

Minutes
May 1, 2007

The Cedar Creek Board of Trustees met at 7:00 p.m., on 5-01-07, at the Village Hall, for a Public Hearing for the purpose of considering renewal of a Conditional Use Permit to Theresa Metzger for the operation of a Paintball Course and Shop at 11212 Cedar Creek Road. Advance notice of the Public Hearing was given by publication in the Plattsmouth Journal and by posting in three public places in the village. Board members present: Muntz, Moses, Swenson, Ford. Olson was absent. Renewal of the conditional use permit application was approved by the Cedar Creek Planning Commission. No opposition to the conditional use permit was received. Motion by Ford, second by Moses, to approve the conditional use permit application. Vote: Moses yes, Swenson yes, Ford yes, Muntz yes, Olson absent. The Conditional Use Permit will be in effect for one year unless repealed by the Board due to any violations. Motion by Ford, second by Swenson, to close Public Hearing and open regular session. Ayes 4. Absent 1. Time 7:05 p.m.

Chair Muntz called the regular session to order at 7:05 p.m. Board members present: Muntz, Moses, Swenson, Ford. Absent: Olson. Advance notice of the meeting was given by posting in the village and by publication in the Plattsmouth Journal. The notice stated, said meeting shall be open to the public, the agenda is available for public inspection at village hall, and the agenda is not to be enlarged later than twenty four hours before the scheduled meeting except for emergency items.

Motion by Moses, second by Swenson to approve the minutes of the April 3, 2007 meeting as written with correction to type errors as noted. Ayes 4. Absent 1.

Treasurer's Report:

Account Balances: Checking \$18,994.45, Money Market \$30,207.35, Keno \$105,055.18
Claims: Rural Water #3..23.50 Plattsmouth Journal..218.35 Windstream..100.49 Jefferson
Pilot..140.60 OPPD park..14.54 OPPD pump..19.00 OPPD bldg..176.00 OPPD st lgts..105.99
Roberts Electrical..1475.57 Tys Outdoor..307.40 JEO..455.00 P Koehler..1225.25 Cass Co
Sheriff..1214.88 Springfield/Louisville Ins..50.00 Earnies..99.97 P Welte..142.17
Payroll..2766.40

Motion by Moses, second by Swenson, to approve the treasurer's report and pay all claims.
Ayes 4. Absent 1.

Police Report:

As reported by the Cass County Sheriff's Department, 77.16 hours of patrol were logged for Cedar Creek during the month of April. There were ten calls for service: Abandoned Vehicle, Check Suspicious, three Medical Emergency/Illness, two Medical Emergency/
Injury, Accident/Injury, Abandoned 911, Vehicle Inspection. Three warnings were given for speeding. Discussion was held on a golf cart accident involving operation by an un-licensed driver, an ordinance violation. Ford, motion to leave as a warning. No second. Swenson, motion to proceed and file complaint. Moses second. Discussion no vote. Swenson, motion to amend and have Roger Johnson as council, file complaint. Moses second. Discussion no vote. Swenson, motion to suspend permit and send notice of right to public hearing. Moses second. Vote: Moses yes, Swenson yes, Ford yes, Muntz yes, Olson absent. Discussion.

Swenson, motion to amend, have Roger Johnson serve as council, suspend permit, go to public hearing, send notice based on recent violation. Ford second. Vote: Moses no, Swenson yes, Ford yes, Muntz no, Olson absent.

Correspondence:

Notice from SENDD, on release of funds for a regional housing rehabilitation program. A flyer on the program is posted at the Cedar Creek Post Office and Village Hall.

Legislative Bulletins were reviewed by the Board.

Department of Roads invitation to submit input toward the statewide transportation improvement plan.

Unfinished Business:

Discussion was held on street work needed prior to Micheel's Construction armor coating the streets. Excavating companies will be contacted and requested to supply proposals to grade village streets. If estimates are over \$20,000 the project will be advertised for bids.

No new information received on the proposed railroad quiet zone. Table.

Board made no decision on a design for the new village sign. B. Ford informed those present, the sign will be located in front of the Village Hall/Fire Barn, on village property, will be of brick or stone, and may have an electronic message board. Table.

B Street Improvements. Drainage along B Street, and recommendations of the village engineer were discussed. Motion by Moses, second by Ford, to contact SENDD regarding a possible water and drainage study using CDBG funds. Vote: Moses yes, Swenson yes, Ford yes, Muntz yes, Olson absent. B. Ford offered to meet with a SENDD representative to discuss the drainage problems along B Street.

Ault's Store. Chair Muntz reported, the Fire Marshal report stated closure of the one underground fuel tank could wait temporarily to be closed or removed. B. Ford remarked, he thought there were two tanks. Property owners commented there had been three tanks, two had been removed, the third tank will be removed when new drainage is put in B Street. A resident asked about a tank that was in the basement. Owner stated there was none. P. Swenson stated at this point the issue is being handled by the State Fire Marshal. The Board reminded the property owners, they were given a Building Permit Application at the April meeting, the application was not submitted for approval, and construction on the roof has continued. Property owners argued that a permit was not needed. When comments became disruptive, Chair Muntz requested the individual causing the disturbance be removed from the meeting by the deputy. Discussion continued on the necessity of a building permit. Motion by Swenson, to request the Building Inspector red tag the roof construction at Ault's Store. Second by Ford. Vote: Moses yes, Swenson yes, Ford yes, Muntz yes, Olson absent. Question from a resident, how many votes would it take to overturn the Board's decision. Muntz replied, however many it takes to recall the board.

