

VILLAGE OF EAGLE
BOARD OF TRUSTEES AGENDA
MAY 20, 2024
EAGLE FIRE & RESCUE DEPARTMENT—705 S 1st 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 Final Plat and Subdivision Application submitted by MDC Eagle One, LLC, pertaining to 60.560 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Open Public Hearing
Public Comment
Close Public Hearing

1. Discuss/possible action: Approval of a Final Plat and Subdivision Application submitted by MDC Eagle One, LLC, pertaining to 60.560 acres located in part of Tax Lot 22 and part of Tax Lot 35, all in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
2. Discuss/possible action: First reading of Ordinance 2024-05 - Approval of zoning change from AG (Agricultural) to RE (Residential Estates) for Eagles Landing Subdivision located in part of Tax Lot 22 and part of Tax Lot 35, all in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
3. Terry Thoene to discuss: Batten Disease Awareness Day 5K to raise funds for patient support and advocacy on June 9, 2024 beginning at 4:00 p.m.
4. Report from Fire & Rescue.
5. Discuss/possible action: Resolution 2024-06 – Establishing a policy for Eagle Fire & Rescue volunteers to utilize municipal property to clean personal vehicles utilized during the course of emergency duties.
6. Open Forum.
7. Discuss/possible action: Approval of the Eagle Community Needs Assessment Survey.
8. Report on Streets and Maintenance.
9. Report on Wells and Sewer.
10. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
11. Report from Committees and Boards.

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

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO A TRACT OF LAND LOCATED IN PART OF TAX LOT 22 AND PART OF TAX LOT 35, ALL IN THE EAST HALF OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, MORE FULLY DESCRIBED ON EXHIBIT A AND IDENTIFIED AS EAGLES LANDING SUBDIVISION, FROM AGRICULTURAL (AG) TO RESIDENTIAL ESTATES (RE); TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE OF THE VILLAGE OF EAGLE, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF 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 BE MADE A PART OF THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA.

WHEREAS, MDC Eagle One, LLC, is the owner of the following described real property: A tract of land located in part of Tax Lot 22 and part of Tax Lot 35, all in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, which is referred to Eagles Landing Subdivision, and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have adopted zoning for the Village of Eagle, Nebraska, said ordinance cited and known as the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of Eagle, Nebraska, does provide for the Official Zoning Map of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of Eagle, Nebraska, does provide for various zoning districts within the corporate limits of the Village of Eagle, Nebraska, and its extraterritorial jurisdiction, and,

WHEREAS, the Official Zoning Map of the Village of Eagle, Nebraska, does indicate thereon the location of the various Zoning Districts of the Village of Eagle, Nebraska, and its extraterritorial jurisdiction, pursuant to the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Official Zoning Map does indicate that the real estate to be rezoned is presently zoned Agricultural (AG) and,

WHEREAS, MDC Eagle One, LLC has requested, in writing, that the Chair and Board of Trustees of the Village of Eagle, Nebraska, amend the Official Zoning Map of the Village of Eagle, Nebraska, to change the zoning on the tract of land within the above-described real estate to Residential Estates (RE); and

WHEREAS, said Village of Eagle Planning Commission, after notice and public hearing, did submit in writing its recommendations as to said zoning changes, and,

WHEREAS, a notice of said change of zoning was posted upon the above described real estate such that it was easily visible from the street nearest said real estate, said notice having been posted at least ten (10) days prior to the date of this hearing, and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have provided notice and conducted a public hearing regarding said change of zoning and received evidence thereat,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF Eagle, NEBRASKA, AS FOLLOWS:

1. That the findings here and above made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.
2. That the Zoning District and the Official Zoning Map of the Village of Eagle, Nebraska, be amended, as to the following-described real estate, to wit:

SEE DESCRIPTIONS ON EXHIBIT A ATTACHED HERETO AND MAP ON EXHIBIT B ATTACHED HERETO

From Agricultural (AG) to Residential Estates (RE), with said change made effective upon the filing of the Final Plat of Eagles Landing Subdivision with Cass County.

3. That the Chair and the appropriate Department, whether one or more, of the Village of Eagle, Nebraska, are hereby authorized and directed to implement this Ordinance including the indication on the Official Zoning Map of the Village of Eagle, Nebraska, as to the described real estate set forth herein.
4. That the Clerk of the Village of Eagle, Nebraska be instructed to file a certified copy of this Ordinance with the Cass County Register of Deeds and that the Cass County Register of Deeds be instructed to index this Ordinance against the described legal descriptions set forth herein, contiguous to the Village of Eagle, Cass County, Nebraska.
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 Chair and Board of Trustees of the Village of Eagle, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.
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.

7. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval either in pamphlet form or by posting in three (3) public places within the Village of Eagle, Nebraska, and shall be effective on the fifteenth (15th) day from and after its passage, approval, and publication as provided herein.
8. That this Ordinance shall not be made a part of the Zoning Ordinance of the Village of Eagle, Nebraska.

PASSED AND APPROVED this ____ day of _____, 2024.

VILLAGE OF EAGLE, NEBRASKA

By: _____
Terri Todd, Its Chair

ATTEST:

Nick Nystrom, Village Clerk

(SEAL)

EXHIBIT A:

CHANGE OF ZONING DISTRICT AGRICULTURAL (AG) TO RESIDENTIAL ESTATES (RE):

EAGLES LANDING SUBDIVISION, DESCRIBED AS FOLLOWS: A TRACT OF LAND LOCATED IN PART OF TAX LOT 22 AND PART OF TAX LOT 35, ALL IN THE EAST HALF OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 19; THENCE SOUTH 00°37'27" EAST (BEARINGS REFERENCED TO THE CASS COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 265.41 FEET ON THE EAST LINE OF SAID SECTION 19; THENCE SOUTH 89°22'34" WEST FOR 267.10 FEET; THENCE SOUTH 00°37'45" EAST FOR 204.43 FEET; THENCE ON A CURVE TO THE LEFT (HAVING A RADIUS OF 2934.10 FEET AND A LONG CHORD BEARING SOUTH 83°25'10" WEST FOR 462.36 FEET) FOR AN ARC LENGTH OF 462.84 FEET; THENCE SOUTH 10°36'33" EAST FOR 15.30 FEET; THENCE ON A CURVE TO THE LEFT (HAVING A RADIUS OF 2919.10 FEET AND A LONG CHORD BEARING SOUTH 68°45'31" WEST FOR 1027.16 FEET) FOR AN ARC LENGTH OF 1032.54 FEET; THENCE NORTH 31°59'42" WEST FOR 15.03 FEET; THENCE ON A CURVE TO THE LEFT (HAVING A RADIUS OF 2934.10 FEET AND A LONG CHORD BEARING SOUTH 55°44'40" WEST FOR 291.24 FEET) FOR AN ARC LENGTH OF 291.36 FEET; THENCE SOUTH 52°54'18" WEST FOR 873.22 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 00°36'15" WEST FOR 1615.22 FEET ON SAID WEST LINE TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 00°32'23" WEST FOR 176.40 FEET ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE SOUTH 89°28'20" EAST FOR 2637.90 FEET TO THE EAST LINE OF SAID SECTION 19; THENCE SOUTH 00°37'27" EAST FOR 176.49 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING A CALCULATED AREA OF 60.560 ACRES, MORE OR LESS.

RESOLUTION NO. 2024-06

A RESOLUTION ESTABLISHING A POLICY FOR EAGLE FIRE & RESCUE VOLUNTEERS TO UTILIZE MUNICIPAL PROPERTY TO CLEAN PERSONAL VEHICLES UTILIZED DURING THE COURSE OF EMERGENCY DUTIES

WHEREAS, the Eagle Fire & Rescue Department averages 170 emergency calls per year with an average of 9 volunteers responding per call; and,

WHEREAS, it is often necessary for volunteers to utilize their personal vehicles when responding to emergency calls; and,

WHEREAS, the Village of Eagle Board of Trustees desires to adopt a policy with respect to volunteers utilizing municipal property to clean personal vehicles during the course of emergency duties.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that Eagle Fire & Rescue Department volunteers may utilize the municipally owned pressure washer when the following cases and criteria are met:

- 1) When a volunteer responds directly to a scene in their personal vehicle and during the course of duty their personal vehicle becomes dirty.
- 2) When a volunteer responds to the station to deploy department apparatus and during the course of duty their personal vehicle becomes dirty.
- 3) The volunteer must be a current and active member of Eagle Fire & Rescue.
- 4) The volunteer must be in good standing with the department.
- 5) The volunteer must have used a personal vehicle during the course of duty.

PASSED AND APPROVED this ____ day of _____, 2024.

(SEAL)

By: _____

Terri Todd, Its chair

Nick Nystrom, Its Village Clerk

VILLAGE OF EAGLE

May 7, 2024

The Village Board of Trustees met in regular session at 7:00 p.m. on May 7, 2024 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 7:02 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle – Wenzel's First Addition Lot 1, or more commonly known as 105 North 4th Street in Eagle, Nebraska, for the use of a shipping container for exterior storage. The Eagle Planning Commission recommended the approval of the Conditional Use Permit at its April 23, 2024 meeting. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public. The public hearing was closed at 7:03 p.m.

