

VILLAGE OF EAGLE
BOARD OF TRUSTEES AGENDA
OCTOBER 21, 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

1. Report from Fire & Rescue.
2. Open Forum.
3. Discuss/possible action: Second reading of Ordinance 2024-07 – Amending Municipal Code §5-506, §5-508 and §5-509 pertaining to regulations allowing the use of All-Terrain Vehicles, Utility-Type Vehicles and Golf Car Vehicles within the corporate limits and to provide an amendment to the waiver schedule contained in Municipal Code §6-403.
4. Discuss/possible action: Resolution 2024-09 – Agreement Regarding Annexation Fees between Cass County Rural Water District No. 2 and the Village of Eagle.
5. Discuss/possible action: Consider the donation of a 2025 Family Pool Pass to District 145 Foundation for Education for Trivia Night on November 16, 2024.
6. Report on Streets and Maintenance.
7. Report on Wells and Sewer.
8. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
9. 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. 2024-07

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND SECTIONS 5-506, 5-508 AND 5-509 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO REGULATIONS ALLOWING THE USE OF ALL-TERRAIN VEHICLES (ATV), UTILITY-TYPE VEHICLES (UTV) AND GOLF CAR VEHICLES WITHIN THE CORPORATE LIMITS; TO PROVIDE AN AMENDMENT TO THE WAIVER SCHEDULE CONTAINED IN SECTION 6-403; TO PROVIDE THAT THE CLERK AND THE APPROPRIATE DEPARTMENT THE VILLAGE ARE HEREBY 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 WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, a number of citizens of the Village of Eagle, Nebraska, have requested the Municipality amend specific regulations allowing the use of All-Terrain Vehicles (ATV), Utility-Type Vehicles (UTV), and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Nebraska State Law gives municipalities the authority to adopt ordinances relating to the use of ATVs, UTVs, and Golf Car Vehicles within the corporate boundaries of the jurisdiction, and,

WHEREAS, Section 5-506 of the Municipal Code specifies the operator and equipment requirements for the use of ATVs, UTVs and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Section 5-508 of the Municipal Code specifies the penalties associated with the improper use of ATVs, UTVs and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Section 5-509 of the Municipal Code specifies the permit and registration process associated with ATVs, UTVs and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Section 6-403 of the Municipal Code should provide a waiver schedule for tickets written under the above municipal code section violations and adjust other sections of the waiver schedule to match state waivers.

WHEREAS, the Board of Trustees of the Village of Eagle, Nebraska, deem the adoption of this Ordinance to be in the best interests of the citizens of the Village of Eagle, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. That the findings herein above made should be and are hereby made a part of this Ordinance, as fully as if set out at length herein.

Section 2. That Chapter 5, Article 5, Sections 5-506, 5-508 and 5-509 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows:

SECTION 5-506: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; OPERATOR AND EQUIPMENT REQUIREMENTS:

A. Any person operating an ATV, UTV, or Golf Car Vehicle as authorized by this code section shall:

1. Have a valid Class O operator's license and be at least 17 years of age;
2. Have proof of liability insurance coverage for the ATV, UTV, or Golf Car Vehicle while in operation upon a street and provide such insurance proof of coverage at the time of registration or upon the demand of any peace officer requesting such proof within five (5) days of such request; such insurance shall be within the limits stated in Neb. Rev. Stat. § 60-509 or Neb. Rev. Stat. § 60-6,381, as amended from time to time;
3. If operating or riding on an ATV or UTV, utilize manufacturer installed seat belts or wear a helmet approved for lawful operation of a motorcycle in the State of Nebraska; and,
4. Only operate such ATV, UTV or Golf Car Vehicle between sunrise and sunset as required by Neb. Rev. Stat §60-6,356 and §60-6,381.

B. Every ATV and UTV shall be equipped with:

1. A braking system maintained in good operating condition;
2. An adequate muffler system in good working condition and without a cutout, bypass or similar device, or any modifications to the muffler system which increases the volume of the noise of the exhaust system. No portion of the system shall be permitted to contact the ground when weighted by its operator;

3. A United States Forest Service-qualified spark arrester;
4. Headlights and taillights;
5. A reflective sign must be affixed to the rear of the vehicle; and,
6. Equipped with a safety flag (provided by the Municipality) which extends no less than five (5) feet above the ground and is attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.

~~C. No child under the age of eight (8) years shall be a passenger on an ATV, UTV, or Golf Car Vehicle unless the vehicle is equipped with, and the child is restrained by, a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration.~~

C. No person shall:

1. Equip the exhaust system of an ATV or UTV with a cutout, bypass, or similar device;
2. Operate an ATV or UTV with an exhaust system so modified; or
3. Operate an ATV or UTV with the spark arrester removed or modified except for use in closed-course competition events.

SECTION 5-508: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; PENALTY; IMPOUNDMENT.

A. Any person who violates any provision of this Article or violates the provisions defined by Chapter 60 of the Revised Statutes of Nebraska while operating an ATV or UTV or who owns the same, shall be subject to the penalties under Chapter 5 of the Municipal Code and under the provisions of Chapter 60 of the Revised Statutes of Nebraska is hereby authorized ~~and all Municipal issued registrations for all of the operators and the owners of ATVs and UTVs shall be revoked~~ as follows:

1. For the first offense, the owner and/or operator shall be guilty of a Class III misdemeanor pursuant to Neb. Rev. Stat. § 60-6,362, which carries a possible maximum penalty of \$500 fine and/or three (3) months in jail or both for violations under Neb. Rev. Stat. 60-6,356 to 60-6,361. For a subsequent offense within any period of one year, the owner and/or operator shall be guilty of a Class III misdemeanor pursuant to Neb. Rev. Stat. §60-6,362, (if within the same year as the prior offense, then a Class II misdemeanor, which carries a maximum penalty of a \$1,000 fine and/or six (6) months in jail or both.)
2. For violations of the provisions of this article, not included under the state sections noted above, the owner and/or operator shall be guilty of a misdemeanor and subject to the penalties contained in Chapter 5 of the municipal code

B. Any person who violates any provision of this Article while operating a Golf Car Vehicle, or who owns the same, shall be subject to the penalties under Chapter 5 of the

Municipal Code, or if done in violation of the State Law, may be subject to the penalties provided thereunder.

