

**ASHLAND CITY COUNCIL**  
**REGULAR MEETING**  
November 4, 2021

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 4th day of November, 2021 at 7:00 p.m.

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

Others: Susan Cerny, Caleb Fjone, Suzi Nelson, Ron Styskal, Lowell Krueger, Tom Danahy, Christine Devillier, Shirley Niemeyer, Dan Linke, Ashley Welch, Bill Krejci and others

Notice of meeting was advertised in the Ashland Gazette on November 4, 2021 and posted in three places, the Ashland Post Office, i3 Bank and Farmers and Merchants Bank of Ashland on October 28, 2021. 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 on the south wall of the room.

Motion by Anderson, second by Wischmann to adopt the regular agenda.  
Roll Call: Ayes: All Motion Carried

Tom Danahy, 1209 South 7<sup>th</sup> Street, gave public comment regarding proposed Ordinance 1200. He said he was speaking out against the fireworks ordinance and not being able to light fireworks in the street. He said he feels there are a probably few bad actors in town and this is an ongoing problem. He said police resources are probably stretched already on that day and it would be better to focus on the 'few bad actors' rather than encompassing the whole city. He said people would have to move explosives closer to dwellings where people and pets live and where gasoline is stored in garages. He added the farther away the better.

Shirley Niemeyer gave public comment stating the Ashland Historical Society is meeting next Thursday at the Carnegie Library. She asked the Council to proceed with the investigation of the restoration of the ceiling and repairs of the cracked walls. She said at the upcoming meeting they will need to discuss funding for this project. She said the contractor that gave the Society a bid is willing to come back and speak with the Council. She said they would like this to be done this winter as they have not been able to be open the Carnegie Library due to the ceiling. She added that she is supportive of a roundabout.

Mayor Grauerholz opened a Public Hearing on an application by Salt Creek Farm Table LLC dba Fariner Bakery for a Class C Liquor License at 120 North 14<sup>th</sup> Street at 7:05 p.m. No comments were made. Mayor Grauerholz closed the Public Hearing at 7:06 p.m.

Mayor Grauerholz opened a Public Hearing regarding Ordinance 1201 – Adoption of a Wellhead Protection Plan at 7:06 p.m. John Mohr of JEO Consulting Group LLC said the public hearing is a requirement of the Nebraska Department of Environment and Energy. City Administrator Quady said there has been a copy of the plan available at City Hall and an Open House was held at the end of August. She said there are a few people on a list of wellhead abandonment. Mohr said this is the last step in the Wellhead Project. With no further Comment, Mayor Grauerholz closed the Public Hearing at 7:07 p.m.

Motion by Anderson, second by Niemeyer to approve Resolution 2021 – 20 – Establishing a Policy for the Payment of Payroll and Associated Expenses prior to the Approval of Claims by the Council.

City Administrator Quady said this would give staff approval to allow the payment of these payroll expenses prior to the Claims approval at a Council meeting. She said they will be shown on the claim reports just as they always have been. She said this can be shown to a State Auditor. City Attorney Fahleson said this is a timing issue and this will authorize the staff to issue employee paychecks one week, followed by Council approval the next week.

Roll Call:                    Ayes: All                    Motion Carried

Motion by Wischmann, second by Niemeyer to approve Resolution 2021-21 – Supporting the Development of a Pilot Project to Construct a Modular Roundabout at Highway 6 and Highway 66 by the Nebraska Department of Transportation.

Kyle Keller and Matt Niemann of the Nebraska Department of Transportation gave a Power Point presentation on the proposed roundabout project. Keller said the Ashland Pilot Project is for a modular (temporary) roundabout solution. He said this will improve overall safety and increase the function of the intersection. He said the average daily traffic through the intersection is about 5,600 with a crash rating that is 3.5 times higher than the statewide average. He gave a summary of roundabout safety and how it can reduce traffic delays. He said this would be the first modular roundabout project by NDOT. He reviewed statistics at permanent roundabout sites in Nebraska