Chairperson Todd opened the public hearing at 7:03 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle – Outlots 24 located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Township 10 North, Range 9 East of the 6th P.M., or more commonly known as 510 Highway 34 in Eagle, Nebraska, for the use of a shipping container for exterior storage. The Eagle Planning Commission recommended the approval of the Conditional Use Permit at its April 23, 2024 meeting. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public. The public hearing was closed at 7:04 p.m.

Motion by Caylor, second by Hochstein, to introduce Resolution 2024-04. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Resolution 2024-04 entitled:

RESOLUTION NO. 2024-04

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR CARGO CONTAINER STORAGE ON THE PROPERTY ADDRESSED AS 105 NORTH 4TH STREET, AND LEGALLY DESCRIBED AS EAGLE – WENZEL'S FIRST ADDITION LOT 1, EAGLE, CASS COUNTY, NEBRASKA.

WHEREAS, RDC Properties, LLC, has petitioned the Village of Eagle for a Conditional Use Permit to allow for exterior cargo container storage on the property legally described as Eagle – Wenzel's First Addition Lot 1, Eagle, Cass County, Nebraska.

WHEREAS, the subject property is presently zoned GC (General Commercial) wherein exterior storage in conjunction with another primary use is permitted upon processing and approval of a Conditional Use Permit.

WHEREAS, the Eagle Planning Commission conducted a public hearing on April 23, 2024 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 105 North 4th Street, and legally described as Eagle – Wenzel's First Addition Lot 1, Eagle, Cass County, Nebraska, to allow for exterior cargo container storage, subject to the following conditions found in Exhibit A.

WHEREAS, the Village of Eagle Board of Trustees conducted a public hearing on May 7, 2024 to consider said Conditional Use Permit application.

WHEREAS, concerns regarding the safety, the necessity for setback distance, visual and valuation concerns for conformity with the surroundings, clarification regarding any possible signage or nuisance led to the conditions recommended and approved in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that the findings set forth above are hereby incorporated herein and that a conditional use permit be granted as requested conditional upon the Conditions set forth in Exhibit A, subject to enforcement by the Zoning Administrator. In the event the container is moved from the location that was submitted in the application to another location on the parcel, a new permit must be secured.

Motion by Meier, second by Hochstein, to adopt Resolution 2024-04. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Meier, to introduce Resolution 2024-05. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Resolution 2024-05 entitled:

RESOLUTION NO. 2024-05

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR CARGO CONTAINER STORAGE ON THE PROPERTY ADDRESSED AS 510 HIGHWAY 34, AND LEGALLY DESCRIBED AS EAGLE – OUTLOTS LOT 24 LOCATED IN THE SW¹/₄ OF THE SE¹/₄ OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., EAGLE, CASS COUNTY, NEBRASKA.

WHEREAS, Christopher LeFrois, on behalf of Betsy Egan, has petitioned the Village of Eagle for a Conditional Use Permit to allow for exterior cargo container storage on the property legally described as Eagle – Outlots Lot 24 located in the SW¹/₄ of the SE¹/₄ of Section 20, Township 10 North, Range 9 East of the 6th P.M., Eagle, Cass County, Nebraska.

WHEREAS, the subject property is presently zoned HC (Highway Commercial) wherein exterior storage in conjunction with another primary use is permitted upon processing and approval of a Conditional Use Permit.

WHEREAS, the Eagle Planning Commission conducted a public hearing on April 23, 2024 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 510 Highway 34, and legally described as Eagle – Outlots Lot 24 located in the SW¼ of the SE¼ of Section 20, Township 10 North, Range 9 East of the 6th P.M., Eagle, Cass County, Nebraska, to allow for exterior cargo container storage, subject to the following conditions found in Exhibit A.

WHEREAS, the Village of Eagle Board of Trustees conducted a public hearing on May 7, 2024 to consider said Conditional Use Permit application.

WHEREAS, concerns regarding the safety, the necessity for setback distance, visual and valuation concerns for conformity with the surroundings, clarification regarding any possible signage or nuisance led to the conditions recommended and approved in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that the findings set forth above are hereby incorporated herein and that a conditional use permit be granted as requested conditional upon the Conditions set forth in Exhibit A, subject to enforcement by the Zoning Administrator. In the event the container is moved from the location that was submitted in the application to another location on the parcel, a new permit must be secured.

