

VILLAGE OF EAGLE
BOARD OF TRUSTEES AGENDA
MARCH 20, 2023
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

PUBLIC HEARING for the purpose of hearing testimony concerning an Application for Preliminary Plat submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Open Public Hearing
Public Comment
Close Public Hearing

PUBLIC HEARING 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 RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Open Public Hearing
Public Comment
Close Public Hearing

1. Discuss/possible action: Approval of the following waiver requests submitted by MDC Eagle One, LLC:
 - a. Waiver No. 1 to allow maximum block lengths greater than 600' without pedestrian easements.
 - b. Waiver No. 2 to allow for one (1) vehicle access point to the subdivision.
2. Discuss/possible action: Approval of a Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
3. Discuss/possible action: Approval of an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ± 60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
4. Report from Fire & Rescue.
5. Discuss/possible action: Approve the 2023 Annual Investment with Cass County Nebraska Economic Development Council in the amount of \$2,000.

6. Open Forum.
7. Discuss/possible action: Consider cost-share request from Dustin Gordon in the amount of \$2,100.00 as part of the culvert installation project adjacent to 315 S. 4th Street.
8. Discuss/possible action: Second reading of Ordinance 2023-03 – Amendment of Village of Eagle water rates.
9. Discuss/possible action: Approval of 2023 Village of Eagle brush chipping rules.
10. Report on Streets and Maintenance.
11. Report on Wells and Sewer.
12. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
13. Discuss/possible action: Consider the donation of two 2023 Family Pool Passes to Eagle PTE for Eagle Fun Night on March 24, 2023.
14. Discuss/possible action: Hiring of Manager, Assistant Manager(s), Lifeguards and Pool office employees for the 2023 pool season.
15. 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.

APPLICATION FOR PRELIMINARY PLAT

EAGLE, NEBRASKA

LEGAL DESCRIPTION AND GENERAL LOCATION

Eagles Landing, Lots 1 through 18, Inclusive, being a platting of Tax Lot 36, located in part of Tax Lot 22, and part of Tax Lot 35, all in the east half of Section 19, Township 10 North

SUBDIVIDER

Name: MDC Eagle One, LLC
Address: 11550 I Street, Suite #200, Omaha, NE 68137

Telephone: () 402-558-2200

OWNER

Name: MDC Eagle One, LLC
Address: 11550 I Street, Suite #200, Omaha, NE 68137

Telephone: () 402-558-2200

VILLAGE USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____

Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: Lamp Rynearson (Engineer)

Address: 14710 W. Dodge Road, Suite 100, Omaha, NE 68154

Telephone: () 402-496-2498

NAME OF PRELIMINARY PLAT: Eagles Landing NUMBER OF LOTS: 18

1. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes ___ No X. If yes, please describe the nature of such interest: _____

2. Will the preliminary plat require any zoning or other action (rezoning, Clustered/Mixed Use, conditional use, or vacations) to complete the development? Yes X No __. If yes, please describe the nature of the action: Rezoning from AG to RE.

3. Does the preliminary plat deviate from the requirements of the Subdivision Regulations of the Village of Eagle or the Village's Design Standards? Yes X No __. If yes, please state each deviation, how the proposal meets the intent of the subdivision ordinance and why the proposal should be accepted (additional sheets may be added): Requesting a walver of the maximum block length. Requesting a walver of the requirement for a minimum of two vehicular access points.

4. Is any part of the land within the preliminary plat within a flood plain? Yes ___ No X. If yes, please include the following information: Hydrological and grade information to determine frequency and extent of inundation of flood waters; location of proposed use and type of use; areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use, location and elevation of open space; all plans and other information conform to Development Standards; limits of the flood plain; amount of Fill Material brought into the flood plain; a certificate that grading will not result in any increase in the flood plain. (Additional sheets may be added).

Applicant's Signature: Maellie Seese

Date: 2.3.23

PRELIMINARY PLAT APPLICANT'S TECHNICAL CHECKLIST
Eagle, Nebraska

NAME OF PRELIMINARY PLAT: Eagles Landing

LOCATION OF SUCH PLAT: 202nd Street and Eagle Road

REQUIREMENTS OF PRELIMINARY PLAT

- Name of Subdivision on each sheet
- Names and addresses of owners/applicants
- Names of adjacent property owners
- Name of engineer or surveyor
- Names of utility companies to be involved
- North arrow and graphic scale (according to sub-division regulations' specs)
- Date prepared
- A vicinity sketch at a scale no greater than one inch = 400 feet and no smaller than one inch = 2,000 feet
- Sheet number and total number of sheets
- Contour lines (within and adjacent to subdivision, not greater than 2 feet intervals)
- Boundary lines of area to be subdivided and their bearings and distances, lot lines and lot numbers
- Is proposed use of preliminary plat in accordance with permitted Village's zoning? Is a zoning action required?
- Existing and proposed streets or access easements to include:
 - R.O.W. width (according to future land use and transportation plans)
 - Paving width (according to future land use and transportation plans)
 - Approximate grades
 - Tangent length
 - Curve data and interior angle
 - Angle of Intersection
 - Name or number
- Sketch of future street system outside of plat where subdivision owns abutting land
- Utilities on and adjacent to the tract showing proposed connections to existing utilities. Rear easements for utility poles and wires shall be required whenever possible. All easements shall meet regulations set forth in subdivision regulations.
- Lot lines and dimensions; curvilinear should be noted as arc or chord
- Lot, block and outlot designation and total acreage of land to be subdivided and square feet in each lot
- Public areas for schools, parks, playgrounds or any other public uses
- All existing and proposed easements with locations, widths and distances
- All existing and proposed sidewalks, pedestrian ways and bikeways
- Location of all existing buildings and structures, easements, roads and major natural features on or within 100 feet of the boundaries of, within/adjacent to on or within 100 feet of the proposed subdivision. Any other interest in land surrounding the preliminary plat?
- Minimum building set back lines
- Erosion and sediment control plan
- Certified accurate survey by engineer or professional land surveyor
- All plans and other information conform to the Village's General Requirements and Minimum Standards of Design

PRELIMINARY PLAT APPLICANT'S TECHNICAL CHECKLIST (cont.)

