

## VILLAGE OF EAGLE

**April 16, 2018**

The Village Board of Trustees met in regular session at 7:00 p.m. on April 16, 2018 with Moore, Young, Schukei and Meier present. Rash was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chair, 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: Village Clerk's Office, Eagle Fire & Rescue Department and Eagle State Bank.

Motion by Schukei, second by Young, to accept resignation of Krystal Rash as a member of the Village of Eagle Board of Trustees. Voting: Ayes – 4. Motion carried.

Chairperson Moore opened the public hearing at 7:02 p.m. for the purpose of hearing testimony concerning a Preliminary Plat located in a portion of Tax Lot 12 located in the SE $\frac{1}{4}$  of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Wally Pelds (Pelds Engineering) introduced himself as the representative for Casey's General Stores. The Casey's General Store located at 130 Highway 34 is proposing to rebuild this store on its existing site and add property to the north. Pelds said the plan includes expanding roadwork around the property to better serve large trucks and equipment and to satisfy the Nebraska Department of Transportation (NDOT). Lori Bonus (635 F St.) asked if the proposed store will include showers and parking for truck drivers. Pelds said this store will have only two fueling positions and his research shows Highway 34 is not highly traveled by tractor-trailers; the main benefit of this store's design will be for agricultural services and those traveling with fifth wheel campers. Justin Stark (Olsson Associates) provided general comments related to the proposed project after reviewing the Preliminary Plat and attending the Planning Commission public hearing on April 11, 2018. Comments included the consideration of sidewalks along the north side of the property and east side of the proposed 2<sup>nd</sup> Street, an easement for the relocated public storm sewer, coordination with NDOT for proposed 2<sup>nd</sup> Street access, landscape screening along the north side of proposed G Street, evaluation of truck turning templates, re-installation of chain link fence on the west right-of-way line of the proposed 2<sup>nd</sup> Street, an additional inlet at the northwest corner of the north access through the diesel pumps and updated storm water calculations. Freeman-Caddy felt the entrance off the proposed G Street should be relocated further south to avoid being lined up directly with the new Village office. Stark said this is something that can be addressed prior to the submittal of the Final Plat. Schukei asked about a potential maintenance agreement with Casey's if the streets are torn up from increased truck traffic. Stark said the intent is to build streets that can hold up to truck traffic and that is why 8" concrete at a width of 33' is proposed. John Surman (450 Eagle Dr.) discussed his concerns with cost-sharing for public improvements (\$150,000) and the amount of

land the Village is dedicating for the project (60 feet). Pelds said it was not Casey's plan to move the proposed 2<sup>nd</sup> Street 60 feet onto the Village's property; this was the recommendation of NDOT. Schukei said he heard from at least seven individuals who were not pleased with the project primarily from a privacy and noise standpoint. Moore said solutions to noise and sight concerns were also discussed at the Planning Commission meeting. Norma White (149 F St.) said she would prefer a cement barrier to address her noise and sight concerns as a property owner to the north. Sandy Weyers (135 F St.) said she spoke with two different realtors who informed her she would have a difficult time selling her property if this project is allowed. Stark said from an engineering standpoint the Village could require a noise study to determine the increase in noise from current to proposed. Weyers said she doesn't feel like the residents in the vicinity are asking too much by requesting a noise and sight barrier that preserves the looks of their property so they can maintain their value. Charlotte Coleman (205 S. 2<sup>nd</sup> St.) asked how much truck traffic will increase on 1<sup>st</sup> Street when considering the adjacent baseball field. Pelds said the new store will be built to accommodate tractor-trailers, however, Highway 34 is not a major truck route and he does not anticipate a large increase in truck traffic. Moore asked if a traffic study has been conducted. Pelds said a traffic study will be conducted between Preliminary Plat approval and submittal of the Final Plat. In addition, Pelds said Casey's would be happy to come to an agreement with the Village and neighboring property owners regarding fencing and landscaping. Moore asked what Casey's plan would be if this current proposal fails. Pelds said this is the preferred plan and he is unsure of what Casey's would do next if this plan fails. Meier asked if any other sites have been considered including those south of Highway 34. Pelds said south of Highway 34 was considered but felt this location would be worse for pedestrian traffic. Pelds was asked if pedestrians could simply utilize the west Casey's store instead. Pelds said the west store will be closed and consolidated with the new store. Dave Halvorsen compared the Casey's proposal to when Buel Trucking was previously located on 1<sup>st</sup> Street and felt there would be nowhere near the truck traffic there once was. Moore said part of the thought behind adding a new section of 2<sup>nd</sup> Street and G Street was to prevent large trucks from traveling through town to get back to 1<sup>st</sup> Street in order to go east on Highway 34.

The public hearing was closed at 7:45 p.m.

Motion by Schukei, second by Meier, to table the approval of a Preliminary Plat located in a portion of Tax Lot 12 located in the SE $\frac{1}{4}$  of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska until the May 1, 2018 board meeting. Voting: Ayes – 4. Motion carried.

Chairperson Moore opened the public hearing at 8:37 p.m. for the purpose of hearing testimony concerning a zoning change and amendment of the Eagle Zoning Map from I1 (Light Industrial) to HC (Highway Commercial) for Sublot 14 of Tax Lot 12 located in the SE $\frac{1}{4}$  of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Chairperson Moore asked if there was any public comment. There were no comments or questions from the public.

