

**ASHLAND CITY COUNCIL
REGULAR MEETING
May 5, 2016**

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 5th day of May, 2016 at 7:00 p.m.

Present: Mayor Richard Grauerholz
City Council President Russ DeVries
City Council Member James Anderson
City Council Member Janece Mollhoff
City Council Member Kyle Vest
City Administrator Jessica Quady
City Clerk Kathleen Sliva
City Attorney Mark Fahleson

Others Present: Tim Moll, Eric Obert, Dave Lutton, Sue Lutton, Shirley Niemeyer, Ronald J. Styskal, Karen Stille, Angie Goff, Debbie Sturzenegger, Dale Sturzenegger, Bob Edgerton and others

Notice of meeting was advertised in the Ashland Gazette on April 28, 2016. 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 DeVries, seconded by Mollhoff to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Tim Moll, a Rembolt Ludtke tax attorney, gave a special presentation and overview of Tax Increment Financing (TIF), an economic development tool used to provide funds to improve a specific area of a city or village to promote or attract business to town. Moll answered questions of the Council and the audience.

Shirley Niemeyer made public comment stating blighting of an area and the TIF financing, if used responsibly in town, could really help a community. She said that she generally supports the use of TIF.

Ronald Styskal made public comment regarding the use of TIF. He said that TIF is good as long as you don't use it for residential, especially residential rentals and apartment housing, as they don't pay the school tax but flood the school district with children. He said that this happened in Wahoo.

Mayor Grauerholz opened a public hearing on Preliminary Plat for a Political Subdivision located at THAT PART OF THE SW QUARTER OF THE SE QUARTER OF SECTION 1 AND THE NW QUARTER OF THE NE QUARTER OF SECTION 12, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA; DESCRIBED AS COMMENCING AT THE NW CORNER OF THE NE QUARTER OF SECTION 12; THENCE S00°12'24"W (ASSUMED BEARING), ON THE WEST LINE OF THE NE QUARTER OF SECTION 12, A DISTANCE OF 29.27 FEET TO THE SOUTH LINE OF THE STATE OF NEBRASKA HIGHWAY RIGHT-OF-WAY, SAID POINT BEING THE POINT OF BEGINNING; THENCE S88°55'48"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 217.55 FEET; THENCE N56°41'37"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 155.65 FEET; THENCE N89°02'52"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 459.16 FEET; THENCE S27°46'14"W, A DISTANCE OF 865.95 FEET; THENCE N89°40'42"W, A DISTANCE OF 405.66 FEET TO A POINT ON THE WEST LINE THE NE QUARTER OF SECTION 12; THENCE N00°12'24"E, ON SAID WEST LINE, A DISTANCE OF 674.90 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 10.00 ACRES MORE OR LESS, located at 25655 West Park Highway at 7:37 p.m. City Administrator Quady provided copies of the plat map to the Council. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:39 p.m.

Mayor Grauerholz opened a public hearing on Final Plat for a Political Subdivision located at THAT PART OF THE SW QUARTER OF THE SE QUARTER OF SECTION 1 AND THE NW QUARTER OF THE NE QUARTER OF SECTION 12, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA; DESCRIBED AS COMMENCING AT THE NW CORNER OF THE NE QUARTER OF SECTION 12; THENCE S00°12'24"W (ASSUMED BEARING), ON THE WEST LINE OF THE NE QUARTER OF SECTION 12, A DISTANCE OF 29.27 FEET TO THE SOUTH LINE OF THE STATE OF NEBRASKA HIGHWAY RIGHT-OF-WAY, SAID POINT BEING THE POINT OF BEGINNING; THENCE S88°55'48"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 217.55 FEET; THENCE

N56°41'37"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 155.65 FEET; THENCE N89°02'52"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 459.16 FEET; THENCE S27°46'14"W, A DISTANCE OF 865.95 FEET; THENCE N89°40'42"W, A DISTANCE OF 405.66 FEET TO A POINT ON THE WEST LINE THE NE QUARTER OF SECTION 12; THENCE N00°12'24"E, ON SAID WEST LINE, A DISTANCE OF 674.90 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 10.00 ACRES MORE OR LESS, located at 25655 West Park Highway at 7:40 p.m. With no comment, Mayor Grauerholz closed the Public Hearing at 7:41 p.m.

