

VILLAGE OF EAGLE  
BOARD OF TRUSTEES AGENDA  
DECEMBER 18, 2023  
EAGLE FIRE & RESCUE DEPARTMENT—705 S 1<sup>st</sup> Street  
7:00 P.M.

**--A COPY OF THE OPEN MEETINGS ACT IS AVAILABLE FOR PUBLIC INSPECTION—**

**--THE BOARD OF TRUSTEES RESERVES THE RIGHT TO GO INTO EXECUTIVE SESSION PER NRS 84-1410—**

**--PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING** for the purpose of hearing testimony concerning an Application for Preliminary Plat submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska.

Open Public Hearing  
Public Comment  
Close Public Hearing

**PUBLIC HEARING** for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska.

Open Public Hearing  
Public Comment  
Close Public Hearing

1. Discuss/possible action: Consider approval of the following waiver requests submitted by MHC Eagle One, LLC, as part of the proposed Eagle's Landing residential development:
  - a. Waiver No. 1 to allow maximum block lengths greater than 600' without pedestrian easements.
  - b. Waiver No. 2 to allow for one (1) vehicle access point to the subdivision.
  - c. Waiver No. 3 to allow all fire hydrants to be located within a 300-foot radius.
  - d. Waiver No. 4 to dismiss the requirement for public sidewalks throughout the subdivision.
  
2. Discuss/possible action: Approval of a Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska.

3. Discuss/possible action: Approval of an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska.
4. Report from Fire & Rescue.
5. Open Forum.
6. Discuss/possible action: Second reading of Ordinance 2023-06 – Adoption of an updated Zoning Ordinance and amended Zoning Map for the Village of Eagle, Cass County, Nebraska.
7. Discuss/possible action: Authorizing a timeline extension to the property owner of 205 B Street for connection to the public sanitary sewer system and abandonment of the existing septic tank on said property.
8. Discuss/possible action: Consider proposals from Kidwell for additional Verkada security cameras to be installed at various municipal locations.
9. Discuss/possible action: Approve Grant Agreement between the Nebraska Department of Environment and Energy and the Village of Eagle regarding the implementation of the Recycling Grant Litter Reduction & Recycling Grant Application Project Number 2023-133930296.
10. Discuss/possible action: Approve purchase of four new tires for the 2012 Chevy Silverado from Eagle Automotive in the amount of \$1,115.96.
11. Report on Streets and Maintenance.
12. Report on Wells and Sewer.
13. Discuss/possible action: Authorizing all regular full-time employees a paid holiday off on December 22, 2023 in observance of the Christmas holiday.
14. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
15. Report from Committees and Boards.

**The Agenda is readily available for inspection at the Village Clerk's Office located at 747 S. 2<sup>nd</sup> Street, Eagle, Nebraska during regular business hours.**

## ORDINANCE NO. 2023-06

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND SECTION 201, ARTICLE 2, CHAPTER 11 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, BY THE ADOPTION OF NEW ZONING REGULATIONS, BY REFERENCE, FOR THE VILLAGE OF EAGLE, NEBRASKA, AND FOR THAT AREA WITHIN THE EXTRATERRITORIAL JURISDICTION BEYOND THE CORPORATE LIMITS; TO AMEND THE ZONING MAP FOR THE MUNICIPALITY; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA BY REFERENCE, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Neb. Rev. Stat. §19-901 provides that a Village of the State of Nebraska may adopt zoning regulations for the purpose of promoting the health, safety, morals, or the general welfare of the Village of Eagle, Nebraska, and,

WHEREAS, said Statute further provides that the Board of Trustees of the Village of Eagle, Nebraska, may adopt zoning regulations which restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and,

WHEREAS, Neb. Rev. Stat. §19-903(5)(a) provides that the zoning regulations, adopted pursuant to a Comprehensive Development Plan, shall be designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts. Such regulations shall be made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

WHEREAS, the Chairman and Board of Trustees of the Village of Eagle, Nebraska, have, prior hereto, and pursuant to Ordinance No. 2018-13 adopted a Comprehensive Development Plan for the Village of Eagle, Nebraska, and for that area up to 1.25 miles outside of its corporate limits, as permitted by Cass County pursuant to Neb. Rev. Stat. §13-327, and as adopted by Ordinance No. 2013-16 by the Village of Eagle.

