

MINUTES
SEPTEMBER 4, 2007

The Cedar Creek Board of Trustees met in regular session on 9-04-07, at 7:00 p.m., at the Village Hall. All Board members were present. Advance notice of the meeting was given by posting in three public places in the village and publication in the Plattsmouth Journal.

Motion by Swenson, second by Olson, to approve the minutes of the August 7, 2007 meeting as written and as published. All ayes.

Treasurer's Report:

Account Balances: Checking \$32,616.10, Money Market \$30,493.32, Keno \$47,721.62
Claims: Rural Water #3..23.50 Windstream..97.18 OPPD park..14.88 OPPD building..
176.00 OPPD pump..19.00 OPPD street lights..108.96 OPPD park..18.85 Eagle
Services..220.00 Lincoln Financial Group..29.60 Cass County Sheriff..1214.88
Reinsch, Slattery, Bear..450.00 JEO..422.50 League of Nebraska Municipalities..1660.0
0 Micheels Construction 1605.00 Micheels Construction..420.00 Ty's Outdoor Power
71.11 Affordable Plumbing..145.00 Earnies..192.03 Stander Ace Hardware..39.65
Mill Creek Auto..38.49 Reliable Office Supply..143.38 Ed's Tree Service..600.00
Stutheit Implement..329.98 J Baulish..318.25 Payroll..3270.80

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

Alan Mueller, Mayor of Louisville, was present to answer questions from the Board regarding the Louisville/Cedar Creek Rescue Agreement. The City of Louisville is requesting \$5850 be paid by Cedar Creek for the agreement to continue. A. Mueller stated 13% of all calls were made to Cedar Creek in the last fiscal year. The cost was based on percentage of calls, operation expenses of the squad, training. After a lengthy discussion, motion by Moses, second by Ford, to make a decision on the Rescue Agreement at a Special Meeting to be held on 9-17-07. All ayes. Attorney Minahan will have answers to the Board's questions by the 9-17-07 meeting.

Police Report:

The Cass County Sheriff's Department reported 78.82 hours of patrol were logged for Cedar Creek during the month of August. There were five calls for service: Abandoned Vehicle, Assist Citizen, Medical Emergency, Vehicle Inspection, Abandoned 911. No citations were issued. Warnings issued on: No proof of insurance; No valid registration; Display of Plates; Violate Stop/Yield Sign; Speed 1-5 mph; No Brake/Turn Signal Lights.

Correspondence:

Email received from B. Vice, resigning his position on the Cedar Creek Planning Commission. The vacancy will be posted. Vacancy to be filled at the 9-17-07 Special Meeting.

Needs assessment survey by LPRCA, as completed by Chuck Paukert, Village Floodplain Manager. Motion by Swenson, second by Ford, to complete the survey as outlined by C. Paukert. All ayes.

League of Nebraska Municipalities annual conference, Sept. 19-21, Gering. No attendance.

Unfinished Business:

Ault's Store. Chair Muntz stated the red tag was included in the permit application to be discussed later in the meeting. The property owner was asked if he is putting in a septic system. Owner stated a contractor is to do a percolation test in approximately 2 weeks. P. Swenson asked if Rural Water was hooking up water to the store. Owner replied they were planning on installing a sand point. Swenson said Village Code 8.307 requires new construction or substantial improvements to be connected to Rural Water District #3. B. Ford asked if there is documentation the fuel tanks were closed or removed by a licensed contractor. Owner stated they were above ground fuel tanks and the Fire Marshal knew about them. The tank under the street has not been removed or filled. Owner had hoped the village would have put in storm sewers so it could have been removed. Owner stated the tank is about 500 gallons and located about 3 feet below surface. Board informed the owner, it is to be either filled or removed by a licenses contractor. B. Ford stated, the Board needs to make sure it is taken care of properly. B. Ford asked what the plan is for the pile of brush and other items across from the store. R. Moses stated the Fire Department had applied for a permit to burn the pile from the Department of Environmental Quality. When the permit is received, the pile will be burned.

Shipping Containers. Chair Muntz asked B. Bohuslavsky if he had received the letter from the Village Attorney regarding shipping containers at 101 East B Street and 207 East B Street. He stated he had received the letter and wanted to know if something could be worked out so the containers could remain on his properties. B. Ford stated, the Board had planned on passing an ordinance to allow the containers but B. Bohuslavsky moved in additional containers. If he were allowed to have the containers, additional containers would follow and it is something the village does not need. After further discussion, motion by Swenson to instruct the village attorney to proceed with the injunction action against Ben Bohuslavsky for the two shipping containers at 207 East B Street and one shipping container at 101 East B Street. Second by Ford. Vote: Moses yes, Olson yes, Swenson yes, Ford yes, Muntz yes.

A list of street trees needing trimmed was given to the clerk. Letters will be sent to individual property owners.

