

VILLAGE OF EAGLE
BOARD OF TRUSTEES AGENDA
NOVEMBER 1, 2022
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 Law Enforcement.
2. Report from Building & Zoning Administrator.
3. Open Forum.
4. Discuss/possible action: Second reading of Ordinance 2022-06 – Approval of zoning change from AG (Agricultural) to HC (Highway Commercial), RS (Residential Suburban), and RU (Residential Urban) for Eagle Point Subdivision located in a portion of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
5. Discuss/possible action: Second reading of Ordinance 2022-07 – Annexation of Phase One of the Eagle Point Subdivision located in a portion of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
6. Discuss/possible action: Approve Supplemental Agreement with Snyder & Associates for the 6th Street Water Main Extension in an amount not to exceed \$17,000.
7. Discuss/possible action: Consider options for upsizing water mains in the Eagle Point Subdivision.
8. Discuss/possible action: Consider options for a memorial bench to be installed at Eagle Municipal Park.
9. Discuss/possible action: Consider sidewalk extension to the MoPac Trail at the Eagle Estates park in cooperation with the Lower Platte South NRD.
10. Discuss/possible action: Approve Culvert Agreement between Dustin Gordon and the Village of Eagle at 315 South 4th Street.
11. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
12. Discuss/possible action: Approve claims.
13. Report from Attorney.
14. Report from Clerk/Treasurer.

15. Discuss/possible action: Updates on the available Full-time Maintenance position.

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. 2022-06

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THREE TRACTS OF LAND, LOCATED IN SECTION 29, TOWNSHIP 10, RANGE 9, CASS COUNTY, NEBRASKA MORE FULLY DESCRIBED HEREIN - TRACT A - AMENDING FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (HC); TRACT B - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL URBAN (RU), TRACT 3 - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL SUBURBAN (RS); TO PROVIDE FOR SCREENING TO BE PLACED ALONG THE PROPERTY LINE ON HC LOTS ABUTTING RESIDENTIAL LOTS BEFORE HC USE IS ALLOWED, PURSUANT TO THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE OF THE VILLAGE OF EAGLE, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA.

WHEREAS, Joe Marvin Carr, is the owner of the following described real property: The Northeast Quarter, Except Lot 1, Section 29, Township 10, Range 9, Cass County, Nebraska and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have adopted zoning for the Village of Eagle, Nebraska, said ordinance cited and known as the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of Eagle, Nebraska, does provide for the Official Zoning Map of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of Eagle, Nebraska, does provide for various zoning districts within the corporate limits of the Village of Eagle, Nebraska, and its extraterritorial jurisdiction, and,

WHEREAS, the Official Zoning Map of the Village of Eagle, Nebraska, does indicate thereon the location of the various Zoning Districts of the Village of Eagle, Nebraska, and its extraterritorial jurisdiction, pursuant to the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Official Zoning Map does indicate that the real estate to be rezoned is presently zoned Agricultural (AG) and,

WHEREAS, Joe Marvin Carr has requested, in writing, that the Chair and Board of Trustees of the Village of Eagle, Nebraska, amend the Official Zoning Map of the Village of Eagle, Nebraska, to change the zoning on three tracts within the above-described real estate to Highway Commercial; Residential Suburban and Residential Urban; and

WHEREAS, said Village of Eagle Planning Commission, after notice and public hearing, did submit in writing its recommendations as to said zoning changes, and,

WHEREAS, a notice of said change of zoning was posted upon the above described real estate such that it was easily visible from the street nearest said real estate, said notice having been posted at least ten (10) days prior to the date of this hearing, and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have provided notice and conducted a public hearing regarding said change of zoning and received evidence thereat,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF Eagle, NEBRASKA, AS FOLLOWS:

1. That the findings here and above made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.
2. That the Zoning Districts and the Official Zoning Map of the Village of Eagle, Nebraska, be amended, as to the following-described real estate, to wit:

SEE DESCRIPTIONS ON EXHIBIT A ATTACHED HERETO AND MAP ON EXHIBIT B ATTACHED HERETO

3. The tract to be amended to Highway Commercial (HC) abuts tracts that are to be changed to Residential Urban (RU) and Residential Suburban (RS), Zoning Ordinance 9.05 of the Village of Eagle, Nebraska, requires that there be screening between HC and RS districts as well as between HC and RU Districts. It is therefore required of the owner of property located in the HC district to provide screening as set forth in the Zoning Ordinance prior to any use of the property under the regulations for HC use.
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 including the indication on the Official Zoning Map of the Village of Eagle, Nebraska, as to the described real estate set forth herein.
5. That the Clerk of the Village of Eagle, Nebraska be instructed to file a certified copy of this Ordinance with the Cass County Register of Deeds and that the Cass County Register of Deeds be instructed to index this Ordinance against the described legal descriptions set forth herein, contiguous to the Village of Eagle, Cass County, Nebraska.
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 Chair and Board of Trustees 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.

7. 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.
8. 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 (3) public places within the Village of Eagle, Nebraska, and shall be effective on the fifteenth (15th) day from and after its passage, approval, and publication as provided herein.
9. That this Ordinance shall not be made a part of the Zoning Ordinance of the Village of Eagle, Nebraska.

PASSED AND APPROVED this ____ day of _____, 2022.

VILLAGE OF Eagle, NEBRASKA

By: _____
John Surman, Its Chair

ATTEST:

Nick Nystrom, Village Clerk

(SEAL)

EXHIBIT A:

TRACT A: CHANGE OF ZONING DISTRICT AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (HC):

A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 29, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE, SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER, ON AN ASSUMED BEARING OF S03°07'58"E, A DISTANCE OF 65.00' TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 34 AS REFERRED TO IN BOOK 9, PAGE 94, RECORDS OF CASS COUNTY, SAID POINT BEING THE POINT OF BEGINNING; THENCE N87°10'11"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1,394.43' TO A POINT ON THE WEST LINE OF LOT 1, Eagle EYRIE ADDITION EXTENDED; THENCE S02°55'13"E, ALONG SAID LINE, AND ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 303.17' TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N87°08'51"E, ALONG THE SOUTH LINE OF SAID LOT 1 AND ITS EXTENSION, A DISTANCE OF 246.14' TO THE SOUTHEAST CORNER OF 4TH STREET RIGHT OF WAY; THENCE SOUTH 02 DEGREES 49 MINUTES 43 SECONDS EAST, A DISTANCE OF 85.68 FEET TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 49°21'57", A RADIUS OF 470.00', AN ARC LENGTH OF 404.95', A CHORD LENGTH OF 392.54', A TANGENT LENGTH OF 216.01', AND A CHORD BEARING OF S72°39'31"W TO A POINT; THENCE S47°58'32"W, A DISTANCE OF 254.85' TO A POINT; THENCE N42°01'28"W, A DISTANCE OF 214.74' TO A POINT; THENCE N10°47'55"W, A DISTANCE OF 73.94' TO A POINT; THENCE N22°43'01"W, A DISTANCE OF 93.49' TO A POINT; THENCE N23°58'57"W, A DISTANCE OF 92.57' TO A POINT; THENCE S54°58'04"W, A DISTANCE OF 158.22' TO A POINT; THENCE S37°07'35"W, A DISTANCE OF 30.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 40°15'34", A RADIUS OF 200.00, AN ARC LENGTH OF 140.53', A CHORD LENGTH OF 137.66', A TANGENT LENGTH OF 73.31', AND A CHORD BEARING OF N73°00'11"W TO A POINT; THENCE S86°52'02"W, A DISTANCE OF 568.14' TO A POINT ON THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE N03°07'58"W, ON THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER, A DISTANCE OF 297.90' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 546,679.65 SQUARE FEET OR 12.55 ACRES, MORE OR LESS.