WHEREAS, the last overall revision of the Zoning Regulations was made by Ordinance 2007-03 on June 18, 2007, with amendments thereafter, and

WHEREAS, the Planning Commission of the Village of Eagle, Nebraska, has held a public hearing upon said zoning regulations and to consider amending the zoning map to address size nonconformities as they exist on the current map, providing notice as provided by law, and,

WHEREAS, the Board of Trustees of the Village of Eagle, Nebraska, have held a public hearing upon said zoning regulations and zoning map revisions, providing notice as provided by law, and,

WHEREAS, said zoning regulations and zoning map revisions are in accordance with the Comprehensive Development Plan, and the aforementioned statutes, and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. That the findings here and above should be, and they are hereby made a part of this Ordinance, as fully as if set out at length herein.

Section 2. That the Board of Trustees of the Village of Eagle, Nebraska, does hereby adopt updated Zoning Regulations for the Village of Eagle, Nebraska, and for that area within the extraterritorial jurisdiction beyond the corporate limits, said Zoning Regulations, together with all explanatory material and supporting documentation, being incorporated herein by reference and declared to be a part of this Ordinance.

Section 3. That Section 201, Article 2, Chapter 11 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended by this Ordinance to read as follows:

**§11-201 ZONING REGULATIONS; ADOPTED BY REFERENCE; MAP.**

(1) The Board of Trustees does hereby adopt Zoning Regulations dated \_\_\_\_\_, 20\_\_\_\_\_ for the Municipality and for that area up to 1.25 miles outside of the corporate boundaries as specifically designated on the Zoning Map, said Zoning Regulations, together with all explanatory material and supporting documentation, together with all explanatory material and supporting documentation, being incorporated herein by reference and declared to be a part of this Code.

(2) The official Zoning Map for the Municipality and for that area up to 1.25 miles of its corporate limits as ceded and agreed to by Cass County, shall be identified by the signature of the Chair of the Board of Trustees, attested by the Village Clerk and bear the Seal of the Village under the following words:

“This is to certify that this is the Official Zoning Map referred to in Zoning Regulations of the Village of Eagle, Nebraska, adopted \_\_\_\_\_, 20\_\_\_\_\_.”

(3) Three (3) copies of the Zoning Regulations, and three (3) copies of the official Zoning Map and for the extraterritorial jurisdiction beyond the corporate limits, together with all changes, amendments, or additions thereto, shall be

maintained in the office of the Municipal Clerk and shall be available for public inspection during regular office hours.

Section 4. That the Chair and Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 5. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Trustees of the Village of Eagle that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 6. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 7. That this Ordinance shall be published within the first 15 days after its passage and approval either in pamphlet form or by posting in three public places within the Village of Eagle, Nebraska, and shall be effective on the 15<sup>th</sup> day from and after its passage, approval, and publication as provided herein.

Section 8. That it is the intention of the Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Municipal Code of the Village of Eagle, Nebraska, and the Sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

VILLAGE OF EAGLE, NEBRASKA

ATTEST:

By: \_\_\_\_\_

Terri Todd, Its Chair

\_\_\_\_\_  
Nick Nystrom, Its Clerk

(SEAL)

EAGLE AUTOMOTIVE

420 S. 5<sup>TH</sup> STREET

EAGLE, NE 68347

402-781-2520

For 2012 Chevrolet Silverado 1500 LTZ

10 Ply All-Terrain Kumho Tires - \$245.99 each

Mount & Balance - \$25.00 each

Disposal - \$8.00 each

## **VILLAGE OF EAGLE**

**December 5, 2023**

The Village Board of Trustees met in regular session at 7:00 p.m. on December 5, 2023 with Todd, Hochstein, Meier, Caylor and Dobbins 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 Todd named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. The Pledge of Allegiance was recited.

Chairperson Todd opened the public hearing at 7:01 p.m. for the purpose of hearing testimony concerning the adoption of an updated Zoning Ordinance and amended Zoning Map for the Village of Eagle, Cass County, Nebraska. Todd asked if there were any comments or questions from the public. Shirley Oberle asked what rules and regulations she is required to follow since her property is located within Eagle's extraterritorial zoning jurisdiction. Nystrom said the Zoning Ordinance and Subdivision Regulations would apply. There were no further comments or questions from the public.

