

**ASHLAND CITY COUNCIL**  
**REGULAR MEETING**  
September 20, 2018

A regular meeting of the Ashland City Council was held at the Ashland City Hall Council Chambers on the 20th day of September, 2018 at 7:00 p.m.

Present: Mayor Richard Grauerholz  
City Council President Paul Gossin  
City Council Member James Anderson  
City Council Member Janece Mollhoff  
City Administrator Jessica Quady  
City Clerk Kathleen Sliva  
Attorney Anthony Aerts

Absent: City Council Member Matt Meyer

Notice of meeting was advertised in the Ashland Gazette on September 13, 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 1157 to modify the Zoning Ordinance of the City of Ashland NE at 7:02 p.m. Zoning Administrator Isom said when the ordinance was upgraded for maximum square footage of an accessory building from 750 to 864 for R-2 and R-3, the other zoning districts were not looked at. She said because there is so much activity in T-A, R-E and R-1, she felt it was time to do the same kind of increase in these districts. She said the proposed upgrade for T-A is up to 5,000 sq. ft., R-E is up to 4,000 sq. ft., R-1 is up to 3,000 sq. ft. and R-T is up to 864 sq. ft., capped with a maximum coverage by out buildings of 10%. She stated the Planning Commission recommended approval as submitted. Isom showed where the

various zoning districts are on the Zoning Map. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:07 p.m.

Mayor Grauerholz opened a Public Hearing on a Conditional Use Permit for a Domestic Dog Kennel at Lots 5-6 Block 14 Miller and Clark Addition to Ashland, located at 1941 Euclid Street at 7:07 p.m. Zoning Administrator Isom stated she included in the packet the July Planning Commission meeting minutes when the public hearing was opened. She said during the Public Hearing it was discussed that there were four dogs on the property with two dogs being bred for commercial purpose. Isom continued saying this is not allowed with a domestic kennel permit in any of the residential districts. She said the owner said they would not be fixing the dogs. She said the public hearing was held open until the August meeting for the applicant to get rid of dog number four and the puppies. She added one of the dog's rabies expired during this time. She said the applicant did not come to the August meeting as requested so there was no update for the Planning Commission that would make them feel comfortable with approving the request; so they voted to deny the application. Roberta Willard, 1941 Euclid, spoke stating they did not come to the Planning Commission Public Hearing in August as they did not receive a confirmation as to when it would be held. She said that her oldest son lives in Millard and now has possession of one of the dogs, Jack. She said they have had puppies. She said the three dogs at home weigh probably a total of 30 pounds, they have chips in them and they are inside dogs. She added that she sold five puppies in town to great families. She said "not that I may not breed them again, I don't know, but it is nothing in the foreseen future that I am looking to do." She added she does not want to be told that she has to fix her dogs. Isom said she wouldn't have to, she could just have those two. Isom added that at the meeting in July the indication was that the dogs would be breed once a year. Willard said she didn't know, she is at home running a day care and she is not looking to breed dogs every year. She said in the licensing it says to pay this dollar amount for intact dogs and this dollar amount for neutered dogs. She said her dogs are intact so she doesn't understand what the issue is. City Administrator Quady clarified that the regulations allow the dogs to be intact but not be bred in a residential area. Willard said she has precautions for them not to be bred. She said she knows four or five people in town that are breeding dogs. Willard said Bella's rabies is updated. Isom said that the Planning Commission did not recommend approval of the permit with the information they had but with this additional information from the owner and the updated rabies it would be the Council's ability to approve. Willard said her husband came home from that meeting very offended that her business was pulled into it as it didn't have anything to do with it. Isom said that in order to have a daycare license, one has to follow the City regulations. Willard agreed. Isom said one of the general issues the committee is thinking about is should kennel permits be allowed in homes with daycares. She continued saying the dog's weight or size is not taken into account just the quantity. Willard said she got her daycare license with all the dogs there. Council Member Gossin asked what assurance there is that the fourth dog is gone. Willard said her son has gotten an apartment in Millard and the fourth dog lives with him. She said they now have three dogs and the

puppies are gone. She said there are gates up to keep the dogs out of the food prep area and she keeps the backyard area clean. She added none of the families have any issues with the dogs. Council Member Anderson said in his opinion it is not a nice situation with the daycare and the dogs. Isom said the City's regulations don't pertain to the daycare. Isom said if the City issues the conditional use permit, if breeding would happen again, there is always the option to lose the Conditional Use Permit. She said the Planning Commission didn't have all the information so they could not give an affirmative action on the application. Mayor Grauerholz said at this time, with the three dogs and the applicant meeting the other conditions of the ordinance, it falls within compliance of the regulations. With no further comment, Mayor Grauerholz closed the Public Hearing 7:20 p.m.

