

## 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 4<sup>th</sup> 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 6<sup>th</sup> 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 4<sup>TH</sup> 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 4<sup>th</sup> 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 SW<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub> OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6<sup>TH</sup> 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 SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> 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 6<sup>th</sup> 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. 4<sup>th</sup> 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