Motion by Hochstein, second by Dobbins, to adopt Resolution 2024-05. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Hochstein, to approve Eagle Vision’s requests for Eagle Fun Day on June 22, 2024. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Meier, to approve the Special Designated License (SDL) Application for McIntosh Ventures located at 540 S. 4th Street for June 22, 2024 from 10:00 a.m. to 2:00 a.m. the following day. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to approve the estimate from Eagle Nursery for the construction of a border and compost for a Community Garden in the amount of \$540.00. Voting: Ayes – 5. Motion carried.

Open Forum – No public comment.

Motion by Caylor, second by Meier, to introduce Resolution 2024-06. Voting: Ayes – Hochstein, Meier, Caylor, Todd. Nays – Dobbins. Motion carried.

Chairperson Todd read Resolution 2024-06 entitled:

RESOLUTION NO. 2024-06

A RESOLUTION ESTABLISHING A POLICY FOR EAGLE FIRE & RESCUE VOLUNTEERS TO UTILIZE MUNICIPAL PROPERTY TO CLEAN PERSONAL VEHICLES UTILIZED DURING THE COURSE OF EMERGENCY DUTIES

WHEREAS, the Eagle Fire & Rescue Department averages 170 emergency calls per year with an average of 9 volunteers responding per call; and,

WHEREAS, it is often necessary for volunteers to utilize their personal vehicles when responding to emergency calls; and,

WHEREAS, the Village of Eagle Board of Trustees desires to adopt a policy with respect to volunteers utilizing municipal property to clean personal vehicles during the course of emergency duties.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that Eagle Fire & Rescue Department volunteers may utilize the municipally owned pressure washer when the following cases and criteria are met:

- 1) When a volunteer responds directly to a scene in their personal vehicle and during the course of duty their personal vehicle becomes dirty.
- 2) When a volunteer responds to the station to deploy department apparatus and during the course of duty their personal vehicle becomes dirty.
- 3) The volunteer must be a current and active member of Eagle Fire & Rescue.
- 4) The volunteer must be in good standing with the department.
- 5) The volunteer must have used a personal vehicle during the course of duty.

Motion by Hochstein, second by Dobbins, to award the 2024 Mill & Overlay Improvements Project contract to Pavers, Inc. in the total amount of \$62,115.50. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to approve the proposal from JLC Construction for frieze board repairs at the Eagle Pool in the amount of \$1,694.00. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Todd, to set the season opening date for the Eagle Pool as May 25, 2024. Voting: Ayes – 5. Motion carried.

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

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

Approved Claims: Wages 14,163.11, Board Wages 700.00, A-1 Flags, Poles & Repair 610.00, ABC Termite & Pest Control 186.00, Agenda, Taylor & Harrison 300.00, Allied Benefit Systems 5,485.56, Amazon Marketplace 1,416.84, American Exchange Bank

1,125.00, Amundson, Caleb 300.00, Baker, Brittany 300.00, Basit, Walross 300.00, Beck, Austyn 300.00, Bender, Jennifer 300.00, Berggren, Carl 300.00, Black Hills Energy 416.87, Bound Tree Medical 540.52, Bromm Lindahl Freeman-Caddy & Lausterer 2,124.00, Bruss, Jake 300.00, Capital Business Systems 235.58, Casey's 482.27, Cash, Rhonda 300.00, Cass Co Sheriff's Dept 3,145.21, Constellation Energy 228.29, Daniels, Conn & Dawn 300.00, Debolt, Kyle 300.00, Demaree, Kyle 300.00, Drake, Denise 330.54, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 4,302.78, Ernst, Jeannie & Keith 300.00, Federal Licensing Inc. 119.00, Fry, Brett 300.00, Google LLC 172.80, Hertz, Jared 150.00, Hestermann, Rick 938.70, Hooper Creek Automotive 143.67, Hotz, Chrys & Tim 300.00, Humm, Matthew 300.00, John, Ethan 300.00, John Hancock Investments 528.15, Kapperman, Wrendy 300.00, Kidwell 8,830.00, Knee Deep LLC 3,200.00, Kucera, Kalina 300.00, Leak Investigators LLC 770.00, Luebe, Don 300.00, Matheson Tri-Gas 233.39, McCord Bonnie & Terry 300.00, Menards-South 484.77, Midwest Laboratories 332.82, Napa Auto Parts 47.49, NE Dept of Rev 2,244.97, NE Medicine 296.92, NE Public Health Env Lab 30.00, Nickum, Jessica 300.00, Norland Pure 15.20, Nystrom, Taira 450.00, One Billing Solutions 1,063.75, One Call Concepts 13.10, OPPD 5,111.00, O'Reilly Auto Parts 107.87, Quik Dump Refuse 2,746.50, Rasmussen, Ryan & Sara 300.00, Riverstone Bank 46,547.29, Smith, Jennifer & Jacob 300.00, Smith, Zach 300.00, Snyder & Associates 5,707.00, Sponsler, Brent & Julie 300.00, Total Tool 158.00, UNUM 982.54, US Postmaster 340.00, USA Bluebook 60.75, Verizon Wireless 748.13, Vista Print 119.21, Voice News 406.52, Wahl, Samantha 300.00, Windstream 599.56. Total of bills: **\$128,783.67**.

