

**ASHLAND CITY COUNCIL  
REGULAR MEETING  
August 17, 2017**

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 17th day of August, 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: Mila Curtis, Brad Carlson, Tom Walsh, Amanda Roe, Tom Judds, Nicole Wall, Brandon Nygren, Shari Nygren, Gail Straite, Patty Chase, Karen Stille, Suzanne Sapp, Lee Sapp, Bob Luebbe, Scott Wischmann, Kyra Wischmann, Jill Wischmann, Kay Styskal, Ron Styskal, Diane Rico, Barb Conley, Linda Rosenboom, Bruce Wischmann, Sena Bollman, Norman Luetkenhaus, Trampas Hasse, Ben Hazlett, Laura Hazlett, Donald McCarty, Linda Fox, Jane Spargen, John Reid, Lorene Fangman, Brian Chaffin, Cheri O'Kelly, Dennis O'Kelly, Richard Hilske, Stacy Hubert, Brenda Mink, Teresa Akeson, Kurt Akeson, Susan Cerny, Mike Cerny, Julie Ogden, Steve Arens, Dale Burkhead, Allen Campbell, Lenora Isom and others

Notice of meeting was advertised in the Ashland Gazette on August 10, 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.

Mayor Grauerholz thanked the audience for attending the meeting tonight and informed them the agenda that was posted has been changed as the Council will not be conducting

a hearing and voting on Resolution 2017-9 – Whitetail Estates Redevelopment Plan to give the Council and Mayor time to take into consideration items that have been brought to their attention and to reassess the Whitetail Redevelopment Plan. He requested that suggestions or viable alternatives be brought to his, the Council Members' or City Hall staff's attention.

Roll Call:                      Ayes: All                      Motion Carried

Bruce Wischmann made public comment by asking if an advisory board will be put together to talk to the City Council.

Amanda Roe gave public comment stating that she represents the Ashland Initiative Group, a group of citizens concerned about the proposed use of TIF. She said a volunteer driven petition was begun on July 27 to collect signatures of those who are opposed to TIF financing for this residential development; they focused within the city limits but anyone within the Ashland Greenwood public school system could sign; and they also started an online petition August 1. She said the number of signatures turned into the Council was 663. She said the petition shows that there are a large number of constituents opposed to the use of TIF for this development. She said the majority of the concerns surrounding this petition were for the impact on the school and the fact that the school board was not supportive, concerns about mismanagement, the effect on habitat in the area and unfairness to Iron Horse and Sabre Heights. She said that she has an issue personally with the process and what is being proposed. She asked the Council to not approve TIF funding for the Whitetail Run residential development as there is too much opposition for this funding mechanism to be used.

Karen Stille gave public comment as a member of the Ashland-Greenwood School Board. She said she wanted to point out that the school board does not support the TIF funding of the Whitetail development and the district is very concerned about the future loss of state aid. She said the Ashland Greenwood school district patrons will eventually pay more in taxes to offset the loss of TIF money going into this development. She said the developers as holders of the bond will make money on the bond via the bond interest and that any amount does not seem ethical. She said there are other affordable lots in town and the expansion of housing to the north and west of town has not been thoroughly explored. She said the City's own Planning Commission voted against this TIF funding. She said that she is concerned the Council appointed themselves as the Community Development Agency. She said that people are not against the development per se but are against TIF funding.

Lee Sapp gave public comment speaking on the responsibility of leadership of the City and how people will examine the Council. He said that this is a 'gray area' as it may fulfill legal ramifications but not the original intent of TIF if passed. He said he felt this will affect the community for twenty years or longer; he is opposed to TIF for Whitetail

Run as it is a gray area; that it does not fulfill the original intent of TIF being for redevelopment not new development; and Whitetail Run is not a blighted area. He said that he believes the developers are being given a big advantage over other developers in the community. He said he does not want our city employees, citizens or police to think it is okay to go into gray areas.

