

Minutes
10-03-06

The Cedar Creek Board of Adjustments met at 7:00 p.m., on October 3, 2006, at the Village Hall. Board members present: D. Rydl, B. Ford, D. Muntz, and J. Leach. P. Swenson and alternate G. Bode were absent. Advance notice of the meeting was given by posting in three public places in the village and by publication in the Plattsmouth Journal. Purpose of the meeting was to hear an appeal by B. Bohuslavsky to rezone Lot #8 Block #3 from Residential R-3 to Commercial C-1. B. Bohuslavsky informed the Board of his plans to fence in the shipping container with a six foot privacy fence and operate a tire repair business out of the container, and to install a picket fence along the street side property line. B. Bohuslavsky stated he felt he was being treated unfairly when the Trustees denied his request to rezone. He stated, the location of the existing garage shouldn't be an issue. B. Ford replied, he finds it difficult to approve the rezone to a property already in noncompliance with village codes but would give his approval. D. Rydl informed B. Bohuslavsky, if the rezone is approved it doesn't grant him license to start the tire repair business, he would need to apply to the DEQ for permits, all village codes must be complied with, and rezoning would not give permission to keep the shipping container. Motion by Ford to rezone Lot #8 Block #3 from Residential R-3 to Commercial C-1. Second by Muntz. Vote: Ford yes, Muntz yes, Leach yes, Rydl yes, Swenson absent. The Board informed Bohuslavsky, the rezone would not be final until after adoption of Ordinance 2006-07 as not enough Trustees were present to approve the ordinance. Table Ordinance 2006-07 to November.

Motion by Muntz, second by Leach, to adjourn the Board of Adjustments meeting. All ayes.

Chair Pro-tempore Dave Rydl opened the regular session of the Board of Trustees at 7:07 p.m. Advanced 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: Rydl, Ford, Muntz. Absent: Bode, Swenson.

Motion by Ford, second by Muntz, to approve the minutes with the corrections of Lot #314 changed to Lot #170, and Lot #316 changed to Lot #169, page 2, paragraph 9. All ayes.

Treasurer's Report:

Account Balances: Checking \$37,209.78, Money Market \$29,870.65, Keno \$81,225.91
Claims: Rural Water #3..23.50 Plattsmouth Journal..245.68 Alltel..88.18 OPPD
park..14.00 OPPD park..15.42 OPPD bldg..176.00 OPPD street lights..105.99
Jefferson Pilot..140.60 Eagle Services..150.00 NE Municipal Clerks Assoc..10.00
LARM property/casualty..7392.00 LARM workers comp..1510.00 Wiles Bros Fertilizer
45.00 Earnies..106.59 Asphalt & Concrete Materials..587.82 P. Kohler..1214.50 Cass
County Sheriff..12114.88 B Reinsch..125.00 D Newton..322.00 Reliable Office Supply
180.57 Payroll..2289.71

Motion by Muntz, second by Ford, to approve the treasurer's report and pay all claims. All ayes. Financial report by the Cedar Creek Volunteer Fire Department: Account balances: Checking \$1,669.02, CD \$5,055.21, Pickle Fund \$2,723.73, BBQ Fund \$10,066.84. Claims paid in September, Racom (2 hand held radios) \$875.50, Dan Muntz reimbursement for truck parts \$486.86.

Police Report:

As reported by the Cass County Sheriff's Department, 68.09 hours of patrol were logged for Cedar Creek during the month of September. There were twelve calls for service: Trespassing, Fire/Open Burning Ban, Fire/Burn Permit, Abandoned 911, Alarm/False, Special Services, Assist Fire/Rescue, Five Medical Emergencies.

Correspondence:

League of Nebraska Municipalities information on Initiative 423 which will appear on the November ballot.

Nebraska Department of Roads schedule of annual surface transportation program meetings.

Cass County Election Commissioner notice of election and sample ballot for the November 7, 2006 General Election. D. Rydl noted, the Board of Trustees will meet on November 7, 2006 at 7:00 p.m. in the meeting room.

Reports of Officers, Boards, and Committees:

D. Muntz was informed, to be in compliance with Village Code, a report is needed from the Cedar Creek Volunteer Fire Department giving membership, attendance records, minutes of meetings, any fire reports, and financial. Report to be made at the November 7, 2006 meeting. All reports are to be a part of the Board of Trustees minutes.

