

**ASHLAND CITY COUNCIL
REGULAR MEETING**

May 21, 2020

A regular meeting of the Ashland City Council was held at the Ashland Community Resource Center on the 21st day of May, 2020 at 7:00 p.m.

Present: Mayor Richard Grauerholz
City Council President James Anderson
City Council Member Matt Meyer
City Council Member Chuck Niemeyer
City Council Member Bruce Wischmann
City Administrator Jessica Quady
City Clerk Kathleen Sliva
City Attorney Mark Fahleson

Others: Zoning Administrator Bill Krejci, Shirley Niemeyer, Katherine D'Agostino, Perry Pirsch, Susan Cerny, Mike Cerny, Nish Yadav, Tammy Williams, Thomas Kayton, Bob Crisler, Paul Gossin, Jill Wischmann, Suzi Nelson and others

Notice of meeting was advertised in the Ashland Gazette on May 14, 2020. 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 in the northeast corner of the room.

Motion by Anderson, second by Niemeyer to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Shirley Niemeyer gave public comment stating the new sidewalk the City put in looks great and will be good for the children moving about there. She said she supports the Ashland Area Economic Development Corporation (AAEDC) Leadership Certified Community Program. She said it is a good effort and will make for more opportunities for grants. She added she supports funding the AAEDC.

Mike Cerny and Susan Cerny gave public comment. Mike Cerny provided a letter from the Iron Horse Home Owners Association supporting self-storage units on Highway 6. Susan Cerny read the letter to the Council.

Katherine D'Agostino, owner and operator of Storage Ninja's, gave public comment regarding her proposed self-storage facility on Highway 6. She thanked the Council for their time thinking through this issue and said she is a full-time self-storage feasibility consultant. She said one of her requests is to allow RV and boat storage at the rear of the parcel. She said the appearance of a facility has more to do with the maintenance and the quality of the landscaping than the composition of the drive aisles. She said much of the facility is 20' below the highway and screened by trees and will not be visible. She said they chose this location because it is across the street from the Iron Horse Development. She said the highway corridor entrance will be lined by iron rod fencing and they are keeping as many of the existing trees as possible. She said they are building a green facility with solar panels and LED lights, drought resistant perennials and bushes, and the highest quality buildings and doors. She said they are requesting a smaller landscape buffer due to the irregular shape of the parcel. She said they are repurposing a blighted parcel for a productive use. She said gravel creates a permeable surface for storm water runoff and there is a concrete apron at the highway entrance. She said the buildings will have gutters with downspouts attached to underground tile. She noted that within a ten-mile radius there are seven self-storage facilities, three are paved. She said this facility should be compared to facilities in similar sized cities. She said the Council should not change or overturn the recommendations of the Planning Commission.

Mayor Grauerholz opened a Public Hearing on Conditional Use Permit #20-14 for Illuminated Wall Sign and Door & Window Vinyl at West 12' of Lot 1 and East 26' Lot 2 Block 31 Flora City Addition to Ashland NE located at 1411 Silver Street at 7:16 p.m. Zoning Administrator Krejci said Nebraska Sign Company applied for an illuminated sign for the Edward Jones new location. He said the Historical Preservation Committee and the Planning Commission both met on April 30, 2020 and both recommended approval. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:18 p.m.

Mayor Grauerholz opened a Public Hearing on Ordinance 1178 – To Modify the Zoning Ordinance of the City of Ashland NE at 7:19 p.m. Perry Pirsch spoke in support of Katherine D'Agostino and of the Storage Ninja's facility being proposed by her along Highway 6. He said the rod iron gate ties into the Iron Horse community's aesthetics; the facility will be a great addition for the City of Ashland; the paving could add \$200,000 to the cost of the facility; the lot usage needs to be industrial because it is sandwiched between the highway and the railroad track; and this type of business venture is appropriate for that spot. He said he has talked to friends in the community and they have told him the existing storage facilities are old, dated and possibly sub-standard and, that possibly, some of the Council may have business interest or ties with the people who operate them, and if that is