TRACT B. CHANGE OF ZONING DISTRICT FROM AGRICULTURAL (AG) TO RESIDENTIAL URBAN (RU):

A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER, IN SECTION 29, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE, SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER, ON AN ASSUMED BEARING OF S03°07'58"E, A DISTANCE OF 362.90' TO THE TRUE POINT OF BEGINNING; THENCE N86°52'02"E, A DISTANCE OF 310.00' TO A POINT; THENCE S03°07'58"E, A DISTANCE OF 229.33' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 38°53'29", A RADIUS OF 600.00', AN ARC LENGTH OF 407.27', A CHORD LENGTH OF 399.50', A TANGENT LENGTH OF 211.83', AND A CHORD BEARING OF S22°34'43"E TO A POINT; THENCE S42°01'28"E, A DISTANCE OF 7.72' TO A POINT; THENCE S47°58'32"W, A DISTANCE OF 82.89' TO A POINT; THENCE S52°47'14"W, A DISTANCE OF 49.49' TO A POINT; THENCE S63°42'53"W, A DISTANCE OF 62.86' TO A POINT; THENCE S75°38'58"W, A DISTANCE OF 59.82' TO A POINT; THENCE S84°10'04"W, A DISTANCE OF 27.79' TO A POINT; THENCE S86°52'02"W, A DISTANCE OF 198.12' TO A POINT ON THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE N03°07'58"W, ALONG SAID LINE, A DISTANCE OF 729.48' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 249,114.33 SQUARE FEET OR 5.72 ACRES, MORE OR LESS.

TRACT C: CHANGE OF ZONING DISTRICT FROM AGRICULTURE (AG) TO RESIDENTIAL SUBURBAN (RS):

A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER IN SECTION 29, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE, SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER, ON AN ASSUMED BEARING OF S03°07'58"E, A DISTANCE OF 362.90' TO A POINT; THENCE N86°52'02"E, A DISTANCE OF 310.00' TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, N86°52'02"E ON SAID LINE, A DISTANCE OF 258.14' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 40°15'34", A RADIUS OF 200.00', AN ARC LENGTH OF 140.53', A CHORD LENGTH OF 137.66', A TANGENT LENGTH OF 73.31', AND A CHORD BEARING OF S73°00'11"E TO A POINT; THENCE N37°07'35"E, A DISTANCE OF 30.00' TO A POINT; THENCE N54°58'04"E, A DISTANCE OF 158.22' TO A POINT; THENCE S23°58'57"E, A DISTANCE OF 92.57' TO A POINT; THENCE S22°43'01"E, A DISTANCE OF 93.49' TO A POINT; THENCE S10°47'55"E, A DISTANCE OF 73.94' TO A POINT; THENCE S42°01'28"E, A DISTANCE OF 214.74' TO A POINT; THENCE N47°58'32"E, A DISTANCE OF 254.85' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 06°20'56", A RADIUS OF 470.00', AN ARC LENGTH OF 52.08', A CHORD LENGTH OF 52.05', A TANGENT LENGTH OF 26.07', AND A CHORD BEARING OF N51°09'00"E TO A POINT ON THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE S03°23' 34"E, ALONG SAID EAST LINE, A DISTANCE OF 741.46' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 36°00'45", A RADIUS OF 720.00', AN ARC LENGTH OF 452.55', A CHORD LENGTH OF 445.13', A TANGENT LENGTH OF 234.03', AND A CHORD BEARING OF N21°58'23"W TO A POINT; THENCE S50°01'14"W, A

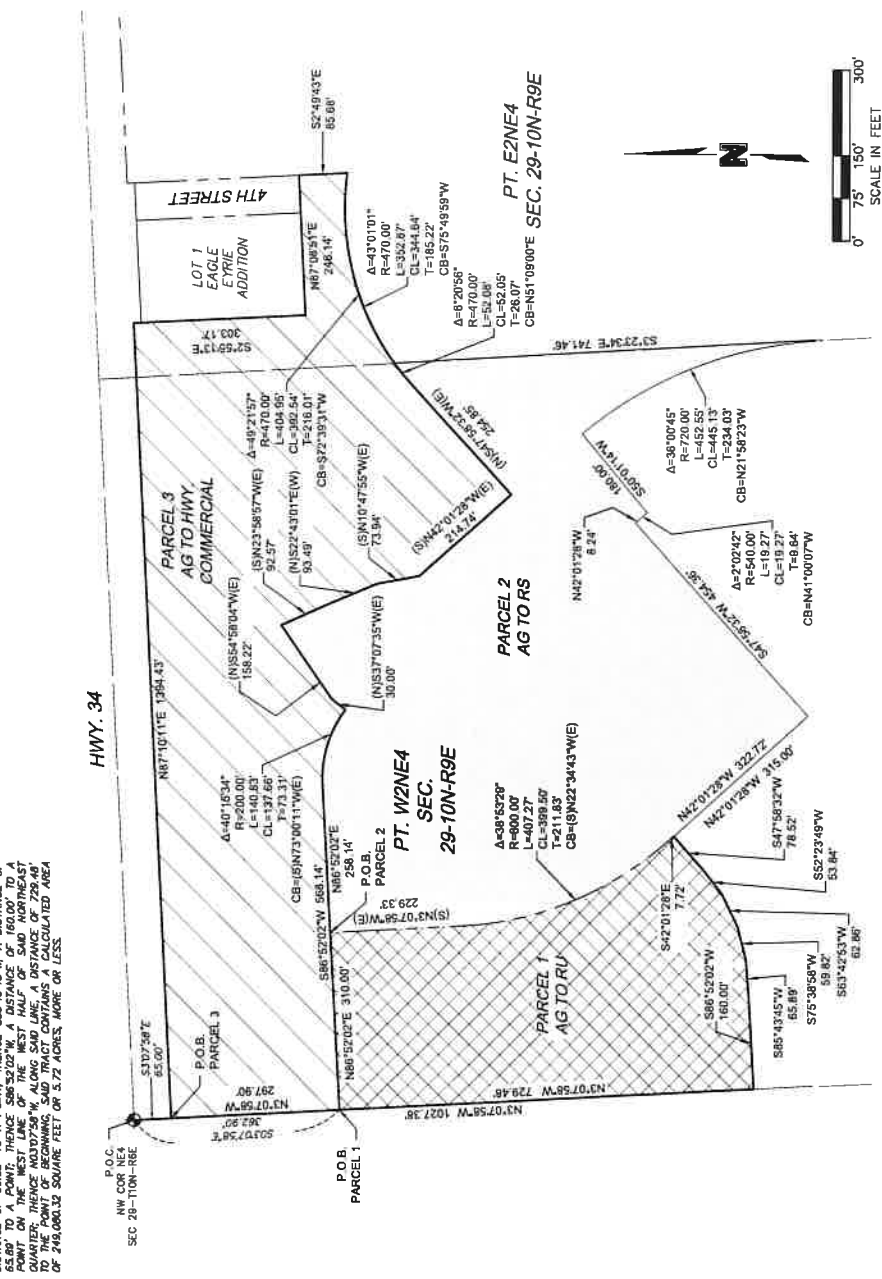
DISTANCE OF 180.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 02°02'42", A RADIUS OF 540.00', AN ARC LENGTH OF 19.27', A CHORD LENGTH OF 19.27', A TANGENT LENGTH OF 9.64', AND A CHORD BEARING OF N41°00'07"W TO A POINT; THENCE N42°01'28"W, A DISTANCE OF 8.24' TO A POINT; THENCE S47°58'32"W, A DISTANCE OF 454.36' TO A POINT; THENCE N42°01'28"W, A DISTANCE OF 322.72' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 38°53'29", A RADIUS OF 600.00', AN ARC LENGTH OF 407.27', A CHORD LENGTH OF 399.50', A TANGENT LENGTH OF 211.83', AND A CHORD BEARING OF N22°34'43"W TO A POINT; THENCE N03°07'58"W, A DISTANCE OF 229.33' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 538,516.78 SQUARE FEET OR 12.36 ACRES, MORE OR LESS.