C. The following additional provisions apply to violations under the Municipal Code and/or the State Statutes, and apply to ATV, UTV and Golf Car Vehicle violations within the corporate limits as follows:

1. ~~First Offense Impoundment: The first offense under this Article shall be subject to fine set forth in the Penalty section of this section. The vehicle may be impounded until it is validly registered (if registration is the basis of the violation) or for 10 days (for all other violations) and stored in a privately operated facility or other place designated by or maintained by the Municipality, with all impoundment costs payable by the owner/operator prior to retrieval. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the Municipality for a period of ten (10) days from the date of the offense. Suggested Waiver pursuant to Code Section 6-403.~~
2. ~~Second Offense Impoundment/Revocation: The second offense under this Article cited within the same calendar year shall be subject to a fine in excess of the first. All Municipal issued registrations shall be revoked for a period of one (1) year from the date of the offense; and the vehicle shall be impounded for fourteen (14) days and stored in a privately operated facility or other place designated by or maintained by the Municipality with all impoundment costs payable by the owner/operator prior to retrieval. The plate/flag shall be removed from the vehicle and returned to the Municipal Clerk. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the Municipality for a period of one (1) year from the date of the offense. Suggested Waiver pursuant to Code Section 6-403.~~
3. ~~Third and subsequent Offense Impoundment/Revocation: The third or more subsequent offense under this Article cited within the same calendar year shall be subject to a fine in excess of the previous fine and In the event of a third or subsequent offense under this Article, the registration for the ATV, UTV or Golf Car Vehicle shall be permanently revoked and the owner shall be prohibited from registering another vehicle permanently. An operator's third offense shall prohibit the operator from operating such vehicles in the Municipality permanently. the vehicle shall be impounded for fourteen three (14 3) days and stored in a privately operated facility or other place designated by or maintained by the Municipality with all impoundment costs payable by the owner/operator prior to retrieval. Suggested Waiver pursuant to Code Section 6-403. The plate/flag shall be removed from the vehicle and returned to the Municipal Clerk.~~

D. Any adult, including the parent or guardian, who is found to have encouraged,

caused, or contributed to the act of a minor child operating an ATV, UTV or Golf Car Vehicle in violation of Chapter 60 or of this Code, shall be considered in violation of Contributing to the Delinquency of a Minor pursuant to Neb. Rev. Stat. §28-709 and subject to the penalties set forth under Nebraska Law.

SECTION 5-509: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; PERMIT AND REGISTRATION.

- A. All ATVs, UTVs and Golf Car Vehicles shall be registered by filing application with the Municipal Clerk, providing proof of liability insurance coverage as required in Section 5-506, and paying an annual fee of \$75.00 per vehicle, **with a renewal fee of \$50.00 for any subsequent year.** Upon filing and payment, the vehicle shall be inspected by the Municipal Clerk and the Municipal Clerk will issue the permit which shall be evidenced with a license plate and matching whip flag (as provided by the Municipality) affixed to the vehicle. In the event the plate or flag are lost, the Owner shall pay the Municipality for a replacement at the cost of \$50.00.
- B. The permit period shall be from January 1 to December 31 each year. There shall be no proration of the annual permit fee for any permits issued after January 1. The full shall be required regardless of the time of year paid and will expire on December 31 of the year issued. A new application is required each calendar year.
- C. A permit plate and a whip flag of not less than thirty (30) square inches must be posted on the vehicle in a conspicuous place at all times. Lost plates and flags are to be replaced at Permittee's cost.
- D. Operations of the vehicle must comply with the rules set forth in this article, Nebraska Rules of the Road, and traffic laws. Owners shall be subject to impoundment and other penalties if the vehicle is entrusted to an operator who is not the owner.

Section 3. That Chapter 6, Article 4, Section 6-403 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows

§6-403 WAIVER FINE SCHEDULE.

In the event a person is charged with a violation of the Municipal Code, the following is the suggested waiver schedule for violations in the event the duly appointed Law Enforcement Official of the Municipality, in his or her discretion, permits said person to enter a written guilty plea and pay the fine and costs directly to the Bureau of Violations **(non-moving vehicle violations only)** or the County Court:

VILLAGE OF EAGLE		
ORDINANCE FEE/FINE WAIVER SCHEDULE		
ORDINANCE	DESCRIPTION	FINE
HEALTH/SANITATION		
4-204	Solid Waste Disposal; Definitions; Refuse	\$25.00
4-402	Excessive Noise; Prohibited	\$25.00

VEHICLE VIOLATIONS

5-205	Turning; "U" Turns	\$25.00
5-206	Turning; Generally	\$25.00
5-207	Right-of-Way; Generally	\$25.00
5-208	Position of Vehicle on Highway; Generally	\$25.00
5-210	Signs, Signals	\$25.00
5-211	Stop Signs	\$25.00
5-212	Pedestrian Mall/Fire Lane	\$25.00
5-213	Engine Braking	\$50.00
5-301	Littering	\$50.00
5-302	Signs; Defacing or Interfering With	\$100.00
5-303	Quiet Zones; Unnecessary Noise	\$25.00
5-304	Speeding 1-5 miles over	<u>State Waiver</u> \$25.00
	6-15 miles over	<u>State Waiver</u> \$50.00
	15 + miles over	<u>State Waiver</u> \$100.00
5-309	Driving Abreast	\$75.00
5-310	Driving in Sidewalk Space	\$25.00
5-401	Vehicle; Muffler	\$25.00
5-402	Loads; Projecting	\$25.00
5-501	Bicycle Operation	\$25.00
5-502	Minibikes Snowmobiles, Golf Cart, Go Cart Off-Road Vehicle; Parks	\$50.00
5-503	Offroad Vehicles; <u>Other than ATV, UTV and Golf Car Vehicles</u>	
	Unlawful Operation(first offense)	\$ 50.00
	(second offense)	\$100.00
	Subsequent to second	no waiver \$150.00
<u>5-503, 5-506, 5-507</u>		
<u>and 5-509 ATV, UTV, Golf Car Vehicle Violations</u>		
	<u>First Offense in Calendar Year</u>	<u>\$100.00</u>
	<u>Second Offense In Calendar Year</u>	<u>\$150.00</u>
	<u>Third or Subsequent Offense in Calendar Year</u>	<u>\$200.00</u>
5-601	Parking; Generally	\$25.00
5-602	Parking; Designation	\$25.00
5-605	Parking; Trucks and Trailers Prohibited	\$25.00
5-606	Parking; Obstructing or Impeding Traffic	\$25.00
5-607	Parking; Display or Repair	\$25.00
5-608	Parking; Time Limit	\$25.00
5-609	Parking; Snow Removal and Maintenance	\$25.00
5-610	Parking Emergency; Snow Route	\$100.00
5-612	Parking; Private Lots	\$25.00
5-703	Snow Emergency; Declaration of Emergency; Prohibition of Parking on Snow Emergency Routes	\$100.00
5-703.01	Snow Emergency; Prohibition of Parking Residential Streets	\$100.00

5-706	Snow Emergency; Operation of Motor Vehicles On Snow Emergency Routes	\$100.00
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5-707	Snow Emergency; Stalled Vehicle on Snow Emergency Route	\$100.00
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ANIMAL VIOLATIONS