Eagle, Nebraska

ADDITIONAL INFORMATION (to be shown on Preliminary Plat or on accompanying sheets)

- Four (4) copies of Preliminary Plat and required supplementary material filed with Village Clerk
- Submit plat thirty (30) days prior to the meeting of the Planning commission
- Copy of application, site plan, preliminary plat, etc. to proper agencies and authorities for review
 - Village Engineer
 - Village Board of Trustees
 - Village Attorney
 - Fire Department
 - County Engineer
 - County Health Department
 - Adjacent jurisdictions
 - Lower Platte South NRD
 - NDOR
 - FEMA
 - Planning Commission
 - Traffic engineering
 - OPPD
 - Building and safety
 - School District
 - other
- Any required landscape screens
- Copies of proposed Deed Restrictions, if any
- Sketch plan of larger tract and future concepts of development, if part of a larger tract that will be subdivided in the future

IF PLAT IS LOCATED WITHIN THE FLOOD PLAIN

- Hydrological and grade information to determine frequency and extent of inundation of flood waters
- Location of proposed use and type of use
- Areas of habitation and employment to include:
 - Location size and floor elevation of any structures
 - Location and elevation of parking areas
 - Use, location and elevation of open space
- Limits of the flood plain
- Amount of Fill Material brought into the flood plain
- A certificate that grading will not result in any increase in the flood plain

ANY OTHER INFORMATION OR COMMENTS RELATED TO THE PRELIMINARY PLAT:

(Please use additional sheet if necessary)

Applicant's Signature(s):



Date:

2.3.23

Village of Eagle
Planning Commission Meeting Minutes
March 8, 2023 Start Time 7:00 P.M.
Eagle Fire & Rescue Department- 705 S 1st Street, Eagle, NE

The March 8, 2023 Planning Commission Meeting was called to order at 7:02 P.M. by Chairman, Terry Caddy. The chairman made the announcement that the Open Meetings Act is posted on the east wall of the Fire Hall meeting room and that the meeting announcement and agenda were posted at the announcement boards located at the Eagle Park, Village of Eagle Office, and the Village of Eagle Fire Department.

Roll call of Planning Commission Members present included: Terry Caddy, Justin Davison, Ashley Moyer, Randy Todd, Austin Beck as well as an alternate of John Surman. Robin Sinner and Willa DiCostanzo were absent. Additional attendees included: Joseph Flaxbeard, Raymond Althouse, Jason McCune, Barbara Johnston, Gloria Umland, Rick Hesterman, Travis Moore, Terri Todd, and Marcus Hochstein.

The first item of business was to vote in the Chairperson, Vice Chair and Secretary. Todd moved for Terry Caddy to be renamed as Chairperson, Davison seconded motion. The vote was taken and the motion was approved with 5 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-didn't vote as alternate

Caddy moved for Willa DiCostanzo to be named as Vice Chair, Davison seconded Motion. The vote was taken and the motion was approved with 5 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-didn't vote as alternate

Moyer moved for Robin Sinner to be named as Secretary. Todd moved for Justin Davison to be named as Secretary. A unanimous vote was taken and all voted for Justin Davison as Secretary. The vote was taken and the motion was approved with 5 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-didn't vote as alternate

Public Hearing opened at 7:08pm for the purpose of hearing testimony concerning an Application for Preliminary Plat submitted by MDC Eagle One, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Flaxbeard opened with addressing the layout of the development, Eagles Landing. They are presenting 18, 3 acre+, acreage lots. They are also requesting with this preliminary plat a change of zoning from AG to Residential Estates. The development will be served by septic and well on each lot. Along with the application they're also requesting two waivers. Waiver one is for one vehicular access point on the entrance at 202nd due to limited road frontage for the development. Waiver 2 is to waive the maximum block length of 600'. Due to the width of the acreage lots because it isn't practical to have street access points that wouldn't lead anywhere in the future.

Flaxbeard also addressed a comment letter from the Village Attorney in regard to sidewalks. He asked the Village clerk if he needed to have a formal waiver request for sidewalks due to the subdivision being acreage lots. Caddy stated we would address this later.

Barbara Johnston with Snyder & Associates, Village Engineer, addressed discussion about needing temporary turnarounds at the dead-end streets being requested. The two main concerns of hers and Maureen Caddy's were a drainage easement through lots 3,4, 13, and 15. Which would dedicate that land for a natural drainage way so that owners of those properties can't build homes and protects any filling of the drainage ways and obstructions of drainage for natural flow of water through this area as it's intended to be. The other concern would be the width of the paved entrance be widened to three lanes for traffic in and out as a result of only have one access point.

Flaxbeard addressed that they are okay with reworking the plan to accommodate an entrance width of 3 lanes. They are working through the corps of engineers with the permit about the culvert design to know what the wetlands impacts are and can calculate the headwater of the culvert to be modeled for the 100 year now so they can define the easement. This is something they can start showing on plat documents now or add it to the final plat.

Caddy asked if they're looking at metal or concrete culvert tubes. Flaxbeard stated they are looking at concrete. They want to minimize the wetland disturbance. Caddy asked if there will be curbs and Flaxbeard confirmed there will be no curbs. However, there will be ditches on either side of the road with 18" or 24" culvert pipes conveying the ditch drainage underneath the street crossing and dropped into the low points at the culvert. Each acreage driveway will have a culvert, which is specified as 18" per the subdivision regulation. Each acreage is only allowed one driveway per our Village code.

Caddy addressed the water study reflects that the study states there will be less water study than what is currently there because it's currently crops. However, it is currently CRP grass now

and Caddy would like that reviewed. Flaxbeard addressed that they followed the TR55 and he will need to review the drainage study due to the new information and what date we're measuring back to. Caddy wants to know how this will affect the downflow stream of water and Flaxbeard stated per our regulation they aren't allowed to increase flow, so they will have to restudy this and come up with a solution for this. Flaxbeard was under the assumption they were dealing with pre-construction being cropland, but they will address this concern and will correct it.

Johnston addressed Maureen Caddy's comments in her absence of: There are two trail connectors and wanted to know if there are easements and how they will be dedicated and connected. Flaxbeard addressed that they will be easements and they will be concreted. Terry Caddy asked if it would be dedicated to the public and Flaxbeard confirmed it would be. Terry recommended a 10' concrete width of the trail right of way in the case a fire apparatus or police need come off the trail or get on the trail they could access. Flaxbeard said that's fine and Terry Caddy wanted it added to the notes. Maureens next comment was street names and Flaxbeard stated they would come up with new street names to reduce confusion.