The public hearing was closed at 7:03 p.m.

Motion by Meier, second by Caylor, to introduce Ordinance 2023-06. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-06 entitled:

### **ORDINANCE NO. 2023-06**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND SECTION 201, ARTICLE 2, CHAPTER 11 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, BY THE ADOPTION OF NEW ZONING REGULATIONS, BY REFERENCE, FOR THE VILLAGE OF EAGLE, NEBRASKA, AND FOR THAT AREA WITHIN THE EXTRATERRITORIAL JURISDICTION BEYOND THE CORPORATE LIMITS; TO AMEND THE ZONING MAP FOR THE MUNICIPALITY; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED

HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA BY REFERENCE, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Meier, second by Hochstein, to accept the first reading of Ordinance 2023-06. Voting: Ayes – 5. Motion carried.

Open Forum – Jeanne Colby requested an extension from the Village Board to abandon the existing septic system on her property and associated connection to the public sanitary sewer system. The Village Board will consider this request at the next regular meeting scheduled for December 18, 2023. Raymond Althouse asked what documentation is required to conjoin his 2.28 acre parcel of land with his surrounding agricultural property. Nystrom said the Cass County Surveyor will be able to perform this action administratively and send a revised plat map to the Village of Eagle.

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

Motion by Meier, second by Todd, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 12,656.81, Board Wages 900.00, ABC Termite & Pest Control 119.00, Allied Benefit Systems 5,146.56, Amazon Marketplace 737.03, American Exchange Bank 1,125.00, Black Hills Energy 409.47, BOK Financial 104,809.25, Bromm Lindahl Freeman-Caddy & Lausterer 1,555.50, Capital Business Systems 231.63, Casey's 558.21, Cass Co Economic Development 1,000.00, Cass Co Sheriff's Dept 3,145.21, Constellation Energy 87.23, Core & Main 11,256.32, Drake CPE 33.76, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,871.16, Frontier Cooperative 740.52, GBE, CPA, PC 6,000.00, Google LLC 158.40, GPM Environmental Solutions 6,791.00, Graham, Mike 200.49, Hestermann, Richard 715.23, Hotsy Equipment 7,940.00, Interstate Battery 104.25, John Hancock Investments 278.94, Johnson Service Co 108,083.25, Knee Deep LLC 1,500.00, Matheson Tri-Gas 233.39, Menards-South 869.03, Midwest Labs 125.70, Nadrchal, Jim 5,000.00, NE Assigned Risk Pool 431.00, NE Dept of Agriculture 207.40, NE Dept of Env & Energy 345.00, NE Dept of Rev 2,204.97, NE Public Health Env Lab 32.00, Norland Pure 14.45, Nystrom, Taira 450.00, One Billing Solutions 1,397.97, One Call Concepts 7.58, OPPD 4,595.31, O'Reilly Auto Parts 374.28, Power Manager 339.34, Quik Dump Refuse 1,438.30, Rock Creek Refuse 100.00, School District 145 300.00, Signs Now 292.00, Subsurface Solutions 4,104.00, The Electronic Repair Shop 95.00, UNUM 720.91, US Postmaster 631.64, USA Bluebook 84.06, Verizon Wireless 748.42, Voice News 316.03, Windstream 585.99. Total of bills: **\$307,644.55.**



Approved Park Claims: Black Hills Energy 42.51, OPPD 104.12. Total of bills: **\$146.63.**

Motion by Hochstein, second by Dobbins, to approve a \$100.00 Christmas bonus for each full-time Village of Eagle employee. Voting: Ayes – 5. Motion carried.

Terri Todd, as current Chairperson, called for nominations for Chairperson.

Dobbins nominated Todd for Chairperson.

Motion by Hochstein, second by Todd, to cease nominations for Chairperson. Voting: Ayes – 5. Motion carried.

Todd was elected Village Board Chairperson.

Chairperson Todd called for nominations for Chairperson Pro Tempore.

Todd nominated Hochstein for Chairperson Pro Tempore.