LEGAL DESCRIPTION:
PARCEL 1
 CHANGE OF ZONE AG TO RS
 A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER IN SECTION 29, TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH MERIDIAN, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHWEST QUARTER, THENCE SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF $S00^{\circ}07'58''E$, A DISTANCE OF $180.00'$, TO A POINT OF BEGINNING, THENCE CONTINUING NORTH-SOUTH ON SAID LINE, A DISTANCE OF $524.14'$ TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF $40^{\circ}15'34''$, A RADIUS OF $600.00'$, AN ARC LENGTH OF $407.27'$, A CHORD BEARING OF $N10^{\circ}17'28''W$, A DISTANCE OF $527.34'$, AND A CHORD BEARING OF $S21^{\circ}01'20''E$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $S42^{\circ}01'20''E$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $S72^{\circ}34'19''W$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $S72^{\circ}34'19''W$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $S42^{\circ}01'20''E$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $S21^{\circ}01'20''E$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $N10^{\circ}17'28''W$, A DISTANCE OF $527.34'$, TO A POINT; THENCE $N10^{\circ}17'28''W$, A DISTANCE OF $180.00'$, TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF $246,086.33$ SQUARE FEET OR 5.62 ACRES, MORE OR LESS.

LEGAL DESCRIPTION:
PARCEL 2
 CHANGE OF ZONE AGRICULTURE TO HIGHWAY COMMERCIAL
 A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER AND A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER, ALL IN SECTION 29, TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH MERIDIAN, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHWEST QUARTER, THENCE SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF $S00^{\circ}07'58''E$, A DISTANCE OF $180.00'$, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 34, AS REFERRED TO IN BOOK 9, PAGE 94, RECORDS OF THE CLERK OF THE DISTRICT COURT FOR THE COUNTY OF NEBRASKA, TO A POINT ON THE WEST LINE OF LOT 1, EAGLE ETRIE, ADDITION EXTENDED; THENCE $S00^{\circ}07'58''E$, ALONG SAID LINE, AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF $538,816.79$ SQUARE FEET OR 12.36 ACRES, MORE OR LESS.

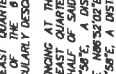
LEGAL DESCRIPTION:
PARCEL 3
 CHANGE OF ZONE AG TO RS
 A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER, IN SECTION 29, TOWNSHIP 29 NORTH, RANGE 9 EAST OF THE 6TH MERIDIAN, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHWEST QUARTER, THENCE SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, ON AN ASSUMED BEARING OF $S00^{\circ}07'58''E$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $N10^{\circ}17'28''W$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $S72^{\circ}34'19''W$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $S72^{\circ}34'19''W$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $S42^{\circ}01'20''E$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $S42^{\circ}01'20''E$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $S21^{\circ}01'20''E$, A DISTANCE OF $310.00'$, TO A POINT; THENCE $N10^{\circ}17'28''W$, A DISTANCE OF $310.00'$, TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF $246,086.33$ SQUARE FEET OR 5.62 ACRES, MORE OR LESS.

LEGAL DESCRIPTION:
PARCEL 1
 AG TO RU
 COMMENCING AT THE POINT OF BEGINNING, THENCE $N3^{\circ}07'58''W$, A DISTANCE OF $1027.38'$, TO A POINT; THENCE $N47^{\circ}01'28''W$, A DISTANCE OF $315.00'$, TO A POINT; THENCE $S47^{\circ}58'32''W$, A DISTANCE OF $315.00'$, TO A POINT; THENCE $S27^{\circ}23'49''W$, A DISTANCE OF $315.00'$, TO A POINT; THENCE $S47^{\circ}58'32''W$, A DISTANCE OF $315.00'$, TO A POINT; THENCE $S27^{\circ}23'49''W$, A DISTANCE OF $315.00'$, TO A POINT; THENCE $N47^{\circ}01'28''W$, A DISTANCE OF $315.00'$, TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF $34,784.49$ SQUARE FEET OR 0.79 ACRES, MORE OR LESS.



PROJECT NO.: 03-14-571
DRAWN BY: AM
DATE: 10/30/2022

SCALE: 1"=60'
DATE: 10/30/2022



CONTACT:
 4151 S. Durbin Street
 Omaha, NE 68106
 (402) 344-4411

CHANGE OF ZONE EXHIBIT

SECTION 29, TOWNSHIP 29 NORTH, RANGE 9 EAST

PT. W2NE4 SEC. 29-10N-R9E

PT. E2NE4 SEC. 29-10N-R9E

ORDINANCE NO. 2022-07

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

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, received a petition for Annexation from Joe Marvin Carr, owner, to annex the following described land into the corporate limits of the Village, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

and,

WHEREAS, the Planning Commission of the Village of Eagle held a public hearing and recommended annexation of the above-described property, and,

WHEREAS, the Board of Trustees conducted a public hearing regarding the annexation of the above-described property, and

WHEREAS, notice has been provided to the Cass County Zoning Administrator, Cass County Rural Water District #2, and School District 145, and

WHEREAS, all public notices provided for Public Hearings, and this Ordinance have been provided by law, and,

WHEREAS, the described real estate is presently within the extraterritorial zoning jurisdiction of the Village of Eagle, Cass County, Nebraska, and,

WHEREAS, the described real estate is contiguous to the Village of Eagle, Nebraska, and is being annexed into the corporate limits of the Village of Eagle, Nebraska, and

WHEREAS, the annexation of the described real estate is in the best interests of the Village of Eagle, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, AS FOLLOWS:

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

Section 2. That the following described real estate be annexed to the Village of Eagle, Nebraska, and included within the corporate limits of the Village of Eagle, Nebraska, said real estate being described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3. That an accurate map or plat of the above described real estate, certified by a duly licensed surveyor, and acknowledged and approved as provided by law, shall at once be filed and recorded in the office of the Cass County Register of Deeds and the office of the Cass County Assessor, together with a certified copy of this Ordinance, declaring such annexation, under the seal of the Village of Eagle, Nebraska.