6-101	Dogs/Cats; License	\$5.00
6-103	Dogs/Cats; Wrongful Licensing	\$25.00
6-105	Dogs/Cats; Unlicensed	\$25.00
6-106	Dogs/Cats; Uncollared	\$25.00
6-107	Dogs; Running At Large	\$25.00
6-109	Dogs; Vicious	\$50.00
6-110	Dogs; Barking and Offensive	\$25.00
6-112	Dogs/Cats; Removal of Tags	\$25.00
6-116	Dogs; Kennel Prohibited	\$50.00
6-119	Dangerous Dogs; Removal	\$50.00
6-120	Dangerous Dogs; Failure to Comply	\$50.00
6-122	Dangerous Dogs; Confinement	\$100.00
6-201	Animals; Running at Large (other than dogs)	\$25.00
6-202	Animals; Enclosures	\$25.00
6-203	Fowls; Ban From Municipality	\$50.00
6-204	Coyotes and Wolves; Ban From Municipality	\$75.00
6-205	Agricultural Animals; Ban From Municipality	\$50.00
6-206	Beekeeping; Banned from Municipality	\$50.00

MISCELLANEOUS MISDEMEANORS

6-301	Misdemeanors; Injury to Trees	\$50.00
6-302	Misdemeanors; Trash	\$50.00
6-303	Misdemeanors; Posted Advertisements	\$25.00
6-304	Misdemeanors; Posting	\$25.00
6-306	Misdemeanors; Slingshots, Air Guns, BB Guns	\$50.00
6-307	Misdemeanors; Appliances in Yard	\$25.00
6-308	Misdemeanors; Street Games	\$25.00
6-309	Misdemeanors; Obstruction of Public Ways	\$25.00
6-310	Misdemeanors; Weed Removal; Litter Stagnant Water	\$25.00
6-311	General Offenses; Abandoned Automobiles	\$25.00
6-312	Misdemeanors; Unlicensed or Inoperable Vehicles	\$75.00
6-314	Misdemeanors; Barbed Wire and Electric Fences	\$25.00
6-315	Misdemeanors; Trespass of Municipal Property	\$50.00
6-316	Misdemeanors; Curfew	\$50.00
6-317	Misdemeanors; Liability of Parent, Guardian or Other Adult	\$25.00

FIRE REGULATIONS

7-102	Fires; Assistance	\$75.00
7-105	Fires; Obstruction	\$100.00
7-106	Fires; Driving Over Hose	\$25.00

7-107	Fires; Traffic	\$25.00
7-109	Fires; Pedestrians	\$25.00
7-205	Fires Prevention; Storage	\$25.00
7-303	Fireworks; Unlawful Acts; Enumerated	\$50.00
7-305	Fireworks; Sale and Use of Bottle Rockets, Skyrockets and Like Devices Prohibited; Unlawful Acts	\$50.00
7-306	Permissible Fireworks; Sale and Use Only From June 28 th Through and Including July 4 th , Hours Of Sale and Use Restricted	\$50.00
7-308	Fireworks; Unlawful Discharging, Firing, Launching, or Throwing Prohibited	\$50.00
7-309	Permissible Fireworks; Retail Sale; License Required; Fee	\$50.00

PUBLIC WAYS AND PROPERTY

8-103	Streets; Planting of Vegetation	\$25.00
8-104	Municipal Property; Obstructions	\$25.00
8-105	Municipal Property; Weeds	\$50.00
8-201	Sidewalks; Overhanging Branches; Vegetation; Encroachments	\$25.00
8-202	Sidewalks; Kept Clean	\$25.00
8-206	Sidewalks; Construction by Owner	\$25.00
8-305	Streets; Driving Stakes	\$75.00
8-306	Streets; Mixing Concrete	\$25.00
8-307	Streets; Harmful Liquids	\$25.00

BUSINESS REGULATIONS

10-119	Alcoholic Beverages; Hiring Minors	\$100.00
10-120	Alcoholic Beverages; Consumption in Public Places	\$100.00
10-122	Alcoholic Beverages; Consumption Inside Vehicles	\$100.00
10-123	Alcoholic Beverages; Transporting in Public Places	\$100.00
10-201	Peddlers and Hawkers; Regulation	\$25.00

Section 4. That the Clerk and the appropriate Department of the municipality, whether one or more, of the Village are hereby authorized and directed to implement this Ordinance.

Section 5. 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.

Section 6. 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 Governing Body that it

would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 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 public places in the Village of Eagle, Nebraska, and shall be in full force and take effect on the fifteenth (15th) day from and after its passage, approval, and publication, as provided herein.

Section 8. That it is the intention of the Governing Body of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED THIS _____ day of _____, 2024.

VILLAGE OF EAGLE, NEBRASKA

By: _____
Terri Todd, Its Chairperson

ATTEST:

Nick Nystrom, Village Clerk

(SEAL)

RESOLUTION NO. 2024-09

WHEREAS, the Rural Water District No. 2, Cass County, Nebraska boundaries are adjacent to the Village of Eagle, Nebraska Corporate limits, and;

WHEREAS, in order to clarify the same and set forth an agreement with regard to the annexation of land by the Village of Eagle from this time forward, the parties have agreed to enter into an Agreement regarding Annexation Fees to be paid to the Rural Water District; and

WHEREAS, the Board of Trustees of the Village of Eagle deems it advisable to approve the attached agreement and that it be released to the Rural Water District upon receipt of a Temporary and Permanent Easement for a Water Line currently anticipated for construction across the lands owned by the Rural Water District west of the corporate boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES that the findings hereinabove be incorporated herein and that the Chair is authorized to sign the appended Agreement. Upon execution, in duplicate, of the agreement, the same shall be released for signature to the Rural Water District in exchange for the easements.

PASSED AND APPROVED this _____ day of _____, 2024.

Teri Todd, Chairperson
Village of Eagle

ATTEST

Nick Nystrom, Village Clerk
Village of Eagle

**AGREEMENT REGARDING ANNEXATION FEES BETWEEN RURAL
WATER DISTRICT NO.2, CASS COUNTY, NEBRASKA AND THE VILLAGE OF
EAGLE, NEBRASKA**

This Agreement Regarding Annexation Fees ("Agreement") is made and entered into on the dates provided below by and between RURAL WATER DISTRICT NO. 2, CASS COUNTY, NEBRASKA, a governmental subdivision (hereinafter referred to as "RWD") and the VILLAGE OF EAGLE, NEBRASKA, a municipal corporation (hereinafter referred to as the "VILLAGE").