Motion by Swenson to enter into executive session for the purpose of discussing legal issues. Second by Ford. Moses yes, Swenson yes, Ford yes, Muntz yes, Olson absent. Time 7:50 p.m. Motion by Ford, second by Swenson, to exit executive session and return to regular session. Vote: Moses yes, Swenson yes, Ford yes, Muntz yes, Olson absent. Time 8:00 p.m.

Ordinances:

Ordinance 2007-01 Shipping Containers, second reading. Swenson, motion to not have reading of ordinance and not continue with consideration of the ordinance. Second by Ford. Vote: Moses no, Swenson yes, Ford yes, Muntz no, Olson absent. Motion failed.

Ordinance 2007-01, second reading by clerk. Objections to the ordinance as written were voiced by a resident. P. Swenson stated, the board has had 2 readings of the Ordinance, there will be a third reading, and will be voted on. B. Ford stated, after passage of the ordinance, amendments can be considered. D. Muntz informed the residents, a public hearing had been held and the comments could have been heard at that time. R. Moses informed the owner of 207 East B Street, he had already violated regulations by moving two containers onto his property. Another resident informed the board, they would be selling shipping containers from Ault's Store. Attorney Slattery informed the resident, it would be a violation to store the containers on the property and at this time it's illegal to have one on your property. The Board is trying to accommodate everyone. Third reading of Ordinance 2007-01 will be made at the June 5th meeting.

Ordinance 2007-02 Regulation of ATV's. At the request of the Board, changes will be made to the ordinance, allowing a maximum speed of 25 mph. Village Attorney advised the Board, changes to the ordinance should be made before voting and the related law doesn't take effect until September 1, 2007. A. Steppat stated, existing Nebraska Statute 60-678 allows local units of government to regulate use of ATV's within their jurisdictions. B. Ford agreed. Attorney Slattery stated the Board has her advice that LB 307 will not take effect until September 1, 2007. D. Muntz stated changes will be made to the ordinance and will be discussed further at the June meeting. Also stated, ATV's are currently not allowed on village streets.

Permits:

201 A Street Garage. Approved by the Planning Commission. Motion by Swenson, second by Moses, to approve the permit. Ayes 4, Absent 1

Lot #17 Diesel Lake Shed. Approved by the Planning Commission. Approved by the Floodplain Manager with conditions. Motion by Ford, second by Swenson, to approve with the conditions of the Floodplain Manager. Ayes 4 Absent 1

18011 – 114th St. Addition to House. Approved by the Planning Commission. Motion by Swenson, to approve as submitted. If utilities are to be installed, the permit will be re-submitted for consideration. Second by Ford. Ayes 4 Absent 1

18001 – 114th St. Garage. Approved by the Planning Commission. Motion by Swenson, to approve as submitted. If utilities are to be installed, the permit will be resubmitted for consideration. Second by Moses. Ayes 4 Absent 1

Lot #11 Diesel Lake Garage. Approved by the Planning Commission. Approved by the Floodplain Manager with conditions. Motion by Ford to approve with the conditions of the Floodplain Manager and subject to septic system setbacks. Second by Swenson. Ayes 4. Absent 1

308 Highline Circle Addition. Approved by the Planning Commission and by the Floodplain Manager. Motion by Ford, second by Swenson, to approve. Ayes 4 Absent 1

10320 Prairie Ridge Drive Shed. Approved by the Planning Commission. Motion by Ford, second by Moses, to approve. Ayes 4 Absent 1

3986 Lakeview Drive Dwelling. Approved by the Planning Commission. Property not in 100 yr floodplain. Motion by Swenson to approve. Second by Moses Ayes 4 Absent 1

1008 Platteview Connect garage to house. Board is in agreement, no action required. Permit previously denied and owner instructed on procedures to appeal the Board decision.

In other business, a resident questioned if it takes an entire Board to fire an employee that is incompetent. Board replied yes. Motion by Moses to adjourn. Second by Ford. Ayes 4 Absent 1.

I the undersigned Municipal Clerk/Treasurer, hereby certify the foregoing is a summary of all matters discussed at the 5-01-07 meeting of the Board of Trustees and was available to the public within ten working days. All proceedings were contained in the agenda for at least twenty four hours prior to said meeting. A current copy of the State of Nebraska Open Meetings Act is posted in the Village Meeting Room and is accessible to the public.

Mary C. Terry
Municipal Clerk/Treasurer

Planning Commission Meeting May 29, 2007 @7:00 p.m. Village Hall

Board of Trustees Meeting June 5, 2007 @7:00 p.m. Village Hall