Approved Park Claims: Aqua Chem 785.64, Black Hills Energy 44.21, OPPD 102.95. Total of bills: **\$932.80**.

The meeting was adjourned at 7:57 p.m.

Nick Nystrom
Village Clerk

Terri Todd
Chairperson

VILLAGE OF EAGLE

May 7, 2024

The Village Board of Trustees met in regular session at 7:01 p.m. on May 7, 2024 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 7:02 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle – Wenzel's First Addition Lot 1, or more commonly known as 105 North 4th Street in Eagle, Nebraska, for the use of a shipping container for exterior storage. The Eagle Planning Commission recommended the approval of the Conditional Use Permit at its April 23, 2024 meeting. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public. The public hearing was closed at 7:03 p.m.

Chairperson Todd opened the public hearing at 7:03 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle – Outlots 24 located in the SW¹/₄ of the SE¹/₄ of Section 20, Township 10 North, Range 9 East of the 6th P.M., or more commonly known as 510 Highway 34 in Eagle, Nebraska, for the use of a shipping container for exterior storage. The Eagle Planning Commission recommended the approval of the Conditional Use Permit at its April 23, 2024 meeting. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public. The public hearing was closed at 7:04 p.m.

Motion by Caylor, second by Hochstein, to introduce Resolution 2024-04. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Resolution 2024-04 entitled:

RESOLUTION NO. 2024-04

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR CARGO CONTAINER STORAGE ON THE PROPERTY ADDRESSED AS 105 NORTH 4TH STREET, AND LEGALLY DESCRIBED AS EAGLE – WENZEL'S FIRST ADDITION LOT 1, EAGLE, CASS COUNTY, NEBRASKA.

WHEREAS, RDC Properties, LLC, has petitioned the Village of Eagle for a Conditional Use Permit to allow for exterior cargo container storage on the property legally described as Eagle – Wenzel's First Addition Lot 1, Eagle, Cass County, Nebraska.

WHEREAS, the subject property is presently zoned GC (General Commercial) wherein exterior storage in conjunction with another primary use is permitted upon processing and approval of a Conditional Use Permit.

WHEREAS, the Eagle Planning Commission conducted a public hearing on April 23, 2024 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 105 North 4th Street, and legally described as Eagle – Wenzel's First Addition Lot 1, Eagle, Cass County, Nebraska, to allow for exterior cargo container storage, subject to the following conditions found in Exhibit A.

WHEREAS, the Village of Eagle Board of Trustees conducted a public hearing on May 7, 2024 to consider said Conditional Use Permit application.

WHEREAS, concerns regarding the safety, the necessity for setback distance, visual and valuation concerns for conformity with the surroundings, clarification regarding any possible signage or nuisance led to the conditions recommended and approved in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that the findings set forth above are hereby incorporated herein and that a conditional use permit be granted as requested conditional upon the Conditions set forth in Exhibit A, subject to enforcement by the Zoning Administrator. In the event the container is moved from the location that was submitted in the application to another location on the parcel, a new permit must be secured.

Motion by Meier, second by Hochstein, to adopt Resolution 2024-04. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Meier, to introduce Resolution 2024-05. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Resolution 2024-05 entitled:

RESOLUTION NO. 2024-05

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR CARGO CONTAINER STORAGE ON THE PROPERTY ADDRESSED AS 510 HIGHWAY 34, AND LEGALLY DESCRIBED AS EAGLE – OUTLOTS LOT 24 LOCATED IN THE SW¹/₄ OF THE SE¹/₄ OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., EAGLE, CASS COUNTY, NEBRASKA.

WHEREAS, Christopher LeFrois, on behalf of Betsy Egan, has petitioned the Village of Eagle for a Conditional Use Permit to allow for exterior cargo container storage on the property legally described as Eagle – Outlots Lot 24 located in the SW¹/₄ of the SE¹/₄ of Section 20, Township 10 North, Range 9 East of the 6th P.M., Eagle, Cass County, Nebraska.