with similar average daily traffic. He showed the design of the proposed project and he said it will have a diameter of 150-feet. Niemann explained how the roundabout would be constructed, described the Vortex materials to be used and the timeline. He said the cost will be approximately \$1 million. He said the product has a fifty-year life span and should withstand being hit by snowplows. He said construction could begin next summer, last one to two months and the intersection should be accessible during construction. He said this is the quickest way to make a change at this intersection. He added the resolution would show Council support of the project. Keller and Niemann answered questions of the Council and audience.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Niemeyer, second by Wischmann to approve second reading of Ordinance 1199 – AN ORDINANCE TO AMEND THE FOLLOWING PORTIONS OF THE ZONING ORDINANCES OF THE CITY OF ASHLAND: SECTION 4.09 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED AND SECTION 9.04 FENCES AND RETAINING WALLS OF THE ZONING ORDINANCES OF THE CITY OF ASHLAND, AS PROVIDED IN THE CITY OF ASHLAND MUNICIPAL ZONING ORDINANCE; 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 1199.

Zoning Administrator Krejci said it was asked of the Planning Commission to review the standards for fence height along side, rear and front yards. He said the Commission voted three to two in favor of allowing 6-foot-high privacy fences on a street side yard as long as they did not interfere with sight in a 90-foot triangle at the corner. He added this is mostly for cosmetic reasons. Mayor Grauerholz said having a uniform height is more visually appealing.

Motion by Niemeyer, second by Wischmann to amend Ordinance 1199 by striking the reference to 4-foot and inserting 6-foot.

Krejci clarified that this would be for the street side yard and that front yard fence would be four foot.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz called for roll call vote on Ordinance 1199 as amended.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Crnkovich to approve second reading of Ordinance 1200 – AN ORDINANCE OF THE CITY OF ASHLAND, NEBRASKA TO AMEND FIREWORKS REGULATIONS BY AMENDING CHAPTER 7, ARTICLE 3 OF THE ASHLAND MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE IN

CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

City Attorney Fahleson read the Title of Ordinance 1200.

City Administrator Quady reminded the Council that the first section of the ordinance reduces the number of days you can sell fireworks from 10 days to 7 seven days and a section was added stating fireworks cannot be let off on City property.

Motion by Wischmann to amend Ordinance by reinserting the 10-day time frame and to allow fireworks to be discharged from the curb back to the owner's property including on the City right-of-way and sidewalks.

Chris Devillier commented that in her neighborhood, if she was legally allowed to shoot off fireworks but not allowed to use the street or the curb, she would be close to her house and her neighbor's house. She asked if there is research to show this is safer and if this increases the risk to roof fires. Council Member Wischmann said his amendment would allow the fireworks to be shot off right up to the curb but not in the street. He said the Mayor brought this up because he has seen people drive over smoldering fireworks and because people don't pick up the firework trash. Devillier said she thinks it would be safer to allow fireworks in the street and then cite people if they leave the trash in the street. Council Member Niemeyer said the majority of fireworks are put off in the street by children who may not be looking for oncoming cars and this is a safety hazard. Mayor Grauerholz noted that consumer grade fireworks are not built with good quality control and that people are using the street for driving on. Council Member Crnkovich said unless you are banning fireworks, fireworks are going to be shot off and that he can't think of a safer place to light them off than in the street with overhead clearance and the farthest place away from a house. Niemeyer replied unless a little kid goes running out in the street without looking either way. He said this at least tries to alleviate the problem. Ashley Welch questioned if the days of sale for fireworks could remain at 10 days but the time to light them off be reduced. City Attorney Fahleson commented about the needed manpower to enforce the regulations. Council Member Anderson said he has no problem with people shooting them off in the streets, if they clean up after themselves. Crnkovich noted the City already has a no littering ordinance. City Administrator Quady said this ordinance does not allow shooting fireworks in a public park.

No second was made. Wischmann withdrew the motion.

Motion by Crnkovich, second by Anderson to strike from Section 7-304 June 28<sup>th</sup> and reinsert June 25<sup>th</sup> and in Section 7-326 to strike public street and sidewalk.

Roll Call:                   Ayes: Anderson, Crnkovich, Wischmann   Nays: Niemeyer  
Motion Carried

Mayor Grauerholz called for a roll call vote on Ordinance 1200 as amended.

