

ASHLAND CITY COUNCIL
REGULAR MEETING
September 19, 2019

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 19th day of September, 2019 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 Bruce Wischmann
City Administrator Jessica Quady
City Clerk Kathleen Sliva
City Attorney Mark Fahleson

Others: Lee Sapp, Brayden Whitehead, Mike Cerny, Susan Cerny, Shirley Niemeyer, Karen Stille, Ron Styskal, Suzi Nelson, Mike Lesley, Lenora Isom and others

Notice of meeting was advertised in the Ashland Gazette on September 12, 2019. 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 Gossin to adopt the regular agenda.

Roll Call: Ayes: All Motion Carried

Ron Styskal spoke to the council regarding a culvert at 8th and Dale Streets that he would like to be replaced. He also stated that he has called the police department, Mayor and City Hall to complain about a nuisance in the area of 8th and Dale Streets.

Motion by Gossin, seconded by Meyer to suspend the rules and to adjust the agenda by moving item number four under public hearings to item number one.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz opened a Public Hearing on proposed Ordinance 1166 to Modify the Zoning Ordinance of the City of Ashland Nebraska at 7:08 p.m. Zoning Administrator Isom gave an overview of the proposed changes in Ordinance 1066 to include businesses that are and would be allowed in the four zoning districts on Highway 6. Isom explained the zoning districts are B-1 General Business, B-3 Highway Business, FX Flex and L-I Light Industrial. Isom also noted in 2016 the Planning Commission and City Council put a highway corridor overlay district into place that requires businesses to abide by a specific set of aesthetic requirements. Isom explained that the occupancy of a business can be revoked if the aesthetic conditions are not met and maintained for the life of the business. She stated the Planning Commission recommended approval of Ordinance 1166. She reminded the Council that she asked them at the last meeting to amend the ordinance to change B-3 Self Storage Units to Permitted from Conditional Use and the Council did approve the amendment. Isom answered questions of the Council. Karen Stille of Midwest Physical Therapy addressed the City Council regarding Ordinance 1066. Stille read a letter from Stacey Hubert, owner of Ashland Pharmacy expressing her concern about changing the zoning on Highway 6. Stille stated she is wondering if the zoning change would allow storage all along Highway 6, if the City would have the man power to enforce the overlay district and what is the economic value of storage units. She suggested that there be collaboration with the AAEDC and Planning Commission. Council Member Gossin as a representative of the AAEDC said he can talk with the group about their future participation in city planning. Isom said that things tend to self-diversify and she knows of only one entity that is interested in doing a self-storage project. Council Member Wischmann stated he has been at the location of potential the self-storage units and from a geographic location it is pretty well hidden with a berm and cedar trees. He added he doesn't want to see just one type of business along the highway. Isom discussed some of the obstacles in building along the highway because of things such as Lincoln water lines. Mayor Grauerholz commented that a lot of this property has set vacant as long as he can remember and if the City makes development to restrictive, we will continue to see vacant land there and may cause current land owners difficulty in disposing their property. Isom explained the difference between permitted use and conditional use. Discussion was held on enforcement of codes for non-compliance and on existing non-conforming uses. Stille said the entrance to the City should be inviting to attract business and residential growth and there should be a vision for Ashland's front entrance. Susan Cerny, a member of the Planning Commission, addressed the City Council regarding Ordinance 1066. She said it is her understanding that the overlay district is more restrictive with a four-page checklist and it has been established that it has to look good. She added no one wants the corridor to be what it is right now; it is getting better; and she thinks people should be excited to see progress along the highway. She noted there are very nice businesses along the highway next to those that look terrible and the water lines, railroad and easements that can be very prohibitive to develop around and to locate. Lee Sapp addressed the City Council regarding Ordinance 1066. He said he owns one of the most screwed up properties along the highway and he has inquired about storage units for his property prior to the corridor overlay but he hasn't come up with anything that will work there. He said that the City should be very

