

Minutes  
November 6, 2012

The Cedar Creek Board of Trustees met at 7:00 p.m., in regular session at the Village Hall. All Board members were present. 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 the Village Hall, and the agenda is not to be enlarged later than twenty four hours prior to the scheduled meeting except for items of an emergency nature.

Motion by McAllister, second by Mohler, to approve the minutes of the 10-02-12 regular meeting and the 10-21-12 special meeting. All ayes.

Treasurer's Report:

Account balances: Checking \$56,791.07, Money Market \$29,003.94, Keno \$87,754.55  
Claims: Rural Water #3..23.50 Plattsmouth Journal..103.44 Windstream..105.93 OPPD bldg..  
153.00 OPPD pk..33.54 OPPD st lgt..98.70 Lincoln National Life..155.40 A Minahan..200.00  
Payroll..2429.75 Wirebuilt..19.00 Don's Johns..240.00 Taylor Oil..39.01 League of NE  
Municipalities..41.30 Cass Co Sheriff..103.42 JEO..1000.00 NE Clerks Assoc..15.00 LARM..  
7777.00 Motion by Moses, second by Mohler to approve the treasurer's report and pay all claims. All ayes.

Correspondence:

LARM newsletter reviewed.

Letter to owner of 2059 Cedar Drive, requesting reimbursement to the village for clearing sand from the street. Reimbursement has been paid.

Letter to owner of 221 Sunrise Lane requesting a Floodplain Development Permit by completed.

Reports of Officers, Boards, Committees, and Guests:

At the request of JEO, a representative of Felsburg, Holt & Ullevig explained state regulations for railroad quiet zones and wayside horns. He proposed a feasibility study to evaluate the potential establishment of a Quiet Zone on the BNSF railway through Cedar Creek. The study would be required to design the approaches to the crossing, prepare concept plans and cost estimates, study the history of the crossing, prepare concept plans and follow the Federal Railroad Administrations Final Rule for establishing Quiet Zones. Cost of the study would be \$13,500. Different designs were discussed, along with dangers and liability. Cost of the project would be up to \$475,000. Board decision to table until after the Riverbank Stabilization Project is completed.

Unfinished Business:

Riverbank Stabilization Project. A progress update was received from JEO for the period through 10-19-12. JEO will submit a scope and fee at the December 4, 2012 meeting of the Board. The board discussed the importance of stabilizing the riverbank. Residents in attendance voiced their disagreement with the project and stated the river posed no threat to the village. The Board informed those present, repairs are needed to several areas of the bank due to undermining and if not maintained, Platteview Road will be destroyed along with several homes and possible extensive damage to the entire area. The residents stated passing a bond issue without allowing the property owners to vote is illegal. Attorney A. Minahan stated State Statute 23-320.07 allows a bond without a vote of the people. S. Sharp added, the entire project is estimated to cost \$830,000, the Lower Platte South Natural

Resources District has agreed to assist with one half the cost. A \$425,000 bond would cost the owner of a \$100,000 home \$75 annually for 15 years. The project is tabled awaiting the final designs from JEO. Table to December.

101 East B Street. Table, awaiting inspection by the State Fire Marshal.

Tree clearance. Maintenance employees will do most of the tree trimming required. A property owner on Highline Circle will be notified a dead tree on his property that must be removed.

4028 Lakeview Drive. Property owner is to report to District Court on November 16, 2012. Table.

#### Miscellaneous Business:

Motion by Pearrow to hire Michele Morar for the Assistant Clerk position. Second by McAllister. All ayes.

Motion by Moses, second by McAllister to appoint George Reese to the Planning Commission. All ayes.

#### New Business:

Motion by Moses, second by Mohler to pass Resolution 1112. All ayes. The resolution of intent pertaining to flood control improvements within the village. Adoption of the resolution does not require the village to issue any bonds. The resolution is required by the Internal Revenue Code to preserve the flexibility of the village to make preliminary payments from funds on hand and reimburse itself from bonds.

#### Permits:

Dwelling at Lot #7, Prairie View Estates. Permit approved by the Planning Commission and K. McGill  
Motion by Moses, second by Mohler to approve the permit. All ayes.

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

I the undersigned Municipal Clerk/Treasurer hereby certify the forgoing is a summary of all matters discussed at the 11-06-12 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 Nebraska Open Meeting Act is posted in the meeting room and is accessible to the public.

Mary C. Terry  
Municipal Clerk/Treasurer