

## VILLAGE OF EAGLE

March 20, 2023

The Village Board of Trustees met in regular session at 7:00 p.m. on March 20, 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.

Chairperson Todd opened the public hearing at 7:00 p.m. 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 6<sup>th</sup> P.M., Cass County, Nebraska. Joe Flaxbeard (Lamp Rynearson) was present on behalf of the subdivision applicant. Flaxbeard said the Eagles Landing subdivision was previously designed for higher density housing but was ultimately amended due to infrastructure costs. The subdivision today consists of eighteen, three-acre minimum lots with individual water wells and septic systems. Flaxbeard said there are three waiver requests as part of the preliminary plat; allowing block lengths greater than 600' without pedestrian easements, allowing one vehicle access point to the subdivision and waiving the sidewalk requirement. Dobbins said his primary concern with the acreage development is the future impact it may have on Eagle growing to the west due to the independent water wells and septic systems on each lot. Flaxbeard acknowledged this point and said conversations were had with the Village of Eagle and Cass County Rural Water but the cost to provide water service was not feasible for the project to proceed. The Eagle Planning Commission recommended the approval of the Application for Preliminary Plat at its March 8, 2023 meeting. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public.

The public hearing was closed at 7:08 p.m.

Chairperson Todd opened the public hearing at 7:09 p.m. for the purpose of hearing testimony concerning an Application for a Change of Zoning and amendment of the Eagle Zoning Map from AG (Agricultural) to 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 6<sup>th</sup> P.M., Cass County, Nebraska. The Eagle Planning Commission recommended the approval of the Application for a Change of Zoning at its March 8, 2023 meeting. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public.

The public hearing was closed at 7:11 p.m.

Motion by Hochstein, second by Caylor, to grant Waiver No. 1 to allow maximum block lengths greater than 600' without pedestrian easements after determining all three conditions to the waiver request have been met. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Dobbins, to grant Waiver No. 2 to allow for one vehicle access point to the subdivision after determining all three conditions to the waiver request have been met. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Hochstein, 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 6<sup>th</sup> P.M., Cass County, Nebraska. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Caylor, 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 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 6<sup>th</sup> P.M., Cass County, Nebraska, conditional upon the approval of a Final Plat and zoning change ordinance. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Dobbins, to approve a 2023 Groundbreaking Level Annual Investment with Cass County Nebraska Economic Development Council in the amount of \$1,000. Voting: Ayes – Caylor, Dobbins, Todd. Nays – Meier, Hochstein. Motion carried.

Open Forum – John Surman (450 Eagle Dr.) said last month the Village Board stated they would revisit the topic of the community recycling program at the meeting tonight. Nystrom said the monthly invoice for recycling services has not yet been received so further discussion on the topic was postponed until the next meeting.

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

Motion by Todd, second by Hochstein, to approve the 2023 Village of Eagle brush chipping rules. 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 Todd, second by Dobbins, to approve the donation of two 2023 Family Pool Passes to Eagle PTE for Eagle Fun Night on March 24, 2023. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Hochstein, to approve hiring KiLee Newell as the Eagle Pool Manager for the 2023 season. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Hochstein, to approve the Park Board hiring the remaining swimming pool employees for the 2023 season. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 8:02 p.m.

Nick Nystrom  
Village Clerk

Terri Todd  
Chairperson