LARM compliance. All recommendations have been completed with the exception of an inventory of all chemicals. LARM will be notified.

Ordinances:

Motion by Moses, second by Olson, to waive the three required readings of Ordinance 2007-02, which would allow use of ATV's on village streets with restrictions. Vote:

Moses yes, Olson yes, Swenson yes, Ford yes, Muntz yes. Questions were raised on if a helmet requirement was in the ordinance. It is not. Ford stated the slow moving vehicle sticker and orange bicycle flag on golf carts and ATV's needs to be enforced as well as any other violation by operators. Motion by Moses, second by Olson, to adopt Ordinance 2007-02. Vote: Moses yes, Olson yes, Swenson no, Ford yes, Muntz yes. Ordinance 2007-02, AN ORDINANCE OF THE VILLAGE OF CEDAR CREEK, NEBRASKA, TO AMEND CHAPTER III OF THE VILLAGE ORDINANCES OF THE VILLAGE OF CEDAR CREEK BY THE ADDITION THERETO OF AN ORDINANCE TO PERMIT DEFINED ALL TERRAIN VEHICLES TO OPERATE ON THE PUBLIC STREETS OF THE VILLAGE PURSUANT TO CERTAIN RULES AND REGULATIONS; TO PROVIDE A PENALTY FOR THE VIOLATION OF THE ORDINANCE; SHALL BE IN FULL EFFECT ON THE FIFTEETH DAY FROM PASSAGE AND UPON PUBLICATION IN PAMPHLET FORM AND BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE.

New Business:

Motion by Olson to sell the Bush Hog Mower to B. Fuxa for \$800.00. Second by Moses. All ayes.

Chair Muntz stated the Cedar Creek Volunteer Fire Department will burn the tree pile at the Lake #1 Park the evening of September 29th. Notices will be posted.

Chair Moses stated the village will spray for mosquitoes Friday evening September 7th.

Permits:

101 East B Street Addition to Store. Planning Commission passed to Trustees without full approval. Board members were informed blueprints were available for inspection. Owner explained proposed work. Muntz asked where the septic system would be located. Owner stated it would be on the north side of the building. Swenson inquired what the intent or use of the building was. Owner stated it will be an auto repair and tire repair shop. Swenson stated that village ordinance requires hookup to Rural Water if available. Attorney Minahan instructed the property owner to address water connections in his permit application. Other areas of concern discussed: Side lot set back, 10 feet required between residential and commercial; Shipping Container must be removed; Parking requirements must comply with zoning regulations, Maximum coverage of lot. B. Bohuslavsky and D. Hansen asked if a variance could be given for setbacks. Swenson and Ford responded they would not grant a variance to the regulation. Hansen argued no other business has a buffer zone. He was informed, all businesses were in existence before the zoning ordinance took effect. After a lengthy discussion, motion by Moses, second by Olson, to send the permit back to the Planning Commission 9-25-07 and to the Board 10-02-07 with instructions that all areas of concern be addressed. Vote: Moses yes, Olson yes, Swenson yes, Ford yes, Muntz yes. Ford suggested the owners request assistance with completing the permit application from area contractors.

Lot #149 Garage. Approved by the Planning Commission and Floodplain Manager. Discussion on setbacks. Motion by Moses, second by Ford, to approve the permit. Vote: Moses yes, Olson abstain, Swenson no, Ford yes, Muntz yes. Permit approved.

Lot #138 Garage. Approved by the Planning Commission and Floodplain Manager. Motion by Swenson to approve with a 25 foot setback from the street. Second by Ford. All ayes.

Lot #49 Fuxa Addition Dwelling. Approved by the Planning Commission and Floodplain Manager. Motion by Ford, second by Olson to approve the permit. Vote: Moses abstain, Olson yes, Swenson yes, Ford yes, Muntz yes.

Lot #274 Addition to Dwelling. Approved by the Planning Commission and Floodplain Manager. Motion by Swenson to approve, second by Ford, all ayes.

Lot #274 De-attached garage. Approved by the Planning Commission and Floodplain Manager. Motion to approve by Moses, with a variance to square footage because of lot size. Second by Olson. All ayes.

In other business, Chair Muntz stated there was nothing new on the proposed village sign, and have not received additional information on the railroad quiet zone. Attempt will be made to contact the owner of the cable shed and request it be removed from the village park. The storage shed at the park is to be cleaned out by R. Little. B. Ford stated he would like to have the Board consider constructing a new storage shed at the village park.

There being no further business to come before the Board, motion made by Moses to adjourn. Second by Olson. All ayes.

Mary C. Terry
Municipal Clerk/Treasurer

Planning Commission Meeting 9-25-07 @7:00 p.m. Village Hall

Board of Trustees Meeting 10-02-07 @7:00 p.m. Village Hall