WHEREAS, the parties acknowledge that federal statute 7 U.S.C. § 1926(b) states that water service provided or made available by an association such as RWD shall not be curtailed or limited by inclusion of the area served by such association within the boundaries of any municipal corporation such as the VILLAGE during the term of a loan from the federal government for certain improvements or facilities provided therein; and

WHEREAS, pursuant to 7 U.S.C. § 1926(b), the parties have arranged for certain fees to be paid to RWD by developers or the Village for such land annexed by the Village that will no longer be served by RWD irrespective of whether the land annexed by the Village is owned by a landowner served by RWD; and

WHEREAS, the parties desire to enter into this Agreement to memorialize the agreement reached regarding the herein referenced annexation fees and accomplish such other purposes as provided herein.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by the parties hereto as follows:

1. Purpose. The purpose of this Agreement is to set forth the resolution between RWD and the Village for payment of annexation fees by the Village or a private party to RWD for land that is annexed and will no longer be served by RWD, either immediately or at some time in the future. This includes payment to RWD of an annexation fee for a landowner holding a valid RWD Water Benefit Unit certificate (hereinafter referred to as "Existing Customer") or payment to RWD of an annexation fee for lands within the district not served but having the potential to be served by RWD (hereinafter referred to as "Potential Customer").

2. Termination. This Agreement shall become effective and binding upon its approval by appropriate action of the governing bodies of the parties and execution by all of the parties hereto. This Agreement may only be terminated by mutual written agreement of the parties or immediately upon the repeal of 7 U.S.C. § 1926(b) or amendment of U.S. Code to delete the prohibition; however, the Agreement shall continue if a state statute requiring compensation or imposing a similar prohibition is in effect at the time of said repeal or amendment.

3. Payment of Annexation Fees. The parties agree that RWD shall be compensated for the annexation of lands within RWD boundaries in the following manner:

- (a) Existing Customers. RWD Bylaws require each of its Existing Customers to hold and maintain a valid Water Benefit Unit issued by RWD. Ownership and the benefits arising from a RWD Water Benefit Unit follow the title of the land parcel served by RWD. Subject to the Annual Fee Adjustment as provided herein, any land parcel comprised of twenty (20) acres or less titled in the name of an Existing Customer, which is annexed into the Village, shall result in RWD being paid an annexation fee in the amount of Seven Thousand Seven Hundred Eighty Seven Dollars (\$7,787.00). Any land parcel of more than twenty (20) acres titled in the name of an Existing Customer, which is annexed into the Village, shall result in RWD being paid an annexation fee of Seven Thousand Seven Hundred Eighty Seven Dollars (\$7,787.00) plus Three Hundred Ninety Nine Dollars (\$399.00) for each additional acre contained in a land parcel of more than twenty (20) acres titled in the name of an Existing Customer.
- (b) Potential Customers. Subject to the Annual Fee Adjustment as provided herein, any land parcel located within the boundaries of RWD, excluding adjoining railroad right of way and excluding adjoining dedicated or conveyed road right of way, which is annexed into the Village, shall result in RWD being paid an annexation fee in the amount of Three Hundred Ninety Nine Dollars (\$399.00) for each acre contained in a parcel annexed into the Village regardless of the number of acres being annexed.
- (c) Annual Fee Adjustment. The annexation fee shall be adjusted annually starting in the month of January following the date of this Agreement. The adjustment will be in an amount equal to the change in the "Consumer Price Index - For All Urban Consumers" (CPI-U) for the period from November 1 to October 31 of the prior year to take effect the following January 1. If the herein referenced Consumer Price index is discontinued, the parties shall apply the most comparable price index available.
- (d) Application Fee. The parties agree that a Seven Hundred Fifty Dollar (\$750.00) application fee shall be paid by applicant to RWD upon application for release and relinquishment of a land parcel or parcels located within the boundaries of RWD due to municipal annexation, regardless of the size of the land parcel to be annexed. Multiple land parcels may be included within one application with one application fee. This fee shall not be subject to change unless mutually agreed upon in writing.
- (e) Certificate of Release and Relinquishment. RWD shall, by its authorized representative, execute and deliver a Certificate of Release and Relinquishment of lands annexed into the Village upon payment or computation of the annexation fee as provided herein, which shall release RWD's rights to provide service to the land parcel or parcels and any other rights under 7 U.S.C. § 1926.

4. Mutual Indemnification. The parties agree to mutually indemnify, defend and hold harmless each other, including any officers, representatives, employees, officials, or agents, for any claims, losses, or damages arising out of the course of this Agreement. Neither party waives any governmental immunity by entering into this Agreement and retains all defenses and immunities as provided by law. This provision survives any termination of the Agreement.

5. Amendments. This Agreement may only be amended or modified in writing signed by all parties to this Agreement.

6. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, successors, and assigns

7. Further Assurances. Each party will use its best and reasonable efforts to successfully carry out and complete each task, covenant, and obligation as stated herein. Each of the parties shall cooperate in good faith with the other and shall do any and all acts and execute, acknowledge, and deliver any and all documents so requested in order to satisfy the conditions set forth herein and carry out the intent and purposes of this Agreement.

8. Severability. Each section of this Agreement is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the acceptance of this Agreement and invalidity of any section of this Agreement shall not invalidate any other section thereof.

9. Waiver. Any waiver by any party of a default of any other party of this Agreement shall not affect or impair any right arising from any subsequent default. No custom or practice of the parties which varies from the terms of this Agreement shall be a waiver of any party's right to demand exact compliance with the terms of this Agreement

10. Authorization. Each party shall approve this Agreement through appropriate action by ordinance, resolution, or otherwise pursuant to the governing laws of each to authorize execution of the Agreement. This Agreement may be executed on two or more counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument.

11. Governing Law. All aspects of this Agreement shall be governed by the laws of the State of Nebraska. The invalidity of any portion of this Agreement shall not invalidate the remaining provisions. Nothing provided in this Agreement shall abridge or otherwise limit the powers and duties of RWD's Board of Directors as provided under Neb. Rev. Stat. § 46-1001, et seq.

12. Interpretations. Any uncertainty or ambiguity existing herein shall not be interpreted against any party because such party prepared any portion of this Agreement but shall be interpreted according to the application of rules and interpretation of contracts generally.

13. Assignment. In the case of the assignment of the obligations under this Agreement by any of the parties hereto, prompt written notice shall be given to the other party, who shall at the time of such notice be furnished with a duplicate of such assignment by such assignor. Any such assignment shall not terminate the liability of the assignor to perform its obligations hereunder, unless a specific release in writing is given and signed by the other party to this Agreement.

VILLAGE OF EAGLE

October 1, 2024

The Village Board of Trustees met in regular session at 7:00 p.m. on October 1, 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.

