

## VILLAGE OF EAGLE

October 17, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on October 17, 2022 with Surman, Meier, Weyers, Caylor and Todd 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 Surman 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 Surman opened the public hearing continuation at 7:00 p.m. for the purpose of hearing testimony concerning a Preliminary Plat located in a portion of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  and a portion of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 29, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. DaNay Kalkowski (Seacrest & Kalkowski, PC, LLO), Brad Marshall (Olsson), Scott Osterhaus (Olsson) and Ben Bleicher (PRG Development Co.) were present. Kalkowski gave a brief overview of the project which consists of 80 total acres and a combination of commercial and residential uses. The project is anticipated to be completed in four phases. Osterhaus discussed the three waiver requests as part of the Preliminary Plat, which include: Allowing block lengths greater than 1,200' for Block 5; allowing block lengths greater than 600' without a pedestrian connection for Blocks 2, 3, 5, 9 and 10; and to reduce the centerline radius for curves "C10" and "C11" from 200' to 150'. Caylor said her only concern is with the centerline radius for curves; if parking is allowed on both sides it would be very difficult for emergency vehicles to travel these areas. Todd said the thought from the Planning Commission was to make the inside of the curves no parking to alleviate congestion. Terry Caddy agreed and said the Village Board has historically prohibited parking on the side of the street that contains fire hydrants. Caylor asked if the 2.2 acres of park space in Phase 2 will meet the green space requirements. Freeman-Caddy said the Subdivision Agreement states that upon approval of the Final Plat, the owner shall pay the Village a payment in lieu of dedication of parkland to comply with the Land Subdivision Ordinance (\$1,500 per lot). Caddy said there were some initial concerns regarding parking in the cul-de-sac (Cypress Court); however, the Planning Commission felt the Village Board could make this entire area no parking if it becomes an issue in the future. The Planning Commission voted unanimously to recommend the approval of the Preliminary Plat at its meeting on October 12, 2022. Surman 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 7:21 p.m.

Chairperson Surman opened the public hearing at 7:22 p.m. for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment

of the Eagle Zoning Map from AG (Agricultural) to HC (Highway Commercial), RS (Residential Suburban), and RU (Residential Urban) submitted by PRG Development Company, LLC, pertaining to ± 30.59 acres located in a portion of the W½ of the NE¼ and a portion of the E½ of the NE¼ of Section 29, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Surman said this phase of development consists of 4 commercial lots, 34 single family lots and 28 two-family lots. The zoning change request conforms to the Village of Eagle's Future Land Use Plan. Surman asked if a request has been submitted to the Nebraska Department of Transportation (NDOT) for the proposed new access off of Highway 34. Marshall said NDOT has reviewed and approved Olsson's traffic study; as part of the Annexation Agreement, the Village shall be the applicant on the required permits with the State of Nebraska. Surman asked if Cass County Rural Water District No. 2 has approved the relinquishment of this property from its service boundaries. Kalkowski said yes. Meier asked if a pedestrian crosswalk will be installed along Highway 34. Surman said the Planning Commission provided a recommendation to the Village Board to contact NDOT in regards to a future pedestrian crossing; however, there is nothing the developer can do to install a pedestrian crossing themselves. Caddy said the thought from the Planning Commission was perhaps NDOT would consider lowering the speed limit until which time a stop light and/or pedestrian crossing is deemed appropriate. The Planning Commission voted unanimously to recommend the approval of this zoning change request at its meeting on October 12, 2022. Surman 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 7:33 p.m.

Motion by Caylor, second by Todd, to grant Waiver No. 1 as part of the Eagle Point Preliminary Plat to allow block lengths greater than 1,200' for Block 5 after determining unique circumstances or conditions affecting the property are not the result of actions by the subdivider. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Caylor, to grant Waiver No. 1 as part of the Eagle Point Preliminary Plat to allow block lengths greater than 1,200' for Block 5 after determining the waiver is necessary for the reasonable and acceptable development of the property in question and will not be detrimental to the public or injurious to adjacent or nearby properties. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Todd, to grant Waiver No. 2 as part of the Eagle Point Preliminary Plat to allow block lengths longer than 600' without a pedestrian connection for Blocks 2, 3, 5, 9 & 10 after determining the following: There are unique circumstances or conditions affecting the property that are not the result of the actions by the subdivider; the waiver is necessary for the reasonable and acceptable development of the property in question; and granting the waiver will not be detrimental to the public or injurious to adjacent or nearby properties. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to grant Waiver No. 3 as part of the Eagle Point Preliminary Plat to reduce the centerline radius for curves "C10" & "C11" from 200' to 150' after determining the following: There are unique circumstances or conditions affecting the property that are not the result of the actions by the subdivider; the waiver is necessary for the reasonable and acceptable development of the property in question; and granting the waiver will not be detrimental to the public or injurious to adjacent or nearby properties. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Caylor, to approve the Preliminary Plat located in a portion of the W½ of the NE¼ and a portion of the E½ of the NE¼ of Section 29, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Todd, to introduce Ordinance 2022-06. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Ordinance 2022-06 entitled:

