

## VILLAGE OF EAGLE

September 15, 2020

The Village Board of Trustees met in special session at 7:00 p.m. on September 15, 2020 with Moore, Meier, Schukei, Surman and Weyers 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 Moore named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park.

Chairperson Moore opened the public hearing at 7:00 p.m. for the purpose of hearing testimony concerning the 2020-2021 Budget. Moore asked if there were any comments or questions from the public. There were no questions or comments from the board or public.

The public hearing was closed at 7:01 p.m.

Chairperson Moore opened the public hearing at 7:02 p.m. for the purpose of hearing testimony concerning setting the final tax request. Moore asked if there were any comments or questions from the public. There were no questions or comments from the board or public.

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

Chairperson Moore opened the public hearing at 7:04 p.m. for the purpose of hearing testimony concerning a Preliminary Plat for two tracts of land located in part of Tax Lot 20 and Tax Lot 21 in the NE $\frac{1}{4}$  of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Moore asked if there were any comments or questions from the public. Frank Umland (901 202<sup>nd</sup> St.) asked if Lot #1, the original farmstead, could be modified on the current Preliminary Plat to include 10 acres instead of the 5.06 acres as designed; the primary reason behind this request is the new property owners wish to have livestock in the future. Nystrom said the minutes from the Planning Commission meeting on September 9, 2020 indicate that a new Preliminary Plat would need to be filed in order to increase the number of acres at Lot #1.

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

Chairperson Moore opened the public hearing at 7:06 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 two tracts of land located in part of Tax Lot 20 and Tax Lot 21 in the NE $\frac{1}{4}$  of Section 19, Township 10 North, Range 9

East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Moore asked if there were any comments or questions from the public. Robert Davis (1101 N 202<sup>nd</sup> St.) asked what the difference is between the Preliminary Plat and zoning change request on tonight's agenda. Moore explained that the Preliminary Plat is the first step in the subdivision process. The Preliminary Plat demonstrates the overall subdivision concept for a tract of land including the number of development parcels to be created. Moore said the zoning change request changes the use of a particular property or properties. Bill Umland (440 W 8<sup>th</sup> St, Palmyra, NE) asked if changing these two parcels to residential use would constitute "spot zoning". Moore said typically spot zoning is the process of singling out a small parcel of land for a use classification completely different from that of the surrounding area; this particular area already contains small residential acreages that abut 202<sup>nd</sup> Street. Surman added that the purpose of these public hearings tonight is once two administrative subdivisions have occurred on the original tract of land the requirement is a more formal development process. Davis said he was unaware of the rules regulating what can and cannot be done on private property located outside of the corporate limits of Eagle. Surman explained that the property in question tonight is within the Village of Eagle's extraterritorial jurisdiction and must follow the adopted zoning regulations. Davis said if that is the case he should be able to vote for who sits on the Village Board. Surman said that is not an option per Nebraska State Statute and Eagle Municipal Code. Frank Umland asked if there will be an issue at a later date to extend the property boundary lines of Lot #1 in order to get back to Agricultural zoning. Moore said no; this would, however, require a new Preliminary Plat and zoning change request.

The public hearing was closed at 7:29 p.m.

Motion by Surman, second by Meier, to introduce Resolution 2020-07. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Resolution 2020-07 entitled:

**RESOLUTION NO. 2020-07**

**WHEREAS**, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the Village of Eagle passes by a majority vote a resolution or ordinance setting the tax request; and

**WHEREAS**, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

**NOW, THEREFORE**, the Governing Body of the Village of Eagle resolves that:

1. The 2020-2021 property tax request be set at \$404,547.81.
2. The total assessed value of the property differs from last year's total assessed value by 13%.

3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.607787 per \$100 of assessed value.
4. The Village of Eagle proposes to adopt a property tax request that will cause its tax rate to be \$.648695 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the Village of Eagle will exceed last year's by 16%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2020.

Motion by Surman, second by Schukei, to adopt Resolution 2020-07. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Weyers, to approve a 1% increase in Restricted Funds. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Meier, to approve the 2020-2021 Budget. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Weyers, to approve a Preliminary Plat for two tracts of land located in part of Tax Lot 20 and Tax Lot 21 in the NE¼ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Meier, to approve the zoning change and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) for two tracts of land located in part of Tax Lot 20 and Tax Lot 21 in the NE¼ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Moore, to approve Certificate of Payment No. 1 to Bauer Underground in the amount of \$24,539.49 for the Eagle F Street Paving Improvements project. Voting: Ayes – Weyers, Meier, Surman, Moore. Nays – Schukei. Motion carried.

Motion by Moore, second by Surman, to approve Change Order No. 1 with Cather and Sons Construction in the amount of \$2,736.00 for the Applewood Drive and F Street Mill and Overlay Improvements project. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Schukei, to approve Certificate of Payment No. 1 to Cather and Sons Construction in the amount of \$84,130.67 for the Applewood Drive and F Street Mill and Overlay Improvements project. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to approve Graham Tire's bid for two new tires on the street sweeper in the amount of \$818.43. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 7:56 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.