Motion by Caylor, second by Hochstein, to approve the four-year Preventative Maintenance Agreement with Stryker on Lifepak 15 and Lucas devices in the amount of \$4,477.38 per year. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Caylor, to approve the proposal from Kidwell for access control at Fire & Rescue in an amount not to exceed \$3,600.00 contingent upon the Eagle/Alvo Rural Fire Board paying the other half. Voting: Ayes – 5. Motion carried.

Open Forum – Melody Gagner said the new home that is being built at 300 N. Railway Street is adjacent to her property; the elevation of the new property is high and there is not adequate drainage or a ditch system to prevent heavy rains from flooding her property. The Street Committee will inspect this concern and report back to the Village Board at the next meeting on October 21, 2024. Dobbins said the replacement digital panels for the monument sign are in the process of being put together and then will be installed.

Motion by Hochstein, second by Meier, to approve the Special Event Permit Application and closure of F Street between 4th & 5th Streets on October 20, 2024 from 9:30AM to 4:00PM for Eagle United Methodist Church. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Hochstein, to approve the Agreement Regarding Annexation Fees between Cass County Rural Water District No. 2 and the Village of Eagle and drafting a resolution stating the same for the next meeting. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Hochstein, to introduce Ordinance 2024-07. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2024-07 entitled:

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND SECTIONS 5-506 AND 5-508 OF THE MUNICIPAL CODE OF THE VILLAGE

OF EAGLE, NEBRASKA, PERTAINING TO REGULATIONS ALLOWING THE USE OF ALL-TERRAIN VEHICLES (ATV), UTILITY-TYPE VEHICLES (UTV) AND GOLF CAR VEHICLES WITHIN THE CORPORATE LIMITS; TO PROVIDE AN AMENDMENT TO THE WAIVER SCHEDULE CONTAINED IN SECTION 6-403; TO PROVIDE THAT THE CLERK AND THE APPROPRIATE DEPARTMENT THE VILLAGE ARE HEREBY 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 WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Hochstein, second by Todd, to accept the first reading of Ordinance 2024-07 as amended. Voting: Ayes – Meier, Caylor, Hochstein, Todd. Nays – Dobbins. Motion carried.

Motion by Todd, second by Hochstein, to suspend the rules of three consecutive readings of Ordinance 2024-07. Voting: Ayes – Todd. Nays – Caylor, Meier, Dobbins, Hochstein. Motion did not carry.

Motion by Hochstein, second by Meier, to approve Riverstone Bank as the Village of Eagle depository. 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 Meier, second by Hochstein, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 13,708.66, Board Wages 900.00, ABC Termite & Pest Control 55.00, Allied Benefit Systems 5,485.56, Amazon Marketplace 127.88, American Exchange Bank 1,125.00, Ball Insurance 1,412.88, Black Hills Energy 181.45, Bromm Lindahl Freeman-Caddy & Lausterer 1,113.00, Caddy, Terry 11.26, Capital Business Systems 235.58, Casey's 803.36, Cass Co Sheriff's Dept 3,145.21, Core & Main 149.26, Dollar General 33.50, Eagle Facilities & Grounds Assn 1,492.00, Eagle Fire & Rescue 500.00, EFTPS 4,282.72, Gabel Construction 1,125.00, Google LLC 172.80, Graham, Jennifer 300.00, Hestermann, Rick 77.88, Intuit Quickbooks 850.00, John Hancock Investments 525.30, Knee Deep LLC 3,200.00, Maguire 3,907.00, Matheson Tri-Gas 255.53, Meininger Fire Protection 360.00, Menards-South 237.74, Middle Creek Printing 759.00, Midwest Insurance Exchange 6,296.00, Midwest Labs 126.70, NE Dept of Rev 2,257.01, NE Public Health Env Lab 30.00, NE Works 43.78, Norland Pure 37.65,

Nystrom, Taira 450.00, One Billing Solutions 111.17, One Call Concepts 42.28, OPPD 5,415.01, O'Reilly Auto Parts 188.55, Quik Dump Refuse 2,365.50, Snyder & Associates 3,749.30, Stryker Sales 3,098.90, UNUM 982.54, US Postmaster 572.00, Verizon Wireless 749.05, Voice News 599.71, Windstream 599.71, Wright Sewer & Water 151,958.03. Total of bills: **\$220,660.57**.

Approved Park Claims: ABC Termite & Pest Control 500.00, Black Hills Energy 47.85, OPPD 111.06, Windstream 104.98. Total of bills: **\$763.89**.

Approved Keno Claims: Alvo/Eagle Recreation 5,000.00. Total of bills: **\$5,000.00**.

The meeting was adjourned at 8:07 p.m.

Nick Nystrom
Village Clerk

Terri Todd
Chairperson

VILLAGE OF EAGLE

October 1, 2024

The Village Board of Trustees met in regular session at 7:00 p.m. on October 1, 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.

Motion by Caylor, second by Hochstein, to approve the four-year Preventative Maintenance Agreement with Stryker on Lifepak 15 and Lucas devices in the amount of \$4,477.38 per year. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider proposal from Kidwell for access control at Fire & Rescue in the amount of \$7,065.00 – Makinsey Lonergan (Rescue Captain) said this system will replace the existing trilogy locks on the two main entrance doors entering the fire station; this is a more advanced security system that will ensure all equipment is as safe and secure as possible. Luke Renken (Fire Captain) explained how the system will give each member an individualized login identification number and allow access through their cell phone or a key fob. Dobbins asked if this purchase was in the budget. Nystrom said this idea came up post-budget planning, and in discussion with the Assistant Fire Chief, the thought was to use part of the security budget for this purchase. Dobbins said cybersecurity and security cameras are already an important part of the security budget. Renken said his recommendation is that the Village Board pay half of the cost and the Rural Fire Board pay the other half.

Motion by Meier, second by Caylor, to approve the proposal from Kidwell for access control at Fire & Rescue in an amount not to exceed \$3,600.00 contingent upon the Eagle/Alvo Rural Fire Board paying the other half. Voting: Ayes – 5. Motion carried.

Report from Law Enforcement – Sergeant Boehm reported 15 citations, 24 warnings and violations, and 26 calls for service during the month of September. Meier reported that there is an individual operating a golf cart that is following emergency vehicles on calls. Terry Caddy asked how long it takes law enforcement to contact a tow company after a vehicle is red-tagged. Boehm said a minimum of 24 hours. Caddy said there was a recent instance of a vehicle that was red-tagged for three days until the Village had it towed.

Report from Building & Zoning Administrator – Hestermann reported 1 new building permit and 2 inspections during the month of September. There are 11 total open permits to date. There were no comments or questions from the Village Board or public.

Open Forum – Melody Gagner said the new home that is being built at 300 N. Railway Street is adjacent to her property; the elevation of the new property is high and there is

not adequate drainage or a ditch system to prevent heavy rains from flooding her property. The Street Committee will inspect this concern and report back to the Village Board at the next meeting on October 21, 2024. Dobbins said the replacement digital panels for the monument sign are in the process of being put together and then will be installed.