#### **ORDINANCE NO. 2022-06**

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: THREE TRACTS OF LAND, LOCATED IN SECTION 29, TOWNSHIP 10, RANGE 9, CASS COUNTY, NEBRASKA MORE FULLY DESCRIBED HEREIN -TRACT A - AMENDING FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (HC); TRACT B - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL URBAN (RU), TRACT 3 - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL SUBURBAN (RS); TO PROVIDE FOR SCREENING TO BE PLACED ALONG THE PROPERTY LINE ON HC LOTS ABUTTING RESIDENTIAL LOTS BEFORE HC USE IS ALLOWED, PURSUANT TO THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA; 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 Weyers, second by Meier, to accept the first reading of Ordinance 2022-06. Voting: Ayes – 5. Motion carried.

The Village Board acknowledged receipt of a Petition for Annexation signed by Joe Marvin Carr for a tract of land composed of a portion of the W½ of the NE¼ and a portion of the E½ of the NE¼ of Section 29, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska.

Motion by Meier, second by Weyers, to introduce Ordinance 2022-07. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Ordinance 2022-07 entitled:

**ORDINANCE NO. 2022-07**

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA TO ANNEX A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 29, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED HEREIN; SAID TRACT OF LAND IS CONTIGUOUS TO THE CORPORATE LIMITS OF THE VILLAGE OF EAGLE AND BY SAID ANNEXATION, TO MAKE SAID DESCRIBED REAL ESTATE A PART OF THE CORPORATE LIMITS OF THE VILLAGE OF EAGLE; THAT AN ACCURATE MAP OR PLAT OF THE ABOVE-DESCRIBED REAL ESTATE BE RECORDED IN THE OFFICES OF THE CASS COUNTY REGISTER OF DEEDS AND CASS COUNTY ASSESSOR; THAT THE INHABITANTS OF, AND THE ABOVE-DESCRIBED REAL ESTATE, SHALL BE SUBJECT TO THE ORDINANCES AND REGULATIONS OF THE VILLAGE OF EAGLE; TO PROVIDE THAT THE CHAIR OF THE BOARD OF TRUSTEES 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, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED BY POSTING WITHIN THE FIRST FIFTEEN DAYS AFTER ITS PASSAGE AND APPROVAL.

Motion by Weyers, second by Meier, to accept the first reading of Ordinance 2022-07. Voting: Ayes – 5. Motion carried.

Caylor left the meeting at 8:42 p.m.

Open Forum – Todd asked for an update on the vandalism that occurred at the park. Nystrom said the security cameras at the park recorded four teenagers entering the men’s restroom with a shelving unit which was later discovered inside the facility damaged and destroyed; there was no physical damage to the facility itself and the maintenance staff cleaned up the debris. Nystrom said he was able to identify a couple of the teenagers and he and Meier spoke to them and their parents about the incident. Todd asked if there is anything that can be done about vehicles parking along Applewood Drive; there is a rental property with several out-of-state vehicles and trailer that congest the area and limit parking for others in the vicinity. Nystrom recommended contacting the Sheriff’s office; the time limit for parking of regular motor vehicles along Applewood Drive is 72 hours and the time limit for parking trailers is 12 hours. Todd said there are also issues with this particular household parking a number of vehicles in the driveway which results in blocking the sidewalk. Surman said that is also a violation of Eagle Municipal Code and should be directed to law enforcement. Meier said there continues to be unlicensed vehicles, a trailer and recreational vehicle parked on the street at 509 South 4<sup>th</sup> Street as well. Nystrom said he has contacted law enforcement on several occasions about this situation but has yet to receive a response. Surman reminded the Village Board not to “Reply to All” when an email is received from the office; this could inadvertently result in a violation of the Nebraska Open Meetings Act.

Motion by Todd, second by Weyers, to approve CC Contracting’s snow removal bid for the 2022-2023 winter season. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Todd, to approve the estimate from JCN Construction, LLC for sidewalk repairs and ADA accessible ramps adjacent to 510 South 5<sup>th</sup> Street in the amount of \$984.00. Voting: Ayes – 4. Motion carried.

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

The meeting was adjourned at 9:30 p.m.

Nick Nystrom  
Village Clerk

John Surman  
Chairperson