

## VILLAGE OF EAGLE

**August 20, 2018**

The Village Board of Trustees met in regular session at 7:00 p.m. on August 20, 2018 with Moore, Schukei, Meier and LeFrois 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 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 Maintenance Shop, Eagle Fire & Rescue Department and Eagle State Bank.

Motion by Moore, second by Schukei, to nominate Lin Young to the Village of Eagle Board of Trustees to fulfill the remainder of a four-year term expiring on December 4, 2018. Voting: Ayes – 4. Motion carried.

Lin Young was sworn in as a new member of the Village of Eagle Board of Trustees.

Chairperson Moore opened the public hearing at 7:04 p.m. for the purpose of hearing testimony concerning a Preliminary Plat for Tax Lot 1 located in a portion of the N½ of the SW¼ of Section 28, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Derek Beenblossom (Allen Surveying) was present on behalf of the applicant, Mr. Bob Bleicher. Moore asked if there were any comments or questions from the public. There were no comments or questions from the public. Moore said the Eagle Planning Commission voted to approve the Preliminary Plat at their public hearing on August 9, 2018.

The public hearing was closed at 7:05 p.m.

Motion by Schukei, second by LeFrois, to approve the Preliminary Plat for Tax Lot 1 located in a portion of the N½ of the SW¼ of Section 28, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Voting: Ayes – 5. Motion carried.

Chairperson Moore opened the public hearing at 7:09 p.m. for the purpose of hearing testimony concerning a zoning change and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) for Tax Lot 1 located in a portion of the N½ of the SW¼ of Section 28, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Chairperson Moore 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 7:10 p.m.

Motion by Schukei, second by Meier, to approve zoning change from AG (Agricultural) to RE (Residential Estates) for Tax Lot 1 located in a portion of the N½

of the SW¼ of Section 28, 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 – 5. Motion carried.

Chairperson Moore opened the public hearing at 7:11 p.m. for the purpose of hearing testimony concerning a Final Plat / Subdivision Application for a portion of Tax Lot 12 located in the SE¼ of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Village of Eagle, Cass County, Nebraska. Leo Pelds (Pelds Engineering) was present on behalf of the applicant, Casey's General Stores. Pelds provided the Village Board with a response letter to Justin Stark's (Olsson Associates) Final Plat Review. Chairperson Moore asked if there were any comments or questions from the public. John Surman (450 Eagle Dr.) inquired about drainage of water off of the proposed 2<sup>nd</sup> Street and G Street. Stark said part of the 2<sup>nd</sup> Street improvement includes a set of two curb inlets near Highway 34 where the street profile will bring water to the south and connect to the existing underground culvert running underneath the highway. An inlet will also be utilized to catch runoff behind the proposed diesel pumps to prevent water pooling on G Street. Surman asked if the Nebraska Department of Transportation has given final approval to construct access from Highway 34. Pelds said he anticipates approval in the next couple weeks. Moore said the Eagle Planning Commission voted to conditionally approve the Final Plat at their public hearing on August 9, 2018.

The public hearing was closed at 7:19 p.m.

Motion by Moore, second by LeFrois, to approve the Final Plat / Subdivision Application for a portion of Tax Lot 12 located in the SE¼ of Section 20, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Village of Eagle, Cass County, Nebraska, contingent upon NDOT granting construction access to Highway 34 and approval of the Subdivision Application by the Village Attorney and Village Engineer. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Moore, to introduce Ordinance 2018-10. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Ordinance 2018-10 entitled:

#### **ORDINANCE NO. 2018-10**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: SUBLot 14 OF TAX Lot 12 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6<sup>TH</sup> P.M. CASS COUNTY, NEBRASKA FROM I1 (LIGHT INDUSTRIAL) TO HC (HIGHWAY COMMERCIAL) 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.

Motion by Meier, second by Schukei, to accept the first reading of Ordinance 2018-10. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by LeFrois, to suspend the rules of three consecutive readings of Ordinance 2018-10. Voting: Ayes – 5. Motion carried.

Motion by Schukei, second by Meier, to adopt Ordinance 2018-10. Voting: Ayes – 5. Motion carried.

Motion by Schukei, second by Meier, to introduce Ordinance 2018-11. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Ordinance 2018-11 entitled:

#### **ORDINANCE NO. 2018-11**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: A PORTION OF TAX LOT 12 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6<sup>TH</sup> P.M. CASS COUNTY, NEBRASKA, TO BE KNOWN AS LOT 1, CASEY'S ADDITION TO EAGLE, MORE SPECIFICALLY DESCRIBED HEREIN BY ALLOWING THEREON A PERMITTED CONDITIONAL USE OF MAINTAINING A CONVENIENCE STORE WITH LIMITED FUEL SALES AS DEFINED BY VILLAGE OF EAGLE ZONING REGULATIONS SECTION 5.11.03; TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA,; 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; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE EFFECTIVE DATE THEREOF.

Motion by Meier, second by Schukei, to accept the first reading of Ordinance 2018-11. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Schukei, to suspend the rules of three consecutive readings of Ordinance 2018-11. Voting: Ayes – 5. Motion carried.

Motion by Schukei, second by Young, to adopt Ordinance 2018-11. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Schukei, to approve the infrastructure improvements at Eagle Estates and authorize the release of 95% escrow for street paving and 100% escrow for the wastewater collection system, water distribution system and fire hydrants and drainage facilities, contingent upon Village Engineer approval and construction punch list items being addressed. Voting: Ayes – 5. Motion carried.

Motion by Schukei, second by Meier, to approve John Brady as a member of the Eagle Fire & Rescue Department. Voting: Ayes – 5. Motion carried.

Motion by Schukei, second by Meier, to approve culvert repairs and maintenance at 245 South 4<sup>th</sup> Street in an amount not to exceed \$2,300.00. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to approve Commonwealth Electric's proposal to add circuit, install wire and replace defective GFCI breaker at the pool in the amount of \$610.00. Voting: Ayes – 5. Motion carried.

Motion by LeFrois, second by Schukei, to approve a one-year subscription for website services with Immense Impact, LLC at a cost of \$439.45 and a one-time setup fee of \$349.00 for a total cost of \$788.45. Voting: Ayes – 5. Motion carried.

Motion by LeFrois, second by Schukei, to authorize the Technology Committee to apply for a new domain name through the federal government (DOTGOV) for an annual fee of \$400.00. Voting: Ayes – 5. Motion carried.

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

Motion by Moore, second by Meier, to approve Travis Moore and Chris LeFrois attending the League of Nebraska Municipalities 2018 Annual Conference in Kearney

on September 19<sup>th</sup>-21<sup>st</sup> at a cost of \$932.00 plus lodging. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 9:12 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.