WHEREAS, the subject property is presently zoned HC (Highway Commercial) wherein exterior storage in conjunction with another primary use is permitted upon processing and approval of a Conditional Use Permit.

WHEREAS, the Eagle Planning Commission conducted a public hearing on April 23, 2024 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 510 Highway 34, and legally described as Eagle – Outlots Lot 24 located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Township 10 North, Range 9 East of the 6th P.M., Eagle, Cass County, Nebraska, to allow for exterior cargo container storage, subject to the following conditions found in Exhibit A.

WHEREAS, the Village of Eagle Board of Trustees conducted a public hearing on May 7, 2024 to consider said Conditional Use Permit application.

WHEREAS, concerns regarding the safety, the necessity for setback distance, visual and valuation concerns for conformity with the surroundings, clarification regarding any possible signage or nuisance led to the conditions recommended and approved in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that the findings set forth above are hereby incorporated herein and that a conditional use permit be granted as requested conditional upon the Conditions set forth in Exhibit A, subject to enforcement by the Zoning Administrator. In the event the container is moved from the location that was submitted in the application to another location on the parcel, a new permit must be secured.

Motion by Hochstein, second by Dobbins, to adopt Resolution 2024-05. Voting: Ayes – 5. Motion carried.

Report from Law Enforcement – Sergeant Sommer reported 17 citations, 12 warnings and equipment violations, and 45 calls for service during the month of April. Meier inquired about the “Traffic Reckless” call on April 27, 2024. Sommer did not have details readily available on this call but said it occurred in Eagle Lake. Meier inquired about the “Animal / Injury to Person” call on April 21, 2024. Sommer did not have details readily available on this call but said the incident occurred on G Street. Dobbins said concerns have been brought to his attention regarding young children riding on the laps of adults driving off-road vehicles (Golf Carts, ATVs, UTVs) in town and asked if these obvious violations would be addressed if witnessed by law enforcement. Sommer said yes and this is something that has recently been discussed with the Sheriff.

Report from Building & Zoning Administrator – Hestermann reported 2 new building permits during the month of April. There are 13 total open permits to date. Caylor asked if the property at 600 Highway 34 has active water service. Nystrom said yes.

Discuss/possible action: Approve the following requests by Eagle Vision for Eagle Fun Day on June 22, 2024 – Cassidi Denton, Tracy Masek and Justin Davison were present on behalf of Eagle Vision.

- a.) Street closings, barricades, no parking signs and parade route – The parade route will be the same as last year. Denton said Eagle Vision would like to request temporary “No Parking” signs at the park parking lot.
- b.) Street dance and associated closures – The street dance and associated closures will be the same as last year.
- c.) Fireworks display at the Eagle Community Park – The fireworks display will be the same as last year. No parking is requested on the north side of the pool beginning at 2:00pm.
- d.) Car show on Main Street – Masek said Eagle Vision would like to move the car show to Main Street this year. The request is to have 4th Street barricaded from G Street to D Street, D Street barricaded from 4th to 5th Street, and E Street from 5th Street to the alleyway east of Bailey’s Local. Eagle Vision would also like to request temporary “No Parking” signs be installed to aid in keeping cars from parking on Main Street ahead of the car show. The car show will run from 8:00am–2:00pm.
- e.) Hours and free admittance to the Eagle Pool – Todd said the swimming pool hours on weekends have been changed to 2:00pm–7:00pm. It will be dependent on staffing if the pool can be opened earlier on Eagle Fun Day.

Motion by Todd, second by Hochstein, to approve Eagle Vision’s requests for Eagle Fun Day on June 22, 2024. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Meier, to approve the Special Designated License (SDL) Application for McIntosh Ventures located at 540 S. 4th Street for June 22, 2024 from 10:00 a.m. to 2:00 a.m. the following day. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Approve Disc Golf Tournament sponsored by Eagle Vision on June 1, 2024 – Agenda item tabled until the May 20, 2024 board meeting.

Discuss/possible action: Approve estimate from Eagle Nursery for the construction of a border and compost for a Community Garden in the amount of \$540.00 – Dobbins and Caylor asked where the Community Garden is going to be located. Todd said in the Eagle Estates park space off of Olivia Drive. Hochstein asked what will be done for water. Elizabeth Umshler (Eagle Parks & Rec) said she plans to ask a couple of neighboring property owners if they are willing to donate water, and if not, she is considering rain barrels. Hochstein said his concern with rain barrels is attracting mosquitoes.