Mayor Grauerholz opened a public hearing on proposed Ordinance 1126 – Zoning Amendment, regarding application for a requested change of zoning from TA Transitional Agriculture to RE Residential Estates for a property at THAT PART OF THE SW QUARTER OF THE SE QUARTER OF SECTION 1 AND THE NW QUARTER OF THE NE QUARTER OF SECTION 12, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA; DESCRIBED AS COMMENCING AT THE NW CORNER OF THE NE QUARTER OF SECTION 12; THENCE S00°12'24"W (ASSUMED BEARING), ON THE WEST LINE OF THE NE QUARTER OF SECTION 12, A DISTANCE OF 29.27 FEET TO THE SOUTH LINE OF THE STATE OF NEBRASKA HIGHWAY RIGHT-OF-WAY, SAID POINT BEING THE POINT OF BEGINNING; THENCE S88°55'48"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 217.55 FEET; THENCE N56°41'37"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 155.65 FEET; THENCE N89°02'52"E, ON SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 459.16 FEET; THENCE S27°46'14"W, A DISTANCE OF 865.95 FEET; THENCE N89°40'42"W, A DISTANCE OF 405.66 FEET TO A POINT ON THE WEST LINE THE NE QUARTER OF SECTION 12; THENCE N00°12'24"E, ON SAID WEST LINE, A DISTANCE OF 674.90 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 10.00 ACRES MORE OR LESS, located at 25655 West Park Highway at 7:41 p.m. Ron Styskal asked where is West Park Highway. Mayor Grauerholz stated this is the Highway that goes south and east out of Ashland, Highway 66. City Administrator Quady said that this takes the land that was subdivided and rezoning it RE so that they can have a ten acre lot. With no further comment, Mayor Grauerholz closed the public hearing at 7:42 p.m.

Mayor Grauerholz opened a public hearing on proposed Ordinance 1127 – Zoning Amendment regarding alley-side setbacks for detached accessory buildings at 7:43 p.m. Mayor Grauerholz noted that there was a description and diagram from Zoning Official Isom. City Administrator Quady said that if there are specific comments for Isom this could be tabled as Isom could not be attend tonight. With no further comment, Mayor Grauerholz closed the public hearing at 7:44 p.m.

Motion by DeVries, seconded by Vest to introduce and approve first reading of Ordinance 1126 – Zoning Amendment for zoning change from TA Transitional Agriculture to RE Residential Estates at 25655 West Park Highway.

City Attorney Fahleson read the Title of Ordinance 1126.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by Anderson to table consideration of Ordinance 1127 – Zoning Amendment regarding alley-side setbacks for detached accessory buildings until next meeting.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by Anderson to approve Preliminary Plat for subdivision located at 25655 West Park Highway.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by DeVries to approve Final Plat for subdivision located at 25655 West Park Highway.

Roll Call: Ayes: All Motion Carried

Motion by Vest, seconded by DeVries to approve Garbage Haulers License for Quik Dump Refuse Inc., Waste Connections of Neb. and Premier Waste Solutions.

Council Member Vest noted that licenses for all three companies were renewals. City Administrator Quady confirmed that all three companies are actively hauling in Ashland. Mayor Grauerholz stated that he had observed Premier Sanitation operators and equipment disregarding traffic laws and requested that a letter be sent to the company.

Roll Call: Ayes: All Motion Carried

Motion by DeVries, seconded by Mollhoff to approve pay request from JEO Consulting Group Inc. for New Well 2015 in the amount of \$1,165.00.

Roll Call: Ayes: All Motion Carried

Eric Obert of JEO Consulting Group spoke to the Council regarding the proposed splash pad and some of the services that they would like to provide the City. He said that their firm incorporates a lot of internships every year into their company. He suggested that JEO provide the engineering services for the splash pad using the interns supervised by him. He said that this would not include the specifications but rather the deliverable plans at no cost to the city. Obert answered questions of the Council.

Motion by Mollhoff, seconded by DeVries to authorize the Mayor to sign an agreement with JEO Consulting Group for professional services on the Splash Pad Project for internship at no cost to the city.

Discussion continued regarding the internship program.