Section 4. That the inhabitants of, and the described real estate, shall be subject to the ordinances and regulations of the Village of Eagle, Nebraska.

Section 5. That the Chair of the Board of Trustees and the appropriate Department, whether one or more, of the Village of Eagle, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 6. That if any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 7. That all ordinances and parts of ordinances past and approved prior to the passage, approval, publication of this ordinance, and in conflict herewith, are hereby repealed.

Section 8. That this Ordinance shall be published by posting in three (3) public places within the Village of Eagle, Nebraska, within the first fifteen days after its passage and approval and shall be effective the fifteenth day after its passage and approval, provided it has been published, as aforementioned, within the first fifteen days after its passage and approval.

PASSED AND APPROVED this ____ day of _____, 2022.

VILLAGE OF EAGLE, NEBRASKA

BY: _____
John Surman, Chair

ATTEST:

Nick Nystrom, Clerk

EXHIBIT A:

LEGAL DESCRIPTION
ANNEXATION

A TRACT OF LAND COMPOSED OF A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 29, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., CASS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE, SOUTH, ALONG THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER, ON AN ASSUMED BEARING OF SOUTH 03 DEGREES 07 MINUTES 58 SECONDS EAST A DISTANCE OF 65.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 34 AS REFERRED TO IN BOOK 9, PAGE 94, RECORDS OF CASS COUNTY, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 10 MINUTES 11 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1,394.43 FEET TO A POINT ON THE WEST LINE OF LOT 1, EAGLE EYRIE ADDITION EXTENDED; THENCE SOUTH 02 DEGREES 55 MINUTES 13 SECONDS EAST, ALONG SAID LINE, AND ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 303.17 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 87 DEGREES 08 MINUTES 51 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 1 AND ITS EXTENSION, A DISTANCE OF 246.14 FEET TO THE SOUTHEAST CORNER OF 4TH STREET RIGHT OF WAY; THENCE SOUTH 02 DEGREES 49 MINUTES 43 SECONDS EAST, A DISTANCE OF 85.68 FEET TO A POINT OF NON TANGENT CURVATURE, THENCE ALONG A NON TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 470.00 FEET, A DELTA ANGLE OF 43 DEGREES 01 MINUTES 01 SECONDS, AN ARC LENGTH OF 352.87 FEET, A CHORD BEARING OF SOUTH 75 DEGREES 49 MINUTES 59 SECONDS WEST, AND A CHORD DISTANCE OF 344.64 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 03 DEGREES 23 MINUTES 34 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 741.46 FEET TO A POINT ON SAID EAST LINE; THENCE ALONG A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 720.00 FEET, A DELTA ANGLE 36 DEGREES 00 MINUTES 45 SECONDS, AN ARC LENGTH OF 452.55 FEET, A CHORD BEARING OF NORTH 21 DEGREES 58 MINUTES 23 SECONDS WEST, A CHORD DISTANCE OF 445.13 FEET TO A POINT; THENCE SOUTH 50 DEGREES 01 MINUTES 14 SECONDS WEST, A DISTANCE OF 180.00 FEET, TO A POINT, THENCE ALONG A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 540.00 FEET, A DELTA ANGLE OF 02 DEGREES 02 MINUTES 42 SECONDS, AN ARC LENGTH OF 19.27 FEET, A CHORD BEARING OF NORTH 41 DEGREES 00 MINUTES 07 SECONDS WEST AND A CHORD DISTANCE OF 19.27 FEET TO A

POINT; THENCE NORTH 42 DEGREES 01 MINUTES 28 SECONDS WEST, A DISTANCE OF 8.24 FEET TO A POINT; THENCE SOUTH 47 DEGREES 58 MINUTES 32 SECONDS WEST, A DISTANCE OF 454.36 FEET TO A POINT; THENCE NORTH 42 DEGREES 01 MINUTES 28 SECONDS WEST, A DISTANCE OF 315.00 FEET TO A POINT; THENCE SOUTH 47 DEGREES 58 MINUTES 32 SECONDS WEST, A DISTANCE OF 78.52 FEET TO A POINT; THENCE SOUTH 52 DEGREES 23 MINUTES 49 SECONDS WEST, A DISTANCE OF 53.84 FEET TO A POINT; THENCE SOUTH 63 DEGREES 42 MINUTES 53 SECONDS WEST, A DISTANCE OF 62.86 FEET TO A POINT; THENCE SOUTH 75 DEGREES 38 MINUTES 58 SECONDS WEST, A DISTANCE OF 59.82 FEET TO A POINT; THENCE SOUTH 85 DEGREES 43 MINUTES 45 SECONDS WEST, A DISTANCE OF 65.89 FEET TO A POINT; THENCE SOUTH 86 DEGREES 52 MINUTES 02 SECONDS WEST, A DISTANCE OF 160.00 FEET TO A POINT ON THE WEST LINE OF THE WEST HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 03 DEGREES 07 MINUTES 58 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 1,027.38 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 1,334,276.46 SQUARE FEET OR 30.63 ACRES, MORE OR LESS.

SURVEYORS CERTIFICATION:

I, DANIEL A. THOMSON, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT THIS "ANNEXATION PLAT" REPRESENTS A SURVEY PERFORMED ON THE GROUND BY ME OR UNDER MY DIRECT PROFESSIONAL SUPERVISION ON THE DATE HEREON NOTED.

MONUMENTATION WILL BE ESTABLISHED AT THE TIME OF FINAL PLATTING.

DANIEL A. THOMSON

DATE

P.O.C.
NW CORNER
NE QUARTER
SEC. 29-10N-R9E

NE CORNER
WEST HALF NE QUARTER
SEC. 29-10N-R9E

NE CORNER
NE QUARTER
SEC. 29-10N-R9E

APPROVAL OF VILLAGE OF EAGLE:

THIS ANNEXATION PLAT WAS APPROVED BY THE VILLAGE OF EAGLE THIS _____ DAY OF _____

VILLAGE CLERK

CHAIRPERSON

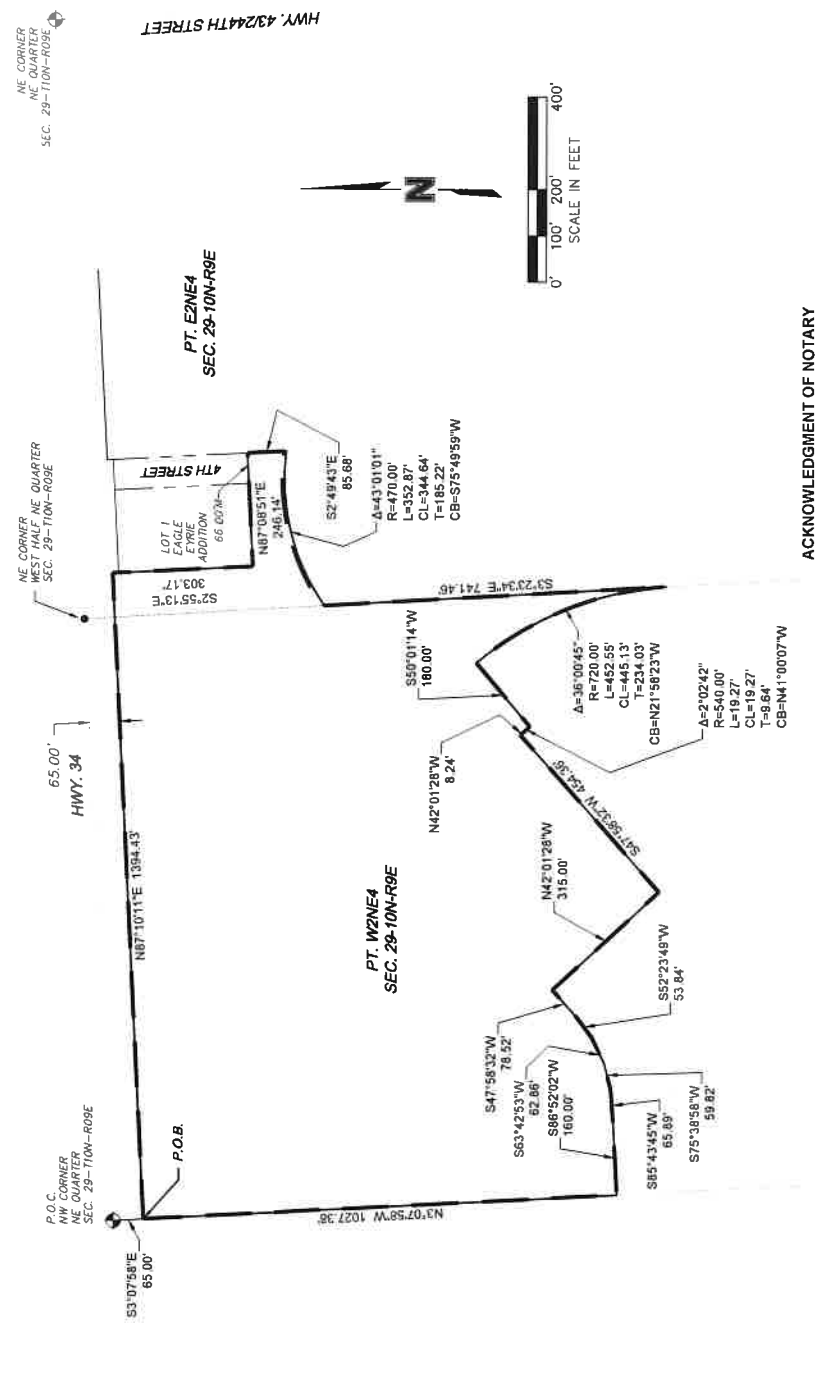
CHIEF BUILDING OFFICIAL

LEGAL DESCRIPTION

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SAID TRACT CONTAINS A CALCULATED AREA OF 1,334,276.46 SQUARE FEET OR 30.63 ACRES, MORE OR LESS.



ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN A FOR SAID COUNTY APPROVED KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE OWNERS CERTIFICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS SAID JOE MARVIN CARR

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED

NOTARY PUBLIC

OWNERS CERTIFICATION:

I, THE UNDERSIGNED, JOE MARVIN CARR, OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREON, DO HEREBY CERTIFY THAT I AM THE OWNER OF SAID REAL ESTATE AND I HEREBY CONVEY, LAY OUT, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THIS ANNEXATION PLAT

JOE MARVIN CARR

PROJECT NO. 021-04671

DRAWN BY: ALB

DATE: 10/20/2022

DATE: OCT 11, 2022 2:30PM

ANNEXATION PLAT (ORDINANCE NO. _____)

NOTARY PUBLIC

SM 1011

2/05/91



401 F Street, Suite 200
Lincoln, NE 68502
Tel: 402.444.1111

Supplement to the Standard Professional Services Master Agreement

Project No.: 122.0160

Work Order: 005

Effective Date: 10/27/2022

Snyder & Associates, Inc. (Consultant) agrees to provide to Village of Eagle, Nebraska (Client) the professional services described below for the Project identified below. The professional services shall be performed in accordance with and shall be subject to the terms and conditions of the "Snyder & Associates, Inc. Standard Professional Services Master Agreement" executed by and between Consultant and Client on the 7th day of December, 2021.

PROJECT NAME: 6th Street Water Main Extension

PROJECT DESCRIPTION:

The Village of Eagle will extend water main from the 6th & G Street intersection south through public right-of-way and/or property owned by the Village. The water main will be bored to cross under Hwy 34 and terminate at the ROW line south of the highway to serve new development. It is assumed that this project shall not be subject to a public letting and will be constructed in conjunction with the Eagle Point development.

SCOPE OF WORK:

Snyder & Associates will complete site survey as needed for design and prepare construction drawings for the Client. An estimate of quantities for construction will be provided.

Snyder & Associates will apply for all necessary permits required for construction of the improvements, including the NDEE Construction Permit and NDOT Application to Occupy Right of Way. Permit fees are the responsibility of the Client.

Construction will be completed by the developer at the time of Eagle Point construction. Snyder & Associates will provide part-time on-site observation for significant construction activities, including pavement removal and replacement, connection to existing utility, and trench excavation, compaction, and backfilling, as required.

Schedule:

The project milestone schedule is as follows:

Milestone	Date
Notice to Proceed	November 2022
Survey	December 2022
Final Design	January 2023
Permitting	February 2023

COMPENSATION:

Task	Fee
Survey	\$4,500
Design	\$6,500
Permitting	\$1,500
Construction Observation	\$4,500
Total Fee (Hourly Not to Exceed)	\$17,000

SPECIAL TERMS AND CONDITIONS:

Additional Services not included in this scope:

- Meetings and/or site visits above those listed in the scope of services.
- Submittal fees to any and all regulatory agencies.
- Publication fees.
- Individual funding applications and coordination.
- Facility condition assessments.
- New inspections of water or sanitary sewer infrastructure.
- Any additional water quality testing required.
- Geotechnical services.
- Construction observation services beyond items listed in the scope of services.
- Client requested major revisions.
- Bat habitat survey.
- Environmental assessments.
- ROW acquisition and/or negotiation services.
- Easement plats.
- Any items not outlined in the scope of services.

Consultant is directed to proceed with the Work as set forth herein upon both parties executing this Work Order.

