

**ASHLAND CITY COUNCIL**  
**REGULAR MEETING**  
November 15, 2018

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 15th day of November, 2018 at 7:00 p.m.

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

Others: Suzi Nelson, Susan Cerny, Tim Murman, Shirley Niemeyer and others

Notice of meeting was advertised in the Ashland Gazette on November 8, 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 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 proposed Ordinance 1160 – To Modify the Zoning Ordinance of the City of Ashland, Nebraska at 7:02 p.m. City Administrator Quady reviewed an email from Lenora Isom, Zoning Administrator, regarding the Planning Commission meeting and the discussion on domestic dog kennels and day cares. Council Member Mollhoff asked if there is any evidence showing dog kennels in day cares causes any harm or health effects to either the dogs or the children and if there is any evidence showing why this new ordinance is needed. She added she is not in favor of having rules just because someone thinks something isn't a good idea and rules should be evidence based. Susan Cerny, Planning Commission Member, said the Planning

Commission voted unanimously for the proposed ordinance which would not allow a conditional use permit for a dog kennel in a home with a day care. She said from personal experience she doesn't have specific incidents in Ashland but she has evidence that it does happen. She said she is a litigation paralegal that works in a law office and she has worked many dog bite cases. Mollhoff noted if a household has two dogs and a day care it's okay but if they have three dogs it's not okay. Cerny asked if the City allows a kennel in a house with a day care, is the City complicit? City Attorney Fahleson replied no, and added this is a conditional use permit and conditions can be put upon it. Cerny said she thinks any paper saying the City approved it leaves the City open to questions. She said leaving the legal part aside, just the thought of little children and dogs, sanitation, safety and other issues is concerning. She asked if the State inspects the kennel when inspecting the day care. City Administrator Quady said that Isom did not do research on that but that she could if the Council would like her to. Mollhoff said she would like her to and commented that the City has a hard-enough time getting daycare providers in the city without putting up another road block for someone to have a daycare. She also asked if there is precedence in other communities for doing this. Fahleson said he is not aware of any. Cerny said it all comes back to child safety comes first. Mayor Grauerholz stated he knows someone who has hunting dogs that live in an outside doghouse with runs; with this ordinance, if they were in Ashland, this would keep them from having a daycare in their house. Cerny agreed this is different than a child safety gate across the kitchen door. She added that she feels so strongly about this as she has seen pictures of children injured by dogs that the owner said were wonderful pets. Mollhoff said it is the parent's choice to go to a daycare with dogs or not. Grauerholz said there is a certain responsibility a parent has to inspect the daycare and interview the operator to make sure the daycare is a safe place for their children. Council Member Gossin concurred but noted if something happens to the child they could still sue. Gossin asked to see the daycare regulations regarding animals. Quady said to her knowledge there isn't any; operators are told they must comply with the City's regulations; and she will ask Isom about this. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:16 p.m.

Mayor Grauerholz opened a Public Hearing on proposed Ordinance 1162 – Public Ways Vacation at Lots 1 and 2, Lutton's Lakeview Subdivision to the City of Ashland, Nebraska at 7:17 p.m. City Administrator Quady spoke stating the expansion of the assisted living facility is on part of a City street. She said Zoning Administrator Isom said there was some discussion prior to construction regarding this but it got lost in the shuffle. Quady said it should have been taken care of at that time and the owners are now trying to refinance but cannot until this issue is taken care of. She said the owners are requesting 34.39 feet on the north side of Noble Drive and there are no water or sewer utilities on Noble Drive. Quady said she would check if there are other utilities. She said the facility owners are hoping the Council will waive a reading. Council Member Gossin said he had spoken with Rod Reisen, who is working on the refinancing, and Reisen was concerned about financing rates jumping during the approval process. Council Member Anderson clarified that Noble Drive is currently a dead-end drive. He said the vacation

needs to be done and that he doesn't have a problem with it. Mollhoff said the building has already been built on the drive and with a longer the delay the rates could go up. Quady said the Planning Commission recommended approval for both Ordinance 1160 and Ordinance 1162. Mayor Grauerholz noted he has a general feeling about waiving multiple readings as three readings are set in statute to allow information to be passed to the citizenship and to give people a chance to respond but there is a provision in the law to allow waiving readings. With no further comments, Mayor Grauerholz closed the Public Hearing at 7:23 p.m.