protective of the properties that don't have buildings on them and to make sure new buildings are top notch. He said that coming from the east there is the potential to have all really nice buildings and to control what goes in there. He noted coming from the west it is much more difficult because of the flood plain and dropped land. Gossin told Sapp he would have the AAEDC Director reach out to him to look for businesses that can go on his lot. Grauerholz noted that a factor in developing the land is the noise from the railroad. Sapp discussed the current semi-truck parking on his lot. Council Member Anderson said that the property where the storage units are going is probably the best use for the property but he agrees that he doesn't want storage units all the way down the highway and that the first impression of the community is worth a lot. Shirley Niemeyer addressed the City Council regarding Ordinance 1066. She said it is her understanding that storage units are now permitted in Light Industrial and B-3. She said she would like the Planning Commission to look at whole area and storage to be conditional. Isom read the reasons for denial of a conditional use permit. She said the overlay is really good. Niemeyer asked the Council to work with the AAEDC and Chamber and suggested the Council bring back Marty Schukert to consult on planning for the highway. She said the Otto's have 46 storage units on their property including six railroad cars and the business by City Hall has 48 units. She asked that there be consistency with fencing along the highway. She said she doesn't believe storage units would add to the economic base of the community as sales tax isn't collected and there would be few employees. Gossin asked the question do we stop all development along the corridor until the plan is in place. Niemeyer implored the City to ask the property owners to plant trees. She noted the new salt storage business on the highway and Isom said the business is light industrial. Isom said the ordinance is to be fair, equitable and consistent. Discussion was held. With no further comment, Mayor Grauerholz closed the Public Hearing at 8:40 p.m.

Mayor Grauerholz opened a Public Hearing on the 2019-2020 Budget Document at 8:40 p.m. City Administrator Quady gave highlights of the budget. She said the tax levy would continue to stay at the existing rate and the assessed value of the City did go up 6% this year. Quady also noted major projects that are budgeted for this coming year, to include but not limited to a large housing rehab project that a grant was received for, repairs to the fire hall, a purchase of a new rescue squad to replace the old squad with mechanical problems, additional park improvements, additional street projects, the ADA sidewalk project, pool mechanical room upgrades, 9th Street paving, Salt Creek bank stabilization project, Dawes Street water line improvement, Silver Street paving project and others. With no further comment, Mayor Grauerholz closed the Public Hearing at 8:48 p.m.

Mayor Grauerholz opened a Public Hearing on the One Year and Six Year Plan for Street Improvement Program at 8:48 p.m. City Administrator Quady noted that the legislature has changed the timeline for approval of the One- and Six-Year Plan from earlier in the year to this time of year. Quady stated that no projects have been added since the previous approval in February, however the Silver Street Bridge project was removed as it was completed. Quady also stated that should the City decide to move forward with any project

sooner, the plan could be amended. She said every gravel street in the City is shown in the Six Year Plan except those on the NRD ground. She said street repairs do not need to be on the plan. With no further comment, Mayor Grauerholz closed the Public Hearing at 8:50 p.m.

Mayor Grauerholz opened a Public Hearing on a Conditional Use Permit for Domestic Dog Kennel at Lots 7-8 Block 19 Flora City Addition to Ashland, NE located at 1642 Adams Street at 8:50 p.m. Zoning Administrator stated all the dogs have current rabies certificates and there have not been any police calls on their dogs. Isom noted that the Planning Commission recommended approval. With no further comment, Mayor Grauerholz closed the Public Hearing at 8:53 p.m.

Motion by Gossin, second by Wischmann to approve Resolution 2019-5 – Setting the 2019-2020 Property Tax Request.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Anderson to approve Resolution 2019-6 – Acceptance and Adoption of the One Year and Six Year Plan for Street Improvement Program.

Roll Call: Ayes: All Motion Carried

Motion by Gossin, second by Anderson to approve second reading of Ordinance 1166 Modify Zoning Ordinance.

City Attorney Fahleson read the Title of Ordinance 1166.

Council Member Gossin said he moved for approval to continue moving the Ordinance forward but he invited people to submit additional input regarding this.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Meyer to approve on third and final reading Ordinance 1167 – AN ORDINANCE TO ADOPT THE GENERAL FUND AND WATER AND WASTEWATER FUND BUDGET STATEMENTS TO BE TERMED THE ANNUAL APPROPRIATIONS BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

City Attorney Fahleson read the title of Ordinance 1167.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Meyer to approve Conditional Use Permit for Domestic Dog Kennel located at 1642 Adams Street.