Roll Call: Ayes: All Motion Carried

Eric Obert of JEO Consulting Group Inc reported on the bid opening for the New Well 2015. He said that there were three bids from Sargent Drilling, Eriksen Construction Co and K2 Construction. He said the low bid was from Sargent Drilling in the amount of \$226,730.08 with a start date of June 1. He said this was below the estimate.

Motion by Vest, seconded by Anderson to award the bid to Sargent Drilling and to authorize the Mayor to sign contract for the new well.

Roll Call: Ayes: All Motion Carried

City Administrator Quady explained to the Council the options for downtown handicap parking as outlined in an email from JEO Engineer Troy Johnston. Quady said that of the two areas that Johnston looked at, one on the corner of 14th and Silver and the other half between 15th and 16th Street on Silver Street, neither option would meet the current ADA standards. He suggested that if the City chooses to pursue either of these and not meet ADA standards that the City should get legal counsel on the matter. She said that Johnston said the City could meet ADA standards but it would depend on how much money the City wants to spend to meet those and it would require a concrete ramp going out into the parking area. City Attorney Fahleson said that he would research the legal aspect of this for the next meeting. Quady explained these spots don't meet the ADA requirements because of the height of the curb, the distance from the curb to the building and/or the cross slop. She said that the Nebraska Department of Roads won't let the City put an ADA spot on 14th Street. Karen Stille made comment saying that her customers would not be helped by the spots across the street and that her patients struggle to get into her building. Discussion was held regarding the possibility of installing a mechanical lift on the curb as suggested by Debbie Sturzenegger. Engineer Obert said that he will take the project back to JEO to look at additional design possibilities and costs.

Council Member Anderson spoke to the Council regarding the drainage problems at the Silver Street Underpass. He distributed pictures from December and May showing the flooding problems in the underpass. He said the problem is water coming of the railroad rite-of-way, washing the ballast down the hill and running

back into the pedestrian tunnel and rock plugging up the storm sewers in the underpass. He said the City staff has to clean out the storm sewer but this is not a permanent fix and this is a concern that needs to be looked at. City Administrator Quady stated that a company has just been in to vacuum out the storm sewer to remove rock and debris that was blocking it and it is draining much better. She said that she and the Public Works Director have both reached out to railroad officials about the problem several times and have not received a response. Mayor Grauerholz requested that the City crew do some cleaning of the underpass for pedestrians. Discussion was held regarding temporary retaining walls to hold back the runoff. Engineer Obert said that he will review the situation with the underpass.

Ron Styskal spoke in opposition to the upcoming bike race noting that he has spoken to many residents who are against the race and said they are asking that it be taken out of the residential neighborhood.

City Administrator Quady stated that she has spoken with the electrical contractor on the 14th Street project, Gilmore and Associates, about the decorative lighting along 14th Street. She said that he would still install the electrical conduit for the lights but he needs to know as soon as possible and that he has no interest in installing the lights. Discussion was held about the light project, NDOR requirements and projected costs. Quady said a decision needs to be made about putting in the conduit which will be approximately \$12,000 for 12 lights.

Motion by DeVries, seconded by Anderson to install the conduit for downtown decorative lighting.

Roll Call: Ayes: All Motion Carried

Motion by DeVries, seconded by Mollhoff to approve the consent agenda which included approval of the April 21, 2016 City Council meeting minutes.

Roll Call: Ayes: All Motion Carried

Motion by Mollhoff, seconded by Vest to approve the second half of April 2016 Claims.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz reported that he discussed with Senator Johnson LB 960 who indicated that funding for state bridges and roads would bring about \$120,000 into Ashland over five years.

Mayor Grauerholz stated that the board member representing Saunders County on SENDD is retiring. He asked the Council to forward any appointment suggestions of a local person to serve.

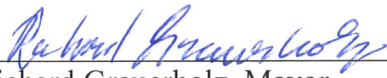
City Administrator Quady told the Council about the GPGFOA Conference that she and City Clerk Sliva had recently attended.

Motion by Vest, seconded by DeVries to enter into executive session to discuss potential real estate at 9:23 p.m.

Motion by Vest, seconded by Mollhoff to exit executive session at 9:46 p.m.

Motion by Vest, seconded by Anderson to adjourn the meeting at 9:47 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 5, 2016 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.