Motion by Todd, second by Meier, to approve the estimate from Eagle Nursery for the construction of a border and compost for a Community Garden in the amount of \$540.00. Voting: Ayes – 5. Motion carried.

Open Forum – No public comment.

Motion by Caylor, second by Meier, to introduce Resolution 2024-06. Voting: Ayes – Hochstein, Meier, Caylor, Todd. Nays – Dobbins. Motion carried.

Chairperson Todd read Resolution 2024-06 entitled:

RESOLUTION NO. 2024-06

A RESOLUTION ESTABLISHING A POLICY FOR EAGLE FIRE & RESCUE VOLUNTEERS TO UTILIZE MUNICIPAL PROPERTY TO CLEAN PERSONAL VEHICLES UTILIZED DURING THE COURSE OF EMERGENCY DUTIES

WHEREAS, the Eagle Fire & Rescue Department averages 170 emergency calls per year with an average of 9 volunteers responding per call; and,

WHEREAS, it is often necessary for volunteers to utilize their personal vehicles when responding to emergency calls; and,

WHEREAS, the Village of Eagle Board of Trustees desires to adopt a policy with respect to volunteers utilizing municipal property to clean personal vehicles during the course of emergency duties.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that Eagle Fire & Rescue Department volunteers may utilize the municipally owned pressure washer when the following cases and criteria are met:

- 1) When a volunteer responds directly to a scene in their personal vehicle and during the course of duty their personal vehicle becomes dirty.
- 2) When a volunteer responds to the station to deploy department apparatus and during the course of duty their personal vehicle becomes dirty.
- 3) The volunteer must be a current and active member of Eagle Fire & Rescue.
- 4) The volunteer must be in good standing with the department.
- 5) The volunteer must have used a personal vehicle during the course of duty.

Discussion: Dobbins said he thought it was against State law to allow an employee to use public property for personal use. Todd said that is stated but a resolution can also be passed by the Village Board to allow it. Dobbins said he does not see anywhere in State Statute that says this. Hochstein said he is generally agreeable to allowing volunteers to wash their vehicles but the resolution on the table leaves open a “big window”; perhaps the volunteers should be required to notify the Village when they use the equipment and have a timeframe that it is used after an emergency event. Todd said she feels the honor system is appropriate. Hochstein said the problem is people don’t trust the honor system and that is why there is a resolution tonight. Todd said most people do trust the honor system and this was brought up by a member of the public that doesn’t like the idea of volunteers using the pressure washer; her personal feeling is the department does a lot for the community and deserves to be able to at least wash their vehicles. Caylor said only 5 volunteers live in town and the rest live outside of the community. Hochstein said this means those that live out of town will have dirty vehicles regardless of whether they go on an emergency call or not. Freeman-Caddy said she commented on expenditures for the benefit of governing officials, employees and volunteers in a letter dated April 3,

2024 to the Eagle Board of Trustees. In summary, to the extent that a private vehicle is used to drive to a fire or rescue scene and gets dirty in that use, one could argue that the use of the vehicle benefited the public volunteer purpose and cleaning it after a call is a defensible position. However, regular washing of a vehicle as a "benefit" is not a permissible use of government resources or funds. Freeman-Caddy said in her opinion, Item 2 in the resolution, when a volunteer responds to the station to deploy department apparatus, is too broad; this would allow anyone who just drives into town to report to a call the ability to wash their vehicle. Freeman-Caddy briefly discussed the Local Government Miscellaneous Expenditure Act and said the rule appears to be, "if it is not specifically called out as permitted, then the use of governmental resources or funds is not permitted." Todd asked how often volunteers wash their personal vehicles. Aaron Hofeling (Fire Lieutenant) said he has been on the department for almost four years and he has washed his truck at the station twice. Todd said she will take care of this concern and will not be taking public comment or adopting the resolution tonight.

Discuss/possible action: 2024 Mill & Overlay Improvements Project bid opening, recommendation and award – Nystrom said three bids were received and opened on April 25, 2024 from Pavers (\$62,115.50), Cather & Sons Construction (62,163.35), and Omni Engineering (\$78,078.00). Snyder & Associates recommends awarding the construction contract to the lowest responsive bidder, Pavers, Inc., for mill and overlay work on 6th Street, D to F Street, and D Street, 5th to 6th Street (base bid), as well as 2nd Street, D to F Street (bid alternate) in the amount of \$62,115.50.