Roll Call: Ayes: All Motion Carried

Mike Lesley of 2602 Adams Street addressed the Council regarding the nuisance on his property at 2602 Adams Street. Lesley stated he cut up the trailer and is disposing of the pieces. He said he has a few more bikes to get rid of and should receive one more bid on the house this week. Mayor Grauerholz made the suggestions to grant an extension of four or six weeks.

Motion by Gossin, second by Wischmann to grant an extension of completion date for nuisance property at 2602 Adams Street until October 17, 2019.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Meyer to authorize the Mayor to sign lease documents for the new ambulance.

City Administrator Quady said the Rescue Department will be using cash in the bank and donations to pay off the current ambulance's lease payment so there will be only one vehicle they are making payments on. Council Member Anderson said the new rescue unit's total acquisition cost is \$231,522.00 with the last payment will be in 2024. Council Member Meyer said the other old squad is gone and it is very taxing to be down to only one squad.

Roll Call: Ayes: All Motion Carried

Council Member Anderson addressed the Council regarding a culvert at 8th and Dale Streets saying it needs to be put in and the area paved. City Administrator Quady said there may need to be engineering with the project. Council Member Wischmann asked that there needs to be a four by six foot riprap field after the dump of the culvert to slow the water down and prevent eroding property downhill. Anderson said there are six panels of concrete that need to be fixed in the alley behind Lee Sapp Ford. He said there is a sewer line under the alley. City Administrator Quady said the City doesn't have anything in the ordinances that separates downtown from any other alleys and in the ordinances the alleys are the abutting property owner's responsibility. She said if the City is going to do something with the alleys, the ordinance will need to be changed. She said the repair of the alley is on the list of paving issues to be looked at next spring and it is not part of the current project. Wischmann said he didn't think it could wait that long because of the sewer line underneath. Quady said the Utility Superintendent said it could be more expensive repair because of sand in the subgrade. Anderson said the downtown alleys were assessed to the abutting property owners and should be treated just like streets including repairs. Mayor Grauerholz said maybe there could be an asphalt overlay put on the alley. The Council asked Quady to get a bid for the repair. Council Member Gossin said this can be looked at during the proposed quarterly meeting. The Council asked Quady to send out a meeting date request for quarterly meetings.

Motion by Wischmann, second by Gossin to authorize the Mayor to sign Interlocal Cooperation Agreement with the Village of Prague, the City of Wahoo and the City of Yutan for the Owner Occupied Rehabilitation Program for Residential Rehabilitation.

Roll Call: Ayes: All Motion Carried

Reviewed the August 2019 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 Rescue Report.

Motion by Anderson, second by Gossin to approve the consent agenda which included approval of the September 5, 2019 City Council meeting minutes; approval of the August 29, 2019 Planning Commission meeting; and approval Chase Barton and Taylor Buhr as members of the Ashland Rescue Department; and approval of Chase Barton as a member of the Ashland Fire Department.

Roll Call: Ayes: All Motion Carried

Motion by Wischmann, second by Meyer to approve the first half of September 2019 Claims.

Roll Call: Ayes: All Motion Carried

Motion by Gossin, second by Meyer to approve August 2019 Treasurer's Reports.

Roll Call: Ayes: All Motion Carried

Mayor Grauerholz reported that fall clean-up day is scheduled for October 19th and that Saunders County is hosting a tire recycling program for residents of the county.

Council Member Anderson stated there are properties in east Ashland that need to be ticketed for weeds.

City Administrator Quady informed the Council that Utility Superintendent Torpy plans to retire on January 1, 2020.

Motion by Anderson, second by Meyer to adjourn the meeting at 9:42 p.m.

Roll Call: Ayes: All Motion Carried

Richard Grauerholz
Richard Grauerholz, Mayor

Kathleen Sliva
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 September 19, 2019 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.