

VILLAGE OF EAGLE

October 6, 2020

The Village Board of Trustees met in regular session at 7:00 p.m. on October 6, 2020 with Moore, Meier, Schukei, Surman and Weyers present. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Moore named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park.

Open Forum – Terri Todd (940 Applewood Dr.) said there are a couple of properties in town that have vehicles parked on their front lawn and inquired as to if this is still a violation. Nystrom said it is a zoning violation to park in the front, side or rear yard of a residential lot unless the vehicle is on a hard surfaced area. Randy Todd (940 Applewood Dr.) said as a member of the Planning Commission they went to great lengths to incorporate this zoning provision so it is discouraging to see the issue unenforced. The Village office will work with the Zoning Administrator to send letters to residents in violation of the zoning ordinance. Moore said there were questions at the last meeting regarding roof repairs at the Eagle Municipal Building; JLC Construction will begin this work in the next couple of weeks. Moore said the fiberglass repairs at the pool are scheduled for the week of October 26, 2020.

Discussion: Update on water main shut off procedures on F Street from September 21, 2020 – Surman said he requested this agenda item tonight because at the last meeting it sounded as if the Village was negligent and endangering the public's health. Surman said this is far from the truth; there were two licensed Water Operators (Klabenes and Nystrom) and a member of the Village Board (Schukei) present for the duration of the project. Contact was made with the Village of Eagle's DHHS Field Representative (Tim Thares) who indicated there was no violation at any time during the project and water samples were taken for testing out of an abundance of caution. Surman said the purpose of this agenda item was to set the record straight on what actually occurred.

Motion by Surman, second by Meier, to introduce Resolution 2020-09. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Resolution 2020-09 entitled:

RESOLUTION NO. 2020-09

**(CONVEYANCE OF REAL PROPERTY
HAVING A VALUE GREATER THAN \$5,000.00
Neb. Rev. Stat. §17-503)**

WHEREAS, the Village of Eagle, Cass County, Nebraska, is the owner of the following described real property, to wit:

Lots 7 -9, Block 5, Village of Eagle Cass County, Nebraska, also known as 540 C Street , Eagle, Nebraska, and

WHEREAS, the Village of Eagle, Nebraska does not have a present need to retain ownership of the above described real property, and,

WHEREAS, the Board of Trustees of the Village of Eagle, Nebraska, has determined that the fair market value of the above real property may be greater than \$5,000.00,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE NEBRASKA, AS FOLLOWS:

1. That the findings set forth above shall be incorporated herein.
2. The method and terms of sale shall be:
 - Public auction conducted by the Village Clerk, set for the ____ day of _____, 2020 at ____ o'clock ____m. located at 540 C Street, Eagle Nebraska. The Village reserves the right to reject all bids. Bidders may make arrangements with the Clerk's office to inspect the property prior to sale. All bidders should make themselves aware of all local, state and federal laws regarding demolition and/or moving of the structure prior to sale. Terms as follows:
 - A. Buyer shall agree to demolish all structures from the property and remove all associated debris no more than 60 days after closing.
 - B. 100% percent of bid shall be paid in cash or certified funds payable to Bromm, Lindahl, Freeman-Caddy & Lausterer Trust Account at the clerk's office by the close of business on the day of sale. A purchase agreement shall be executed setting forth all parameters and conditions of sale, a draft copy of which is attached hereto.
 - C. An additional deposit of \$_____ shall be made in cash or certified funds or a performance bond in the same amount, as bond to ensure required demolition and debris removal by the date set forth above. Said deposit or posting of bond shall be made at closing. In the event it is not or closing does not take place, the property may be offered under the same terms to the next highest bidder.
 - D. The buyer shall pay all costs associated with obtaining a title insurance policy and to the above-described real property. The parties shall share in the closing and document preparation costs.
 - E. The sale is as-is, with no warranties as to the conditions of the real property. Buyer shall satisfy itself of all concerns and conduct any necessary inspections prior to sale.

3. That the Clerk shall publish a Notice of the proposed sale of the above-described real property and the terms thereof, once each week, for three (3) consecutive weeks, in the Voice News, a legal newspaper of general circulation in the Village of Eagle, Nebraska, after the passage of this Resolution and shall also post said notice in three public places within the Village.