the case, they should consider abstaining from voting in this matter due to conflict of interest. He asked the Council to support D'Agostino in her vision. City Attorney Fahleson read the definition of conflict of interest. Council Member Niemeyer noted this came through the Planning Commission by a 4-2 vote and the realtor's wife voted to bring this to the Council. He said he is 100 percent for this project going forward but he wants to see it done without circumventing the regulations and done without it being a detriment to the City. Pirsch said Ashland residents will benefit from the facility as they will have a place to store an RV or a boat and the City of Ashland will benefit when the facility is annexed. Pirsch said former Zoning Administrator Isom said she would work with D'Agostino. D'Agostino said she had an independent feasibility study done on the property. She said she disagreed with Niemeyer's suggestions for making the concrete affordable and other comments were over stepping and inappropriate. She said the entrance width is exactly what the self-storage association recommends. She said community benefits from the facility include a proposed U-Haul service, boat and RV storage, and a safe facility. Thomas Kayton, general contractor and developer for the storage facility, said the concrete width past the building is about a foot and at the entrance it is 25-foot. He said it was about a year ago when they began looking for land and this piece of ground was identified. He said one of the first things he did was meet with former City Planning and Zoning Administrator Isom. He said initially he had a lot of concerns about the site and he made requests trying to get everything they would need to build. He said a preliminary site plan was sent on August 14 to get a recommendation of what they can and cannot do. He said they were told that the property would need to be zoned correctly so they went through the process in the fall to allow self-storage in the B-3 district. He said they were told this is a blighted area, that you can't really do anything other than self-storage and they would be worked with, so the engineers built it accordingly to fit the required amount that Katheryn needed in her business plan. He said they have been transparent in what they are trying to do; what it will look like; and the boat and RV storage and the use rock not pavement was on the August 14 site plan. He commented on items that will be done that are not required including installing 98-foot of rod iron fencing, a nice illuminated sign, gutters and down spouts on buildings, willingness to tie downspouts in underground tile, and, on backside, putting timbers to prevent rock sliding. He said they have been trying to work with the City of Ashland the last year and are wanting to get the project done. D'Agostino described the security system for the facility. She said a call center will answer the phones. She said she is planning to follow a property maintenance template recommended by the self-storage association. She said they will have LED lighting and will use solar panels. She described the sign and the U-Haul unmanned operation. Agostino said the building manufacturers are not from Ashland but they are trying to arrange for a local person to do the gravel and grading work and to do mowing and snow removal. Pirsch said D'Agostino did retain local counsel. Wischmann said the Highway 6 corridor is challenging to develop and there has been plenty of time and opportunity for local investors to develop it. D'Agostino said she has contacted the local Chamber of Commerce and gotten information on joining. She said she wants to work with the sheriff's department to allow them to do training on the grounds with their K-9 units. She said she is excited to be a part of the community from a personal

and professional perspective. She said the facility will contribute to the county tax rolls and it may not be too long before the City annexes it. Susan Cerny said this facility will be included in the first annexation of Iron Horse and then the City will get tax dollars and there are other improvements on properties along the highway being developed by someone from outside of Ashland. Paul Gossin said when the Council was looking at annexation packages, this area was looked at to be included in the second phase and it is within the Council's power to get the tax revenue through the annexation process. Wischmann said annexation will be addressed on a yearly basis. Niemeyer said he would like to annex the Iron Horse Golf Course. Bob Crisler, Planning Commission member, said the Commission talked about the highest and best use of the property. He said this project will convert what is essentially wasteland into a productive use and he urged the Council to try to find an accommodation as there really isn't anything else that is feasible for this piece of ground. Kayton said the trees along the highway right-of-way could be removed by the State or the power company. He said along the property line there aren't a lot of trees to tear out. He said there is twelve inches of concrete apron in front of the buildings and this will be adequate for snow clearing. Krejci said in the preliminary topo plan there was a retention pond. Kayton said he had not received a clear answer about the pond yet. Kayton said there will be a fence that runs around the whole property with rod iron in front and chain link around the rest. Kayton said based on the engineer's plans, the recommendation was that a retaining wall was not needed for the high bank by the RV parking, so it will stay at its natural state. Council Member Anderson noted the current valuation of the property is not generating a lot of taxation for the county but in time the project will add valuation to the City, school and fire district. He said there will not be sales tax unless the legislature adds self-storage to taxable items. He said this is a most unusual piece of ground; he doesn't know what other type of use this land would have; and this will be a much needed plus for the community. With no further comment, Mayor Grauerholz closed the Public Hearing at 8:26 p.m.

Nish Yadav, Executive Director of the Ashland Area Economic Development Corporation, addressed the Council regarding Resolution 2020-5 – To support participation in the Nebraska Department of Economic Development's Leadership Certified Community Program. Yadav said one of AAEDC's primary focuses has been to get Ashland designated as a Leadership Certified Community. He said the benefit of this designation is it helps with future applications for grants and loans through Nebraska Affordable Housing Trust fund or different CDBG programs. He noted examples of these programs the City has used in the past including the \$500,000 the Ashland Affordable Housing Partners LLC received for building townhomes and the funding for seven owner-occupied rehabilitation projects. He said this resolution is a requirement for the program application. He said other things the AAEDC has been working on include finalizing a partnership with Southeastern Nebraska Development District (SEND) which will create a full-time executive director position and provide administrative assistance. He said he has been updating the Location One website, responding to calls for business locations and providing COVID-19 pandemic resources. He said items that are on hold due to the pandemic are recruiting a hotel

franchise to build in Ashland based on the hotel study completed last year, working to recruit a restaurant industry business for along Highway 6 and continuing the business retention expansion visits.

