

Cedar Creek Board of Trustees
Minutes
August 1, 2006

The Cedar Creek Board of Trustees met in regular session at 7:00 p.m., on August 1, 2006, at the Village Hall. Advanced notice of the meeting was given by publication in the Plattsmouth Journal and by posting in three public places in the village. All Board members were present. Attorney Angela Slattery was present in place of Village Attorney Bill Reinsch.

Motion by Ford, second by Rydl, to approve the minutes of the 7-11-06 meeting as written and published. All ayes.

Treasurer's Report:

Account Balances: Checking \$30,965.82, Money Market \$29,764.34, Keno \$77,125.93
Claims: Rural Water #3..23.50 Plattsmouth Journal..232.69 Alltel..88.95 OPPD park..
14.00 OPPD temp pose..14.45 OPPD building..178.00 OPPD street lights..105.99
Eagle Services..150.00 Jefferson Pilot..140.60 Earnies..98.62 Wiles Bros Fertilizer..
45.00 Office Depot..162.39 Oriental Trading..57.45 Cass County Sheriff..1214.88 B
Reinsch..125.00 D Newton..399.00 G Bode..180.50 League of NE Municipalities..
1308.00 Action Signs..125.00 Rental City..181.45 Omaha Rental Service..163.84
Payroll..2262.10

Motion by Swenson, second by Ford, to approve the treasurer's report and pay all claims. All ayes.

Police Report:

As reported by the Cass County Sheriff's Department, thirteen calls for service were received during the month of July for Cedar Creek: Traffic/Speeders, Accident/Property, four Alarm/Malfunction, four Medical Emergency/Injury, Theft from Motor Vehicle, Lost Property, Special Services. One citation was issued for a stop sign violation. Two warnings for speeding were issued.

Correspondence:

State Department of Roads, information on responsibility of municipalities and the Department of Roads regarding Corps Permits and Storm Water Pollution Prevention Plans.

Center for Rural Affairs request to pass a resolution in support of the organization. Table until reviewed by the Village Attorney.

Reports of Officers, Boards, and Committees:

Trustee Bob Ford reported on preparations for Cedar Creek Day, August 5th, from 12:00 noon to 5:00 p.m. Approximately 6 volunteers will be needed by 11:00 or 11:30 a.m. on the 5th. There will be games, a dunk tank, a Space Walk Obstacle Course, Cotton Candy Machine, Dixie Land Band, food to be furnished, the Fire Department will cook the meat.

Chair Bode reported she had requested the Fire Department burn the brush pile at the village park. D. Muntz asked how the pile got started. Bode replied, the pile was for village trees and brush from the last storm and others added to the pile without permission. Suggestions were made to hire someone to haul the brush and trees to the Cass County Recycling Center and close the burn pile to any further use. Prices to haul the brush will be requested from area contractors.

Unfinished Business:

Code Violations. Violators were given to Labor Day to bring their properties into compliance with Village Code. The Board will review the violations at the September 5, 2006 meeting.

Street repairs were discussed. A request for bids to armor coat all 9 miles of roads will be advertised. Bids to be received at the September meeting.

A request to rezone Lot #8 Block #3 from residential to commercial was discussed by the Board. Chair Bode explained, if Board decision is made to continue, a Public Hearing will be held by the Planning Commission and a separate Public Hearing will be held by the Board of Trustees. Attorney Slattery asked if the Planning Commission had determined if there is enough room on Lot #8 to meet setback requirements. Bode replied, the Board is only considering the rezone at this time. No plans for any buildings or business is being considered. After further discussion by the Board and advice by the Attorney, motion made by Muntz to move on to the next step, a Public Hearing by the Planning Commission. Second by Swenson. Vote: Swenson yes, Muntz yes, Ford yes, Rydl abstain, Bode abstain. The Planning Commission will hold the Public Hearing on August 29th at 7:00 p.m. Notice of the Hearing will be posted and Published.

Ordinances and Resolutions:

Ordinance 2006-07, Sexual Predator Residency Ordinance tabled to September.