Mayor Grauerholz opened a Public Hearing on a Conditional Use Permit for Exterior Alterations at S 47.9' W 63' Block 25 Flora City Addition, located at 1342 Silver Street at 7:18 p.m. Zoning Administrator Isom spoke saying that with this Conditional Use Permit it has come up that she has no way of enforcing rules within the Historic Preservation District. She said the proprietor installed signs and was requested to file for a Conditional Use Permit for the signs. She said once the permit was filed it went to the Planning Commission but the installation was not to code as there was only 81" of cleared distance. She said from an esthetic point of view the Historic Preservation Committee approved the signs and the Planning Commission tabled so the owner could be informed that the signs need to be in compliance before the permit could be approved. She said the signs have now been raised up. She said the Planning Commission did recommend approval of the permit. She asked the Council and City Attorney how to enforce the rules. City Attorney Fahleson gave an example from a decade or so ago regarding a gazebo that was out of compliance in which the City sued and received an injunction and the property owner had to move the gazebo. He said that he is more than willing to file suit if necessary. Council Member Mollhoff said she would like a pamphlet for businesses in the historic district so businesses know the process. Council Member Gossin asked if a presentation could be made to the Chamber. Amanda Roe asked if people can be fined for noncompliance. Fahleson said the City cannot fine in these instances by state statute but can seek injunctive relief. Isom suggested in regard to painting in the historic district, a preapproved color palette of main and trim colors be developed that could be used to repaint a building without going through the process. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:28 p.m.

Mayor Grauerholz opened a Public Hearing on proposed Ordinance 1140 – Zoning Amendment, regarding maximum square footage for detached accessory structures in residential districts at 7:29 p.m. Zoning Administrator Isom spoke stating that this was a request from Mr. Campbell who has an alley side detached garage structure that he wants to rebuild. She reminded the Council that last year zoning was changed to reduce the alley side set back to four feet. She said Campbell would like the City to expand the allowable size of a detached structure which is currently up to 750 square foot or 10% of the lot, whichever is the most restrictive. She said the Wahoo use 864 square feet which is 15% increase over the City's current maximum. She said this would be a fair increase for our city. She said the City's lot coverage is 35% for main structure and 40% with accessory buildings. Mayor Grauerholz said people have more vehicles, multiple drivers, snow blowers and riding mowers and this number makes it tight to get these things hidden from public view. Isom said the Planning Commission recommended approval of

this ordinance changing 750 to 864. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:45 p.m.

Motion by Mollhoff, second by DeVries to approve second reading of Ordinance 1139 – Adoption of the 2012 International Residential, Building, Energy, Plumbing, Mechanical, Electrical, and Property Maintenance Codes for the City of Ashland.  
City Attorney Fahleson read the Title of Ordinance 1139.

Building Official Isom said that she added metal as an acceptable roofing material to conform to the zoning regulations and corrected a few typos.

Roll Call:                   Ayes: All                   Motion Carried

Motion by DeVries, second by Mollhoff to introduce and approve first reading Ordinance 1140 – Zoning amendment regarding maximum square footage for detached accessory structures in Residential Districts.  
City Attorney Fahleson read the Title of Ordinance 1140.

Mayor Grauerholz said he may make a recommendation on this as he does not think it is going large enough.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Anderson to approve second reading of Ordinance 1142 – 2017-2018 Budget Document.  
City Attorney Fahleson read the Title of Ordinance 1142.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by DeVries to approve Conditional Use Permit for Exterior Alterations at S 47.9' W 63' Block 25 Flora City Addition, located at 1342 Silver Street.  
Roll Call:                   Ayes: All                   Motion Carried

Motion by Gossin, second by Anderson to approve recommendation provided by Charlesworth & Associates, LC regarding property and liability insurance.

City Administrator Quady stated that a letter and a spreadsheet were provided to the Council from James Charlesworth and Charlesworth had met with a committee to review the bid spreadsheet. She said five companies bid and Jones Insurance bid Continental Western, our current insurance carrier. She said this process and a really good workman's comp mod have reduced the premium. She said the lowest bid was One Beacon with Ball Insurance but the savings was not enough to change from good coverage with local representation. She said the recommendation was to accept Continental Western

Group/Bitco proposal as presented by Jones Insurance Agency for a total premium of \$76,486.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to award the Silver Street Bridge Project to Simon Contractors.