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Motion by Caylor, second by Hochstein, to introduce Ordinance 2024-07. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2024-07 entitled:

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND SECTIONS 5-506 AND 5-508 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO REGULATIONS ALLOWING THE USE OF ALL-TERRAIN VEHICLES (ATV), UTILITY-TYPE VEHICLES (UTV) AND GOLF CAR VEHICLES WITHIN THE CORPORATE LIMITS; TO PROVIDE AN AMENDMENT TO THE WAIVER SCHEDULE CONTAINED IN SECTION 6-403; TO PROVIDE THAT THE CLERK AND THE APPROPRIATE DEPARTMENT THE VILLAGE ARE HEREBY 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 WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, a number of citizens of the Village of Eagle, Nebraska, have requested the Municipality amend specific regulations allowing the use of All-Terrain Vehicles (ATV), Utility-Type Vehicles (UTV), and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Nebraska State Law gives municipalities the authority to adopt ordinances relating to the use of ATVs, UTVs, and Golf Car Vehicles within the corporate boundaries of the jurisdiction, and,

WHEREAS, Section 5-506 of the Municipal Code specifies the operator and equipment requirements for the use of ATVs, UTVs and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Section 5-508 of the Municipal Code specifies the penalties associated with the improper use of ATVs, UTVs and Golf Car Vehicles within the corporate limits of the Village of Eagle, Nebraska, and,

WHEREAS, Section 6-403 of the Municipal Code should provide a waiver schedule for tickets written under the above municipal code section violations and adjust other sections of the waiver schedule to match state waivers.

WHEREAS, the Board of Trustees of the Village of Eagle, Nebraska, deem the adoption of this Ordinance to be in the best interests of the citizens of the Village of Eagle, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. That the findings herein above made should be and are hereby made a part of this Ordinance, as fully as if set out at length herein.

Section 2. That Chapter 5, Article 5, Sections 5-506 and 5-508 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows:

SECTION 5-506: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; OPERATOR AND EQUIPMENT REQUIREMENTS:

- A. Any person operating an ATV, UTV, or Golf Car Vehicle as authorized by this code section shall:
1. Have a valid Class O operator's license and be at least 17 years of age;
 2. Have proof of liability insurance coverage for the ATV, UTV, or Golf Car Vehicle while in operation upon a street and provide such insurance proof of coverage at the time of registration or upon the demand of any peace officer requesting such proof within five (5) days of such request; such insurance shall be within the limits stated in Neb. Rev. Stat. § 60-509 or Neb. Rev. Stat. § 60-6,381, as amended from time to time;
 3. If operating or riding on an ATV or UTV, utilize manufacturer installed seat belts or wear a helmet approved for lawful operation of a motorcycle in the State of Nebraska; and,
 4. Only operate such ATV, UTV or Golf Car Vehicle between sunrise and sunset as required by Neb. Rev. Stat §60-6,356 and §60-6,381.

B. Every ATV and UTV shall be equipped with:

1. A braking system maintained in good operating condition;
2. An adequate muffler system in good working condition and without a cutout, bypass or similar device, or any modifications to the muffler system which increases the volume of the noise of the exhaust system. No portion of the system shall be permitted to contact the ground when weighted by its operator;
3. A United States Forest Service-qualified spark arrester;
4. Headlights and taillights;
5. A reflective sign must be affixed to the rear of the vehicle; and,
6. Equipped with a safety flag (provided by the Municipality) which extends no less than five (5) feet above the ground and is attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.

~~C. No child under the age of eight (8) years shall be a passenger on an ATV, UTV, or Golf Car Vehicle unless the vehicle is equipped with, and the child is restrained by, a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration.~~

C. No person shall:

1. Equip the exhaust system of an ATV or UTV with a cutout, bypass, or similar device;
2. Operate an ATV or UTV with an exhaust system so modified; or
3. Operate an ATV or UTV with the spark arrester removed or modified except for use in closed-course competition events.

SECTION 5-508: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; PENALTY; IMPOUNDMENT.

A. Any person who violates any provision of this Article or violates the provisions defined by Chapter 60 of the Revised Statutes of Nebraska while operating an ATV or UTV or who owns the same, shall be subject to the penalties under Chapter 5 of the Municipal Code and under the provisions of Chapter 60 of the Revised Statutes of Nebraska is hereby authorized ~~and all Municipal-issued registrations for all of the operators and the owners of ATVs and UTVs shall be revoked~~ as follows:

1. For the first offense, the owner and/or operator shall be guilty of a Class III misdemeanor pursuant to Neb. Rev. Stat. § 60-6,362, which carries a possible maximum penalty of \$500 fine and/or three (3) months in jail or both for violations under Neb. Rev. Stat. 60-6,356 to 60-6,361. For a subsequent offense within any period of one year, the owner and/or

operator shall be guilty of a Class III misdemeanor pursuant to Neb. Rev. Stat. §60-6,362, (if within the same year as the prior offense, then a Class II misdemeanor, which carries a maximum penalty of a \$1,000 fine and/or six (6) months in jail or both.)

2. For violations of the provisions of this article, not included under the state sections noted above, the owner and/or operator shall be guilty of a misdemeanor and subject to the penalties contained in Chapter 5 of the municipal code

B. Any person who violates any provision of this Article while operating a Golf Car Vehicle, or who owns the same, shall be subject to the penalties under Chapter 5 of the Municipal Code, or if done in violation of the State Law, may be subject to the penalties provided thereunder.

C. The following additional provisions apply to violations under the Municipal Code and/or the State Statutes, and apply to ATV, UTV and Golf Car Vehicle violations within the corporate limits as follows:

1. ~~First Offense Impoundment: The first offense under this Article shall be subject to fine set forth in the Penalty section of this section. The vehicle may be impounded until it is validly registered (if registration is the basis of the violation) or for 10 days (for all other violations) and stored in a privately operated facility or other place designated by or maintained by the Municipality, with all impoundment costs payable by the owner/operator prior to retrieval. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the Municipality for a period of ten (10) days from the date of the offense. Suggested Waiver pursuant to Code Section 6-403.~~
2. ~~Second Offense Impoundment/Revocation: The second offense under this Article cited within the same calendar year shall be subject to a fine in excess of the first. All Municipal issued registrations shall be revoked for a period of one (1) year from the date of the offense; and the vehicle shall be impounded for fourteen (14) days and stored in a privately operated facility or other place designated by or maintained by the Municipality with all impoundment costs payable by the owner/operator prior to retrieval. The plate/flag shall be removed from the vehicle and returned to the Municipal Clerk. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the Municipality for a period of one (1) year from the date of the offense. Suggested Waiver pursuant to Code Section 6-403.~~
3. ~~Third and subsequent Offense Impoundment/Revocation: The third or more subsequent offense under this Article cited within the same calendar year shall be subject to a fine in excess of the previous fine and In the event of a third or subsequent offense under this Article, the~~

registration for the ATV, UTV or Golf Car Vehicle shall be permanently revoked and the owner shall be prohibited from registering another vehicle permanently. An operator's third offense shall prohibit the operator from operating such vehicles in the Municipality permanently. the vehicle shall be impounded for fourteen ~~fourteen~~ **three** (44 ~~3~~) days and stored in a privately operated facility or other place designated by or maintained by the Municipality with all impoundment costs payable by the owner/operator prior to retrieval. **Suggested Waiver pursuant to Code Section 6-403.** The plate/flag shall be removed from the vehicle and returned to the Municipal Clerk.

