

## VILLAGE OF EAGLE

**April 18, 2022**

The Village Board of Trustees met in regular session at 7:00 p.m. on April 18, 2022 with Surman, Meier, Moore and Caylor present. Weyers was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Surman named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. The Pledge of Allegiance was recited.

Chairperson Surman opened the public hearing at 7:01 p.m. for the purpose of hearing testimony concerning a zoning change and amendment of the Eagle Zoning Map from AG (Agricultural) to RS (Residential Suburban) for ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. The Eagle Planning Commission met on April 6, 2022 and approved the zoning change request by a vote of 4-1 contingent upon the approval of a final plat and subdivision agreement to be heard at a later date. Terry Caddy (Planning Commission Chair) said 22 different items were discussed pertaining to the zoning change request; these items included substandard lot sizes and street width/extension recommendations. Surman asked if there were any comments or questions from the public. There were no comments or questions from the public.

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

Chairperson Surman opened the public hearing at 7:06 p.m. for the purpose of hearing testimony concerning a Preliminary Plat / Subdivision Agreement for property consisting of ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. The Eagle Planning Commission met on April 6, 2022 and tabled the approval of a Preliminary Plat / Subdivision Agreement until April 27, 2022 by a vote of 5-0. Terry Caddy (Planning Commission Chair) discussed some of the key takeaways from the public hearing, including: The intent for the development to own and maintain the sanitary sewer system, including the lift station, from the outfall line to the connection point on Olivia Drive; the developer's expectation that the Village run a water main from the nearest connection point along Olivia Drive to Eagle Road to service the development; the desire of the developer to have the Village operate the water system inside the development but not have the responsibility for associated repair work; park area requirements; installation of sidewalks; and street naming. Moore said the developer's intent is to create a Sanitary and Improvement District (SID) on this property and asked if there is an estimated timeframe as to when they could potentially be annexed into the Village. Caddy said representatives

of the developer estimate it will take 12-15 years to have the infrastructure debts paid down. Surman said many decisions cannot be made on this development until the Phase II Water & Sewer Studies are received from the Village Engineer. Surman asked if there were any comments or questions from the public. There were no comments or questions from the public.

The public hearing was closed at 7:16 p.m.

Motion by Moore, second by Meier, to table the approval of a zoning change and amendment of the Eagle Zoning Map from AG (Agricultural) to RS (Residential Suburban) for ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska until the May 3, 2022 board meeting. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Caylor, to table the approval of a Preliminary Plat / Subdivision Agreement for property consisting of ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska until the May 3, 2022 board meeting. Voting: Ayes – 4. Motion carried.

Open Forum – Atley Johnson (725 G St.) requested permission to spray paint and stencil addresses on curbs alongside private property at the property owner's request and expense. The Village Board agreed to the proposal and granted permission to proceed. Moore said the Eagle Park & Recreation Commission meeting scheduled for April 12, 2022 was cancelled due to severe weather warnings in the area. Surman said he identified one particular off-road vehicle in town that is larger than some SUV's hauling more passengers than what the Village's ordinance allows; he is unsure what else can possibly be done to adequately enforce this new law. Moore said he has noticed several off-road vehicles operating on the streets without proper licensing, and despite many proponents of the law claiming they would assist the Village in policing this matter; it has yet to be seen.

Chairperson Surman read Ordinance 2022-03 as follows:

### **ORDINANCE NO. 2022-03**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 10, ARTICLE 3 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AS THE SAME RELATES TO BUSINESS REGULATIONS TO PROVIDE REGULATIONS FOR MOBILE FOOD VENDORS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND

AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Moore, second by Caylor, to amend Ordinance 2022-03 by removing the exemption of “the sale or offer of sale of food by non-profit groups or at an event sponsored by a non-profit group” from the definition of a Mobile Food Vendor. Voting: Ayes – 4. Motion carried.

Motion by Moore, second by Caylor, to accept the final reading of Ordinance 2022-03 as amended. Voting: Ayes – Meier, Caylor, Moore. Nays – Surman. Motion carried.

Motion by Moore, second by Meier, to adopt Ordinance 2022-03 as amended. Voting: Ayes – Caylor, Meier, Moore. Nays – Surman. Motion carried.

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

The meeting was adjourned at 8:19 p.m.

Nick Nystrom  
Village Clerk

John Surman  
Chairperson