Motion by Dobbins, second by Meier, to cease nominations for Chairperson Pro Tempore. Voting: Ayes – 5. Motion carried.

Hochstein was elected Village Board Chairperson Pro Tempore.

Motion by Hochstein, second by Meier, to approve the following slate of appointments: Attorney – Maureen Freeman-Caddy; Maintenance Superintendent – None; Clerk – Nick Nystrom; Treasurer – Nick Nystrom; Legal Newspaper – The Voice News; Accountant – Mierau & Company; Engineer – Snyder & Associates; Building Inspector/Zoning Administrator – Rick Hestermann; and Nuisance Hearing Officer – Sandy Weyers. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to approve the following appointments and individuals serving on the internal boards of the Village of Eagle: Board of Health – Todd, Caylor; Streets – Meier, Dobbins; Water – Meier, Hochstein; Sewer – Meier, Hochstein; Buildings & Grounds – Todd, Caylor; NRD – Office, Caylor; Keno – None; Technology & Telecommunications – Office, Todd, Dobbins; Safety – Caylor, Meier, Village Employees; Park – Todd, Meier; Human Resources & Personnel – Todd, Caylor; Emergency Services – Caylor, Dobbins. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Caylor, to approve the following slate of appointments: Planning Commission – Randy Todd & Willa DiCostanzo; Board of Appeals – Brandon Meyer; and Park & Recreation Commission – Elizabeth Umshler, Cassidi Denton, Tracy Masek, Amber Doser & Derek Wiedenfeld. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to designate the three public posting areas as a method of giving reasonable advanced notice for the Village of Eagle as the Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to allow emergency vehicles to leave the corporate limits. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Todd, to approve a bid of up to \$13,000 for the purchase of a 2012 Chevrolet Silverado on Auction Time. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Caylor, to approve the Retainer Agreement with the Law Firm of Napoli Shkolnik PLLC as the same relates to expenses that may incur in the future for testing, treatment and remediation of PFAS contamination. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Hochstein, to go into executive session at 8:09 p.m. to discuss Nick Nystrom's annual employee evaluation and to protect the reputation of the employee. Voting: Ayes – 5. Motion carried.

Chairperson Todd said the Village Board has come out of executive session at 8:15 p.m. after discussing Nick Nystrom's annual employee evaluation.

Motion by Todd, second by Caylor, to increase Nick Nystrom's wage to \$38.50 per hour. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 8:16 p.m.

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Nick Nystrom  
Village Clerk

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Terri Todd  
Chairperson

## **VILLAGE OF EAGLE**

**December 5, 2023**

The Village Board of Trustees met in regular session at 7:00 p.m. on December 5, 2023 with Todd, Hochstein, Meier, Caylor and Dobbins 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 Todd named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. The Pledge of Allegiance was recited.

Chairperson Todd opened the public hearing at 7:01 p.m. for the purpose of hearing testimony concerning the adoption of an updated Zoning Ordinance and amended Zoning Map for the Village of Eagle, Cass County, Nebraska. Todd asked if there were any comments or questions from the public. Shirley Oberle asked what rules and regulations she is required to follow since her property is located within Eagle's extraterritorial zoning jurisdiction. Nystrom said the Zoning Ordinance and Subdivision Regulations would apply. There were no further comments or questions from the public.

The public hearing was closed at 7:03 p.m.

Motion by Meier, second by Caylor, to introduce Ordinance 2023-06. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-06 entitled:

### **ORDINANCE NO. 2023-06**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND SECTION 201, ARTICLE 2, CHAPTER 11 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, BY THE ADOPTION OF NEW ZONING REGULATIONS, BY REFERENCE, FOR THE VILLAGE OF EAGLE, NEBRASKA, AND FOR THAT AREA WITHIN THE EXTRATERRITORIAL JURISDICTION BEYOND THE CORPORATE LIMITS; TO AMEND THE ZONING MAP FOR THE MUNICIPALITY; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED

HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA BY REFERENCE, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Neb. Rev. Stat. §19-901 provides that a Village of the State of Nebraska may adopt zoning regulations for the purpose of promoting the health, safety, morals, or the general welfare of the Village of Eagle, Nebraska, and,