D. Any adult, including the parent or guardian, who is found to have encouraged, caused, or contributed to the act of a minor child operating an ATV, UTV or Golf Car Vehicle in violation of Chapter 60 or of this Code, shall be considered in violation of Contributing to the Delinquency of a Minor pursuant to Neb. Rev. Stat. §28-709 and subject to the penalties set forth under Nebraska Law.

Section 3. That Chapter 6, Article 4, Section 6-403 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows

§6-403 WAIVER FINE SCHEDULE.

In the event a person is charged with a violation of the Municipal Code, the following is the suggested waiver schedule for violations in the event the duly appointed Law Enforcement Official of the Municipality, in his or her discretion, permits said person to enter a written guilty plea and pay the fine and costs directly to the Bureau of Violations **(non-moving vehicle violations only)** or the County Court:

VILLAGE OF EAGLE		
ORDINANCE FEE/FINE WAIVER SCHEDULE		
<u>ORDINANCE</u>	<u>DESCRIPTION</u>	<u>FINE</u>
HEALTH/SANITATION		
4-204	Solid Waste Disposal; Definitions; Refuse	\$25.00
4-402	Excessive Noise; Prohibited	\$25.00
VEHICLE VIOLATIONS		
5-205	Turning; "U" Turns	\$25.00
5-206	Turning; Generally	\$25.00
5-207	Right-of-Way; Generally	\$25.00
5-208	Position of Vehicle on Highway; Generally	\$25.00
5-210	Signs, Signals	\$25.00
5-211	Stop Signs	\$25.00
5-212	Pedestrian Mall/Fire Lane	\$25.00
5-213	Engine Braking	\$50.00
5-301	Littering	\$50.00
5-302	Signs; Defacing or Interfering With	\$100.00
5-303	Quiet Zones; Unnecessary Noise	\$25.00

5-304	Speeding 1-5 miles over	State Waiver \$25.00
	6-15 miles over	State Waiver \$50.00
	15 + miles over	State Waiver \$100.00
5-309	Driving Abreast	\$75.00
5-310	Driving in Sidewalk Space	\$25.00
5-401	Vehicle; Muffler	\$25.00
5-402	Loads; Projecting	\$25.00
5-501	Bicycle Operation	\$25.00
5-502	Minibikes Snowmobiles, Golf Cart, Go Cart Off-Road Vehicle; Parks	\$50.00
5-503	Offroad Vehicles; <u>Other than ATV and UTV</u>	
	Unlawful Operation(first offense)	\$ 50.00
	(second offense)	\$100.00
	Subsequent to second	no waiver \$150.00
<u>5-503, 5-506, 5-507</u>		
<u>and 5-509 ATV, UTV, Golf Car Vehicle Violations</u>		
	First Offense in Calendar Year	\$100.00
	Second Offense In Calendar Year	\$150.00
	Third or Subsequent Offense in Calendar Year	\$200.00
5-601	Parking; Generally	\$25.00
5-602	Parking; Designation	\$25.00
5-605	Parking; Trucks and Trailers Prohibited	\$25.00
5-606	Parking; Obstructing or Impeding Traffic	\$25.00
5-607	Parking; Display or Repair	\$25.00
5-608	Parking; Time Limit	\$25.00
5-609	Parking; Snow Removal and Maintenance	\$25.00
5-610	Parking Emergency; Snow Route	\$100.00
5-612	Parking; Private Lots	\$25.00
5-703	Snow Emergency; Declaration of Emergency; Prohibition of Parking on Snow Emergency Routes	\$100.00
5-703.01	Snow Emergency; Prohibition of Parking Residential Streets	\$100.00
5-706	Snow Emergency; Operation of Motor Vehicles On Snow Emergency Routes	\$100.00
5-707	Snow Emergency; Stalled Vehicle on Snow Emergency Route	\$100.00
ANIMAL VIOLATIONS		
6-101	Dogs/Cats; License	\$5.00
6-103	Dogs/Cats; Wrongful Licensing	\$25.00
6-105	Dogs/Cats; Unlicensed	\$25.00
6-106	Dogs/Cats; Uncollared	\$25.00
6-107	Dogs; Running At Large	\$25.00
6-109	Dogs; Vicious	\$50.00
6-110	Dogs; Barking and Offensive	\$25.00
6-112	Dogs/Cats; Removal of Tags	\$25.00
6-116	Dogs; Kennel Prohibited	\$50.00

6-119	Dangerous Dogs; Removal	\$50.00
6-120	Dangerous Dogs; Failure to Comply	\$50.00
6-122	Dangerous Dogs; Confinement	\$100.00
6-201	Animals; Running at Large (other than dogs)	\$25.00
6-202	Animals; Enclosures	\$25.00
6-203	Fowls; Ban From Municipality	\$50.00
6-204	Coyotes and Wolves; Ban From Municipality	\$75.00
6-205	Agricultural Animals; Ban From Municipality	\$50.00
6-206	Beekeeping; Banned from Municipality	\$50.00

MISCELLANEOUS MISDEMEANORS

6-301	Misdemeanors; Injury to Trees	\$50.00
6-302	Misdemeanors; Trash	\$50.00
6-303	Misdemeanors; Posted Advertisements	\$25.00
6-304	Misdemeanors; Posting	\$25.00
6-306	Misdemeanors; Slingshots, Air Guns, BB Guns	\$50.00
6-307	Misdemeanors; Appliances in Yard	\$25.00
6-308	Misdemeanors; Street Games	\$25.00
6-309	Misdemeanors; Obstruction of Public Ways	\$25.00
6-310	Misdemeanors; Weed Removal; Litter Stagnant Water	\$25.00
6-311	General Offenses; Abandoned Automobiles	\$25.00
6-312	Misdemeanors; Unlicensed or Inoperable Vehicles	\$75.00
6-314	Misdemeanors; Barbed Wire and Electric Fences	\$25.00
6-315	Misdemeanors; Trespass of Municipal Property	\$50.00
6-316	Misdemeanors; Curfew	\$50.00
6-317	Misdemeanors; Liability of Parent, Guardian or Other Adult	\$25.00

