

VILLAGE OF EAGLE  
BOARD OF TRUSTEES AGENDA  
JUNE 20, 2022  
EAGLE FIRE & RESCUE DEPARTMENT – 705 S 1<sup>st</sup> 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. Discuss/possible action: Chairperson to nominate appointee to the Village of Eagle Board of Trustees to fulfill the remainder of a four-year term expiring on December 3, 2024.
  - a. Swear in new member of the Village of Eagle Board of Trustees.
2. Report from Fire & Rescue.
3. Open Forum.
4. Discuss/possible action: Approve closure of 14<sup>th</sup> Street between Olivia Drive and Gage Street on July 3, 2022 from 12:00 p.m. to midnight.
5. Discuss/possible action: Approve closure of F Street between David Lane and Parkview Avenue on July 3, 2022 from 5:00 p.m. to midnight.
6. Discuss/possible action: Approve closure of Applewood Drive between David Lane and Douglas Drive on July 4, 2022 from 12:00 p.m. to midnight.
7. Discuss/possible action: Consider options for drainage way repairs at 400 Parkview Avenue.
8. Discussion: Parking of motor vehicles along 6<sup>th</sup> Street (between B & C Streets) and B Street (between 5<sup>th</sup> & 6<sup>th</sup> Streets).
9. Discuss/possible action: Second reading of Ordinance 2022-05 – Amending Chapter 9, Article 7, Section 9-704 of the Eagle Municipal Code by modifying the application fees for building permits.
10. Discuss/possible action: Consider options for the sale, repair or replacement of the 2004 Ford F-250 Pickup.
11. Report on Streets and Maintenance.
12. Report on Wells and Sewer.
13. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
14. Report from Committees and Boards.

**The Agenda is readily available for inspection at the Village Clerk's Office located at 747 S. 2<sup>nd</sup> Street, Eagle, Nebraska during regular business hours.**

Drainage way








Imagery ©2022 U.S. Geological Survey, Map data ©2022 20 ft



## 400 Parkview Ave

Building

-  Directions
-  Save
-  Nearby
-  Send to phone
-  Share

 400 Parkview Ave, Eagle, NE 68347

### Photos









## ORDINANCE NO. 2022-05

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 9, ARTICLE 7, SECTION 9-704 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO BUILDING PERMIT FEES; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, ARE HEREBY AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Nebraska Revised Statutes provide that a Village of the State of Nebraska may adopt Building Regulations and impose fees, and,

WHEREAS, a modification of the application fees for building permits is in order.

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

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

Section 2. That the Chairman and Board of Trustees of the Village of Eagle, Nebraska, do hereby amend Municipal Code Chapter 9, by amending Section 9-704 as follow:

### **§9-704 BUILDING PERMITS; FEES.**

Before issuing any permit for the building of any new building or for the alteration or remodeling of any building, there shall be charged the owner of

the real estate upon which said alteration, remodeling, moving, relocating, or building is taking place, a permit fee which shall be as follows:

A. Base Rate for all Building Permits:

Construction Cost	Base	for each Thousand
\$500 or Less	\$23.50	\$0
\$501 to \$2000	\$23.50	\$3.05 over \$500
\$2001 to \$25,000	\$69.25	\$14.00 over \$2,000
\$25,001 to \$50,000	\$391.25	\$10.10 over \$25,000
\$50,001 to \$100,000	\$634.75	\$7.00 over \$50,000
\$100,001 to \$500,000	\$993.75	\$5.60 over \$100,000
\$500,001 to \$1,000,000	\$3233.75	\$4.00 over \$500,000
Over \$1,000,000	\$5608.75	\$3.15 over \$1,000,000

The Permit Fee shall be calculated as follows:

The Base Fee for a given Construction Cost plus the scheduled amount for each thousand dollars over the bottom of the range.

For Example:

For a construction cost of \$139,579, the formula would be as follows:

\$993.75 (Base) added to 40 (\$39,579, rounded to \$40,000, divided by 1,000) X \$5.60 (\$224) = \$1,217.75.

B. New Construction Residential, Commercial or Industrial Use Structures: Additional \$500.00 fee per permit application for a new construction primary residential, primary commercial or primary industrial structure.

