

MINUTES
JULY 5, 2005

The Cedar Creek Board of Trustees met in regular session on July 5, 2005, at 7:00 p.m., at the Village Hall. Due to the large number of people in attendance, the meeting was moved from the meeting room to the adjoining fire department. Advance notice of the meeting was given by posting in three public places in the village and by publication in the Plattsmouth Journal. The meeting was called to order by Chair Bode. Board members present: Bode, Swenson, Ford, Rydl. Absent: Muntz.

Trustee Swenson requested an explanation of a portion of the minutes which refers to intentional damage to the park. After explanation, motion by Swenson, second by Rydl, to approve the minutes as written. All ayes.

Treasurer's Report:

Account Balances: Checking \$39,013.58, Money Market \$29,189.81
Claims: Rural Water #3..23.50 OPPd park..16.00 OPPD building-111.00 OPPD street lights-103.13 Alltel..58.18 Plattsmouth Journal..125.68 Jefferson Pilot..140.60 JEO..284.50 Mill Creek Auto..16.17 Ty's Outdoor Power & Service-55.73 Asphalt & Concrete Materials Co..1258.89 P Welte.. 130.00 Midwest Farmers Cooperative..503.72 Earnies..162.80 Eagle Services.. 150.00 Cass County Sheriff-1214-88 B Reinsch..590.00 U.S. Postal Service 210.85 SENDD..351.00 D Newton..427.50 G Bode..114.00 Wiles Bros Fertilizer 44.20 Springfield/Louisville Ins Agency..100.00 Payroll..2285.45 Motion by Rydl, second by Ford, to approve the treasurer's report and pay all claims. All ayes. The Treasurer reported, \$1,585 was received in memory of Bill and Bonnie Baker. The money has been designated for the Village Park, with a request from the family that a bench with a plaque in memory of Bill and Bonnie be purchased. Motion by Swenson, second by Ford, to purchase two benches, one to be located at the Village Park near the playground, the second at the future garden area on the Platte River Dike. All ayes.

Police Report:

As reported by the Cass County Sheriff's Department, 80.31 hours of patrol were logged for Cedar Creek during the month of June. There were ten calls for service: Two Assist Citizen, Fire/Burn Permit, Medical Emergency/Illness, Two Medical Emergency/Injury, Assist Rescue Unit, Check Suspicious, Animal/ Vicious Dog, Assist Citizen/KLIV. Cost of the law enforcement contract was questioned by those present and need for a contract was questioned. Chair Bode explained, hours patrolled in Cedar Creek are in accordance with the interlocal agreement. The contract is in place for the safety of the village. J. Earnest offered to become the Village Marshal as he has 27 years of experience and is certified. The village has obligations as stated in the interlocal agreement and a one year notice is required to terminate the agreement.

Correspondence:

Notice from Cass County Emergency Management of the need for certification in the National Incident Management System.

Invitation from OPPD to attend the Annual South District Customer Luncheon in Nebraska City on July 28, 2005.

Fiscal year 2006 annual dues request and associated material from the South-east Nebraska Development District.

Request from the Southeast Nebraska Development District for support of affordable housing programs and transmittal of the 2006 housing activities support statement.

HDR Engineering notice of an upcoming land use study by the Platte River Corridor Alliance and need for assistance in gathering data for the study.

Reports of Officers, Boards, and Committees:

The proposed Basketball Court at the Village Park was again discussed. Location to be changed to an area closer to the road due to the low area of the previously chosen site. If volunteers are not available, the project will be completed by a contractor.

Installation of the new address signs was discussed. The board hired an individual to install the signs. As of meeting time, the project had not begun. The individual will be contacted. Signs may be given to property owners for installation.

Unfinished Business:

Metzger vs Village. The case is scheduled to be heard in District Court in August.

A letter was sent to the Attorney of the cable franchise, stating the abandoned equipment at the Village Park is to be removed within 30 days.

A letter of complaint was mailed to the owner of Lot #287 for weeds over 12 inches and litter. Compliance will be monitored.

Use of ATV's and Golf Carts on public streets, to be discussed after all other business is taken care of..

Miscellaneous Business:

Paul Koehler, CPA, rescheduled to August.

New Business:

Street Repair Survey, tabled to August.

Chair Bode read a memo from Jim Warren on possible solutions to repair the village streets. On file at the office.

Deputies were requested to explain the Fine Waiver Schedule such as is in place in Louisville. A fine amount would be set by ordinance for each violation of an ordinance. If a violator would choose to pay the fine at the village office, they could do so. However, if the fine was not paid the Village Attorney would prosecute at the expense of the Village. Item tabled.

Permits:

Lot #104 Addition. Approved by the Planning Commission and by the Floodplain Manager. Motion by Swenson, second by Ford, to approve the permit. All ayes.