Roll Call:                   Ayes: Anderson, Crnkovich, Wischmann   Nays: Niemeyer  
Motion Carried

Motion by Niemeyer, second by Wischmann to introduce and approve the first reading of Ordinance 1201 - AN ORDINANCE FOR THE CITY OF ASHLAND, NEBRASKA, TO ADOPT THE WELLHEAD PROTECTION PLAN FOR THE CITY OF ASHLAND, NEBRASKA, AS PREPARED BY JEO CONSULTING GROUP, INC. FOR THE CITY OF ASHLAND; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

City Administrator Quady said the Wellhead Protection Plan was started several years ago with development of a map. Mayor Grauerholz said protection of drinking water is very important. Council Member Anderson said water is our most precious resource. Quady said there are three or four wells to be abandoned.

Roll Call:                   Ayes: All                   Motion Carried

Dan Linke spoke to the Council regarding the need for erosion control and weed and trash enforcement in the Whitetail Estates subdivision. He said he has lived in the subdivision since 2019 and seen it grow a lot in the two years. He said he and others in the neighborhood have reached out to the developers and the HOA to control trash and erosion and they haven't really gotten a response from either one. He said the trash is construction material from the homes being built that is not disposed of properly. He said when he first moved in there was some erosion control in the Phase 1 development most of which has been degraded. He said nothing is being done to control erosion off the individual lots which is causing dirt and trash to be washed into the streets and eventually into the storm drains. He said builders were contacted about three weeks ago and he hasn't noticed any change. He said he attended a Home Owners Association meeting asking for help and were given the response that each builder is responsible for maintaining their own lots and that the City plays a role in doing site checks and ensuring trash is picked up and making sure erosion control measures are in place. He shared pictures of trash and erosion problems in the area. He asked the Council what can be done to hold the developers, builders and contractors accountable for the trash and erosion in the subdivision. Council member Wischmann shared pictures he took of similar problems in the area. He showed a picture of unsold lots and said the developer is responsible for the erosion control on them. He said this needs to be cleaned up, and if cleaned up by the City costs could be assessed to the property. Cindy Danahy said that the erosion problem is getting more serious every time it rains. Jeff Johnson, realtor for the developer and President of the Home Owners Association, said that the 'big pit' at the entrance is a retention cell that is intended to hold water. He said the retention cell has extremely sandy soil making it a challenge to grow vegetation for erosion control. Wischmann said the City of Ashland footed the \$1.1 million bill for the inlet and now the storm sewers are being plugged with mud and trash. City Attorney Fahleson said this is largely a private dispute with the Home Owners Association except to the extent the run off is affecting City facilities such as the storm sewer. City Administrator Quady said the City doesn't have any regulations for erosion control on residential lots. She said homebuilders could possibly be fined. She said the developer is starting to collect a

\$500 deposit to take care of clean up. Johnson said these problems aren't new to developments and the deposit seems to be helping in developments in Lincoln. Johnson agreed that the entryway needs to be completed by the developer and its completion is tied to the commercial property. Mayor Grauerholz said he needs someone to take responsibility for this neighborhood during construction. He asked Johnson to take that message back to the developers. Johnson mentioned that once the lots are deeded to a builder, they lose control except for the \$500. Wischmann said the developer could tell the builder if they don't follow the rules, they will no longer be sold lots. Wischmann said he will ask the Council to implement a fine schedule. Quady said it would fall on the inspector to enforce this. She added the City can work to make it better with the developers and with staff.

Motion by Niemeyer, second by Anderson to recommend approval to the Nebraska Liquor Control Commission for a Class C Liquor License for Salt Creek Farm Table Bakery at 120 North 14<sup>th</sup> Street.

Roll Call:                   Ayes: All                   Motion Carried

City Administrator Quady reported that she had spoken to Mr. Johnson, the property owner of 2217 Ash Street, and that he is asking for a four-week extension to complete the nuisance abatement and the windows.

Motion by Anderson, second by Wischmann to approve granting an extension of completion for abatement of nuisance at 2217 Ash Street until December 2, 2021.