WHEREAS, said Statute further provides that the Board of Trustees of the Village of Eagle, Nebraska, may adopt zoning regulations which restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and,

WHEREAS, Neb. Rev. Stat. §19-903(5)(a) provides that the zoning regulations, adopted pursuant to a Comprehensive Development Plan, shall be designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts. Such regulations shall be made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

WHEREAS, the Chairman and Board of Trustees of the Village of Eagle, Nebraska, have, prior hereto, and pursuant to Ordinance No. 2018-13 adopted a Comprehensive Development Plan for the Village of Eagle, Nebraska, and for that area up to 1.25 miles outside of its corporate limits, as permitted by Cass County pursuant to Neb. Rev. Stat. §13-327, and as adopted by Ordinance No. 2013-16 by the Village of Eagle.

WHEREAS, the last overall revision of the Zoning Regulations was made by Ordinance 2007-03 on June 18, 2007, with amendments thereafter, and

WHEREAS, the Planning Commission of the Village of Eagle, Nebraska, has held a public hearing upon said zoning regulations and to consider amending the zoning map to address size nonconformities as they exist on the current map, providing notice as provided by law, and,

WHEREAS, the Board of Trustees of the Village of Eagle, Nebraska, have held a public hearing upon said zoning regulations and zoning map revisions, providing notice as provided by law, and,

WHEREAS, said zoning regulations and zoning map revisions are in accordance with the Comprehensive Development Plan, and the aforementioned statutes, and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. That the findings here and above should be, and they are hereby made a part of this Ordinance, as fully as if set out at length herein.

Section 2. That the Board of Trustees of the Village of Eagle, Nebraska, does hereby adopt updated Zoning Regulations for the Village of Eagle, Nebraska, and for that area within the extraterritorial jurisdiction beyond the corporate limits, said Zoning Regulations, together with all explanatory material and supporting documentation, being incorporated herein by reference and declared to be a part of this Ordinance.

Section 3. That Section 201, Article 2, Chapter 11 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended by this Ordinance to read as follows:

**§11-201 ZONING REGULATIONS; ADOPTED BY REFERENCE; MAP.**

(1) The Board of Trustees does hereby adopt Zoning Regulations dated \_\_\_\_\_, 20\_\_\_\_\_ for the Municipality and for that area up to 1.25 miles outside of the corporate boundaries as specifically designated on the Zoning Map, said Zoning Regulations, together with all explanatory material and supporting documentation, together with all explanatory material and supporting documentation, being incorporated herein by reference and declared to be a part of this Code.

(2) The official Zoning Map for the Municipality and for that area up to 1.25 miles of its corporate limits as ceded and agreed to by Cass County, shall be identified by the signature of the Chair of the Board of Trustees, attested by the Village Clerk and bear the Seal of the Village under the following words:

“This is to certify that this is the Official Zoning Map referred to in Zoning Regulations of the Village of Eagle, Nebraska, adopted \_\_\_\_\_, 20\_\_\_\_\_.”

(3) Three (3) copies of the Zoning Regulations, and three (3) copies of the official Zoning Map and for the extraterritorial jurisdiction beyond the corporate limits, together with all changes, amendments, or additions thereto,

shall be maintained in the office of the Municipal Clerk and shall be available for public inspection during regular office hours.

Section 4. That the Chair and Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 5. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Board of Trustees of the Village of Eagle that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 6. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 7. That this Ordinance shall be published within the first 15 days after its passage and approval either in pamphlet form or by posting in three public places within the Village of Eagle, Nebraska, and shall be effective on the 15<sup>th</sup> day from and after its passage, approval, and publication as provided herein.

Section 8. That it is the intention of the Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Municipal Code of the Village of Eagle, Nebraska, and the Sections of this Ordinance may be renumbered to accomplish such intention.

Discussion: Terry Caddy said the Eagle Planning Commission met on November 29, 2023 and voted to approve the recommendation of adopting the updated Zoning Ordinance and amended Zoning Map for the Village of Eagle.

Motion by Meier, second by Hochstein, to accept the first reading of Ordinance 2023-06. Voting: Ayes – 5. Motion carried.

Report from Law Enforcement – Chief Deputy Matt Watson reported 19 citations, 13 warnings and equipment violations, and 73 calls for service during the month of November. The Village Board briefly discussed the parking of trailers on public roadways and off-road vehicle licensing.