Terry Caddy asked if there were comments from the public. Raymond Althouse addressed his concern of not necessarily the flow of water but rather the speed at what it moves off the property. Marcus Hochstein asked if the streets were going to be concreted and Flaxbeard confirmed they would be. Hochstein asked if this will be in one or two phases. Flaxbeard addressed he isn't for sure on this but the current intent is to do it all now. Terri Todd asked if there will be better drawings of the turnarounds. Flaxbeard stated that if he's agreeing to it then it will be on the final drawings. Terri Todd also asked when the trail access points would be put in and Flaxbeard confirmed they would be put in at the same time the other concrete is installed as it will be the same contractor.

Terry Caddy asked if there were comments from the planning commission. Caddy addressed the three lane width at the entrance of the development off 202nd street. The reason for this is because in this development if nothing more is developed it wouldn't be an issue. However, if it gets further developed to north or west we would need the three lane width. Flaxbeard stated a previously we were looking at a width of three lanes for a length of 150-200'. Johnston agreed with this recommendation.

Terry Caddy recommended the stubbed out roads be concreted out. The developer had stated that they not pave these and have the HOA pay to pave these streets at a later date. Caddy's concern is how do we require the HOA do this especially if another developer wants to come in and develop to the north or west, how do we regulate this. Another concern is that due to the development having dry grassland around the development he would like these paved incase fire trucks need to access these areas incase of a fire during times such as Fourth of July. His final concern is if they rock this there could be issues of growth coming through the rock and/or contractors tearing up the rock roads with equipment. Randy Todd addressed his additional concern of who maintains this if it isn't concreted. Terry also brought up concerns if it isn't rocked or anything then we may have encroachment issues later on.

Terry Caddy addressed the turnarounds on "19th" and "22nd". Flaxbeard stated in previous plans the Village was okay with crushed rock in these turnarounds. There will be a dedicated temporary easement of these turnarounds and the easement wouldn't be lifted until a development went in adjacent. The easement and turnarounds would be within the boundary of the development. Flaxbeard addressed the turnarounds would be on all four stubbed out roadways.

Randy Todd asked if any of the changes for the entrance lane requirement and the turnarounds would affect the lot areas to meet the 3-acre threshold. Flaxbeard stated he isn't concerned with this affecting the lot sizes.

Travis Moore asked a question about allowing only one access to the development in case there is future development to the north or west of the development. Flaxbeard addressed that due to the safety concern of lining up Eagle Road to the entrance of the development that is the safest route due to the minimal road frontage on the current land boundary.

Travis Moore also asked if thought has been given to the fact that if Eagle keeps growing we are minimizing the chances of growth to the west because if we're putting in acreages with wells and septics it's harder to annex them in.

Public hearing closed at 7:48 for the purpose of hearing testimony concerning an Application for Preliminary Plat submitted by MDC Eagle One, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Public Hearing opened at 7:49pm for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agriculture) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E1/2 of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Terry Caddy asked if when application was made for a change of zoning if the owner of the property signed off on the application? Flaxbeard stated, "yes", but that was a misunderstanding as they thought it was just an applicants signature. However, the question at hand is that McCune doesn't own the land yet and it's on option to purchase. The current landowner doesn't want the Change of Zoning to take place prior to the purchase of the property. Terry addressed that the Change of Zoning is conditional on the Village passing an ordinance and approving the final plat. The land will have to be purchased prior to these approvals. Flaxbeard also gave further peace of mind that the owners would have to sign off on the plat in order to change this so there's nothing to worry about.

Randy Todd addressed his concern of rezoning Ag land to Residential because you can never get Ag land back once you develop it. You only have so much land.

Public Hearing closed at 7:55pm for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agriculture) to RE (Residential Estates) submitted by MDC Eagle One, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E1/2 of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

The next item of business is to discuss the Approval/recommendation of the following waivers:

- 1) Waiver No. 1 to allow maximum block lengths greater than 600' without pedestrian easements.

Surman made a motion to waive the maximum block lengths to exceed 600' without pedestrian easements. Finding that all three conditions to the waiver have been met. Todd seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

- 2) Waiver No. 2 to allow for one (1) vehicle access point to the subdivision.

Moyer made a motion to allow for one (1) vehicle access point to the subdivision. Finding that all three conditions to the waiver have been met. Todd seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

- 3) Waiver No. 3 to allow waiver of sidewalks in the development.

Moyer made a motion to allow the waiver of sidewalks in the development. Finding that all three conditions to the waiver have been met. Surman seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

The next item of business is the Approval/Recommendation of the Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Johnston stated that there were other comments made in our memo in regards to the plat, drainage comments, culvert outlets, trail connections, plan labels, and vertical curves in the paving plan have all been addressed.

Recommendations from the planning committee:

- 1) Developer agreed to the entrance at 202nd street should be three lanes wide for a length between 150-200'.
- 2) Developer agreed to the two access points to the MoPac trail to be concreted and 10' in width.
- 3) Recommendation for concreting the stubbed out streets to the end at time of development.
- 4) Developer agreed to the turnarounds at all four stubbed out roadways of the development along with reflectors at the dead ends.
- 5) Recommendation to review the drainage study for grassland instead of crops, as the current study states.
- 6) Recommendation of street name changes to not confuse current municipality street names.

Caddy encouraged an early priority of a street light at the development entrance. Flaxbeard stated that the plan is to install that at the time of trenching in power.

Caddy also addressed the previous comment of Travis Moore in regards to stopping urban development with the acreages. Caddy was a very strong proponent of Residential Estates to the west of the village. However, he's cognizant to the fact that the cost of water and sewer for this development is cost inhibitive due to the location.

Todd made a motion to approve the Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, conditional on the planning commissions 6 recommendations. Surman seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

The next item of business is the Approval/recommendation of an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle On, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Caddy made a motion to approve the Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to RE (Residential Estates) submitted by MDC Eagle On, LLC, pertaining to ±60.565 acres located in part of Tax Lot 22 and part of Tax Lot 35, in the E½ of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska, conditional upon the ordinance by the Village Board and Final Plat being approved. Moyer seconded the motion. The motion was approved with 6 members of the Planning Commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman-yes

The decision will be forwarded to the Village of Eagle.

The next item of business is to discuss the Eagle Zoning Ordinance and Eagle Zoning Map updates.

