

Minutes Summary
Cedar Creek Board of Trustees
April 3, 2007

The Cedar Creek Board of Trustees met at 7:00 p.m., on 4-03-07, at the Village Hall, for a Public Hearing to amend the Village Comprehensive Development Plan. 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, Olson, Swenson. Ford was absent. Chair Muntz stated the purpose of the hearing was to consider passage of Ordinance 2007-01, an ordinance to amend the village zoning regulations to include the allowance of shipping containers to be used as storage on the C-1, General Commercial Districts with conditions. Questions were asked and discussed on setbacks from Residential Areas, setbacks to property lines and other structures, storage of hazardous substances, annual fee of \$100 with an application, condition of shipping containers, no utilities allowed to containers, used for storage only, and only allowed in Commercial Districts. Motion by Olson to waive the three required readings of Ordinance 2007-01. Second by Moses. Vote: Moses yes, Olson yes, Ford absent, Swenson no, Muntz yes. Motion did not pass, 4 affirmative votes needed. Ordinance 2007-01 will be read again at the May 2007 meeting. Motion by Moses to adjourn. Second by Olson. All ayes.

The Public Hearing to consider approval of renewal for a Conditional Use Permit to Theresa Metzger for operation of a Paintball Course and Shop at 11212 Cedar Creek Road, opened at 7:25 p.m. Advance notice of the Public Hearing was given by posting in three public places in the village and by publication in the Plattsmouth Journal. Board members present: Moses, Olson, Swenson, Muntz. Ford was absent. The Village Attorney informed the Board, the conditional use permit issued to Omaha Baseball Village would need to be rescinded before this Conditional Use Permit for a Paintball Course and Shop can be considered as both permits involve the same property. Motion by Moses, second by Swenson, to reschedule the Public Hearing to May 1, 2007. All ayes. Motion by Moses, second by Olson, to adjourn Public Hearing and enter regular session. All ayes.

The Cedar Creek Board of Trustees opened regular session at 7:30 p.m., on April 3, 2007, at Village Hall. Board members present: Moses, Olson, Swenson, Muntz. Ford was absent. 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 Moses, second by Swenson, to approve the minutes of the March 6, 2007 meeting with the correction of a type error on page 3, paragraph 5, line 5, omitting the word "the", the 12th word in the line as noted by Swenson. All ayes.

Treasurer's Report:

Account Balances: Checking \$26,040.83, Money Market \$30,149.74, Keno \$102,699.00
Claims: Rural Water #3..23.50 Windstream..92.68 OPPD pk pump..19.00 OPPD
pk..14.45 OPPD bldg..176.00 OPPD st lgts..105.99 Ferrellgas..1183.80 Jefferson

Pilot..140.60 P Welte..669.66 Asphalt Concrete Materials..684.82 Reliable Office Supply..213.16 McAfee renewal..73.82 P Koehler..2423.50 Reinsch, Slattery, Bear..242.50 Cass County Sheriff..1214.88 Payroll..2360.87

Motion by Swenson, second by Olson, to approve the treasurer's report and pay all claims. All ayes. Board approval given to order two portable restrooms for use at the Village Park during the summer season. The owner of Lots #8 & #9 Block 3 requested additional rock be added to the east/west alley in Block #3.

A Fire Department financial report was given to Board members. Copy of the report is on file.

Police Report:

As reported by the Cass County Sheriff's Department, 87.01 hours of patrol were logged for Cedar Creek during the month of March. There were six calls for service: Accident/Property, Assault/Misdemeanor, Assist Citizen, 2 Locate Missing Juvenile, Death/Sickness. One citation was given for Assault 3rd Degree.

Correspondence:

Legislative Bulletins from the League of Nebraska Municipalities.

United States Department of Commerce.

Invitation from the Southeast Clerks Association to the Officials night.

Information on the Great Nebraska Trash Off, April 14-28

Reports of Officers, Boards, and Committees:

It was reported that the Cedar Creek Volunteer Fire Department are in charge of the Easter Egg Hunt, on Saturday April 7th, at 11:00 a.m., at the Village Park.

The Volunteer Fire Department will hold their BBQ Contest on May 4th & 5th.

Unfinished Business:

Chad Jennings of Omaha Baseball Village, requested the Cedar Creek Board of Trustees vacate the Special Use Permit issued to the Baseball Village on Metzger property so the Paintball Business can move forward. Jennings indicated there were still things they want to do for the village as previously presented to Dan Muntz. Reasons stated for not locating at Cedar Creek were given as cost overruns on septic systems and availability of a water supply. Motion by Moses, second by Olson, to rescind the Conditional Use Permit issued to the Omaha Baseball Village. Vote: Moses yes, Olson yes, Swenson yes, Ford absent, Muntz yes. Rod Little related he had spoke to John Winkler about planned improvements to the Cedar Creek Ball Field. According to R. Little, eight teams utilize the field for practices and there will be games played on the field with Millard, Gretna, and Springfield. D. Muntz stated the infield will be reworked, a batting cage and pitching cage will be added, new bases, pitching mound, level bases, and other work they feel necessary all at the cost of the Omaha Baseball Village. Motion by Moses, to

acknowledge the proposal by Chad Jennings to make the stated improvements to the Village Ball Field and to allow C. Jennings and Rod Little to proceed with the Board's appreciation. Second by Olson. All ayes.

