

Cedar Creek Board of Trustees
Minutes
September 5, 2006

The Cedar Creek Board of Trustees met at 7:00 p.m., on 9/05/06, at the Village Hall for a Public Hearing to hear comments for and against the rezoning of Lot #8 Block #3 from Residential R-3 to Commercial C-1. Advance notice of the Public Hearing was given by publication in the Plattsmouth Journal, posting in three public places in the village, posting on the referred to property, by certified mail, and by regular mail. Chair Bode called the hearing to order at 7:00 p.m. Roll call: Bode present, Ford present, Swenson present, Rydl present, Muntz absent. Bode stated the purpose for the hearing and noted that according to a circulated questionnaire, over 20% of neighboring property owners opposed the proposed rezoning. Comments from the public included; the questionnaire was not legal and had not been circulated to everyone; some people who had signed the questionnaire had changed their minds; the property owner should be given a chance; B. Ford stated he would not be in favor of the rezoning because of the location of the garage on Lot #8 and Lot #9, rezoning of one lot would add to the nonconformity of the property. After further discussion, Bode called for a motion. Motion by Rydl to rezone Lot #8 Block #3 to Commercial from Residential. Second by Swenson. Vote: Bode yes, Ford no, Swenson yes, Rydl yes, Muntz absent. As a 2/3 vote is required to rezone, the rezone did not pass. The property owner was instructed to apply to the Board of Adjustments to appeal the Board decision. Motion by Ford to close the Public Hearing and go into regular session. Second by Rydl. All ayes. Time 7:30 p.m.

The Cedar Creek Board of Trustees met in regular session at 7:30 p.m., on 9/05/06, at the Village Hall. Advance notice of the meeting was given by posting in three public places in the village and by publication in the Plattsmouth Journal. Board members present: Bode, Ford, Swenson, Rydl. Muntz was absent.

Motion by Rydl, second by Ford, to approve the minutes of the August meeting with the amendment to change the Rescue Squad request to \$4,500. All ayes.

Treasurer's Report:

Account Balances: Checking \$27,429.53, Money Market \$29,815.51, Keno \$72,044.93
Claims: Rural Water #3..23.50 Plattsmouth Journal..280.14 Alltel..88.95 OPPD bldg..178.00
OPPD park..14.00 OPPD park..14.45 OPPD street lights..105.99 Jefferson Pilot..140.60 Eagle
Services..150.00 Reliable Office Supplies..173.43 Wiles Bros Fertilizer..46.37 Ty's Outdoor
Power..96.56 Earnies..267.09 Cass County Sheriff..1214.88 B Reinsch..125.00 D
Newton..494.00 G Bode..109.25 Payroll..2366.12 Stander Ace Hardware..38.95
Motion by Rydl, second by Swenson, to approve the treasurer's report and pay all claims. All ayes.

Police Report:

The Cass County Sheriff's Department reported 80.34 hours of patrol were logged for Cedar Creek during the month of August. There were eight calls for service: Accident/Property/H & R 1000, Animal/Dog, three Medical Emergency/Illness, Theft/Other, two Theft From Motor Vehicle.

Correspondence:

Newsletter from the Sarpy/Cass Department of Health. Copies available for public.

League of Nebraska Municipalities 2006 Annual Conference, September 27-29, Lincoln. No Board members will be attending.

Nebraska Department of Natural Resources July 2006 Newsletter and notice of new FEMA Elevation Certificate. Also notice of upcoming FEMA Elevation Certificate Workshop. The Village Floodplain Manager may attend.

Reports of Officers, Boards, and Committees:

Financial report on expenditures for Cedar Creek Day was given. \$1,323.22 of Village Funds were spent for the event. No further report given.

B. Ford reported on Village codes which require reports from the Fire Department to the Board of Trustees. R. Hightree, Chief of the Cedar Creek Volunteer Fire Department informed the Board, the minute book is in the Fire Department file cabinet. Ford requested a report be given to the Board on Fire Department meetings and treasurer's report. After discussion, the Fire Department agreed to provide a copy of monthly minutes and a financial report to the Board.

Unfinished Business:

Request received from the City of Louisville for \$4,500 to renew the Rescue Agreement for 2006-2007. Motion by Rydl to pay the requested amount. Second by Ford. Vote: Bode yes, Ford yes, Swenson yes, Rydl yes, Muntz absent.

A request for bids to armor coat village streets was advertised in the Plattsmouth Journal for three weeks with no response. At the request of the Board, requests for bids will be directly mailed to area contractors.

Code violations, carried forward from previous months. Chair Bode informed the Board, the trash on the dike at Lot #173, has been removed and the fence has been taken down. The property owner argued that the fence was not being removed, disagreed with regulations of fences on street side of properties, and claimed ownership of the entire dike. He was informed fences along streets can be no higher than 3 feet and must be set back at least 6 feet from the property line. According to a survey of the area, the lot line is at the top of the dike. After further discussion, B. Ford stated since the trash has been removed from the dike, motion to not pursue the complaint and to dismiss the citation. Second by Swenson. Vote: Bode yes, Ford yes, Swenson yes, Rydl no, Muntz absent. Motion passed.

Other code violations reviewed: Violations on Lot #35, Lot #314, Lot #316, and 207 East B Street will be given to the attorney for possible legal action. Lot #284 will be monitored. Previous notices from the Building Inspector and State Fire Marshal regarding Ault's Store, will be made available to the new owners and will be reviewed at the October meeting.

Ordinances:

Motion by Ford, second by Rydl, to waive the three required readings of Ordinance 2006-08. Vote: Bode yes, Ford yes, Swenson yes, Rydl yes, Muntz absent. Motion by Rydl, second by Swenson, to adopt Ordinance 2006-08. Vote: Bode yes, Ford yes, Swenson yes, Rydl yes, Muntz absent. Ordinance 2006-08, AN ORDINANCE OF THE VILLAGE OF CEDAR CREEK, NEBRASKA, DEFINING SEXUAL PREDATOR TERMS; PROVIDING RESIDENCY RESTRICTIONS AND EXCEPTIONS TO SUCH RESTRICTIONS, shall take effect from and after its passage, approval, and publication as required by law.

New Business:

The village sidewalk at 205 East B Street was broken by a rock truck driving across it. Chair Bode stated, the property owner will replace the sidewalk.

Questions by the board on liability issues in the village park will be reviewed by the village attorney. Table to October.

Permits:

2099 Sunset Drive. Garage. The Planning Commission recommended a variance on size be requested by the owner. The permit was approved by the Floodplain Manager. Motion by Ford, second by Swenson, to approve the permit and variance request. All ayes.

318 Highline Circle. Roof and Storage Area. Planning Commission required detail on dollar amounts. Amounts were provided. Floodplain Manager approved the permit. Motion by Rydl, second by Swenson, to approve the permit. All ayes.

In other business: The Budget Hearing will be held at 7:00 p.m., on September 12th at the Village Hall; Randy Moses requested the Board advertise for Snow Removal as he is not interested in the job; R. Moses volunteered to spray for mosquitoes using Village equipment.

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

Mary C. Terry
Municipal Clerk/Treasurer