Caddy addressed that the planning commission needs to address any updates we feel need to be made to the current ordinances and maps. A meeting will be set in the next few weeks to review this along with any changes needed.

The final item of business is to approve the previous meeting minutes as amended. Moyer motioned to approve and Todd seconded. Motion is carried with 5 members of the planning commission voting in favor.

Caddy - yes

Davison – yes

Moyer – Yes

Todd – Yes

Beck – yes

Surman -abstained

Seeing no further items of business the Planning Commission Meeting the meeting was adjourned at 8:28pm.

A recording of this meeting was made and is available at the Village of Eagle Office.

APPLICATION FOR A CHANGE OF ZONING
Eagle, Nebraska

Date 02/06/2023

Form must be filled out completely before acceptance of this application for processing. Please print.

Applicant's Name MDC Eagle One, LLC Telephone No. 402-558-2200
Applicant's Address 11550 I Street, Suite #200, Omaha, NE 68137
Present Use of Subject Property Agriculture
Desired Use of Subject Property Single Family Residential
Present Zoning AG Requested Zoning RE

Legal Description of Property Requested to be Rezoned
Eagles Landing, Lots 1 through 18, Inclusive, being a platting of Tax Lot 36, located in part of Tax Lot 22, and part of Tax Lot 35,
all in the east half of Section 19, Township 10 North

Area of Subject Property, Square Feet and/or Acres 60.565 acres
How is Adjoining Properties Used (Actual Use)

North AG South AG
East AG West AG

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

The Zoning Administrator, who may be accompanied by others is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Justification

You must justify your request. Questions 1 through 4 must be answered completely. Use separate sheet if necessary.

1. What is the general character of the area? Describe.
2. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area?
3. What type of sewer and water system will be used?
4. How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be?

Signature of Owner Michelle Green or Signature of Agent _____

OFFICE USE ONLY

File No. _____ Fee paid Yes () No () _____

Date _____ Approved _____
Disapproved _____ Chair, Eagle Planning Commission.

Date _____ Approved _____
Disapproved _____ Chair, Village Board of Trustees

Ethan Homan Construction
 PO Box 22 Elmwood NE 68349
 Phone: 402-677-1262
 Email: homaned@gmail.com

ESTIMATE

DATE: MARCH 10, 2023

TO: VOE/GORDON

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
	Catch Basin, pour in place, labor/materials to include metal grate and to facilitate driveway and appropriate grade elevation.		\$2100.00
	Demolition/Modification of existing tube		\$150.00
	New culvert for driveway/hook up to basin materials/labor		\$1200.00
	Requesting \$2100.00 from Village Board		
TOTAL DUE			\$3450.00

Make all checks payable to Ethan Homan Construction PO Box 22 Elmwood NE 68349.
 If you have any questions concerning this invoice, contact: Ethan at 402-677-1262 or Email.

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND CHAPTER 3, ARTICLE 1, SECTION 3-108 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO WATER RATES BY AMENDING SAID RATES; TO PROVIDE AN EFFECTIVE DATE FOR SAID RATES; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, 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 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Section 3-108 of the Municipal Code of the Village of Eagle, Nebraska, specifies the water rates to be charged to users of the Eagle water system, and,

WHEREAS, no amendment to the standard fees and variable usage fees have been made since May 15, 2015.

WHEREAS, the cost of providing water service to the users of the Municipal system has changed and an amendment to the same is in order, and,

WHEREAS, the Chairperson and Board of Trustees of the Village of Eagle, Nebraska, do desire to amend the rates to account for and pay for the operation and maintenance expense incurred by the Village to offer said service.

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

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

Section 2. That Chapter 3, Article 1, Section 108 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows:

§3-108 MUNICIPAL WATER DEPARTMENT; USE RATES.

A. All water consumers located within the corporate limits of the Municipality of Eagle, Nebraska, shall be liable for the following user rates as set by ordinance for all water which is reported to have flowed through the water meter of the consumer. The following rates will be charged for water service:

- (1) The sum of ~~eight dollars (\$8.00)~~ **nine dollars (\$9.00)** shall be charged for all water consumed up to and including one thousand (1,000) gallons per month. This ~~eight dollars (\$8.00)~~ **nine dollars (\$9.00)** per month charge shall be a minimum charge for water service and shall be assessed against all Eagle water users within the corporate limit.

In addition to the minimum charge established herein, the following rates for water service shall apply:

- (2) The sum of one dollar and forty cents (\$1.40) shall be charged for each one thousand (1,000) gallons consumed in excess of one thousand (1,000) gallons per month, up to and including four thousand (4,000) gallons per month.
- (3) The sum of one dollar and seventy-five cents (\$1.75) shall be charged for each one thousand (1,000) gallons consumed in excess of four thousand (4,000) gallons per month, up to and including nine thousand (9,000) gallons per month.
- (4) The sum of ~~two dollars and ten cents (\$2.10)~~ **four dollars and twenty cents (\$4.20)** shall be charged for each one thousand (1,000) gallons consumed in excess of nine thousand (9,000) gallons per month, up to and including fourteen thousand (14,000) gallons per month.
- (5) The sum of ~~two dollars and forty-five cents (\$2.45)~~ **four dollars and ninety cents (\$4.90)** shall be charged for each one thousand (1,000) gallons consumed in excess of fourteen thousand (14,000) gallons per month, up to and including nineteen thousand (19,000) gallons per month.
- (6) The sum of ~~two dollars and eighty cents (\$2.80)~~ **five dollars and sixty cents (\$5.60)** shall be charged for each one thousand (1,000) gallons consumed in excess of nineteen thousand (19,000) gallons per month.
- (7) Water may be furnished by the Municipality of Eagle for construction purposes in strict accordance with this paragraph. The contractor shall contact the Municipal maintenance staff and obtain a water meter prior to obtaining the Municipality's water. The water so obtained shall be metered using the meter provided by the Municipal maintenance department and shall be obtained from a site designated by the Municipal maintenance department and equipped with a backflow prevention device. The minimum charge for the water so obtained shall be ~~\$25~~ **fifty dollars (\$50.00)** per load **and**, in addition, the sum of ~~\$40~~ **twenty dollars (\$20.00)** shall be charged for each 1,000 gallons of water obtained in excess of 2,000 gallons. Upon completion of the loading of the water, the

contractor shall return the meter to the Municipal Clerk and pay the charges incurred for the water obtained. The contractor shall be responsible for any damage done to the water furnished by the Municipality.