R. Moses reported he had received some information from the railroad on declaring the crossing a quiet zone. He was awaiting a call from the FRA. He said it would require a study to be done before the request could be considered. P. Swenson asked if there were grants the town could apply for. She stated there was a big interest in the project by residents. Moses stated that there are two options to consider. One is an automated horn system, the other would involve construction of four separated gates. A study by the railroad would determine what system is best. Table to May.

The Board discussed passage of LB307, which allows cities and villages to regulate or prohibit all-terrain vehicles within their corporate limits. After discussion, motion by Moses, second by Olson, for the attorney to write an ordinance to allow operation of ATV's within the corporate limits and in compliance with rules of LB 307. All ayes.

At the request of the Board, an inspection of drainage along B Street was made by the Village Engineer. It is the recommendation of the engineer to clean the gutters on both sides of B Street, grade, and armor coat. After discussion, Board decision to request quotes for grading and armor coating of the gutters along B Street. Table to May.

At the request of the Board, the Cass County Building Inspector inspected the work being performed on Ault's Store. In his opinion a permit is required. D. Muntz gave a permit application to the property owner and instructed him to fill it out and return it to Muntz.

The Board discussed several designs for a new sign at the Village Hall/Fire Barn. The Bell and Memorial Board will be included in the design. Motion by Moses, second by Olson, to get cost estimates and table to May. All ayes.

Miscellaneous Business:

Three sealed bids were received for proposals to armor coat surface all streets in the village as listed on the Lane Mile Report. Chair Muntz opened and read each proposal. The following bids were received: Micheels Construction Co, Unit Price \$48.82/0.01 Lane Mile, total bid \$58,584.00. Sta Bilt Construction Co., Unit price \$57.34/0.01 Lane Mile, total bid \$68,808.00. The Road Guy Construction Inc., Unit price \$63.36/0.01 Lane Mile, total bid \$76,032.00. Motion by Moses, second by Olson, to accept the proposal by Micheels Construction Co. Vote: Moses yes, Olson yes, Swenson yes, Ford absent, Muntz yes. Motion by Olson, second by Moses, to advertise for separate bids to grade and compact all streets including the sides of B street. Vote: Moses yes, Olson yes, Swenson yes, Ford absent, Muntz yes.

Six applications were received for the position of Village Maintenance. Motion by Moses to hire Rollie Hansen for the position. Second by Swenson. All ayes.

New Business:

A written complaint was received from James Warren accusing the Village Clerk and anyone standing with her of malfeasance. Complaints against the clerk: Talking for the town; Gives negative reports; Costs the town thousands of dollars; Sets her own hours; Not at the office at night; Runs the whole show; Has no sense; Liar; Underhanded; Puts things in the minutes that were not said; Kicked the Baseball people out of town; Child abuse; Picks on people she doesn't like; Lobbyist. Should be terminated.

Pam Swenson in defense of the clerk said: Anything she said to reporters was not out of the ordinary and was truthful & not outside of what took place in the meetings. After accusations, response by the clerk, and comment by the attorney that the three men disrupting the meeting could be removed, Chair Muntz stated the board was moving to the next item.

Permits:

201 A Street Garage. Approved by the Planning Commission. Location of proposed garage changed from original plan. Attorney recommended it go back to the Planning Commission. Table to May.

1008 Platteview Drive. Request for a variance of FEMA regulations. Request denied by the Planning Commission. P. Swenson noted the required hardship not met and read the related regulations to the board. Chuck Paukert, Floodplain Manager, stated the case does not warrant issuing a variance to the flood codes. A variance could not be justified. A setback variance would be a different issue. Paukert explained to the board related regulations and flood issues and ways to comply with the regulations. The board should document what the permit is for and if any work is done beyond that which is documented, any penalty issued would be to the property owner, not to the board. Swenson noted, the setbacks would not comply if the garage were to be attached to the house and the original permit did not allow for plumbing or heating. A report from the building inspector indicates additional regulations are to be complied with. Motion by Swenson, second by Moses, to deny the request for a Variance to FEMA regulations. Vote: Moses yes, Olson yes, Swenson yes, Ford absent, Muntz abstain.

Permit received for a 24' x 24' shed at Diesel Lake. Motion by Moses, second by Olson, to send back to the Planning Commission. All ayes.

A. Steppat requested permission to remove a dead tree from the village park across from his property. Permission granted.

Motion by Moses, second by Olson, to adjourn. All ayes.

The minutes are published in summary form. Upon request a complete copy is available at the village office.

Mary C. Terry
Municipal Clerk/Treasurer