Motion by Hochstein, second by Dobbins, to award the 2024 Mill & Overlay Improvements Project contract to Pavers, Inc. in the total amount of \$62,115.50. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to approve the proposal from JLC Construction for frieze board repairs at the Eagle Pool in the amount of \$1,694.00. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Todd, to set the season opening date for the Eagle Pool as May 25, 2024. Voting: Ayes – 5. Motion carried.

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

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

Approved Claims: Wages 14,163.11, Board Wages 700.00, A-1 Flags, Poles & Repair 610.00, ABC Termite & Pest Control 186.00, Agenda, Taylor & Harrison 300.00, Allied Benefit Systems 5,485.56, Amazon Marketplace 1,416.84, American Exchange Bank 1,125.00, Amundson, Caleb 300.00, Baker, Brittany 300.00, Basit, Walross 300.00, Beck, Austyn 300.00, Bender, Jennifer 300.00, Berggren, Carl 300.00, Black Hills Energy 416.87, Bound Tree Medical 540.52, Bromm Lindahl Freeman-Caddy & Lausterer 2,124.00, Bruss, Jake 300.00, Capital Business Systems 235.58, Casey's 482.27, Cash, Rhonda 300.00, Cass Co Sheriff's Dept 3,145.21, Constellation Energy 228.29, Daniels, Conn & Dawn 300.00, Debolt, Kyle 300.00, Demaree, Kyle 300.00, Drake, Denise

330.54, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 4,302.78, Ernst, Jeannie & Keith 300.00, Federal Licensing Inc. 119.00, Fry, Brett 300.00, Google LLC 172.80, Hertz, Jared 150.00, Hestermann, Rick 938.70, Hooper Creek Automotive 143.67, Hotz, Chrys & Tim 300.00, Humm, Matthew 300.00, John, Ethan 300.00, John Hancock Investments 528.15, Kapperman, Wrendy 300.00, Kidwell 8,830.00, Knee Deep LLC 3,200.00, Kucera, Kalina 300.00, Leak Investigators LLC 770.00, Luebe, Don 300.00, Matheson Tri-Gas 233.39, McCord Bonnie & Terry 300.00, Menards-South 484.77, Midwest Laboratories 332.82, Napa Auto Parts 47.49, NE Dept of Rev 2,244.97, NE Medicine 296.92, NE Public Health Env Lab 30.00, Nickum, Jessica 300.00, Norland Pure 15.20, Nystrom, Taira 450.00, One Billing Solutions 1,063.75, One Call Concepts 13.10, OPPD 5,111.00, O'Reilly Auto Parts 107.87, Quik Dump Refuse 2,746.50, Rasmussen, Ryan & Sara 300.00, Riverstone Bank 46,547.29, Smith, Jennifer & Jacob 300.00, Smith, Zach 300.00, Snyder & Associates 5,707.00, Sponsler, Brent & Julie 300.00, Total Tool 158.00, UNUM 982.54, US Postmaster 340.00, USA Bluebook 60.75, Verizon Wireless 748.13, Vista Print 119.21, Voice News 406.52, Wahl, Samantha 300.00, Windstream 599.56. Total of bills: **\$128,783.67**.

Approved Park Claims: Aqua Chem 785.64, Black Hills Energy 44.21, OPPD 102.95. Total of bills: **\$932.80**.

Report from Attorney – Freeman-Caddy said she is still working through the Eagles Landing Subdivision Agreement, primarily with regards to the water main extension along Eagle Road. Aside from the funding provided by the Village of Eagle, the developer is asking that the Village establish a hook-up fee for any properties adjacent to the new water main; these fees would be remitted to Eagles Landing (SID 12). Freeman-Caddy said her thought at this point is entering into an Interlocal Agreement with SID 12.

Report from Clerk/Treasurer – Nystrom discussed the 6th Street Water Main Extension Project timelines, as follows: Voice Newspaper publication (5/9 & 5/16); Bids due 5/30 at 11:00am; Village Board will approve contract on 6/4; Substantial completion on 8/2; and Final completion on 8/30. The staff orientation meeting with the pool employees will be held on May 9th at 7:00pm. Nystrom said the 1st Quarter reimbursement from NDEE for the Recycling Grant was received in the amount of \$2,737.85. A virtual meeting with MAPA will be held on May 9th at 10:00am to go over the Community Survey and next steps. Nystrom has been working on the Medicare Ground Ambulance Data Collection System for the Rescue Department. The public hearing on the Eagles Landing final plat will be held on May 20th. Nystrom said the total monthly income ending March 31, 2024 was \$123,375.99.

The meeting was adjourned at 7:57 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 May 7, 2024 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

Nick Nystrom
Village Clerk

Terri Todd
Chairperson