B. All non-resident users, approved for access by the Municipality, shall pay 175% of the rates set forth above in subparagraphs 1 through 6, for premises not located within the corporate boundaries of the Municipality. Non-resident users shall be subject to all ordinances, resolutions, rules, and regulations adopted by the Municipality, regarding use and operation of the water system of the Municipality, including but not limited to, the operation and maintenance of water meter and system protection devices, water use restrictions, termination of service, and payment of water use fees.

C. These rates shall be effective commencing on the 15th day of May, 2023. (Ref. 17-538 RS Neb.)

Section 4. That the Chair and the appropriate Department, whether one or more, of the Village of Eagle, Nebraska, 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 of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Chair and Governing Body of the Village of Eagle, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 7. 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 on the 15th day from and after its passage, approval, and publication, as provided herein.

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

PASSED AND APPROVED THIS _____ day of _____, 2023.

VILLAGE OF EAGLE, NEBRASKA

By: _____
Terri Todd, Its Chairperson

ATTEST:

Nick Nystrom, Village Clerk

(SEAL)

VILLAGE OF EAGLE

INCORPORATED 1891

747 S 2ND STREET / PO BOX 130
EAGLE, NEBRASKA 68347
OFFICE 402-781-2748
FAX 402-781-2775

2023 VILLAGE OF EAGLE CHIPPING RULES

Dear Village Resident:

The Village of Eagle will continue its chipping services beginning the first Monday in April through the first Monday in October, 2023. The Village of Eagle does **NOT** provide tree removal services; we only provide branch & limb clean-up services. The following rules for brush chipping services are effective immediately:

- Limbs may not exceed six (6') feet in length
- Limbs may not exceed four (4") inches in diameter
- Limbs smaller than six (6") inches in length **MUST** be placed in waste baskets, containers, wheel barrows or similar
- Limbs **MUST** be piled between the curb & sidewalk at each residence
- Limbs shall **NOT be in a tangled pile** (smaller limbs shall be separated in an orderly fashion to allow Village employees the ability to efficiently separate larger pieces for purposes of chipping)
- **NO** piling of limbs on streets or sidewalks
- **NO** stacking of limbs around trees, signs or motor vehicles
- **NO** garden vegetable plants will be permitted
- **NO** entire trees
- **NO** bags of leaves or grass clippings
- **NO** rose bushes or other thorns
- The maximum time limit for employees at an individual location is **15 minutes**

The Village of Eagle reserves the right to reject any pile if it does not comply with the requests above OR if the volume appears to include the limbs of an entire tree or trees. If these rules are not followed at a residence, chipping services will not be performed there. A red tag will be placed at any pile of brush that does not meet the aforementioned specifications. This will result in the owner/tenant taking responsibility for the disposal of their branch, limb or tree pile(s).

If there are any questions, please contact us at the phone number above. Our office hours are Monday, Tuesday, Thursday & Friday from 7:30AM-12:00PM and 1:00PM-3:30PM. We are closed to the public on Wednesdays.



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VILLAGE OF EAGLE

March 7, 2023

The Village Board of Trustees met in regular session at 7:00 p.m. on March 7, 2023 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.

Open Forum – Dobbins expressed his positive impression of the 2023 League of Nebraska Municipalities' Midwinter Conference and said it was a great learning experience. Todd and Hochstein agreed that the conference was very worthwhile.

Motion by Todd, second by Meier, to approve Nebraska Generator Service's estimate for a Cummins 36kW Generator and associated installation costs in an amount not to exceed \$25,000. Voting: Ayes – Caylor, Hochstein, Meier, Todd. Nays – Dobbins. Motion carried.

Motion by Hochstein, second by Dobbins, to approve A&M Recycling providing a dumpster for scrap metal at no cost to the Village of Eagle. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to introduce Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-01 entitled:

ORDINANCE 2023-01

AN ORDINANCE TO ESTABLISH COMPENSATION FOR POOL EMPLOYEES; TO PROVIDE FOR THE EFFECTIVE DATE HEREOF; 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 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

Motion by Todd, second by Hochstein, to accept the first reading of Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Dobbins, to suspend the rules of three consecutive readings of Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to adopt Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Caylor, to introduce Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-02 entitled:

ORDINANCE 2023-02

AN ORDINANCE TO ESTABLISH COMPENSATION FOR SEASONAL MAINTENANCE PERSONNEL FOR THE VILLAGE OF EAGLE, NEBRASKA; 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

Motion by Meier, second by Caylor, to accept the first reading of Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Caylor, to adopt Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Dobbins, to introduce Ordinance 2023-03. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-03 entitled:

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND CHAPTER 3, ARTICLE 1, SECTION 3-108 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO WATER

RATES BY AMENDING SAID RATES; TO PROVIDE AN EFFECTIVE DATE FOR SAID RATES; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, 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 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Meier, second by Caylor, to accept the first reading of Ordinance 2023-03. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Todd, to approve minutes as typed for the previous meeting. Voting: Ayes – Dobbins, Hochstein, Meier, Todd. Caylor abstained. Motion carried.

Motion by Todd, second by Hochstein, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 11,180.17, Board Wages 900.00, A+ United Radiator Repair 1,050.00, ABC Termite & Pest Control 122.00, ADT Solar 604.99, Allied Benefit Systems 3,431.04, Amazon Marketplace 387.11, American Exchange Bank 750.00, Black Hills Energy 1,109.33, Bromm Lindahl Freeman-Caddy & Lausterer 729.00, Buel Trucking 1,203.00, Capital Business Systems 452.36, Casey's 357.41, Cass Co Sheriff's Dept 3,145.21, CHI Health Company Care 104.00, Constellation Energy 1,113.30, Core & Main 2,500.00, Dollar General 36.95, Dunrite Homes 3,645.00, Eagle Automotive 25.00, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,085.88, ESO Solutions 3,785.24, Frye, Polly 18.78, Google LLC 123.00, Hestermann, Rick 105.00, John Hancock Investments 301.35, Knee Deep LLC 1,500.00, Lovell Excavating 1,250.00, Matheson Tri-Gas 193.43, Menards-South 333.59, Midwest Labs 121.07, NE Dept of Rev 2,004.64, NE Generator 841.15, NE Municipal Power Pool 296.62, NE Public Health Env Lab 60.00, Noecker, Chris 106.81, Norland Pure 6.50, Nystrom, Taira 400.00, One Billing Solutions 512.55, One Call Concepts 9.56, OPPD 5,089.48, Phillips, Patrick 150.00, Quik Dump Refuse 1,048.50, Rock Creek Refuse 100.00, School District 145 210.00, Stryker Sales 328.65, UNUM 673.05, US Postmaster 240.00, Verizon Wireless 747.33, Windstream

571.94. Total of bills: **\$58,551.99**.

Approved Park Claims: Black Hills Energy 42.35, NDEE-Swimming Pools 40.00, OPPD 98.69. Total of bills: **\$181.04**.