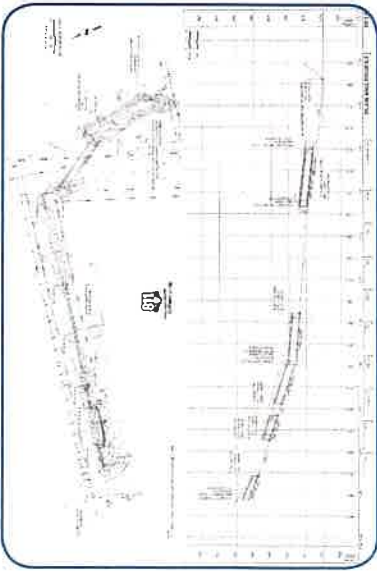
Village of Eagle, Nebraska (Client) SNYDER & ASSOCIATES, INC. (Consultant)
(Type or Print Name above line)

By: _____
(Authorized signature and Title)

By: _____
(Authorized signature and Title)

Date: _____

Date: _____



Design



Construction



Completion

ABOUT THE NRD

The Lower Platte South Natural Resources District is one of 23 districts in the state of Nebraska formed in 1972 for the purpose of managing the state's natural resources, with an emphasis on watershed management. Programs and activities include all areas of natural resource management and development: tree planting, flood protection, wildlife habitat, stream bank stabilization, environmental education, land treatment, water monitoring and many others. The districts are partially funded by property taxes and governed by a board of directors—elected representatives who serve four-year terms. The NRD system is local government working to protect local natural resources. The Lower Platte South NRD includes nearly all of Lancaster and Cass counties and parts of Seward, Saunders, Otoe, and Butler counties.



LOWER PLATTE SOUTH
natural resources district

Lower Platte South NRD • 3125 Portia Street
PO Box 83581 • Lincoln, Nebraska 68501-3581
Phone: (402) 476-2729 • Fax: (402) 476-6454

Contact: Tracy Zayac, Stormwater/Watershed Specialist. The Lower Platte South NRD is an Equal Opportunity Provider and Employer

COMMUNITY ASSISTANCE PROGRAM



LOWER PLATTE SOUTH
natural resources district



www.lpsnrd.org

PURPOSE

The Community Assistance Program (CAP) provides up to 50% cost-share assistance to support communities and homeowners associations as they address natural-resources concerns, such as drainage, stormwater, and streambank erosion.



ELIGIBLE PROJECTS

CAP funds may be used for such projects as improving stormwater or drainage, including studies to identify potential solutions; repairing storm erosion damage to public trails; stabilizing stream channels; etc. Cities and villages, as well as private homeowners associations, may apply for funding. Association projects should be located on lands that serve a public good, e.g., common areas, stormwater detention areas, though the Board may consider exceptions. Cost-share is available for project design and construction phases. Maintenance of completed projects is solely the responsibility of the applicant and is not eligible for cost-share.

PROCESS

1. Contact the NRD to discuss your project.
2. Send a letter requesting funding assistance for your project to the NRD.
3. The District's Urban Subcommittee considers the request and makes a recommendation to the Board of Directors.
4. The Board votes on the cost-share request at a regular Board meeting.
5. The NRD notifies you of the Board's decision, including the funding amount that the NRD has approved.



HOW TO APPLY

Send a letter requesting CAP funding to the NRD office. Be sure to include each of these items:

- Project description, stating both the problem you want to solve and the proposed solution
- A map and, if available, photos of the project area
- Project scope and schedule of costs developed by your engineer or consulting firm
- Total project cost and the amount of funding you are requesting from the NRD
- Expected project timeline

FAQS

Q: Can we use other funding assistance, in addition to our money and the NRD's share?
A: Yes. The NRD will cost-share up to 50% of the portion of the project that you are paying yourself. For example, if you receive a grant that covers 33% of the project cost, and you pay 33%, then the NRD would cost-share the remaining 33% of the total cost.

Q: How do we receive our NRD funds?

A: The NRD will reimburse you, up to the approved cost-share amount, once the project is complete. You will submit a letter requesting reimbursement and documentation of actual costs paid for the project, which we will use to verify the amount we pay to you.

Q: What if our project is delayed?

A: Weather and other circumstances can sometimes delay project completion, so the NRD does not set a deadline for completing a CAP-funded project. NRD staff will check in with you periodically for status updates on your project, so that we can keep our Board informed of CAP project progress.

Q: What if the project ends up costing more than we thought when we applied for CAP cost-share?

A: Notify the NRD as soon as possible of the increased costs, and request an amendment to the approved cost-share for up to 50% of the increase.

Q: I am a private homeowner, and I have a problem with creek bank erosion in my backyard. Can I get CAP assistance?

A: No. The Community Assistance Program is designated for cities, villages, and homeowners association, but the NRD may be able to help you identify other funding solutions for your situation. Contact our office to tell us more about your project.

VILLAGE OF EAGLE

October 17, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on October 17, 2022 with Surman, Meier, Weyers, Caylor and Todd present. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Surman named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. The Pledge of Allegiance was recited.

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

The public hearing was closed at 7:21 p.m.

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

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

The public hearing was closed at 7:33 p.m.

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

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

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

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

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

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

Chairperson Surman read Ordinance 2022-06 entitled:

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THREE TRACTS OF LAND, LOCATED IN SECTION 29, TOWNSHIP 10, RANGE 9, CASS COUNTY, NEBRASKA MORE FULLY DESCRIBED HEREIN -TRACT A - AMENDING FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (HC); TRACT B - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL URBAN (RU), TRACT 3 - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL SUBURBAN (RS); TO PROVIDE FOR SCREENING TO BE PLACED ALONG THE PROPERTY LINE ON HC LOTS ABUTTING RESIDENTIAL LOTS BEFORE HC USE IS ALLOWED, PURSUANT TO THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE OF THE VILLAGE OF EAGLE, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT

THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA.

Motion by Weyers, second by Meier, to accept the first reading of Ordinance 2022-06. Voting: Ayes – 5. Motion carried.

The Village Board acknowledged receipt of a Petition for Annexation signed by Joe Marvin Carr for a tract of land composed of a portion of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

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

Chairperson Surman read Ordinance 2022-07 entitled:

ORDINANCE NO. 2022-07

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

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

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

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

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

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

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

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

Nick Nystrom
Village Clerk

John Surman
Chairperson

VILLAGE OF EAGLE

October 17, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on October 17, 2022 with Surman, Meier, Weyers, Caylor and Todd present. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Surman named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle Municipal Park. The Pledge of Allegiance was recited.

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

The public hearing was closed at 7:21 p.m.

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

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

The public hearing was closed at 7:33 p.m.

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

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

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

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

Discuss/possible action: Approval of a Preliminary Plat located in a portion of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska – Surman noted that a 6' pedestrian easement was added between Lots 4 & 5 located in Block 7 at the request of the Planning Commission. Todd asked to discuss the water main extension under Highway 34 from 6th & G Street as well as the potential to upsize the water mains located within the subdivision from 6" to 8". Freeman-Caddy said the Subdivision Agreement calls for a cost contribution to upsize the water mains located within the subdivision from 6" to 8" because it would benefit the entire Village for expandability in the future; the extension at 6th & G Street would provide for a looped system and proper fire protection. Surman said from his standpoint he does not believe the entire perimeter of the subdivision would need to be upsized to an 8" water main; future planning indicates 4th Street will one day have a 10" water main and this could service any future development to the east of the proposed subdivision; however, he would be receptive to the idea of upsizing to an 8" water main on the west side of the subdivision. Freeman-Caddy said everything found in the Subdivision Agreement can be fine-tuned during the Final Plat process.