Motion by Gossin, second by Anderson to introduce and approve first reading of Ordinance 1160 – Modify the Zoning Ordinance.  
City Attorney Fahleson read the Title of Ordinance 1160.

Council Member Gossin stated he made to the motion to obtain more information and to talk about it at the next meeting.

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

Motion by Mollhoff, second by Meyer to introduce and approve Ordinance 1162 – AN ORDINANCE TO VACATE A PORTION OF NOBLE DRIVE IN LUTTON'S LAKEVIEW SUBDIVISION TO THE CITY OF ASHLAND, SAUNDERS COUNTY, NEBRASKA; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; TO ORDER THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.  
City Attorney Fahleson read the Title of Ordinance 1162.

Motion by Meyer, second by Mollhoff to suspend the rules and to waive the second and third readings of Ordinance 1162.

Roll Call:                   Ayes: All                                Motion Carried

Roll Call:                   Ayes: All                                Motion Carried

Shirley Niemeyer gave public comment reminding the Council that Shop Small Business Saturday is on November 24. She showed the Council the signs the Chamber of Commerce chose to remind people to clean up after their pets. She said the Chamber is still working on the litter pick up. She gave suggestions for the next clean up day. She also encouraged the Council to vote on the putting the decorative lights back up on 14<sup>th</sup> Street.

Motion by Anderson, second by Gossin to recommend approval to the Nebraska Liquor Control Commission for Special Designated Liquor Licenses for Glacial Till Vineyard & Winery, LLC at 1432 Silver Street on various dates from January 1, 2019 to March 24, 2019.

Tim Murman representing Glacial Till addressed the Council stating that after the first of the year they will be closing for a few months for construction of the new space. He said they would like the special designated licenses to open a retail shop during this time. He said it will not operate the same way as the tasting room but more of an off-sale store. He said the Chamber was looking for a renter for the space that the Ashland Gazette is moving out of and they would possibly have it for six months. He said he wants to keep his people employed here during the time the tasting room is closed. He said he talked with the State and they recommended using the SDL process.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Anderson to approve Pay Requests from Thiele Geotech Inc. for Whitetail Estates Off Site Utilities Project in the amount of \$884.00 and \$466.00.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Gossin, second by Mollhoff to approve Pay Request from Thiele Geotech Inc. for Whitetail Estates 1<sup>st</sup> Addition Paving in the amount of \$4,903.00.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second Mollhoff to approve Pay Request #2 from T.J. Osborn Construction, Inc. for Whitetail Estates Off Site Utilities in the amount of \$214,801.00.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve Pay Request #13 from Simon Contractors for Silver Street Bridge Replacement and Paving in the amount of \$88,107.79.

City Administrator Quady gave a progress update on the bridge project and stated they hope to have the bridge open the first week of December.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Meyer to approve Pay Request #4 from General Excavating for Silver Street Water Improvements in the amount of \$88,044.96.

Roll Call:                   Ayes: All                   Motion Carried

Reviewed the October 2018 Keno Report.

Reviewed the Public Works Director's Report.

Reviewed Utility Superintendent's Report.

Reviewed the Police Chief's Report.

Reviewed Building Official Report.

Reviewed Library Report.

Motion by Mollhoff, second by Gossin to approve the consent agenda which included approval of the November 1, 2018 City Council meeting minutes and the October 25, 2018.

Roll Call:                   Ayes: All                   Motion Carried

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

Roll Call:                   Ayes: All                   Motion Carried

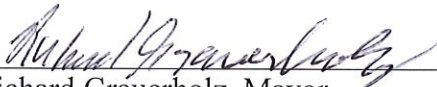
Motion by Mollhoff, second by Gossin to approve October 2018 Treasurer's Reports.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz reported the Public Works staff is preparing to hang lights next week and reported on a private citizen who repaired a piece of City equipment at no charge.

Motion by Anderson, second by Gossin to adjourn the meeting at 7:58 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 November 15, 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.