Mayor Grauerholz opened a Public Hearing on Conditional Use Permit for a Public Campground at Portions of Blocks 35 and 36 Flora City Addition to Ashland NE at 7:21 p.m. Zoning Administrator Isom said a few months ago, campgrounds within the City limits as a Conditional Use was added by ordinance. She said the Planning Commission recommended approval of this application. Bob Luebbe spoke to the Council regarding the design of the proposed campground. He said there are 31 sites planned with fire rings 15-feet from the camping pads; 15-foot wide paved roads; a playground; a dog run; a camp bathroom; a dump station; the old bridge trusses along a roadway; and an electrical transformer in the northwest corner. He said there will be a host site and he would like this to be the only site someone could be in throughout the summer. He said there will be an ADA site. He said they will need to do some dirt work for drainage and they will minimize the amount of dirt placed over utilities. Zoning Administrator Isom said items that could be included by the Council in the permit are start and stop date in the spring and fall and the maximum number of days a camper can stay. She suggested there be a display board with information on fires and firepits. Discussion was held regarding firepits. Luebbe said as owner he would like to regulate the firepit usage and he could post when fires aren't allowed. Council Member Mollhoff said she would like it stipulated in the permit that the campground host be allowed to stay longer than 14 days. Quady said to be consistent with the State a 14-day stay would be allowed. Luebbe said he would be fine with that. Mayor Grauerholz said he would not restrict usage to certain months and Mollhoff agreed. Council Member Anderson said this will be a big plus for the community. Discussion was held regarding how campers will enter and exit the campground area on City streets. With no further comment, Mayor Grauerholz closed the Public Hearing at 7:45 p.m.

Motion by Mollhoff, second by Gossin to introduce and approve first reading of Ordinance 1157 – Modify the Zoning Ordinance.

Attorney Aerts read the Title of Ordinance 1157.

Roll Call:                      Ayes: All                      Motion Carried

Motion by Mollhoff, second by Gossin to approve Conditional Use Permit for Domestic Dog Kennel at 1941 Euclid Street.

Council Member Anderson said the combination of dogs and children is his concern. Zoning Administrator Isom said she would recommend approval. Council Member Mollhoff said Health and Human Services, not the City, is responsible for regulating daycares. Council Member Gossin said the concern he has with this is he doesn't think there is any reassurance given that there won't be future breeding activity. Isom said the permit can be revoked if this happened.

Roll Call:                   Ayes: Mollhoff           Nays: Anderson, Gossin       Motion Failed

Motion by Gossin, second by Mollhoff to approve Conditional Use Permit for Public Campground at Portions of Blocks 35 and 36 Flora City Addition with stipulation of a 14-day stay maximum with the exception of the host campground slot which is a permanent slot.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve the action taken at the September 5, 2018 approving the Silver Street Water Main Change Order No. 1.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Gossin to approve Pay Request from JEO Consulting Group Inc. for Silver Street Bridge Replacement Construction Services in the amount of \$11,427.00.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Mollhoff, second by Anderson to approve Change Order #1 for Whitetail Estates Utility Project in the amount of \$45,000.00.

Dave Henke of JEO Consulting Group reported that when the contractor began boring from the Fir Street side, they didn't get very far before they struck rock. He said they suggested bringing in a bigger machine with a rock head to make the 300-foot bore under the creek to connect at the highway. He said this is for the sewer force main and for the lift station.

Roll Call:                   Ayes: All                   Motion Carried

Motion by Anderson, second by Gossin to approve Pay Request #11 from Simon Contractors for Silver Street Bridge Replacement & Paving in the amount of \$154,926.10.

Roll Call:                   Ayes: All                   Motion Carried

Reviewed the August 2018 Keno Report. City Administrator Quady said the keno contract renewal will probably be on the next agenda.

Reviewed the Public Works Director's Report. Council Member Mollhoff to consider the need to drop the speed limit on 30<sup>th</sup> Street if Sabre Heights is annexed. City Administrator Quady said at that time 30<sup>th</sup> Street and Sabre Heights would need to adhere to the City's parking regulations.

Reviewed Utility Superintendent's Report. Discussion was held regarding the rehabilitation of Well #4 and the future replacement of the sewer main between 13<sup>th</sup> and 16<sup>th</sup> between Silver and Adams.

Reviewed the Police Chief's Report.

Reviewed Building Official Report. Zoning Administrator Isom noted August permitted a million dollars plus in computed construction cost with two new home permits in Greystone.

Reviewed Library Report.

Reviewed Rescue Report.

Motion by Mollhoff, second by Anderson to approve the consent agenda which included approval of the September 5, 2018 City Council meeting minutes; and approval of the August 30, 2018 Planning Commission meeting minutes.

Roll Call:                      Ayes: All                      Motion Carried

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

Roll Call:                      Ayes: All                      Motion Carried

Motion by Gossin second by Mollhoff to approve August 2018 Treasurer's Report.

Roll Call:                      Ayes: All                      Motion Carried

Discussion was held regarding a date for Fall Clean Up Day.


Mayor Grauerholz reported Public Works staff has been spraying for mosquitos and the splash pad is still open. He said Council Member Anderson and he had completed some repairs on the steps at the Historical Society Museum. He also said Council Member Meyer was activated with Nebraska Task Force One to serve in North Carolina during the hurricane.

City Administrator Quady gave an update on replacement of a waterline for a few homes on Furnas Street.

Council Member Mollhoff reported on the Economic Development Board meeting and on discussion regarding building a west/north bypass.

Motion by Anderson, second by Mollhoff to adjourn the meeting at 8:30 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 September 20, 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.