

**ASHLAND CITY COUNCIL
REGULAR MEETING**

October 20, 2022

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 20th day of October, 2022 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 Administrator Jessica Quady
City Clerk Kathleen Sliva
City Attorney Mark Fahleson

Absent: City Council Member Bruce Wischmann

Others: Clark Vosler, Jay Spearman, Susan Cerny, Michelle Libal, Caleb Fjone, Julie Ogden, Clint Petersen, Ron Styskal, Lowell Krueger, Chris Devillier, Jerry Lofberg, Tom Danahy, Cindy Danahy, Dan Linke, Amanda Roe, Brad Pfeiffer, Bill Krejci and others

Notice of meeting was advertised in the Ashland Gazette on October 13, 2022. 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 Niemeyer to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz opened a Public Hearing on Application #22-122 for Dog Kennel Application located at 749 Dale Street, Ashland NE at 7:03 p.m. Zoning Administrator Krejci stated the Planning Commission recommended approval. With no further comments, Mayor Grauerholz closed the Public Hearing at 7:04 p.m.

Mayor Grauerholz opened a Public Hearing on Application #22-129 for PUD Ordinance 1211. Unplatted area of Iron Horse and portions of Outlots M, N, O, Iron Horse Phase II, all located in the SE1/2 of Sec 1, T12N, R9E all outside city limits of Ashland NE. Approximate location of change is located at south end of Iron Horse Subdivision known as Courtyards at Ironhorse at 7:05 p.m. Clark Vosler, Five & Five Development, spoke to the Council regarding the proposed development in Iron Horse. He said this is the last undeveloped piece of Iron Horse. He said the property is challenging based on its shape, dimension and the terrain in the northwest corner of the property and it is a narrow area integrated around the golf course. He said they are proposing 45 lots with a target market of 55 years and older. He said there will be a home owners association in place to take care of the lawns and snow removal and there will be a club house on Lot 20 for the use of the residents and managed by the HOA. He added this is a EPCON community which is a national franchise of which, Aspire Homes, a division of Five & Five Development, is a franchisee. He said the homes will be upscale ranches. He reviewed a land swap that will be done with the golf course. He said Club House Drive is 22 feet wide and the cul-de-sac at the north end is the standard 52-1/2 foot radius for emergency vehicles to turn around in. He said the house rear set backs are only five feet but they back up to the golf course and lake. He said they are not looking for a zoning change as it is zoned R-2. He stated parking will be on one side of the street with none in the cul-de-sac. He added additional parking will be available at the clubhouse. He said they will meet all the landscaping requirements. He said there are sidewalks on both sides of the street with just one sidewalk on one side of the street up to the clubhouse. He said the utilities match the engineer requirements. He said this will be a one builder development. Julie Ogden, City Engineer, said the street is 25 foot which is what is currently in Iron Horse and meets the old City standard. She said the City prefers 27 feet but that they are working with the developer to allow the 25 feet with single side parking through the PUD. She added she is happy with sidewalks on both sides of the street. She said a schedule will be worked out for the final plat approval. Zoning Administrator Krejci said the developer has been making efforts to address everything the Planning Commission was concerned about including paving, sidewalks and landscaping. Vosler answered questions of the Council. He estimated the build out for the development will be 2-1/2 to 3 years. Vosler said they have requested a Historical Clearance letter due to this being the site of the Beetison House that was destroyed by fire. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:33 p.m.

Mayor Grauerholz opened a Public Hearing on Application #22-123 for Conditional Use Permit to make sign alterations at 7:34 p.m. Bill Krejci, Zoning Administrator, said the owner of the Gift Niche is requesting to change the font on the store's sign. He said the sign will be in compliance with the regulations. He said the Historical Preservation Committee and Planning Commission both recommended approval. With no further comment, Mayor Grauerholz closed the Public Hearing 7:36 p.m.

Motion by Niemeyer, second by Anderson to approve Resolution 2022-16 – Redevelopment Plan/Agreement for Oxbow Crossing at approximately Highway 6 and Silver Street.