Miscellaneous Business:

Lot #173 and Lot #174 trash on berm. Chair Bode announced that most of the items have been removed and the property owner is installing a fence on the berm which she assumed is in compliance with village code. Trustee Swenson informed the Board, according to village code a fence in the front (street side) yard of a property must be set back six feet from the property line and cannot be higher than three feet, so the fence is not in compliance with village codes. Trustee Muntz asked C. Paukert, Village Floodplain Manager, if a fence would be allowed on a berm in accordance with floodplain regulations. Paukert replied, the berm in question is not an engineered dike and therefore a fence would be allowed. However, if it were an engineered dike, trees or fences would not be allowed. The property owner will be notified by certified mail of the relevant codes. Table to September.

Village Attorney Bill Reinsch recommended the Board appoint Roger Johnson as the attorney to prosecute code violations on behalf of the village. A lengthy discussion ensued in regard to the previous agenda item, trash on the dike and the resulting ticket

issued by a Cass County Deputy. Muntz suggested the ticket be dropped since the litter/trash had been removed. Trustee Rydl said the ticket came from the county, the Board had nothing to do with it. The Deputy present argued with the referred to property owner, improper remarks were made by the Deputy, and Chair Bode called for order. Attorney Slattery informed the Board, the Village contracts with the Sheriff's Department, if the Deputies see a violation of village code they are to write a ticket. It is up to the Board to determine when the violation was cleaned up and that is when the fines would stop. Bode told Slattery, the Board had never had a similar situation in which the fine started with a issuance of a ticket. Questions directed to Slattery, if the Board would have the option to not prosecute the ticket and how the ticket could have been issued when it was not initiated by the Village Board. Slattery responded, the Deputies have the responsibility to enforce the village ordinances and the Board has the right to not prosecute a ticket that has been issued. Motion by Muntz to cancel the ticket and go back to how violations have been handled in the past. No second. Motion by Muntz to cancel the ticket and work with the property owner to bring the property into compliance. No second. Motion by Muntz to table to December. Comment made, when new Board in place. No second. Trustee Ford stated the ticket was initiated by the sheriff's department but needs to be taken care of by the Board. Muntz commented he does not want to spend village money prosecuting something that is no worse than others in violation who are not ticketed. Other violators have been given a time frame to bring their properties into compliance. Swenson stated she didn't want the Deputies to think the Board wouldn't act on tickets that are issued. Motion by Swenson to stay the citation until Labor Day and review at the September meeting. No second. Motion by Rydl, stay citation to Labor Day, no additional fines to accumulate, review at the September meeting. Second by Swenson. Vote: Swenson yes, Muntz no, Ford no, Rydl yes, Bode yes. Motion carried.

Motion by Rydl, second by Ford, to appoint Roger Johnson as attorney to prosecute code violations for the Village when requested to do so by the Board. Vote: Swenson yes, Muntz no, Ford yes, Rydl yes, Bode yes.

A new agreement with Louisville for Rescue Services was reviewed. The agreement proposes an increase of \$1000 to the Village, bringing the total amount of the agreement to \$4,000. Motion by Ford, second by Rydl, to table until September, after the Budget Workshop. All ayes.

Permits:

Garage permit 1020 Platteview Drive. Approved by the Planning Commission and by the Floodplain Manager. Motion by Ford to approve contingent on all inspections by the Cass County Building Inspector are completed. Second by Rydl. All ayes.

The Planning Commission requested the Board look into the legality of the addition of plumbing to a garage at Lot #207. The Floodplain Manager will check it out and report back.

Date for a Budget Workshop was set for Monday, August 28th at 7:00 p.m., at the Village Hall.

There being no further business to come before the Board, motion by Muntz to adjourn.
Second by Rydl. All ayes.

Mary C. Terry
Municipal Clerk/Treasurer

Budget Workshop 8-28-06 @7:00 p.m. Village Hall

Planning Commission Meeting 8-29-06 @7:00 p.m. Village Hall

Board of Trustees Meeting 9-05-06 @7:00 p.m. Village Hall