North 15<sup>th</sup> Street and 107 North 15<sup>th</sup> Street.

City Attorney Fahleson read the Title of Ordinance 1135.

Roll Call:                   Ayes: All                   Motion Carried

Motion by DeVries, second by Mollhoff to approve Conditional Use Permit for Exterior Alterations at 1410 Silver Street.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by DeVries to approve Conditional Use Permit for Steel Utility Pole at ROW adjacent to 2401 – 2519 Birch Street.

Roll Call:                   Ayes: All                   Motion Carried

Motion by DeVries, second by Mollhoff to approve Pay Request for JEO Consulting Group Inc. for the Splashpad in the amount of \$1,000.00.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve Pay Request from JEO Consulting Group Inc. for the New Well 2015 in the amount of \$1,042.50.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Mollhoff to approve Pay Request from JEO Consulting Group Inc. for Water Transmission Main 2016 in the amount of \$7,386.25.

Roll Call:                   Ayes: All                   Motion Carried

Motion by DeVries, second by Gossin to approve Pay Request from JEO Consulting Group Inc. for Water 2017 Silver Street Project in the amount of \$7,737.50.

Roll Call:                   Ayes: All                   Motion Carried

Zoning Administrator Isom spoke to the Council regarding the Special Use Permit for Riverside RV Camp and Storage that was issued eleven years ago. She reviewed some of the history related to the development of the project. She said currently a concrete flood wall has been installed without a floodway permit and while a permit was obtained with the Corps of Engineers to do some rip rap, a permit was not obtained from the City. She noted that letters from the City to the owner in the past have informed the owner that development in the floodway or flood plain requires a Floodway Development Permit. She said Ron Blessie, the owner of the camp, has come in and given her what he felt was his permit. She said she spoke with the Corps and learned the permit with the Corps is for the work in the river not for the work on the land which is in the City's jurisdiction. Isom recommended that two separate flood plain development permits for the work being done at the camp be required along with a no rise certification which would be done by a professional engineer. She said Blessie has gone to an engineer this week; the engineer is working on an estimate to do this work; and that she would recommend this item be postponed and put on the agenda in a month. She said the concern is that if the City does not apply FEMA regulations evenly to everyone in the City's jurisdiction, the City risks losing flood insurance for the whole community. Ron Blessie, owner of Riverside, presented a letter from his engineer stating he is in the process of putting together an estimate for the analysis. Blessie stated two years ago Riverside was flooded; logs, trees and debris collected on the bridge twenty foot high and pushed water toward his bank eating it away; and he was directed to the Corps of Engineers and obtained a permit for installing rip rap on the bank. He continued saying that he was not aware that he needed to get a permit from the City of Ashland to do this work and that he does not understand why his Special Use Permit would be revoked for this. He said that he is fine with the process that has been laid out to resolve the issue and hopes a month time is adequate to get this done but he would provide a letter if an issue would come up.

Motion by Mollhoff, seconded by Gossin to postpone action to revoke Special Use Permit SP06-03 for Riverside RV Camp and Storage until the May 18 City Council Meeting.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve petition for annexation from Ashland Investment Co., LLC.

City Attorney Fahleson stated the City has received the Petition for Annexation and he recommends the Council acknowledge the receipt for the record. He provided a Resolution which was read before the Council.

Council Member Gossin stated “I move Now Therefore, be it resolved by the City of Ashland, Saunders County, Nebraska, that the Petition for Annexation is approved and the city attorney is directed to prepare for consideration by the Council an Ordinance for Annexation for the real property described in the Petition; and Be it further resolved that said Ordinance for Annexation shall be considered for enactment by the Council after three readings in accordance with Neb. Rev. Stat. 17-614(1) and after receiving the recommendation of the Planning Commission and conducting such hearing or hearings as may be required under the statutes, ordinances and regulations applicable to the request for annexation.” Second by Mollhoff.

City Administrator Quady said the annexation ordinance would be on the agenda for both meetings in May with the final reading and public hearing, unless tabled or postponed, on June 1. She added it will be before the Planning Commission with a public hearing on May 25. Quady said the annexation is for Phase One of Whitetail Estates and that Tim Moll will be setting a schedule for the Preliminary and Final Plats and the TIF Hearings if the Council chooses to move forward. Discussion was held regarding Phase 2 and the commercial area. Zoning Official Isom said that she has done a calculation of the proposed lot size for the development and they are about quarter acre lots; the lots would be about 12,000 square foot, much bigger than the minimum requirement of 7,000 square foot in R-2 Medium Density Residential. Discussion followed regarding conveyances, City time requirements for building, and lot combinations.

Roll Call:                      Ayes: All                      Motion Carried

City Administrator Quady provided the Council with a letter written by Maureen Freeman-Caddy of Bromm, Lindahl, Freeman-Caddy & Lausterer regarding the nuisance property owned by Richene Perkins at 601 South 8<sup>th</sup> Street. Quady said the letter states there is a hold on the guardianship so the property cannot be sold and requested a hold on the abatement of the nuisance in particular the demolition of the property. Quady said that she has been approached by someone who would like to purchase the property. She said the Council voted to move forward with the abatement at the March 16 meeting giving the property owner 30 days to remove items or take the house down. She said she contacted a company to demo the house any time after April 24. City Attorney Fahleson said he would send a letter to Freeman-Caddy stating the intention of the Council to

proceed as previously decided. Council Member Anderson asked Quady to look at the garage and the storage shed as they may be worth saving. Discussion was held.

Reviewed the April 2017 Keno Report.

Reviewed the Public Works Director's Report.

Reviewed the Utility Superintendent's Report. Council Member Mollhoff said she would like the City to move ahead with a well head protection area in the future.

Reviewed Police Chief's Report.

Reviewed Building Inspector's Report.

Reviewed Library Report.

Motion by Mollhoff, seconded by DeVries to approve the consent agenda which included approval of the April 6, 2017 City Council meeting minutes and the March 30, 2017 Planning Commission meeting minutes.

Roll Call:                      Ayes: All                      Motion Carried

Motion by DeVries, seconded by Gossin to approve the first half of April 2017 Claims.

Roll Call:                      Ayes: All                      Motion Carried

Motion by Mollhoff, seconded by Gossin to approve March 2017 Treasurer's Report.

Roll Call:                      Ayes: All                      Motion Carried

Mayor Grauerholz told the Council that they will be receiving a packet of past Council and Planning Commission meeting minutes and packet information regarding Whitetail Run.

City Administrator Quady reported on the AGPS School Board meeting where TIF was discussed. She said there will be a meeting in the future with school representatives to discuss the school's 5-15 year facility plan.

Quady said the insurance consultant was in town today to meet with her and the Utility Superintendent, to take pictures and to meet with the two local insurance agents.

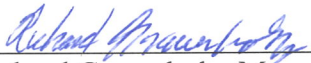
Zoning Administrator Isom commented on proposed legislation on school funding.

Council Member Devries said the Ashland Area Economic Development Corporation's Board meeting is on Monday and other AAEDC meetings are scheduled during the next week.

Mollhoff mentioned the Ashland-Greenwood Foundation Dinner is April 28.

Motion by Mollhoff, seconded by DeVries to adjourn the meeting at 8:22 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 April 20, 2017 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.