Motion by Moore, second by Surman, to adopt Resolution 2020-09, as amended. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Weyers, to approve Master Agreement Work Order No. 5 with Olsson for Eagle Pool Slide Site Planning. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Moore, to approve Master Agreement Work Order No. 6 with Olsson for Casey's Public Improvements Construction Services. Voting: Ayes – Schukei, Weyers, Moore. Nays – Surman, Meier. Motion carried.

Motion by Surman, second by Schukei, to approve exchange of current Bobcat S595 for a new Bobcat S595 from Bobcat of Omaha in the amount of \$3,850.00. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Schukei, to approve purchase of Hach DO Probe from HTM Sales for the WWTP in the amount of \$5,768.00. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Weyers, to approve Commonwealth Electric's bid to re-feed the office panel from the generator panel at Fire & Rescue in the amount of \$985.00. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Schukei, to approve Gabel Construction's estimate for sidewalk replacement and backfill dirt at 245 South 4th Street in the amount of \$1,700.00. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to approve Eagle State Bank as the Village of Eagle depository. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Schukei, to approve minutes as typed for the previous meetings. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Schukei, to approve claims as amended. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 10,229.98, Board Wages 1,500.00, ABC Termite & Pest Control 119.00, Allied Benefit Systems 2,639.10, Amazon Marketplace 22.05, American Exchange Bank 750.00, Ball Insurance 1,510.32, Bauer Underground 24,539.49, Beatrice Concrete 231.00, Black Hills Energy 105.32, Bromm Lindahl

Freeman-Caddy & Lausterer 1,696.50, Capital Business Systems 484.52, Casey's 190.44, Cass Co. Sheriff's Dept 3,145.21, Cather & Sons Construction 84,130.67, Constellation Energy 11.75, Core & Main 4,239.62, Eagle Automotive 20.00, Eagle Facilities & Grounds Assn 1,492.00, Eagle Fire & Rescue 275.00, EFTPS 2,524.14, Google LLC 93.20, Graham Tire 818.43, GWorks 9,675.00, Rick Hestermann 450.28, Intuit Quickbooks 650.00, John Hancock Investments 134.10, Johnson Service Co 17,235.05, Lovell Excavating 2,250.00, Lowe's 439.72, Matheson Tri-Gas 113.99, Menards-South 635.53, Mid-American Research Chemical 905.00, Midwest Insurance Exchange 26,798.00, Mierau & Co., P.C. 650.00, NE Dept of Rev 3,132.48, NE Notary Assn 154.00, NE Public Health Env Lab 542.00, NE UI Connect 38.01, Norland Pure 12.00, Olsson 7,963.31, One Call Concepts 39.19, OPPD 4,526.64, People Service 5,496.00, Power Tech 4,650.00, Quick Med Claims 21.43, Rose Equipment 643.97, Sargent Drilling 372.75, The Electronic Repair Shop 742.39, UNUM 310.37, US Postmaster 5.15, USA Bluebook 82.80, Verizon Wireless 528.25, Voice News 354.51, Waverly Plumbing & Well 332.35, Windstream 388.20. Total of bills: **\$231,040.21**.

Approved Park Claims: ABC Termite & Pest Control 500.00, Black Hills Energy 29.26, OPPD 95.80, Summit Supply of Colorado 2,953.78, Windstream 5.90. Total of bills: **\$3,584.74**.

Approved Keno Claims: Fry & Associates 11,125.00. Total of bills: **\$11,125.00**.

Motion by Moore, second by Weyers, to go into executive session at 8:54 p.m. for the purpose of potential litigation to discuss Maintenance Personnel FMLA Leave and employment status. Voting: Ayes – 5. Motion carried.

Chairperson Moore said the board has come out of executive session at 9:30 p.m. after discussing Maintenance Personnel FMLA Leave and employment status.

Motion by Moore, second by Surman, to terminate Roger Stubbendeck due to exhaustion of available FMLA leave and that he has not been released to return to work by a medical professional. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 9:33 p.m.

Nick Nystrom
Village Clerk

Travis Moore
Chairperson