

**ASHLAND CITY COUNCIL  
REGULAR MEETING  
December 6, 2018**

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 6th day of December, 2018 at 7:00 p.m.

Present: Mayor Richard Grauerholz  
City Council President Paul Gossin  
City Council Member James Anderson  
City Council Member Mathew Meyer  
City Council Member Janece Mollhoff  
City Administrator Jessica Quady  
City Clerk Kathleen Sliva  
City Attorney Mark Fahleson

Others: Bruce Wischmann, Tim Adams, Becky Grauerholz, Susan Cerny, John Trecek, Jill Wischmann, Suzi Nelson and others

Notice of meeting was advertised in the Ashland Gazette on November 29, 2018. 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 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

Motion by Gossin, second by Anderson to approve on second reading Ordinance 1160 – Modify the Zoning Ordinance.

City Attorney Fahleson read the Title of Ordinance 1160.

Council Member Gossin asked if other cities had been contacted regarding dog kennels in homes with day cares. City Administrator Quady reported that Zoning Administrator Isom had contacted other communities and she did not find any that covered the topic. Mayor Grauerholz said he had received citizen input that it should be up to the parent to decided

if their child will be in a daycare with a kennel permit. He continued that he believes it is the parent's responsibility to make that decision. Council Member Gossin said that he does not want another barrier for having a daycare in the community. Quady said Isom is requesting that if the Council decides to take out the daycare portion from the ordinance that only that language be stricken and leave the single home dwellings in.

Motion by Gossin, second by Mollhoff to amend Ordinance 1160 by removing verbiage of 'not allowed in dwellings with Child Care Center or Child Care Home I/II' in Sections 1 through 4.

Council Member Anderson said he likes the ordinance as presented. He said he thinks this will not put a hinderance on anyone who wants to run a daycare operation and it provides a little more protection in this situation.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz called for the vote on Ordinance 1160 as amended.

Roll Call:                   Ayes: Gossin, Meyer, Mollhoff                   Nays: Anderson  
Motion Carried

Motion by Mollhoff, seconded by Gossin to introduce and approve Ordinance 1163 - AN ORDINANCE PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2019, IN THE AMOUNT OF NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR THE PURPOSE OF PAYING THE COSTS INCURRED IN CONNECTION WITH THE CONSTRUCTION OF STREET IMPROVEMENTS IN THE CITY OF ASHLAND, NEBRASKA; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND; AGREEING TO LEVY TAXES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM  
City Attorney Fahleson read the title of Ordinance 1163.

John Trecek of Ameritas Investment Cooperation said this ordinance is different from many that he comes in with as they usually have firm rates for the bonds. He said in talking with the City Administrator it was discussed the balancing of when the City needs the money and the flexibility of when to put them into the market as bond purchasers often like to wait until the first of the year. He said if this ordinance is approved it sets certain parameters including the maturity of the bonds cannot exceed 15 years and the true interest costs cannot exceed 4.1%. He said when they find an opportunity to put the bonds into the market and find the best rate, as long as it fits within the parameters, he will be in contact with the mayor who would be authorized to sign the bond purchase agreement and at that

time the rates would be locked in. He asked the Council to waive the three readings and adopt the ordinance tonight. Trecek answered questions of the Council.

Motion by Mollhoff, second by Meyer to suspend the statutory rules and waive the three separate readings.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz called for the vote on Ordinance 1163.

Roll Call:                   Ayes: All                   Motion Carried

Jon Truell, owner of Future Technologies Services, spoke to the Council saying his company has had a presence in Ashland since 2007, has equipment on one of the water towers and they provide internet service to the City of Ashland via wireless internet. He said the lease is technically ended and became a month to month lease in 2012 and he would like to renew the lease. He added they would like to bring fiber into the sight as the demand has exceeded what they can bring in by microwave from Lincoln. He asked permission to run a fiber line from the pedestal by the road to the building at the base of the water tower to feed their equipment. He said there would be no expense to the City, they would bore the line and they would like to complete within the next 60 days if possible. City Attorney Fahleson said both items would need to come back in front of the Council as formal agreements and to work with City Administrator Quady on the items. Truell said if fiber is brought into that facility that opens up other 'doors' and he was wondering if the city would be interested in fiber to the home. He said they are currently doing this in other smaller communities with underground horizontal boring. He said he has a sample agreement for a broadband franchise. He agreed to email the documents to Quady. He said with the new lease, he proposed giving the City internet service at several sights in exchange for use of the tower.

Dan Duren of Benefit Management addressed the Council regarding the Employee Retirement Plan. He said he had met with the employees regarding the retirement plan proposal and the response seemed to be very favorable. He said one of the things that was discussed was whether or not to make the plan a 414H which is mandatory. He said this would require any employee employed for 6 months must put in 5% to get 5% with the ability to put in more through a 457 plan. He said usually the plans are set up for a full-time employee 21 years of age employed for 6 months. City Administrator Quady said the employee manual will be on the next agenda and this is where those things are spelled out. Duren answered questions of the Council. He said the Council has already approved moving the plan to Ameritas and the only action needed would be to consider the 414H plan.

Motion by Mollhoff, second by Meyer to accept 414H as mandatory deduction from the employee.

Roll Call:                   Ayes: All                   Motion Carried

Duren said he will be working with Quady to get employees enrolled before the first of the year and to bring the money over to Ameritas after the first of the year.

Motion by Gossin, second by Anderson to approve Informal Settle Agreement with the Federal Highway Administration.