The public hearing was closed at 8:38 p.m.

Motion by Schukei, second by Meier, to approve zoning change from I1 (Light Industrial) to HC (Highway Commercial) for Sublot 14 of Tax Lot 12 located in the SE $\frac{1}{4}$  of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska contingent upon the passage of a zoning change ordinance. Voting: Ayes – 4. Motion carried.

Chairperson Moore opened the public hearing at 8:40 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit for use as a convenience store with fuel sales located in a portion of Tax Lot 12 located in the SE $\frac{1}{4}$  of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Chairperson Moore asked if there was any public comment. There were no comments or questions from the public.

The public hearing was closed at 8:42 p.m.

Motion by Moore, second by Schukei, to approve a Conditional Use Permit located in a portion of Tax Lot 12 located in the SE $\frac{1}{4}$  of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska, for use as a convenience store with fuel sales, contingent upon Final Plat approval. Voting: Ayes – 4. Motion carried.

Open Forum – John Surman (450 Eagle Dr.) voiced concerns with drones equipped with cameras flying over neighboring properties. Freeman-Caddy said this is primarily FAA jurisdiction and enforcement procedures are still trying to be identified at a national level. Jeff Mills (510 S. 5<sup>th</sup> St.) discussed his concerns with the Verizon Wireless project at the water tower and the privacy efforts being considered to shield their equipment from being an eyesore to neighboring property owners. Schukei said the project is incomplete at this time and he feels the equipment will eventually be enclosed. Norma White (149 F St.) asked if the old Community Center building at 509 South 4<sup>th</sup> Street is being used as a residence. Moore said no, the building is being used for a business. Ron Schmidt (230 S. 5<sup>th</sup> St.) asked if the new Village office is ready for occupancy. Moore said there are a few more items that need addressed before office staff is moved to the new location. Schmidt asked if the wastewater concerns were addressed from last month. Schukei said NDEQ performed a site visit and will be in contact with the Village's contractors.

Motion by Moore, second by Schukei, to approve Special Designated License (SDL) Application for Bailey's Local located at 540 South 4<sup>th</sup> Street on Tuesday nights from 5:00 p.m. to 10:00 p.m. from May 1, 2018 through September 25, 2018. Voting: Ayes – 4. Motion carried.

Motion by Schukei, second by Meier, to approve Water Sample Agreement with Eagle Mobile Home Community, LLC. Voting: Ayes – Meier, Schukei, Moore. Nays – Young. Motion carried.

Motion by Moore, second by Young, to approve transfer of \$25,000 from General Fund to the Park Fund for the 2018 pool season. Voting: Ayes – 4. Motion carried.

Motion by Schukei, second by Meier, to approve purchase of dirt shoe, dirt deflectors, z bars, linkage pin and main broom motor for street sweeper in an amount not to exceed \$1,500.00 from Local Equipment. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Schukei, to approve Eagle Automotive's proposal to rebuild transmission on 1986 Chevy D-30 Military Truck in the amount of \$1,751.16 with a one-year warranty. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Schukei, to introduce Ordinance 2018-03. Voting: Ayes – 4. Motion carried.

Chairperson Moore read Ordinance 2018-03 entitled:

#### **ORDINANCE 2018-03**

AN ORDINANCE TO ESTABLISH COMPENSATION FOR MAINTENANCE PERSONNEL FOR THE VILLAGE OF EAGLE, NEBRASKA; 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, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

Motion by Meier, second by Schukei, to accept the first reading of Ordinance 2018-03. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Young, to suspend the rules of three consecutive readings of Ordinance 2018-03. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Schukei, to adopt Ordinance 2018-03. Voting: Ayes – 4. Motion carried.

Motion by Young, second by Meier, to introduce Ordinance 2018-04. Voting: Ayes – 4. Motion carried.

Chairperson Moore read Ordinance 2018-04 entitled:

#### **ORDINANCE 2018-04**

AN ORDINANCE TO ESTABLISH COMPENSATION FOR POOL EMPLOYEES; TO PROVIDE FOR THE EFFECTIVE DATE HEREOF; 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, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT 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.

Motion by Meier, second by Moore, to accept the first reading of Ordinance 2018-04. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Schukei, to suspend the rules of three consecutive readings of Ordinance 2018-04. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Meier, to adopt Ordinance 2018-04. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Schukei, to approve minutes as typed for the previous meeting. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Moore, to go into executive session at 9:32 p.m. to discuss Jeremy Slaughter's annual employee evaluation and to protect the reputation of the employee. Voting: Ayes – 4. Motion carried.

Chairperson Moore said the board has come out of executive session at 10:01 p.m. after discussing Jeremy Slaughter's annual employee evaluation.

Motion by Meier, second by Schukei, to increase Jeremy Slaughter's wage to \$15.00 per hour. Voting: Ayes – 4. Motion carried.

The meeting was adjourned at 10:03 p.m.

Nick Nystrom  
Village Clerk

Travis Moore  
Chairperson

A true and complete copy of the above minutes is available at the Village Clerk's Office during regular business hours.