Motion by Todd, second by Caylor, to approve the Preliminary Plat located in a portion of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska. Voting: Ayes – 5. Motion carried.

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

Chairperson Surman read Ordinance 2022-06 entitled:

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO THE FOLLOWING-DESCRIBED REAL ESTATE, TO WIT: THREE TRACTS OF LAND, LOCATED IN SECTION 29, TOWNSHIP 10, RANGE 9, CASS COUNTY, NEBRASKA MORE FULLY DESCRIBED HEREIN -TRACT A - AMENDING FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (HC); TRACT B - AMENDING FROM AGRICULTURAL (AG) TO

RESIDENTIAL URBAN (RU), TRACT 3 - AMENDING FROM AGRICULTURAL (AG) TO RESIDENTIAL SUBURBAN (RS); TO PROVIDE FOR SCREENING TO BE PLACED ALONG THE PROPERTY LINE ON HC LOTS ABUTTING RESIDENTIAL LOTS BEFORE HC USE IS ALLOWED, PURSUANT TO THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE OF THE VILLAGE OF EAGLE, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE ZONING ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA.

WHEREAS, Joe Marvin Carr, is the owner of the following described real property: The Northeast Quarter, Except Lot 1, Section 29, Township 10, Range 9, Cass County, Nebraska and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have adopted zoning for the Village of Eagle, Nebraska, said ordinance cited and known as the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of Eagle, Nebraska, does provide for the Official Zoning Map of the Village of Eagle, Nebraska, and,

WHEREAS, said Zoning Ordinance of the Village of Eagle, Nebraska, does provide for various zoning districts within the corporate limits of the Village of Eagle, Nebraska, and its extraterritorial jurisdiction, and,

WHEREAS, the Official Zoning Map of the Village of Eagle, Nebraska, does indicate thereon the location of the various Zoning Districts of the Village of Eagle, Nebraska, and its extraterritorial jurisdiction, pursuant to the Zoning Ordinance of the Village of Eagle, Nebraska, and,

WHEREAS, said Official Zoning Map does indicate that the real estate to be rezoned is presently zoned Agricultural (AG) and,

WHEREAS, Joe Marvin Carr has requested, in writing, that the Chair and Board of Trustees of the Village of Eagle, Nebraska, amend the Official Zoning Map

of the Village of Eagle, Nebraska, to change the zoning on three tracts within the above-described real estate to Highway Commercial; Residential Suburban and Residential Urban; and

WHEREAS, said Village of Eagle Planning Commission, after notice and public hearing, did submit in writing its recommendations as to said zoning changes, and,

WHEREAS, a notice of said change of zoning was posted upon the above described real estate such that it was easily visible from the street nearest said real estate, said notice having been posted at least ten (10) days prior to the date of this hearing, and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, have provided notice and conducted a public hearing regarding said change of zoning and received evidence thereat,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF Eagle, NEBRASKA, AS FOLLOWS:

1. That the findings here and above made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.
2. That the Zoning Districts and the Official Zoning Map of the Village of Eagle, Nebraska, be amended, as to the following-described real estate, to wit:

SEE DESCRIPTIONS ON EXHIBIT A ATTACHED HERETO AND MAP ON EXHIBIT B ATTACHED HERETO

3. The tract to be amended to Highway Commercial (HC) abuts tracts that are to be changed to Residential Urban (RU) and Residential Suburban (RS), Zoning Ordinance 9.05 of the Village of Eagle, Nebraska, requires that there be screening between HC and RS districts as well as between HC and RU Districts. It is therefore required of the owner of property located in the HC district to provide screening as set forth in the Zoning Ordinance prior to any use of the property under the regulations for HC use.
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 including the indication on the Official Zoning Map of the Village of Eagle, Nebraska, as to the described real estate set forth herein.
5. That the Clerk of the Village of Eagle, Nebraska be instructed to file a certified copy of this Ordinance with the Cass County Register of Deeds and that the Cass County Register of Deeds be instructed to index this Ordinance against

the described legal descriptions set forth herein, contiguous to the Village of Eagle, Cass County, Nebraska.

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 Chair and Board of Trustees 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.
7. 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.
8. 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 (3) public places within the Village of Eagle, Nebraska, and shall be effective on the fifteenth (15th) day from and after its passage, approval, and publication as provided herein.
9. That this Ordinance shall not be made a part of the Zoning Ordinance of the Village of Eagle, Nebraska.

Motion by Weyers, second by Meier, to accept the first reading of Ordinance 2022-06.
Voting: Ayes – 5. Motion carried.

The Village Board acknowledged receipt of a Petition for Annexation signed by Joe Marvin Carr for a tract of land composed of a portion of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and a portion of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska. Freeman-Caddy discussed the infrastructure improvements and associated responsibilities found in the Annexation Agreement. Barbara Johnston (Village Engineer) said the recommendation from Snyder & Associates is to extend the water main at 6th & G Street south under Highway 34 to the north property line of the proposed development. The estimated cost of this extension is \$122,000 for an 8" water main. Marcus Hochstein (625 S. 4th St.) inquired about the distance of water main extension. Johnston said the distance is approximately 400'. Freeman-Caddy said the developer would like the Village to have the water main extension completed by June, 2023; public bidding and engineering will take a significant amount of time and there is no guarantee bids will even be received. Freeman-Caddy said another avenue is to have the developer's contractor perform the work and cost-share the project; this method was used most recently during the Casey's General Store project. Freeman-Caddy said this method would not require the same formal bidding process and would potentially save money on construction mobilization costs. Todd asked if this process is something the development team would be interested in. Kalkowski said this is something that would need to be discussed with the contractor to determine if they can meet the time frame requirements. Marshall said he feels that even if the Village needs to go

through the public bidding process the development team can be a little flexible on the proposed project deadline.

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

Chairperson Surman read Ordinance 2022-07 entitled:

ORDINANCE NO. 2022-07

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

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, received a petition for Annexation from Joe Marvin Carr, owner, to annex the following described land into the corporate limits of the Village, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

and,

WHEREAS, the Planning Commission of the Village of Eagle held a public hearing and recommended annexation of the above-described property, and,

WHEREAS, the Board of Trustees conducted a public hearing regarding the annexation of the above-described property, and

WHEREAS, notice has been provided to the Cass County Zoning Administrator, Cass County Rural Water District #2, and School District 145, and

WHEREAS, all public notices provided for Public Hearings, and this Ordinance have been provided by law, and,

WHEREAS, the described real estate is presently within the extraterritorial zoning jurisdiction of the Village of Eagle, Cass County, Nebraska, and,

WHEREAS, the described real estate is contiguous to the Village of Eagle, Nebraska, and is being annexed into the corporate limits of the Village of Eagle, Nebraska, and

WHEREAS, the annexation of the described real estate is in the best interests of the Village of Eagle, Nebraska.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, AS FOLLOWS:

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

Section 2. That the following described real estate be annexed to the Village of Eagle, Nebraska, and included within the corporate limits of the Village of Eagle, Nebraska, said real estate being described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Section 3. That an accurate map or plat of the above described real estate, certified by a duly licensed surveyor, and acknowledged and approved as provided by law, shall at once be filed and recorded in the office of the Cass County Register of Deeds and the office of the Cass County Assessor, together with a certified copy of this Ordinance, declaring such annexation, under the seal of the Village of Eagle, Nebraska.