Motion by Anderson, second by Niemeyer to approve Resolution 2020-5 – To Support Participation in the Nebraska Department of Economic Development’s Leadership Certified Community Program.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Anderson to approve on second reading Ordinance 1178 – To Modify the Zoning Ordinance of the City of Ashland NE.
City Attorney Fahleson read the Title of Ordinance 1178.

Motion by Anderson, second by Wischmann to amend Ordinance 1178 to include the version before the Council with highlighted changes and strikeouts as provided by City Attorney.

City Attorney Fahleson explained the additions and strikeouts to the amendment and noted there were no substantive changes expect the addition of a prohibition of combustible materials and in 8.12.13 an exception was added to allow limited and incidental repair and maintenance by the owner of a stored vehicle, camper, boat or trailer.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Anderson to amend 8.12.10 to read “Outside storage parking areas shall be edged with a continuous curb constructed of concrete or new treated timber material of at least 6” width and 8” deep.”

Roll Call: Ayes: All Motion Carried

Thomas Kayton said there will be a tremendous amount of grading and dirt work to be done and the buildings will be stair stepped because of the topography of the land. He said he has not looked at the cost associated with asphalt but rough projections for concrete in the self-storage area would be about \$200,000 and in the RV parking area about \$400,000 to \$450,000. He said he is not a huge fan of asphalt over white rock. He said he understands Council Member Niemeyer’s desire for a hard surface between the buildings but putting down white rock that has a 4” rock base with a top of 1 ½” will do about the same thing as concrete. He said he didn’t think the investment in concrete would be worth it. Niemeyer said he would really like D’Agostino to consider to putting a hard surface in the middle between buildings.

Motion by Wischmann, second by Anderson to amend 8.12.03 to include “crushed aggregate with a base of not less than 4” and a top base of not less than 1 ½”.”

Niemeyer asked Kayton to do a cost comparison between using concrete and rock on the center runway before the next meeting.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz called for the vote on second reading of Ordinance 1178 as amended.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Meyer to approve Conditional Use Permit #20-14 for Illuminated Wall Sign and Door and Window Vinyl at 1411 Silver Street.

Roll Call: Ayes: All Motion Carried

City Administrator Quady said the funding for the Ashland Area Economic Development Corporation was approved in this year's budget but it has not been given to the AAEDC yet. No action was taken on funding for Ashland Area Economic Development Corporation.

City Administrator Quady reported on nuisance property at 204 South 23rd Street. She said she took photos of the Williams' property on Wednesday and she has been working on changing zoning of the property from residential to commercial along with the zoning on part of No Frills and on the old Black Hills Energy building. She said this would make the Williams' property no longer a non-conforming use and would allow them to put in the concrete pad to put vehicles on. She said Council Member Niemeyer was fine with the rezoning as long as the property was cleaned up prior to consideration of the zoning change in July. Discussion was held with property owner Tammy Williams regarding the privacy fence and the nuisance clean-up.

Motion by Wischmann, second by Niemeyer to approve granting an extension of completion date for nuisance property at 204 South 23rd Street until July 16, 2020.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Meyer to approve Garbage Haulers License for Waste Connections of NE, dba Papillion Sanitation.

Roll Call: Ayes: All Motion Carried

City Attorney Fahleson said there are two agreements coming before the Council because of the pandemic; one is a COVID-19 youth baseball and softball participants agreement waiver and release and the other agreement is an amendment to the interlocal agreement with the school district making changes based on the Governor's guidelines for playing ball during the pandemic. He said his recommendation is for the Council to authorize the Mayor to sign these agreements knowing there may be some modifications from the school district as they have not looked at it yet. He said if the modifications are material they will be brought back before the Council.

Motion by Wischmann second by Niemeyer to authorize the Mayor to sign both agreements to be required as a condition of use of municipal property for baseball and softball.

Roll Call: Ayes: All Motion Carried

City Administrator Quady reported on actions being taken by the City in relation to the COVID-19 pandemic and the reopening of City services and activities. Further consideration will be done at the next Council meeting.

Discussion was held on the sidewalk repair and replacement program. Council Member Wischmann said he would do a presentation over Zoom or live streaming on this program.

Reviewed the April 2020 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 Niemeyer to approve the consent agenda which included approval of the May 2, 2020 City Council meeting minutes.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Wischmann to approve the first half of May 2020 Claims.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Anderson to approve April 2020 Treasurer's Reports.


Roll Call: Ayes: All Motion Carried

City Administrator Quady said she sent out ten nuisance letters and has heard back from seven of the property owners.

Council Member Wischmann suggested a thank-you letter be sent to property owners that have complied with cleaning up the nuisance.

Motion by Meyer, second by Wischmann to adjourn the meeting at 9:50 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 May 21, 2020 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.