Unfinished Business:

Code Violations. Bill Reinsch will be serving notice of violations to the owner of Lot #8 Block #3 on the shipping container, and Lot #35 for the accumulation of junk. Lot #169, Lot #170, and Lot #284 will be monitored and reviewed at the November meeting.

Street repairs were discussed. The request for bids, is to be advertised in the Plattsmouth Journal for three weeks and copies of the request were mailed directly to five companies. Deadline for bids is November 7th. Any bids received will be opened at the November 7, 2006 meeting. Bids are to be for armor coating of nine miles of roads, north and south of the railroad tracks.

Miscellaneous Business:

Motion by Ford, second by Muntz, to designate Home State Bank, Louisville, Nebraska as the village depository for fiscal year 2006-2007. All ayes.

Randy Moses presented a proposal to continue with the snow removal contract for the new fiscal year. Motion by Ford, second by Muntz, to accept the proposal and review

after the general election. All ayes. It was noted, R. Moses will be on the ballot for the position of Cedar Creek Board of Trustees. If elected, he may not be eligible for the snow removal contract.

The Board was notified, Permit #474 had expired. Motion by Muntz to extend the permit 18 months. No second. Motion by Ford to extend the permit 6 months. Second by Rydl. Vote: Ford yes, Muntz yes, Rydl yes, Bode absent, Swenson absent. Permit #474 will be given a six month extension.

New Business:

A complaint was received from J. Warren, regarding the drainage along the north side of B Street. According to Warren, drainage improvements are needed from the storage units on B Street and Walnut Street west to Ault's Store at B Street and Main. Several recommendations were made from those present. Rydl informed residents, any work would have to be at the direction and approval of the Board and the Board would choose a contractor for the project. If the work is over \$20,000 advertising for bids would be required. Trustee Ford will contact area excavating contractors and report findings at the November 7th meeting.

Bill Jankovich requested the Board consider changing the name of "B" Street to Ault Blvd. as a tribute to Jack Ault and because the name B Street has no character. He also stated the Ault name had been part of the community for over 100 years. B. Ford commented he liked the idea of the name change. The clerk informed the Board, any change would need to be done by ordinance, and there are families in the community who have supported community projects and whose families settled in the area before the Ault family. D. Rydl questioned if changing the street name would upset some residents, should it be done. Item tabled to November.

Bill Jankovich proposed organizing a street improvement committee composed of one person from each Cedar Creek Business on B Street. Purpose of the committee would be to plan for drainage improvements, street improvements, and renew the appearance of the street. Attorney Reinsch informed the Board, a committee to plan or conduct a study would be allowed, however, any decisions on all improvements are entirely up to the Board and procedures would have to be in accordance with state and local regulations. Bob Ford will represent the Board on the Street Improvement Committee when organized. The Committee is to take all recommendations to the Planning Commission who will present any recommendations to the Board of Trustees for final decision.

The public sidewalk on the south side of Lots #12, #11, #10, Block #3 and Lots #5 and #6 Block #2, all on the north side of B Street, was removed and replaced at the direction of Bill Jankovich without prior approval or permit from the Board of Trustees. Cass County Zoning inspected the sidewalk and found it to be in noncompliance with ADA regulations. B. Jankovich was informed he needed to cut the curbs for handicap accessibility four foot in width with sloped sides and grading is required on the edges of the sidewalk. The Board is to have final say on the finish of the cement. D. Rydl informed Jankovich, the sidewalk, in his opinion, looked good but it needs to comply

with ADA regulations. B. Ford commented the drainage needed to be taken care of before the sidewalk is finished. JEO, the Village Street Superintendent, will be contacted for legal requirements.

In other business, the Fire Department was reminded, Election will be held in the Fire Barn on November 7th and the trucks need to be moved out by 7:00 a.m., tables and chairs set up, and the booths set up.

Lori Little and Laurie Rydl will be heading the Haunted Hallow committee. Motion by Ford, second by Muntz, to allow a start up expenditure of \$700 for the event. All ayes.

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

Mary C. Terry
Municipal Clerk/Treasurer

Planning Commission Meeting 10-31-06 @7:00 p.m. Village Hall

Board of Trustees Meeting 11-07-06 @7:00 p.m. Village Hall