

Cedar Creek Board of Trustees
Minutes
December 5, 2006

The Cedar Creek Board of Trustees met in regular session at 7:00 p.m., on 12/05/06, at the Village Hall. All Board members were present. Advance notice of the meeting was given by publication in the Plattsmouth Journal and by posting in three public places in the village.

Motion by Ford, second by Rydl, to approve the minutes of the 11/07/06 Public Hearing as written and published. All ayes.

Motion by Rydl, second by Muntz, to approve the minutes of the 11/07/06 regular session of the Board of Trustees as written and published. All ayes.

Treasurer's Report:

Account Balances: Checking \$29,396.66, Money Market \$29,983.08, Keno \$86,705.01
Claims: Rural Water #3..23.50 Windstream..110.88 Plattsmouth Journal..192.05
Jefferson Pilot..140.60 OPPD park..14.45 OPPD pump house..19.00 OPPD building..
176.0 OPPD street lights..105.99 Stander Ace Hardware..53.46 Earnie's..3.98
Reliable Office Supply..88.78 Cather & Sons..562.50 LARM..1000.00 Cass County
Sheriff..1214.88 B Reinsch..455.00 Plattsmouth Journal..45.00 Payroll..2413.72

Fire Department Financial Report: General Fund Balance \$1,427.16; CD Balance \$5,055.21; Pickle Fund \$2,999.69; BBQ Fund \$10,066.84

Haunted Hollow funds deposited to Park Fund, after expenses, \$1,261.00.

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

Police Report:

As reported by the Cass County Sheriff's Department, 79.07 hours of patrol were logged for Cedar Creek during the month of November. There were eleven calls for service: 3 medical emergency/illness; Abandoned 911; Assist Fire/Rescue Unit; Assist Citizen/Keys Locked in Vehicle; Security Check. Two traffic citations were given and 4 traffic warnings given.

Correspondence:

A certified letter to the property owner of Lot #8 Block #3, sent by the Village Attorney, was not picked up at the post office by the property owner. The property owner was present at the meeting and the certified letter was hand delivered by the deputy present. The property owner was informed, the nuisance referred to in the letter is the illegal shipping container located on Lot #8, Block #3. Motion by Swenson, second by Rydl to refer item to the new Board. All ayes.

Certified letter to the property owner of Lot #35, sent by the Village Attorney, has had no response from the property owner. Motion by Swenson, second by Rydl to refer item to the new board. All ayes.

Reports of Officers, Boards, and Committees:

Fire Department report tabled from October not given. Financial report of the Fire Department given with the Village Treasurer's Report.

Report on Haunted Hollow not given. Financial report of the event given with the Village Treasurer's Report.

Unfinished Business:

Motion by Ford, second by Rydl, to refer tabled code violations to the new board. All ayes.

Motion by Rydl, second by Swenson, to refer unfinished item of Ault's Store to the new board. All ayes.

Motion by Swenson, second by Rydl, to refer unfinished business related to improvements to B Street to the new board. All ayes.

Chair Bode announced, the Conditional Use Permit for the Omaha Baseball Village was being moved from a Permit agenda item to an Unfinished Business item. Village Attorney Bill Reinsch informed the Board he had drafted an Agreement between the Omaha Baseball Village and the Village of Cedar Creek based on conditions of E & A Consulting Group and their client Omaha Baseball Village and conditions of approval as assigned by the Cedar Creek Planning Commission and Board of Trustees. The Agreement was drafted after B. Reinsch met with a principal of the Baseball Village and Jeff Leach of the Cedar Creek Planning Commission. Reinsch recommended, if the outgoing Board acts upon the request of a 20 year Conditional Use Permit, approval should be contingent upon the satisfactory negotiation of the Conditional Use Agreement. The new Board will be responsible to finalize the Agreement. Comments and concerns voiced from those present included,; Effects on local wells and water levels; Why the item wasn't put to a vote of the people; Had the developers looked into building at Plattsmouth. B. Ford read the motion by the Planning Commission to approve the requested 20 year Conditional Use Permit:

Planning Commission Motion. The recommendation of a 20 year Conditional Use Permit be contingent with these additional attachments:

1. An Annual review of the Omaha Baseball Village "Baseball Complex" to insure any discrepancies or infringements such as, but not limited to: Traffic congestions, lights, comfort or general welfare of the community be addressed and corrected by the Omaha Baseball Village "Complex". The Village Board is to create a "Steering Committee/Review Commission" to address any and all concerns pertaining to the Omaha Baseball Village "Complex".
2. To address the proposals by the Omaha Baseball Village "Complex" ie: assisting Cedar Creek with the improvement of the town's ball field, assist in arrangement

of a tournament to monetarily benefit the village and any and all other promises be submitted to the Village Board in writing.