The meeting was adjourned at 8:26 p.m.

Nick Nystrom
Village Clerk

Terri Todd
Chairperson

VILLAGE OF EAGLE

March 7, 2023

The Village Board of Trustees met in regular session at 7:00 p.m. on March 7, 2023 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.

Report from Law Enforcement – Sheriff Robert Sorenson and Lieutenant Larry Burke were present. Sorenson reported 12 citations, 22 warnings and equipment violations, and 35 calls for service during the month of February. Nystrom said he was asked to send Sorenson a list of frequently occurring ordinance violations that the Village Board needs help enforcing. The ordinance violations most frequently observed include the operation of unlicensed off-road vehicles (ATVs, UTVs, Golf Cars) on the public streets; parking time limits; parking during snow emergencies; and vandalism and loitering after hours at the park. Hochstein said his biggest concern is the operation of off-road vehicles on the public streets; individuals are witnessed picking up kids from school or driving down the streets and law enforcement isn't making contact with them. Hochstein said once a couple of citations are issued people will take the situation more seriously. Sorenson said if the Village Board is completely in agreement with how this ordinance is to be enforced it will be handled as such; historically, there have been instances in communities where only some of the board members are in agreement and others lodge complaints as to how ordinance violations were handled. Hochstein said allowing off-road vehicles was a hot topic in the community and everyone should be well aware of what the law is. Meier said if he or anyone else on the Village Board was operating an off-road vehicle against the law he would expect a citation to be issued. Sorenson said as long as communication and transparency exist between the Village Board and Sheriff's Office a lot of issues like this can be handled effectively. A central point of contact between the two jurisdictions was discussed and will be handled between Sorenson and Nystrom. Todd suggested that road deputies spend time interacting with the community whether that be something as simple as waving as they drive past or stopping to visit people that are outside. Sorenson said he agrees with this philosophy and public interaction practices have been discussed with the deputies. Dobbins inquired about the open homicide investigation in town. Sorenson said he cannot speak directly about the investigation. Burke said the case was handed over to another investigator and is still being handled. Sorenson discussed the issue of parking time limits and said the majority of these situations are driven by complaints; if there are parking issues, the recommended approach would be to share the issue with Nystrom and he will forward the information to the Sheriff's Office. At the same time, deputies will be

reminded to stay vigilant and pay attention to obvious cases of vehicles that have not moved for an extended period of time. S Terry Caddy said there are often a number of unlicensed vehicles parked along the street as well that could be red-tagged. Sorenson discussed the issue of vandalism and loitering in the park after hours and asked if there is proper signage posted indicating the park rules. Nystrom said there is one sign at the primary entrance to the park and another along F Street. Sorenson recommended installing an additional sign at the north entrance of the park. Deputies will be reminded that the park closes at 10:00PM and to pay closer attention to activity that may be occurring. Hochstein noted that there are issues with people using the parking lot at the park after hours as well. Sorenson discussed the issue of parking on the street during snow emergency declarations and said it is challenging at times to assist each municipality during a storm with only two road deputies covering Cass County; this is especially true if their presence is needed at an automobile accident or another serious event. Meier said he doesn't feel that it is fair for the deputies to have to go door-to-door to tell people to move their vehicles off the street when the public is notified of a snow emergency in the media and online; he feels that if a couple of these violators are ticketed and towed the word will get around that it is being taken seriously. Sheriff Sorenson and Lieutenant Burke were thanked for their service and making themselves available to attend tonight's meeting.

Report from Building & Zoning Administrator – Hestermann reported 1 new building permit, 2 certificates of occupancy and 3 inspections during the month of February. There are 19 total open permits to date. Dobbins inquired about the open permits that are over one year old. Hestermann said one of these permits should probably be closed down due to inactivity (Permit No. 715) but the others are still active; permits are allowed to remain open as long as the applicant is making progress with their work. Hochstein asked if private sewer line repairs require a building permit. Hestermann said no.

Open Forum – Dobbins expressed his positive impression of the 2023 League of Nebraska Municipalities' Midwinter Conference and said it was a great learning experience. Todd and Hochstein agreed that the conference was very worthwhile.

Discuss/possible action: Consider options for the purchase of a Cummins Generator for the lift station at Hartland Estates from Nebraska Generator Service – Two estimates were received from Nebraska Generator Service; Estimate No. 5523 for a Cummins 36kW Generator in the amount of \$18,321.10 and Estimate No. 5769 for a Cummins 25kW Generator in the amount of \$16,605.78. A third estimate was received from HTM Sales (Quote No. 26150KQ) for a Generac 22kW Generator in the amount of \$17,809.00, which included a composite cement pad. Dobbins said he still feels that a 36kW unit is excessive for this particular use; after speaking to HTM Sales, who sold the existing electrical panel, a 22kW unit was what was proposed. Todd asked if the maintenance department has a recommendation. Caddy said for a difference of only \$1,700.00 he would recommend the larger 36kW generator. Todd said she feels the larger generator would be better if any kind of expansion were to

take place in the future. Caddy said in addition to the generator itself, it will still be necessary to add a concrete pad, hook-up natural gas service and incorporate the unit into the Scada system. Caylor asked if the generator units come with a warranty. Nystrom said yes; each unit comes with a two-year warranty.

Motion by Todd, second by Meier, to approve Nebraska Generator Service's estimate for a Cummins 36kW Generator and associated installation costs in an amount not to exceed \$25,000. Voting: Ayes – Caylor, Hochstein, Meier, Todd. Nays – Dobbins. Motion carried.

