

## VILLAGE OF EAGLE

December 18, 2023

The Village Board of Trustees met in regular session at 7:00 p.m. on December 18, 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 7:01 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, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Martin Pelster was present and introduced himself as the attorney representing MDC Eagle One, LLC. Pelster discussed the changes that have occurred with the proposed development since it was first before the Village Board. Initially, the development was to consist of approximately 100 smaller lots with a higher density; the most recent proposal consists of 27 lots with parcel sizes ranging from 1.5 to 3 acres. Pelster said there will be three traffic lanes at the entrance of the subdivision to serve as a compromise to a second vehicular access point. There will be two concrete trails within the subdivision for MoPac Trail access. The streets will be paved with the exception of Robin Street and Sparrow Street to the north of Eagle Road; these streets will be paved at which time future development to the north occurs. Pelster discussed the plan to construct a water main extension beginning at 5<sup>th</sup> & A Street to service the subdivision. The developer is proposing that the subdivision SID fund the water main extension project; upon construction completion, the Village of Eagle is being asked to contribute \$225,000 towards the total project cost. Pelster said the developer is also proposing that the Village of Eagle agrees to collect water connection fees from future adjacent developers that desire to utilize the new water main extension. These fees would be reimbursed to the SID to offset some of the initial construction costs. The Village of Eagle will own and operate the water system and the SID will be responsible for repairs and maintenance within its boundaries. Pelster said there will be two street lights at the entrance to the subdivision, a street light at the interior intersections and a street light at the curve where Robin Street meets Bluejay Drive. There are four waiver requests that will be discussed at the conclusion of the public hearing, as follows: Waiver No. 1 to allow maximum block lengths greater than 600' without pedestrian easements; Waiver No. 2 to allow for one vehicle access point to the subdivision; Waiver No. 3 to allow all fire hydrants to be located within a 300' radius; and Waiver No. 4 to dismiss the requirement for public sidewalks throughout the subdivision. Todd asked if there were any comments or questions from the public. Josh Rowell asked if parking will be

provided at the trailheads. Pelster said no; these locations will simply serve as trail connectors for pedestrians. Hannah Rowell inquired about the weed management and water retention plans; there was an abundance of noxious weeds and standing water over the summer. Pelster said the developer owns Nebraska Hydro Seeding and once infrastructure is established the property will be properly seeded; he will forward the water retention concerns to the engineering team. Josh Rowell expressed concerns with children walking on the streets with no sidewalks available. Pelster said sidewalks were not deemed appropriate in this instance with acreage lots. Todd said sidewalks are not present in the South Meadows subdivision which also contains acreage lots. Rowell expressed concerns with fire hydrants being located within a 300' radius rather than linearly due to the section containing so much grass; the potential for children accessing the rear of his property; and the future costs for Eagle to expand its water infrastructure. Barbara Johnston (Village Engineer) said it is more typical for radius spacing of fire hydrants in municipalities; she briefly discussed the recent water study that was conducted and said this level of development is not a concern from a water capacity standpoint. Josh Rowell asked if percolation tests have been conducted at each proposed lot for septic systems. Pelster said percolation tests have been done but not on each lot; further testing is not going to be done until after approval of the subdivision. Terry Caddy asked if the booster pump station that will be located within the subdivision will aid in water pressure and fire suppression. Johnston said yes. Hannah Rowell discussed fencing to help keep pedestrians and dogs from entering her adjacent property. There were no further comments or questions from the public.

The public hearing was closed at 7:28 p.m.

Chairperson Todd opened the public hearing at 7:28 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, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. 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 7:30 p.m.

Chairperson Todd said there were four waiver requests submitted by MDC Eagle One, LLC, as part of the proposed Eagle's Landing residential development. The Eagle Planning Commission recommended granting these four waivers at their December 7, 2023 meeting. In order to grant a waiver, the Village Board must determine that three conditions are met; 1) There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider; 2) The waivers are necessary for the reasonable and acceptable development of the property in question; and 3) The granting of the waivers will not be detrimental to the public or injurious to adjacent nearby properties.

Motion by Caylor, second by Hochstein, 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 Caylor, 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 grant Waiver No. 3 to allow all fire hydrants to be located within a 300' radius after determining all three conditions to the waiver request have been met. Voting: Ayes – 5. Motion carried.

Motion by Dobbins, second by Hochstein, to grant Waiver No. 4 to dismiss the requirement for public sidewalks throughout the subdivision after determining all three conditions to the waiver request have been met. Voting: Ayes – Caylor, Hochstein, Dobbins, Todd. Nays – Meier. Motion carried.

Motion by Hochstein, second by Dobbins, to approve the Eagle's Landing Preliminary Plat located in part of Tax Lot 22 and part of Tax Lot 35, all 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, all in the E½ of Section 19, Township 10 North, Range 9 East of the 6<sup>th</sup> P.M., Cass County, Nebraska, contingent upon approval of the Final Plat. Voting: Ayes – 5. Motion carried.

Open Forum – No public comment.

Chairperson Todd read Ordinance 2023-06 entitled:

**ORDINANCE NO. 2023-06**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND SECTION 201, ARTICLE 2, CHAPTER 11 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, BY THE ADOPTION OF NEW ZONING REGULATIONS, BY REFERENCE, FOR THE VILLAGE OF EAGLE, NEBRASKA, AND FOR THAT AREA WITHIN THE EXTRATERRITORIAL JURISDICTION BEYOND THE CORPORATE LIMITS; TO AMEND THE ZONING MAP FOR THE MUNICIPALITY; 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 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 BY REFERENCE, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Dobbins, second by Hochstein, to accept the second reading of Ordinance 2023-06. Voting: Ayes – 5. Motion carried.

Motion by Dobbins, second by Caylor, to grant a March 5, 2024 timeline extension to the property owner of 205 B Street for connection to the public sanitary sewer system and abandonment of the existing septic tank on said property. Voting: Ayes – Meier, Caylor, Dobbins, Todd. Hochstein abstained. Motion carried.

Motion by Meier, second by Hochstein, to approve Kidwell's proposal for additional Verkada security cameras at Eagle Fire & Rescue and the Wastewater Treatment Plant in an amount not to exceed \$20,000. Voting: Ayes – 5. Motion carried.

Motion by Todd, second by Hochstein, to approve the Grant Agreement between the Nebraska Department of Environment and Energy and the Village of Eagle regarding the implementation of the Litter Reduction & Recycling Grant Project Number 2023-133930296. Voting: Ayes – 5. Motion carried.

Motion by Hochstein, second by Caylor, to approve the purchase of four new tires for the 2012 Chevy Silverado from Eagle Automotive in the amount of \$1,115.96. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Dobbins, to authorize all regular full-time employees a paid holiday on December 22, 2023 in observance of the Christmas holiday. Voting: Ayes – Hochstein, Caylor, Dobbins, Meier. Nays – Todd. Motion carried.

Motion by Hochstein, second by Caylor, to approve minutes as typed for the previous meeting. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 8:30 p.m.

Nick Nystrom  
Village Clerk

Terri Todd  
Chairperson