Roll Call:                   Ayes: All                   Motion Carried

Lowell Krueger spoke to the Council regarding the progress he is making on abating the nuisance at 106 South 16<sup>th</sup> Street. He said his engineer has sent plans to the City and he distributed his timeline for finishing the house foundation. He showed pictures of the foundation and the work that he is completing. He discussed the work and materials he is using on the project. Zoning Administrator Krejci noted construction methods specifically called for by the engineer on the stamped plans that Krueger needs to do. Krueger said interior work will probably be completed one year after the foundation. Niemeyer said Krueger needs to hold to the timeline schedule. Council Member Anderson said this will be a large undertaking for Krueger to do by himself.

Motion by Niemeyer to approve granting an extension of completion date for abatement of nuisance at 106 South 16<sup>th</sup> Street to December 2, 2021.

Krueger outlined the work he will be doing the next 30 days. He agreed the cement block on the east and south walls and former furnace room will be done. Council Member Crnkovich said he thought Krueger should figure out the serious structural struggles that he might have trouble fixing. Wischmann said he would like Krueger to come back at the end of December to give Krueger more time to work out kinks with the engineer.

Niemeyer withdrew motion.

Motion by Niemeyer, second by Wischmann to approve granting an extension of completion of abatement of nuisance at 106 South 16<sup>th</sup> Street to December 16, 2021.

Discussion regarding the timeline continued.

Roll Call:                   Ayes: Crnkovich, Niemeyer, Wischmann   Nays: Anderson  
                                  Motion Carried

Motion by Niemeyer, second by Wischmann to approve Change Order #2 for the 2020 Sanitary Sewer Improvements.

City Administrator Quady said this would push the substantial completion date out 30 days to December 8<sup>th</sup>. She said they will be reseeding in the spring.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Crnkovich to authorize the Mayor to sign agreement for 2022 Water, Sewer, Storm Sewer and Paving Extensions with JEO Consulting Group Inc.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Niemeyer, second by Wischmann to approve authorizing the Mayor to sign agreement for a Blight Substandard Study for the East Highway 6 Corridor.

City Administrator Quady noted the study boundaries on the map and suggested extending the study a half of block to cover a gap. She said the study could go to the old Gateway Inn property and to the Salt Creek Bridge on Highway 6. Council Member Wischmann said the whole Highway 6 corridor should be looked at. Ron Styskal noted the area was blighted a long time ago. Quady said it was blighted in 2007 but a lot of the blight and substandard regulations have changed since 2007 and it doesn't cover anything further out then the highway. She said that old study has been deemed unacceptable to be used for current projects.

Roll Call:                   Ayes: All                   Motion Carried.

Motion by Niemeyer, second by Anderson to approve consent agenda which included approval of the October 21, 2021 City Council meeting minutes; approval of pay requests from JEO Consulting Group Inc. for General Engineering in the amount of \$1,550.00, for Sanitary Sewer Replacements-Alleys in the amount of \$6,178.75, and for Public School Expansion in the amount of \$1,187.50; approval of Jake Palensky as a member of the Ashland Fire Department; and approval of the Mayoral Committee for the Ashland Creative District with committee members Caleb Fjone, Heather Longston, Laura Capp, Bobby Fricke Jr., Mary Roncka, Steve Nabity and Ashley Welch.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Wischmann, second by Crnkovich to approve the second half of October 2021 Claims.

City Administrator Quady noted a claim for a Federal Surplus truck for the Street and Park Departments.

Roll Call:                   Ayes: All                   Motion Carried

Mayor Grauerholz said Clean Up Day went well. He noted that his office in City Hall has been moved.

Council Member Anderson asked about the outcome of a recent Board of Adjustment meeting. Zoning Official Krejci said the Board did not grant any type of variances.

Council Member Anderson asked about the overhead lights that are out on the bridge. City Administrator Quady informed him that these are now the responsibility of the Nebraska Department of Transportation.

Two students from Ashland-Greenwood High School introduced themselves.

Motion by Wischmann, second by Niemeyer to enter into executive session to discuss contract negotiations at 9:49 p.m.

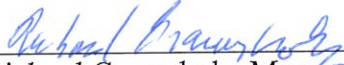
Roll Call:                   Ayes: All                   Motion Carried


Motion by Wischmann, second by Anderson to leave executive session at 9:57 p.m.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Wischmann, second by Niemeyer to adjourn the meeting at 9:58 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 4, 2021 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.