FIRE REGULATIONS

7-102	Fires; Assistance	\$75.00
7-105	Fires; Obstruction	\$100.00
7-106	Fires; Driving Over Hose	\$25.00
7-107	Fires; Traffic	\$25.00
7-109	Fires; Pedestrians	\$25.00
7-205	Fires Prevention; Storage	\$25.00
7-303	Fireworks; Unlawful Acts; Enumerated	\$50.00
7-305	Fireworks; Sale and Use of Bottle Rockets, Skyrockets and Like Devices Prohibited; Unlawful Acts	\$50.00
7-306	Permissible Fireworks; Sale and Use Only From June 28 th Through and Including July 4 th , Hours Of Sale and Use Restricted	\$50.00
7-308	Fireworks; Unlawful Discharging, Firing, Launching, or Throwing Prohibited	\$50.00
7-309	Permissible Fireworks; Retail Sale; License Required; Fee	\$50.00

PUBLIC WAYS AND PROPERTY

8-103	Streets; Planting of Vegetation	\$25.00
8-104	Municipal Property; Obstructions	\$25.00

8-105	Municipal Property; Weeds	\$50.00
8-201	Sidewalks; Overhanging Branches; Vegetation; Encroachments	\$25.00
8-202	Sidewalks; Kept Clean	\$25.00
8-206	Sidewalks; Construction by Owner	\$25.00
8-305	Streets; Driving Stakes	\$75.00
8-306	Streets; Mixing Concrete	\$25.00
8-307	Streets; Harmful Liquids	\$25.00
BUSINESS REGULATIONS		
10-119	Alcoholic Beverages; Hiring Minors	\$100.00
10-120	Alcoholic Beverages; Consumption in Public Places	\$100.00
10-122	Alcoholic Beverages; Consumption Inside Vehicles	\$100.00
10-123	Alcoholic Beverages; Transporting in Public Places	\$100.00
10-201	Peddlers and Hawkers; Regulation	\$25.00

Section 4. That the Clerk and the appropriate Department of the municipality, whether one or more, of the Village are hereby authorized and directed to implement this Ordinance.

Section 5. 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.

Section 6. 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 Governing Body that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 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 public places in the Village of Eagle, Nebraska, and shall be in full force and take effect on the fifteenth (15th) day from and after its passage, approval, and publication, as provided herein.

Section 8. That it is the intention of the Governing Body of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code and the sections of this Ordinance may be renumbered to accomplish such intention.

Discussion: John Surman said Section 5-503 under the Waiver Fine Schedule should include Golf Car Vehicles. Freeman-Caddy said Golf Car Vehicle can be added to make this section more clear. Meier said he would like to see the registration renewal fee for ATVs, UTVs and Golf Car Vehicles reduced to \$50.00 annually. The Village Board generally agreed. Dobbins questioned removing the passenger age limit entirely from the

ordinance. Freeman-Caddy said this is at the discretion of the Village Board because there is no State regulation on passenger age. Dobbins discussed his concerns with not having an age restriction and what might happen if all oversight is thrown out of the ordinance; if the Village Board keeps peeling back the rules each time someone gets cited for violating the ordinance, it won't take long before the entire ordinance is repealed and these vehicles are no longer allowed to operate in town.

Motion by Hochstein, second by Todd, to accept the first reading of Ordinance 2024-07 as amended. Voting: Ayes – Meier, Caylor, Hochstein, Todd. Nays – Dobbins. Motion carried.

Motion by Todd, second by Hochstein, to suspend the rules of three consecutive readings of Ordinance 2024-07. Voting: Ayes – Todd. Nays – Caylor, Meier, Dobbins, Hochstein. Motion did not carry.

Motion by Hochstein, second by Meier, to approve Riverstone Bank as the Village of Eagle depository. 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 Meier, second by Hochstein, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 13,708.66, Board Wages 900.00, ABC Termite & Pest Control 55.00, Allied Benefit Systems 5,485.56, Amazon Marketplace 127.88, American Exchange Bank 1,125.00, Ball Insurance 1,412.88, Black Hills Energy 181.45, Bromm Lindahl Freeman-Caddy & Lausterer 1,113.00, Caddy, Terry 11.26, Capital Business Systems 235.58, Casey's 803.36, Cass Co Sheriff's Dept 3,145.21, Core & Main 149.26, Dollar General 33.50, Eagle Facilities & Grounds Assn 1,492.00, Eagle Fire & Rescue 500.00, EFTPS 4,282.72, Gabel Construction 1,125.00, Google LLC 172.80, Graham, Jennifer 300.00, Hestermann, Rick 77.88, Intuit Quickbooks 850.00, John Hancock Investments 525.30, Knee Deep LLC 3,200.00, Maguire 3,907.00, Matheson Tri-Gas 255.53, Meininger Fire Protection 360.00, Menards-South 237.74, Middle Creek Printing 759.00, Midwest Insurance Exchange 6,296.00, Midwest Labs 126.70, NE Dept of Rev 2,257.01, NE Public Health Env Lab 30.00, NE Works 43.78, Norland Pure 37.65, Nystrom, Taira 450.00, One Billing Solutions 111.17, One Call Concepts 42.28, OPPD 5,415.01, O'Reilly Auto Parts 188.55, Quik Dump Refuse 2,365.50, Snyder & Associates 3,749.30, Stryker Sales 3,098.90, UNUM 982.54, US Postmaster 572.00, Verizon Wireless 749.05, Voice News 599.71, Windstream 599.71, Wright Sewer & Water 151,958.03. Total of bills: **\$220,660.57**.

Approved Park Claims: ABC Termite & Pest Control 500.00, Black Hills Energy 47.85, OPPD 111.06, Windstream 104.98. Total of bills: **\$763.89**.

Approved Keno Claims: Alvo/Eagle Recreation 5,000.00. Total of bills: **\$5,000.00**.

Report from Attorney – Freeman-Caddy said a preliminary meeting was held last month with potential developers to the south of Eagle. The process of obtaining easements for the water main to service Eagle’s Landing is still underway.

Report from Clerk/Treasurer – Nystrom said the FY 2025 Budget was submitted to the State of Nebraska and Cass County. The FY 2024 Audit is underway. Nystrom said the initial Lead Service Line Inventory is due to NDEE by October 16, 2024. Revised documents were submitted to the Lower Platte South NRD as part of their updated Hazard Mitigation Plan. Nystrom said the total monthly income ending September 30, 2024 was \$253,757.43.

The meeting was adjourned at 8:07 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 October 1, 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