Report from Building & Zoning Administrator – Hestermann reported 1 new building permit, 2 certificates of occupancy and 5 inspections during the month of November. There are 11 total open permits to date.

Open Forum – Jeanne Colby requested an extension from the Village Board to abandon the existing septic system on her property and associated connection to the public sanitary sewer system. The Village Board will consider this request at the next

regular meeting scheduled for December 18, 2023. Raymond Althouse asked what documentation is required to conjoin his 2.28 acre parcel of land with his surrounding agricultural property. Nystrom said the Cass County Surveyor will be able to perform this action administratively and send a revised plat map to the Village of Eagle.

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

Motion by Meier, second by Todd, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 12,656.81, Board Wages 900.00, ABC Termite & Pest Control 119.00, Allied Benefit Systems 5,146.56, Amazon Marketplace 737.03, American Exchange Bank 1,125.00, Black Hills Energy 409.47, BOK Financial 104,809.25, Bromm Lindahl Freeman-Caddy & Lausterer 1,555.50, Capital Business Systems 231.63, Casey's 558.21, Cass Co Economic Development 1,000.00, Cass Co Sheriff's Dept 3,145.21, Constellation Energy 87.23, Core & Main 11,256.32, Drake CPE 33.76, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,871.16, Frontier Cooperative 740.52, GBE, CPA, PC 6,000.00, Google LLC 158.40, GPM Environmental Solutions 6,791.00, Graham, Mike 200.49, Hestermann, Richard 715.23, Hotsy Equipment 7,940.00, Interstate Battery 104.25, John Hancock Investments 278.94, Johnson Service Co 108,083.25, Knee Deep LLC 1,500.00, Matheson Tri-Gas 233.39, Menards-South 869.03, Midwest Labs 125.70, Nadrchal, Jim 5,000.00, NE Assigned Risk Pool 431.00, NE Dept of Agriculture 207.40, NE Dept of Env & Energy 345.00, NE Dept of Rev 2,204.97, NE Public Health Env Lab 32.00, Norland Pure 14.45, Nystrom, Taira 450.00, One Billing Solutions 1,397.97, One Call Concepts 7.58, OPPD 4,595.31, O'Reilly Auto Parts 374.28, Power Manager 339.34, Quik Dump Refuse 1,438.30, Rock Creek Refuse 100.00, School District 145 300.00, Signs Now 292.00, Subsurface Solutions 4,104.00, The Electronic Repair Shop 95.00, UNUM 720.91, US Postmaster 631.64, USA Bluebook 84.06, Verizon Wireless 748.42, Voice News 316.03, Windstream 585.99. Total of bills: **\$307,644.55.**

Approved Park Claims: Black Hills Energy 42.51, OPPD 104.12. Total of bills: **\$146.63.**

Motion by Hochstein, second by Dobbins, to approve a \$100.00 Christmas bonus for each full-time Village of Eagle employee. Voting: Ayes – 5. Motion carried.

Terri Todd, as current Chairperson, called for nominations for Chairperson.

Dobbins nominated Todd for Chairperson.

Motion by Hochstein, second by Todd, to cease nominations for Chairperson. Voting: Ayes – 5. Motion carried.

Todd was elected Village Board Chairperson.

Chairperson Todd called for nominations for Chairperson Pro Tempore.

Todd nominated Hochstein for Chairperson Pro Tempore.

Motion by Dobbins, second by Meier, to cease nominations for Chairperson Pro Tempore. Voting: Ayes – 5. Motion carried.

Hochstein was elected Village Board Chairperson Pro Tempore.