Discuss/possible action: Approve A&M Recycling providing a dumpster for scrap metal at no cost to the Village of Eagle – Todd said this proposal was first entertained by the Village Board last October. The general consensus at the time was to entertain the idea as a seasonal operation from April 1-October 1 of each year. Meier said the dumpster would be placed in the area of the existing recycling containers and allow residents the opportunity to recycle scrap metal. Todd asked if there is any type of formal agreement that requires the Village to keep the scrap metal container for any specific length of time. Meier said no. Dobbins asked if A&M Recycling will have issues if people start putting old stoves or other appliances in the container. Meier said no; appliances would be acceptable to recycle. The size and condition of the container was discussed. Meier said he does not know these details. Caddy asked what will happen if garbage and tires are placed in the container. Meier said this will need to be discussed with A&M Recycling. Dobbins suggested the contractor place a sign on the container indicating what is allowed to be recycled. Meier asked if the Village could provide signage. Nystrom said he could provide laminated sheets with recycling information listed but wouldn't necessarily want to spend money on designing a metal sign. Todd said if there are any issues with the recycling efforts the program can be discontinued.

Motion by Hochstein, second by Dobbins, to approve A&M Recycling providing a dumpster for scrap metal at no cost to the Village of Eagle. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to introduce Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-01 entitled:

ORDINANCE 2023-01

AN ORDINANCE TO ESTABLISH COMPENSATION FOR POOL EMPLOYEES; TO PROVIDE FOR THE EFFECTIVE DATE HEREOF; 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 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

The Village operates a swimming pool in the Municipality and it is necessary to pay for and compensate seasonal employees for the operation of the pool, therefore,

BE IT ORDAINED BY THE CHAIRPERSON AND THE MEMBERS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA:

Section 1. COMPENSATION SCHEDULE FOR EAGLE POOL EMPLOYEES AS FOLLOWS:

Manager:	\$13.00
Asst. Manager:	\$11.00
Lifeguards/Pool Operator:	\$10.00
Office Assistant:	\$7.00

The wage for any returning Lifeguard or Pool Operator will increase by \$0.25 per hour each season.

Section 2. The above schedule of compensation shall run for the duration of the 2023 pool season, unless amended by ordinance of the Village of Eagle.

Section 3. 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 4. That this Ordinance shall be published within the first fifteen (15) days after its passage and approved in pamphlet form, and shall be effective the 15th day from and after the passage, approval, and publication as provided herein.

Section 5. That it is the intention of the Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall not become a part of the Eagle Municipal Code of the Village of Eagle, Nebraska.

Discussion: Nystrom said all starting wages remained the same as last season. Hochstein asked if any applications have been received. Nystrom said there has only been one lifeguard application received; the pool will need between 10-15 lifeguards and 2-3 managers to efficiently operate. The Deputy Clerk contacted the lifeguards from last year and only 3 indicated they may be interested in returning.

Motion by Todd, second by Hochstein, to accept the first reading of Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Dobbins, to suspend the rules of three consecutive readings of Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Meier, to adopt Ordinance 2023-01. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Caylor, to introduce Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-02 entitled:

ORDINANCE 2023-02

AN ORDINANCE TO ESTABLISH COMPENSATION FOR SEASONAL MAINTENANCE PERSONNEL FOR THE VILLAGE OF EAGLE, NEBRASKA; 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

BE IT ORDAINED BY THE CHAIRPERSON AND THE MEMBERS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRAKA:

Section 1. That the following shall be the wages and salaries for the specified seasonal maintenance employee of the Village of Eagle, Nebraska, to wit:

POSITION	WAGES OR SALARY
Paul Nystrom Seasonal Maintenance	\$16.50 Per Hour

Section 2. The above schedule of compensation shall run until modified by the Village Board of Trustees.

Section 3. The Board of Trustees of the Village of Eagle, Nebraska, has the authority to award a bonus or merit pay increase to employees as they determine.

Section 4. That the Chairperson of the Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, 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 this Ordinance shall be published within the first fifteen (15) days after its passage and approval in pamphlet form, and shall be effective the 15th day from and after it is passage, approval, and publication as provided herein.

Section 7. That it is the intention of the Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall not become a part of the Eagle Municipal Code of the Village of Eagle, Nebraska.

Motion by Meier, second by Caylor, to accept the first reading of Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Caylor, to adopt Ordinance 2023-02. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Dobbins, to introduce Ordinance 2023-03. Voting: Ayes – 5. Motion carried.

Chairperson Todd read Ordinance 2023-03 entitled:

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND CHAPTER 3, ARTICLE 1, SECTION 3-108 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO WATER RATES BY AMENDING SAID RATES; TO PROVIDE AN EFFECTIVE DATE FOR SAID RATES; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, 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 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 BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Section 3-108 of the Municipal Code of the Village of Eagle, Nebraska, specifies the water rates to be charged to users of the Eagle water system, and,

WHEREAS, no amendment to the standard fees and variable usage fees have been made since May 15, 2015.

WHEREAS, the cost of providing water service to the users of the Municipal system has changed and an amendment to the same is in order, and,

WHEREAS, the Chairperson and Board of Trustees of the Village of Eagle, Nebraska, do desire to amend the rates to account for and pay for the operation and maintenance expense incurred by the Village to offer said service.

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

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

Section 2. That Chapter 3, Article 1, Section 108 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows:

§3-108 MUNICIPAL WATER DEPARTMENT; USE RATES.

A. All water consumers located within the corporate limits of the Municipality of Eagle, Nebraska, shall be liable for the following user rates as set by ordinance for all water which is reported to have flowed through the water meter of the consumer. The following rates will be charged for water service:

- (1) The sum of ~~eight dollars (\$8.00)~~ **nine dollars (\$9.00)** shall be charged for all water consumed up to and including one thousand (1,000) gallons per month. This ~~eight dollars (\$8.00)~~ **nine dollars (\$9.00)** per month charge shall be a minimum charge for water service and shall be assessed against all Eagle water users within the corporate limit.