City Administrator Quady said a complaint was lodged with the Federal Highway Administration regarding the sidewalks in Ashland, specifically sidewalks in the complainant's travel area, mostly between the elementary school and 18<sup>th</sup> between Adams and Furnas. She said this is what the Federal Highway is proposing as an informal settlement agreement between the City and the complainant. She added per the agreement, the City has one year to update the City's ADA plan to include sidewalks in town; the City has four years from the date of signature to address and correct the ADA deficiencies on that traveled route; and the City's ADA plan determine how to address the rest of the sidewalks and a time frame in which to do so. She said the City Attorney doesn't have any issues with the agreement and Public Works Director Larsen has met with the Federal Highway representative to discuss the ADA regulations. Quady clarified that this applies to existing sidewalks and does not require putting in new sidewalks. Discussion followed.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Meyer to approve pay request from JEO Consulting Group Inc. for Silver Street Bridge Replacement Construction Services in the amount of \$14,427.00.

City Administrator Quady gave an update on the construction progress.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Gossin, second by Anderson to approve pay request from JEO Consulting Group Inc. for the Water 2017 Silver Street project in the amount of \$2,913.25.

Tim Adams from JEO said General Excavating will be getting most of the street patches done in the next week; small patches off of Silver Street may not be concreted until next spring; and the landscaping and final walk through will be done in the spring.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Gossin, seconded by Mollhoff to approve pay request from JEO Consulting Group Inc. for Whitetail Estates in the amount of \$14,194.00.

Tim Adams reported on the road paving progress. He said they will flip to the new paved road for the winter and then possible back to the temporary road in the spring to finish the project; a meeting will be held next week to discuss this. He added it is TCW's responsibility to keep the temporary road up. He said the utilities are about 90% complete by TJ Osborne and they are close to starting up the lift station.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve Pay Request from JEO Consulting Group Inc. for Source Water Study in the amount of \$10,234.55.

City Administrator Quady said they are working with the Utility Superintendent finding future well sites. She said in the spring or summer they will be obtaining samples from irrigation wells around the City to test for nitrates. Tim Adams of JEO said this data could be used for the well head protection plan.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Gossin, second by Mollhoff to approve pay request from Olsson for 9<sup>th</sup> Avenue Paving in the amount of \$1,289.54.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Mollhoff to approve pay application #2 from TCW Construction for 2018 Whitetail Estates 1<sup>st</sup> Addition, 9<sup>th</sup> Avenue Paving and Storm Sewer Improvements in the amount of \$192,842.83.

Tim Adams said this pay request is primarily for the paving of 9<sup>th</sup> Avenue. He added the storm sewer is complete.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Gossin, second by Mollhoff to approve Amendment for Water 2017 Silver Street Improvements.

Tim Adams said this is a request for 40 more additional hours for construction observation to finish out the project. He said this is billed hourly and not to exceed \$6,200. He said the contractor should be wrapping up the pipe work by December 21 and then this gives two weeks of observation in the spring for the final walk through and resolution of any issues. City Administrator Quady noted the Council added the two alternate bids to the project which added time to the project.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve Amendment to Agreement for Ashland Whitetail Estates.

Tim Adams said this is a request for 75 additional hours in the amount of \$11,625 for observation of the completion of the 9<sup>th</sup> Avenue paving with a small portion being dedicated to the lift station start-up and the utilities close out. He said they extended the completion date for the paving by 30 days.

Roll Call:                   Ayes: All                   Motion Carried

City Administrator Quady reviewed the bids and alternate bids received from Delta Electric and WCHE for the 14<sup>th</sup> Street Decorative Lighting project. Discussion was held.

Motion by Mollhoff, second by Gossin to accept Delta Electric bid including alternate bid #2 and alternate bid #3 for 14<sup>th</sup> Street Decorative Lighting.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve the consent agenda which included approval of the November 15, 2018 City Council meeting minutes.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Anderson to approve the second half of November 2018 Claims.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz reported on a meeting with a consortium of three NRD's, Lincoln and Omaha on drought mitigation, on the long-term effects on river flows on the river surface water and the aquifer and on planning to make sure water will be available in the future. He said Hometown Christmas and the parade is Saturday. He added there will be a meeting with the Lower South Platte NRD to discuss the bank stabilization project.

Council Member Gossin reported on a meeting by the school regarding their growth plans. He said the next meeting will be in February and a Public Hearing on land acquisition will be held on December 18.

Motion by Anderson, second by Mollhoff to adjourn Sine Die at 8:24 p.m.

Roll Call:                   Ayes: All                   Motion Carried

The Mayor and Council thanked out-going Council Member Mollhoff for her service and congratulated her on her election to the Omaha Public Power District Board.

Council Member Anderson stated he was honored to be reelected and spoke about his tenure with the City beginning with serving on the first Planning Commission Board.

Mayor Grauerholz opened the Annual Organizational Meeting at 8:30 p.m.

City Attorney Fahleson gave the Oath of Office for Mayor Grauerholz, Council Member Anderson and new Council Member Bruce Wischmann.

Council Member Meyers nominated Council Member Gossin as Council President. No other nominations were heard.

Roll Call:                      Ayes: All                      Nomination approved.

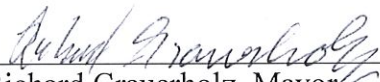
Mayor Grauerholz presented his Mayoral appointments and noted that he is recommending Paul Gossin as the AAEDC representative from the Council. City Administrator Quady noted changes in the Fire and Rescue roster and on the Planning Commission.


Motion by Anderson, second by Meyers to approve the 2019 Mayoral Appointments.

Roll Call:                      Ayes: All                      Motion Carried

Motion by Anderson, seconded by Meyer to adjourn at 8:39 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 December 6, 2018 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.