3. A Hold Harmless Agreement be given and signed by the Omaha Baseball Village declaring they will be responsible for any and all legal expenses which may result from this Conditional Use Permit.

Motion made by Stauffer. In favor: Leach, Vice, Fuxa, Stauffer. Opposed: Moses.

E & A Consulting questioned the necessity of a hold harmless agreement and was informed it will all be worked out in the Agreement between the Village and Baseball Village. After a lengthy discussion and determination the Board is only voting on the duration of the Conditional Use Permit, motion by Muntz to approve the requested twenty (20) year Conditional Use Permit to Omaha Baseball Village. Second by Rydl. Vote: Muntz yes, Rydl yes, Swenson no, Ford yes, Bode yes. Approval of the Conditional Use Permit for Omaha Baseball Village shall be contingent upon the satisfactory negotiation of the Conditional Use Agreement. The Board of Trustees will appoint a Steering Committee to finalize the details of the Agreement. Those interested in being a part of the Steering Committee should apply thru the Village Office, P.O. Box 71, Cedar Creek, NE 68016.

Miscellaneous Business:

Motion by Ford, second by Rydl, to accept the new Board's qualifications as stated by the Cass County Election Commissioner. All ayes.

Oath of office was given to new Board members, Dan Muntz, Randy Moses, and J.R. Olson, by the municipal clerk. Motion by Moses to appoint Dan Muntz Board Chairman. Second by Olson. Motion by Ford to appoint Pam Swenson Board Chairperson. No second. Motion by Moses, second by Olson to close nominations. All ayes. Vote for D. Muntz as Board Chair: Olson yes, Moses yes, Muntz yes, Swenson yes, Ford yes. Motion by Swenson to nominate Bob Ford as Chairman Pro Tempore. Second by Moses. Motion by Moses, second by Swenson to close nominations. All ayes. Vote for B. Ford as Chair Pro Tempore, Olson yes, Moses yes, Swenson yes, Ford yes, Muntz yes.

Appointed position changes as assigned by the Chairman and Board of Trustees: Board of Adjustments Bob Ford, Pam Swenson, Randy Moses, J.R. Olson, Jeff Leach, and alternate Dan Muntz; Emergency Management Liaison Randy Moses; Village Engineer JEO; Board of Health Dan Muntz, Cass County Sheriff, Laurie Rydl; Vote to approve all appointed positions, Olson yes, Moses yes, Swenson yes, Ford yes, Muntz yes. Vacancies on the Planning Commission, Park Board, Tree Board, and Steering Committee will be posted and acted upon at the January meeting of the Board of Trustees.

Tabled Unfinished Business:

Lot #35, nuisance complaint. Village Attorney Reinsch notified the property owner by certified letter of the violation. No response was received from the property owner. Motion by Ford, second by Swenson, to go forward with criminal prosecution: Vote: Olson abstain, Moses abstain, Swenson yes, Ford yes, Muntz no. No action will be taken against the property owner at this time.

Motion by Swenson, second by Ford, to table remaining unfinished business items to January to allow new Board time to review. Vote: Olson yes, Moses yes, Swenson yes, Ford yes, Muntz yes.

Permits:

Conditional Use Permit, Omaha Baseball Village, duration of permit. Item acted on by the out going Board.

Manufactured Home 211 Main Street. Approved by the Planning Commission. Motion by Swenson to approve the permit and request for a variance of 4-501.3B. Second by Ford. Vote: Olson yes, Moses yes, Swenson yes, Ford yes, Muntz yes.

206 Sunrise Lane Addition. Approved by the Planning Commission and by the Floodplain Manager. Motion by Ford, second by Moses to approve the permit. Vote: Olson yes, Moses yes, Swenson yes, Ford yes, Muntz yes.

Chairman Muntz thanked the out going Board members for their years of service to the community.

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

Mary C. Terry
Municipal Clerk/Treasurer