City Administrator Quady said there have been no changes from what was presented by Mr. Seacrest during the Public Hearing at the last meeting.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Niemeyer to approve on third and final reading Ordinance 1207 – AN ORDINANCE TO CHANGE THE ZONING DISTRICT BOUNDARIES OF THE CITY OF ASHLAND, AS PROVIDED IN THE CITY OF ASHLAND MUNICIPAL ZONING ORDINANCE; TO AMEND THE CITY’S FUTURE LAND USE MAP; 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 1207.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Niemeyer to approve third and final reading of Ordinance 1208 – AN ORDINANCE TO CHANGE THE ZONING DISTRICT BOUNDARIES OF THE CITY OF ASHLAND, AS PROVIDED IN THE CITY OF ASHLAND MUNICIPAL ZONING ORDINANCE; TO AMEND THE CITY’S OFFICIAL LAND USE MAP; 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 1208.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Anderson to approve third and final reading Ordinance 1210 – AN ORDINANCE OF THE CITY OF ASHLAND, NEBRASKA, AMENDING THE CITY OF ASHLAND ZONING MAP TO PROVIDE FOR A SPECIFIC PUD-1 PLANNED UNIT DEVELOPMENT DISTRICT OVERLAY FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHLAND GENERALLY DESCRIBED AS A PART OF THE WEST HALF NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 12 NORTH, RANGE 9 EAST OF THE 6TH P.M., SAUNDERS COUNTY, NEBRASKA, AS MORE PARTICULARLY DESCRIBED HEREIN; TO PROVIDE FOR THE APPROVAL OF THE CONCURRENT PLAT/MINOR SUBDIVISION AND PLANNED UNIT DEVELOPMENT PLAN ASSOCIATED WITH SAID PROPERTY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF ASHLAND BY CHANGING THE ZONING DISTRICT BOUNDARIES OF THE

ZONING MAP IN ACCORDANCE WITH PROVISIONS HEREIN; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

City Attorney Fahleson read the Title of Ordinance 1210.

City Engineer Ogden reviewed the results of the traffic study. She said there are a few minor questions that can be worked through as the final development plans come in. She said one finding was that at 10 years or more a signal warrant could be met for Highway 6 and Silver Street. She said there were no requirements for right turn lanes into the development. She added the study showed that after the residential component of the development is built there won't be a 'ton' of additional traffic on Birch Street. She said she does not have a Final Plat and expects that in the coming months.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Crnkovich to introduce and approve first reading of Ordinance 1211 – PUD Ordinance Courtyards at Ironhorse.

City Attorney Fahleson read the Title of Ordinance 1211.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Crnkovich to introduce and approve Ordinance 1212 - AN ORDINANCE CREATING STREET IMPROVEMENT PROJECT NO. 2022-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING, GUTTERING, AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY SPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

City Attorney Fahleson read the Title of Ordinance 1212.

Jay Spearman, Piper Sandler, said this is for paving Dennis Dean Road. He requested the Council waive the three readings. He added the project has been bid out and this will allow them to move forward with bond anticipation notes at the discretion of the City Administrator. He said the water and sewer lines will also be replaced. He said the BANS will be for these along with an intersection in the Ice House Development. City Attorney Fahleson said waiving the three readings allows for locking in of the best rates for the BANS. Spearman said that BANS with a one-year maturity will have rates of about 3-1/4 and 3-1/2 percent interest rates. He added interest rates have basically doubled in the last 12 months.

Motion by Niemeyer, second by Crnkovich to suspend the statutory rule requiring reading of the Ordinance on three different days.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz called for a vote for passing and adopting Ordinance 1212.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Anderson to introduce and approve Ordinance 1213- AN ORDINANCE CREATING SEWER EXTENSION DISTRICT NO. 2022-1 OF THE CITY OF ASHLAND, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF SEWER MAINS AND LINES WITHIN SAID DISTRICT; REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK; AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

City Attorney Fahleson read the Title of Ordinance 1213.