Concession Stand and Restrooms at Village Park. The Village Floodplain Manager approved construction of the structure if floodproofed and certified by a licensed engineer. The septic system cannot be installed at the pro-posed location unless the area is filled to BFE, or approximately 6 feet. After review by the board, Chair Bode declared the project would not go forward as it cannot be built in compliance with regulations.

The Board was informed, all approvals had been received for construction of

a dwelling at Lot #173. The Board had previously approved the construction if all floodplain regulations were met.

Chair Bode announced, a date would be set for volunteers to clean the village buildings and to weed the flower gardens. Date will be posted.

Addressing those present, Chair Bode stated the Board has received several complaints regarding children and adults operating ATV's and Golf Carts in an unsafe manner, overloading the ATV's and Carts, speeding, damaging public and private property, not obeying traffic signs, and not being supervised. The Board feels to answer the complaints, an ordinance is needed to regulate the operation of all off road vehicles and to limit liability and protect the safety of the public. Village Attorney, Bill Reinsch, informed those present state law prohibits use of ATV's and Golf Carts on Public Streets. Cedar Creek is an incorporated village and is obligated to abide by state law. All streets within the corporate limits, which includes all streets in the original town and all streets in the lake area, are public streets and are subject to state law. Examples of ordinances adopted by other towns allowing for limited use of off road vehicles, will be studied. If an ordinance is written, Attorney Reinsch will request the County Attorney review it before it is considered by the Board for adoption. Chair Bode requested those wanting to voice their opinions to first state their names, each will be given 3 minutes to speak. All recommendations will be considered in drafting an ordinance.

Summarized opinions: (1) D. Peterson. Underage or unlicensed drivers should not be allowed to operate golf carts or ATV's. Children are not supervised and do not observe traffic regulations. Liability is a concern. Do the deputies look the other way because the town mandates it or are they to stop the activity and ticket offenders. (2) R. Duff. The Board is calling the ATV's off road vehicles when they are actually all terrain vehicles. Fourteen year olds can get a license to drive to school and they should be able to drive golf carts as a learning tool. Board should look at Sun City AZ ordinance. Should have insurance on golf carts. (3) C.L. Davis. Should register carts with Village, charge a fee to register, affix carts with assigned numbers, only licensed drivers should operate, and insurance required. (4) R. Little. Propose ATV's being used for maintenance be allowed. All ATV's and Golf Carts be registered with the village, fee paid, stickers on golf carts and ATV's to show they have been registered, proof of insurance be required, and operated by licensed drivers only. (5) P. Combs. Agree with registering and assigning numbers. Register all golf carts and ATV's, including those brought into town for weekends and/or holidays, before they are allowed on Cedar Creek streets so there is a record of accountability.

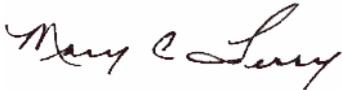
Other comments from people not stating their names: (1) Look into regulations of other recreation areas such as Beaver Lake. Board reply: Beaver Lake is not an incorporated place, Cedar Creek is an incorporated village. (2) How many accidents have occurred? Board reply: accidents have happened but have not been reported. (3) This is a recreation area and shouldn't be speeding. (4) Safety of bicyclists and joggers are a concern. (5) Why should state rules apply when they don't maintain the roads?

Chair Bode instructed those present who did not speak, to write down any ideas they may have and turn into the office. Attorney Reinsch will look into drafting an ordinance which would allow limited operation of ATV's and Golf Carts without going against State Regulations. Trustee Ford explained, currently golf carts and ATV's are not allowed on village streets. It is the intent of the Board to find a way to

allow limited use of golf carts and ATV's, and to comply with state law. B. Reinsch stated the ordinance will be on the August agenda. Chair Bode instructed deputies to use their discretion on operation of ATV's and Golf Carts until an ordinance is adopted.

In other business: A complaint of dogs running at large, add to the August agenda; Trustee Swenson requested input from those present on need for extra police patrol on holidays. No one spoke in favor of the proposal. Chair Bode informed, if anyone saw a violation to call 911 and report it; A.Steppat announced, after the last meeting he was contacted by several residents and requested to start a petition to recall the entire board. It would take 63 votes to recall and he has 127. Chair Bode replied, use your discretion, file the papers, but any board will have to abide by the same rules and regulations as the existing board and will have to follow the laws and enact ordinances. The board is not creating any of this, the problems have already been created. This board is making an attempt to put things right. Chair Bode thanked all present for attending and for their input.

There being no further business to come before the board, motion by Ford to adjourn. Second by Swenson. All ayes.



Mary C. Terry
Municipal Clerk/Treasurer

Pursuant to Nebraska Statute 19-1102, requiring municipal employee job titles and current salaries corresponding to such job titles to be published the following is given:
Clerk/Treasurer \$10.00 per hour
Maintenance \$9-50 per hour
Trustees are Unpaid

PLANNING COMMISSION MEETING July 26, 2005 @Village Hall 7:00p.m.

BOARD OF TRUSTEES MEETING August 2, 2005 @Village Hall 7:00 p.m.