Motion by Hochstein, second by Meier, to approve the following slate of appointments: Attorney – Maureen Freeman-Caddy; Maintenance Superintendent – None; Clerk – Nick Nystrom; Treasurer – Nick Nystrom; Legal Newspaper – The Voice News; Accountant – Mierau & Company; Engineer – Snyder & Associates; Building Inspector/Zoning Administrator – Rick Hestermann; and Nuisance Hearing Officer – Sandy Weyers. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to approve the following appointments and individuals serving on the internal boards of the Village of Eagle: Board of Health – Todd, Caylor; Streets – Meier, Dobbins; Water – Meier, Hochstein; Sewer – Meier, Hochstein; Buildings & Grounds – Todd, Caylor; NRD – Office, Caylor; Keno – None; Technology & Telecommunications – Office, Todd, Dobbins; Safety – Caylor, Meier, Village Employees; Park – Todd, Meier; Human Resources & Personnel – Todd, Caylor; Emergency Services – Caylor, Dobbins. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Caylor, to approve the following slate of appointments: Planning Commission – Randy Todd & Willa DiCostanzo; Board of Appeals – Brandon Meyer; and Park & Recreation Commission – Elizabeth Umshler, Cassidi Denton, Tracy Masek, Amber Doser & Derek Wiedenfeld. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to designate the three public posting areas as a method of giving reasonable advanced notice for the Village of Eagle as the Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to allow emergency vehicles to leave the corporate limits. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider options for the purchase of a maintenance department vehicle – Terry Caddy discussed a 2012 Chevrolet Silverado that is currently listed on Auction Time; this particular auction ends at 10:50 a.m. tomorrow. The truck will need new tires and a battery. Hochstein said he located alternate options at the Woodhouse dealership.



Motion by Meier, second by Todd, to approve a bid of up to \$13,000 for the purchase of a 2012 Chevrolet Silverado on Auction Time. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider proposals from Kidwell for additional Verkada security cameras to be installed at various municipal locations – Three proposals were received from Kidwell for Verkada security cameras; Proposal 1 is to add a multi-sensor camera on a pole outside of the pool (\$6,350); Proposal 2 is for two exterior cameras at Fire & Rescue (\$6,630); and Proposal 3 includes a license plate camera at the Eagle Municipal Office and a camera at the WWTP (\$10,725). Hochstein said Proposal 1 excludes the installation of a pole, underground pathway and outdoor-rated CAT6 data drop; these items would be the Village's responsibility to handle. Caylor asked how much was budgeted for security cameras. Nystrom said \$15,000. After further discussion, the Village Clerk was directed to request a revision to Proposal 2 to include interior cameras at Fire & Rescue and a revision of Proposal 3 to exclude the license plate camera at the Eagle Municipal Office. Agenda item tabled until a future board meeting.

Motion by Hochstein, second by Caylor, to approve the Retainer Agreement with the Law Firm of Napoli Shkolnik PLLC as the same relates to expenses that may incur in the future for testing, treatment and remediation of PFAS contamination. Voting: Ayes – 5. Motion carried.

Report from Attorney – Freeman-Caddy discussed citations issued by law enforcement and the process of certifying the Municipal Code book with Cass County. Updating the International Building Codes was briefly discussed.

Report from Clerk/Treasurer – Nystrom said the Fiscal Year 2023 Financial Audit remains ongoing. The Village was awarded \$11,000 for its recycling program from the NDEQ Waste Reduction & Recycling Incentive Grant program. Nystrom said the Eagle's Landing Preliminary Plat & Zoning Change public hearings will be held by the Planning Commission on December 7, 2023 and with the Village Board on December 18, 2023. The total monthly income ending November 30, 2023 was \$75,389.06. Todd requested a new flag pole be considered for Eagle Monument Park. Meier would like the Village Board to consider closing the office on Friday, December 22, 2023 ahead of the Christmas holiday.

Motion by Meier, second by Hochstein, to go into executive session at 8:09 p.m. to discuss Nick Nystrom's annual employee evaluation and to protect the reputation of the employee. Voting: Ayes – 5. Motion carried.

Chairperson Todd said the Village Board has come out of executive session at 8:15 p.m. after discussing Nick Nystrom's annual employee evaluation.

Motion by Todd, second by Caylor, to increase Nick Nystrom's wage to \$38.50 per hour. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 8:16 p.m.

I, the undersigned Village Clerk for the Village of Eagle, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Chair and Board of Trustees on December 5, 2023 at 7:00 p.m. and that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and readily available for public inspection at the office of the Village Clerk; that such subjects were contained in said Agenda for at least twenty-four (24) hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten (10) working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Seal

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Nick Nystrom  
Village Clerk

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Terri Todd  
Chairperson