In addition to the minimum charge established herein, the following rates for water service shall apply:

- (2) The sum of one dollar and forty cents (\$1.40) shall be charged for each one thousand (1,000) gallons consumed in excess of one thousand (1,000) gallons per month, up to and including four thousand (4,000) gallons per month.
- (3) The sum of one dollar and seventy-five cents (\$1.75) shall be charged for each one thousand (1,000) gallons consumed in excess of four thousand (4,000) gallons per month, up to and including nine thousand (9,000) gallons per month.
- (4) The sum of ~~two dollars and ten cents (\$2.10)~~ **four dollars and twenty cents (\$4.20)** shall be charged for each one thousand (1,000) gallons consumed in excess of nine thousand (9,000) gallons per month, up to and including fourteen thousand (14,000) gallons per month.
- (5) The sum of ~~two dollars and forty-five cents (\$2.45)~~ **four dollars and ninety cents (\$4.90)** shall be charged for each one thousand (1,000) gallons consumed in excess of fourteen thousand (14,000) gallons per month, up to and including nineteen thousand (19,000) gallons per month.
- (6) The sum of ~~two dollars and eighty cents (\$2.80)~~ **five dollars and sixty cents (\$5.60)** shall be charged for each one thousand (1,000) gallons consumed in excess of nineteen thousand (19,000) gallons per month.
- (7) Water may be furnished by the Municipality of Eagle for construction purposes in strict accordance with this paragraph. The contractor shall contact the Municipal maintenance staff and obtain a water meter prior to obtaining the Municipality's water. The water so obtained shall be metered using the meter provided by the Municipal maintenance department and shall be obtained from a site designated by the Municipal maintenance department and equipped with a backflow prevention device. The minimum charge for the water so obtained shall be ~~\$25~~ **fifty dollars (\$50.00)** per load **and**, in addition, the sum of ~~\$40~~ **twenty dollars (\$20.00)** shall be charged for each 1,000 gallons of water obtained in excess of 2,000 gallons. Upon completion of the loading of the water, the contractor shall return the meter to the Municipal Clerk and pay the charges incurred for the water obtained. The contractor shall be responsible for any damage done to the water furnished by the Municipality.

B. All non-resident users, approved for access by the Municipality, shall pay 175% of the rates set forth above in subparagraphs 1 through 6, for premises not located within the corporate boundaries of the Municipality. Non-resident users shall be subject to all ordinances, resolutions, rules, and regulations adopted by the Municipality, regarding use and operation of the water system of the Municipality, including but not limited to, the operation and maintenance of water meter and system protection devices, water use restrictions, termination of service, and payment of water use fees.

B. These rates shall be effective commencing on the 15th day of May, 2023. (*Ref. 17-538 RS Neb.*)

Section 4. That the Chair and the appropriate Department, whether one or more, of the Village of Eagle, Nebraska, 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 of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Chair and Governing Body of the Village of Eagle, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 7. 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 on the 15th day from and after its passage, approval, and publication, as provided herein.

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

Discussion: Nystrom said water rates have not been increased in nearly eight years. After discussion with the Water Committee, the thought was to increase the base rate by \$1.00 per month and to have more of a dramatic increase for those that use over 10,000 gallons per month. Nystrom said this will result in a manageable rate increase for those on fixed incomes and those that use an average amount of water; it will result in a much sharper increase for those that use water at an above-average rate or significantly irrigate their lawns. Caddy said the hope is the new rate increases will help with water conservation efforts. Nystrom said another rate increase found in this ordinance deals with the purchase of bulk water by contractors; these rates will double to \$50.00 per load and \$20.00 per 1,000 gallons of water obtained in excess of 2,000 gallons.

Motion by Meier, second by Caylor, to accept the first reading of Ordinance 2023-03. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Todd, to approve minutes as typed for the previous meeting. Voting: Ayes – Dobbins, Hochstein, Meier, Todd. Caylor abstained. Motion carried.

Motion by Todd, second by Hochstein, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 11,180.17, Board Wages 900.00, A+ United Radiator Repair 1,050.00, ABC Termite & Pest Control 122.00, ADT Solar 604.99, Allied Benefit Systems 3,431.04, Amazon Marketplace 387.11, American Exchange Bank 750.00, Black Hills Energy 1,109.33, Bromm Lindahl Freeman-Caddy & Lausterer 729.00, Buel Trucking 1,203.00, Capital Business Systems 452.36, Casey's 357.41, Cass Co Sheriff's Dept 3,145.21, CHI Health Company Care 104.00, Constellation Energy 1,113.30, Core & Main 2,500.00, Dollar General 36.95, Dunrite Homes 3,645.00, Eagle Automotive 25.00, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,085.88, ESO Solutions 3,785.24, Frye, Polly 18.78, Google LLC 123.00, Hestermann, Rick 105.00, John Hancock Investments 301.35, Knee Deep LLC 1,500.00, Lovell Excavating 1,250.00, Matheson Tri-Gas 193.43, Menards-South 333.59, Midwest Labs 121.07, NE Dept of Rev 2,004.64, NE Generator 841.15, NE Municipal Power Pool 296.62, NE Public Health Env Lab 60.00, Noecker, Chris 106.81, Norland Pure 6.50, Nystrom, Taira 400.00, One Billing Solutions 512.55, One Call Concepts 9.56, OPPD 5,089.48, Phillips, Patrick 150.00, Quik Dump Refuse 1,048.50, Rock Creek Refuse 100.00, School District 145 210.00, Stryker Sales 328.65, UNUM 673.05, US Postmaster 240.00, Verizon Wireless 747.33, Windstream 571.94. Total of bills: **\$58,551.99**.

Approved Park Claims: Black Hills Energy 42.35, NDEE-Swimming Pools 40.00, OPPD 98.69. Total of bills: **\$181.04**.

Report from Attorney – Freeman-Caddy not present.

Report from Clerk/Treasurer – Nystrom said the timeline for compliance has expired for those residents that have unlicensed or inoperable vehicles on their property. The Village Attorney will be contacted for recommended next steps to abate the nuisance conditions. Nystrom said there are only two Cross Connection Control Surveys that have not yet been received from users of the municipal water system. These two properties have had water service discontinued until which time they come into compliance. The Planning Commission will be holding public hearings tomorrow night regarding the Eagles Landing subdivision northwest of town. Nystrom discussed NMPP Energy's Annual Typical Bill Survey results. The Village of Eagle ranks in the top half of the cheapest water rates and the bottom half of the cheapest sewer rates. Nystrom will be attending the Nebraska Municipal Clerk Institute in Kearney from March 14-17, 2023. The total monthly income ending February 28, 2023 was \$91,232.78.

The meeting was adjourned at 8:26 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 March 7, 2023 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