Motion by Niemeyer, second by Anderson to suspend the statutory rule requiring reading of the Ordinance on three different days.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz called for a vote for passing and adopting Ordinance 1213.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Niemeyer to introduce and approve Ordinance 1214 - AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 2022-1 OF THE CITY OF ASHLAND, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE WATER MAINS AND LINES WITHIN SAID DISTRICT; REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK; AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Motion by Crnkovich, second by Niemeyer to suspend the statutory rule requiring reading of the Ordinance on three different days.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz called for a vote for passing and adopting Ordinance 1214.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Crnkovich to introduce and approve Ordinance 1215 - AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET, WATER, AND SEWER IMPROVEMENT BOND ANTICIPATION NOTES IN ONE OR MORE SERIES, IN THE AMOUNT OF NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) FOR THE PURPOSE OF PAYING THE COSTS OF

CONSTRUCTING PAVING, WATER, AND SEWER IMPROVEMENTS WITHIN THE CITY OF ASHLAND, NEBRASKA AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Motion by Niemeyer, second by Anderson to suspend the statutory rule requiring reading of the Ordinance on three different days.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz called for a vote for passing and adopting Ordinance 1215.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Crnkovich to approve Application #22-122 for Dog Kennel at 749 Dale Street.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Niemeyer to approve Application #22-133 for Conditional Use Permit to make sign alterations.

Mayor Grauerholz noted the new Gift Niche signed is well balanced and fits the space well.

Roll Call: Ayes: All Motion Carried

Lowell Krueger spoke to the Council regarding his nuisance property at 106 South 16th Street. Krueger reviewed pictures of his work in progress on the property. He said he finished the excavation, water proofing and backfill on the northside of the house. He showed an installed reinforced steel beam. He noted an area that is not completed on the foundation and how it is supported on the interior. Discussion was held regarding the schedule of work.

Motion by Niemeyer, second by Crnkovich to extend abatement of nuisance to November 17, 2022.

Christine Devillier asked at what point can the Council say the house is no longer under threat of being bull dozed. Council Member Niemeyer said there is a two page document has been submitted to be followed. Discussion followed.

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

Ron Styskal spoke regarding his property on the east side at 843 Dales Street. He said there was a construction crew by his property today tearing down the west bank. He said he has not received notification from his councilmen about the work for a water line. He said he has an access way there and asked how the fire department will be able to get in there. City Administrator Quady said there is a pre-construction meeting on Tuesday and that right now the construction crew is only removing trees in the right-of-way. She said the Assistant City Attorney is working on the easement documents. She added that following the pre-construction meeting with the contractors, they will be meeting with Styskal. She said meetings will be held with two other property owners separately on Wednesday. She said Lincoln Water Works has approved the plan. City Engineer Ogden said she will contact the project manager to determine what work they have been authorized to do. City Attorney Fahleson the City has no legal obligation to inform anyone of work being done on City property or the right-of-way.

Reviewed the September 2022 Keno Report.

Reviewed the Public Works Director's Report.

Reviewed Utility Superintendent's Report.

Reviewed Police Chief's Report. Police Chief Brady answered questions of the Council.

Reviewed Building Official's Report. Official Krejci answered questions of the Council.

Reviewed Library Report.

Reviewed the AAEDC Report. Executive Director Fjone answered questions of the Council.

Motion by Niemeyer, second by Anderson to approve the consent agenda which included the approval of the October 6, 2022 City Council meeting minutes; the approval of the October 6, 2022 Community Development Agency Meeting minutes; the approval of the September 29, 2022 Planning Commission meeting; and the approval of Mallory Buck as a member of the Ashland Rescue Department.

Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Niemeyer to approve the first half of October 2022 Claims.


Roll Call: Ayes: All Motion Carried

Motion by Anderson, second by Niemeyer to approve the September 2022 Treasurer's Report and the 2022 Fiscal Year End Treasurer Report.

Roll Call: Ayes: All Motion Carried

Motion by Niemeyer, second by Anderson to adjourn the meeting at 8:45 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 October 20, 2022 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.