Julie Ogden, engineer with JEO Consulting Group, addressed the Council stating four bids were received from the nine or ten plan holders; the original opinion of cost was \$3.1 million with the low bidder under that; funding from the Nebraska Department of Transportation will pay all costs associated with the bridge which is equivalent to them paying 80% and the City paying 20% of the cost of the bridge; and the City's cost for construction is projected to be \$562,923. She added these costs include the new paving between 9<sup>th</sup> and 13<sup>th</sup> Streets, new storm sewer pipes, and a new gate valve. She said Simon Contracting works a lot with the Department of Transportation and has built two bridges in Saunders County. She said there was an alternative bid group to salvage the truss part of the bridge which came in at \$300,000 and her recommendation was to not award that as it would be 100 percent City cost. She said her recommendation is to award Simon Contracting out of North Platte the base bid groups only in the amount of \$2,823,236.50. Discussion was regarding salvaging the bridge and the possibility of a water access by the bridge. Quady said provision will be made for access to the one home owner affected by the work. Ogden said that notice of the project timeline will be given in the paper. Gossin asked if static signs could be installed with construction dates and information. She said the current plan start date is October 1 but one permit is needed from the NRD prior to starting. Council Member Anderson expressed concern about bank erosion. Mayor Grauerholz discussed the pictures of the bridge for the State Historical Society. Ogden said a sign or monument for the bridge will be put up when construction is complete. Ogden said she is working with OPPD about the options for bridge lighting. She said the edge fencing on the sidewalk side of the bridge is chain link and she is looking at other options for this. She said the completion date is no later than November 2018. Dale Burkhead of Simon Contracting introduced himself as the project manager on this project.

Roll Call:                   Ayes: All                   Motion Carried

Motion by DeVries, second by Mollhoff to authorize the Mayor to sign agreement with JEO Consulting Group Inc. for the Silver Street Bridge Replacement project with an estimated fee of \$250,138.94.

Julie Ogden introduced Steve Arens as the JEO Bridge Group Leader of the construction team. She said the City's share will be \$50,027.29 with the State Department of transportation picking up the balance using the 80/20 split.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Mollhoff to approve Change Order 2 from Dostal Construction for the Splashpad in the amount of \$1,869.00.

City Administrator Quady said this order is for an additional bench and the sign.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by DeVries to approve Pay Request 2 & Final Revised for the Splashpad from Dostals Construction Co., Inc. in the amount of \$1,869.00.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by DeVries to approve pay request from JEO Consulting Group Inc. for the Splashpad in the amount of \$2,416.50.

Roll Call:                   Ayes: All                   Motion Carried

Reviewed the July 2017 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. Flood Plain Administrator Isom gave a report on the flood wall at Riverside Campground that has now been permitted.

Reviewed Library Report.

Motion by Mollhoff, second by Anderson to approve the consent agenda which included approval of the August 3, 2017 City Council meeting minutes, the August 3, 2017 Ashland Community Development Agency meeting minutes and the July 27, 2017 Planning Commission meeting minutes.

Roll Call:                   Ayes: All                   Motion Carried

Motion by DeVries, second by Mollhoff to approve the first half of August 2017 Claims.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve July 2017 Treasurer's Report.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz shared a letter he received about staff usage of Facebook. He also reported a meeting to be held next week with the Ballfield Development Group.

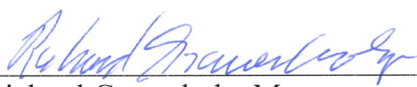
Council Member DeVries said an AAEDC meeting will be held next week.

Council Member Gossin said his September work trip has been postponed and that he will give the City Administrator his new travel schedule.

City Council Member DeVries said he will miss the first meeting in October.

Motion by Anderson, second by Gossin to adjourn the meeting at 8:44 p.m.

Roll Call: Ayes: All Motion Carried

  
Richard Grauerholz, Mayor

  
Kathleen Sliva, City Clerk

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 August 17, 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.