Section 4. That the inhabitants of, and the described real estate, shall be subject to the ordinances and regulations of the Village of Eagle, Nebraska.

Section 5. That the Chair of the Board of Trustees and the appropriate Department, whether one or more, of the Village of Eagle, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 6. That if any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 7. That all ordinances and parts of ordinances past and approved prior to the passage, approval, publication of this ordinance, and in conflict herewith, are hereby repealed.

Section 8. That this Ordinance shall be published by posting in three (3) public places within the Village of Eagle, Nebraska, within the first fifteen days after its passage and approval and shall be effective the fifteenth day after its passage and approval, provided it has been published, as aforementioned, within the first fifteen days after its passage and approval.

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

Report from Fire & Rescue – Makinsey Lonergan (Rescue Captain) reported 4 rescue calls, 8 fire calls, 5 car accidents, 2 mutual aid responses and 1 hazardous materials call since the September 19, 2022 board meeting. There are some minor scuffs on the north entryway door at the station that need to be touched up with paint. Lonergan said a final meeting was held with Luke Bryan representatives regarding standby service that was provided at last month's concert; a check will be provided to the Village of Eagle for services rendered by Eagle Fire & Rescue. Lonergan said the electronic step on Unit 10 is not working properly and will need to be repaired or replaced. Surman asked what the status is on the old fire truck that is sitting outside the station. Meier said the Rural Fire Board has decided to temporarily keep the fire truck at its current location in the event it is needed for a grass fire while conditions remain extremely dry. Lonergan said Fire Awareness Day with Eagle Elementary went very well and the students enjoyed the event.

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

Open Forum – Todd asked for an update on the vandalism that occurred at the park. Nystrom said the security cameras at the park recorded four teenagers entering the men's restroom with a shelving unit which was later discovered inside the facility damaged and destroyed; there was no physical damage to the facility itself and the maintenance staff cleaned up the debris. Nystrom said he was able to identify a couple of the teenagers and he and Meier spoke to them and their parents about the incident. Todd asked if there is anything that can be done about vehicles parking along Applewood Drive; there is a rental property with several out-of-state vehicles and trailer that congest the area and limit parking for others in the vicinity. Nystrom recommended contacting the Sheriff's office; the time limit for parking of regular motor vehicles along Applewood Drive is 72 hours and the time limit for parking trailers is 12 hours. Todd said there are also issues with this particular household parking a number of vehicles in the driveway which results in blocking the sidewalk.

Surman said that is also a violation of Eagle Municipal Code and should be directed to law enforcement. Meier said there continues to be unlicensed vehicles, a trailer and recreational vehicle parked on the street at 509 South 4th Street as well. Nystrom said he has contacted law enforcement on several occasions about this situation but has yet to receive a response. Surman reminded the Village Board not to "Reply to All" when an email is received from the office; this could inadvertently result in a violation of the Nebraska Open Meetings Act.

Discuss/possible action: Consider snow removal bids for the 2022-2023 winter season – Two proposals were received for snow removal bids for the 2022-2023 winter season from CC Contracting and A&M Recycling. Meier said CC Contracting was awarded the bid last year and the Village Board felt they did a good job. Surman said the contractor will be utilized on an as needed basis to help the maintenance department clear streets. Todd inquired about the protocol to utilize the contractor's service. Meier said the Street Committee will be responsible for communicating the need for the contractor's service with the maintenance department.

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

Discuss/possible action: Approve dumpster as provided by A&M Recycling for scrap metal at no cost to the Village of Eagle – Meier said A&M Recycling is willing to supply a dumpster for scrap metal at no charge in exchange for the material that is dropped off for recycling; the contractor would like the Village to supply a sign indicating the dumpster is for scrap metal only. Meier said he would like the dumpster to be positioned closer to the shop so it is under camera surveillance. Nystrom said the office would not necessarily want the responsibility of monitoring cameras and getting involved with prosecuting individuals who may steal the scrap metal. Caddy said he has concerns with people leaving heavy metal on the ground instead of in the dumpster. Todd said she would support a trial run of this proposal to see how it works out. Caddy said he would not want the dumpster interfering with daily operations and would prefer it be located closer to the existing recycle containers; additionally, he would recommend the dumpster only be available seasonally (April 1-October 1). The Village Board generally agreed to allow for the dumpster seasonally from April 1-October 1. No further action taken.

Discuss/possible action: Approve estimate from JCN Construction, LLC for sidewalk repairs and ADA accessible ramps adjacent to 510 South 5th Street in the amount of \$1,184.00 – Nystrom said the original estimated cost was miscalculated; the new estimate is \$984.00. Surman said the property owner is looking to construct new sidewalks around the perimeter of his property and is asking the Village to cover the cost of the ADA accessible ramps as per standard protocol; his only concern is why the proposal calls for 6" concrete thickness. Meier said he would support the extra thickness so it holds up better if it is run over by vehicles. The Village Board generally agreed.

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

Discussion: Budgeted expenses and fund accounts – Surman discussed the process of annual municipal budgeting; the method of accounting for expenditures is to spend all accounts down to zero, which includes Keno funds. Surman said when a board member requests expenditures from the Keno account, they must be aware the money has already been included in the budget.

Report on Streets and Maintenance – Caddy said the maintenance department cleaned ditches along D Street between 2nd & 3rd Street to allow for proper water flow. The swimming pool has been drained and winterization is underway. Caddy said the park restrooms will be closed for the season on October 26, 2022. The volleyball nets will be taken down and the park sprinklers winterized for the season. Surman asked if Pavers was contacted regarding their availability to crack seal and asphalt streets. Meier said he contacted them once but will follow up again. Caddy said upcoming projects include the installation of snow fence along A Street; equipping trucks with snow blades and spreaders; and having propane and diesel tanks filled.

Report on Wells and Sewer – Caddy said the UV lights were removed at the WWTP at the beginning of the month. Nystrom and the maintenance staff met with Curtis Klabenes last Saturday to discuss Scada and wastewater operations. Caddy said he would like to get a few loads of sludge removed from the WWTP prior to winter. Surman said Nystrom contacted Robert Todd (Midwest Environmental Services) and was informed that he is not available to serve as Eagle's wastewater operator. Meier reported the fire hydrant outside the fire station is leaking.

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

Report from Committees and Boards – Todd said the new park playground equipment is scheduled to be installed this week.

Discuss/possible action: Updates on the available Full-time Maintenance position – Nystrom said there have been no applications received for the position at this time. Meier said he would like the Village Board to consider modifying the advertisement to hiring for a Maintenance Supervisor if this employment search remains unsatisfied for too long. No action taken.

The meeting was adjourned at 9:30 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 17, 2022 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

John Surman
Chairperson