C. An occupancy permit deposit shall also be made to the Municipal Clerk in the amount of \$250.00 for each Residential Primary Use Structure and \$100.00 for each Accessory Structure. Said deposit shall be returned to the applicant upon the issuance of the final occupancy permit. In the event occupancy occurs prior to the receipt of the permit, the deposit shall become non-refundable and forfeited by the applicant. The applicant may also be subject to other penalties imposed elsewhere in the Municipal Code.

Note:

- ALL CONSTRUCTION COSTS OVER \$2000 SHALL BE ROUNDED UP TO THE NEXT \$1000
- THE CONSTRUCTION COST SHALL INCLUDE: ALL ELECTRICAL, PLUMBING, HVAC, PAVING, AND OTHER WORK RELATED TO THE VALUE OF THE IMPROVEMENT. LOT VALUES SHALL NOT BE INCLUDED AS PART OF THE CONSTRUCTION COST.

D. The Zoning Code Official shall authorize the refunding of fees as follows:



1. The full amount of any fee paid hereunder that was erroneously paid or collected.
  2. Not more than 85% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- E. All building permits as set forth in this Article must be applied for and obtained before construction of any work is begun upon the building or remodeling. If construction or work is begun prior to obtaining the permit, the Municipality shall charge and collect double the amount of the fee, plus any costs related to investigation and legal action.
- F. In the event construction commences without the application and/or payment of the fees set forth above, a warning will be issued by the Building Inspector, and if the warning is not complied with, within the time allowed, all fees shall be increased to double what the fee would have been if applied for prior to construction. This penalty shall be in addition to any other power conferred upon the Building Inspector by the relevant building code or municipal code, or both.

Section 3. That the Chair and Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 4. 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 Chairman and Board of Trustees of the Village of Eagle that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 5. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 6. That this Ordinance shall be published within the first 15 days after its passage and approval either in pamphlet form or by posting in three public places within the Village of Eagle, Nebraska, and shall be effective on the 15<sup>th</sup> day from and after its passage, approval, and publication as provided herein.

Section 7. That the provisions of this Ordinance shall become and be made a part of the Eagle Municipal Code and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

VILLAGE OF EAGLE, NEBRASKA

By: \_\_\_\_\_  
John Surman, Its Chairman

ATTEST:

\_\_\_\_\_  
Nick Nystrom, Its Clerk

(SEAL)

## VILLAGE OF EAGLE

June 7, 2022

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

Open Forum – James Dobbins (745 G St.) thanked Travis Moore for all of the hard work and effort he has put into serving on the Village Board for the last 9.5 years. Surman said serving on the Village Board has advanced to the point where there are enough important topics that it is not practical to wait until the night of the meeting to review the information found in the packets; he encouraged every member of the Village Board to put forth the effort and do the job they were elected to do.

Motion by Moore, second by Meier, to approve the closure of F Street between 3<sup>rd</sup> Street and the nearest alleyway to the east on June 25, 2022 from the conclusion of the Eagle Days parade until Midnight. Voting: Ayes – 3. Motion carried.

Motion by Moore, second by Meier, to award the Parkview Avenue and Wenzel Circle Mill & Overlay Improvements Project bid to Cather & Sons Construction in the total amount of \$84,216.25. Voting: Ayes – 3. Motion carried.

Motion by Moore, second by Surman, to approve Work Order No. 3 with Snyder & Associates for Pre-Application Services for the Eagle Water System in the amount of \$17,500. Voting: Ayes – 3. Motion carried.

Motion by Meier, second by Surman, to introduce Resolution 2022-02. Voting: Ayes – 3. Motion carried.

Chairperson Surman read Resolution 2022-02 entitled:

### **RESOLUTION NO. 2022-02**

WHEREAS, the Governing Body of the Village of Eagle, Nebraska, has enacted a Municipal Code, and,

WHEREAS, Municipal Code §5-603 provides that the Board of Trustees may set aside any street, alley, public way, or portion thereof where the parking of a

particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited, by resolution, and,

WHEREAS, the Village Board of Trustees of the Village of Eagle, Nebraska, as the Village of Eagle's Governing Body, does desire to adopt this resolution providing for no parking permitted by any vehicle in the following locations which are located within the corporate limits of the Village of Eagle, Nebraska, to wit:

Commencing at the intersection of 6<sup>th</sup> Street and C Street, then continuing North on the East and West sides of 6<sup>th</sup> Street to the terminus of 6<sup>th</sup> Street; and,

Commencing at the intersection of 6<sup>th</sup> Street and B Street, then continuing East on the North and South sides of B Street to the intersection of 5<sup>th</sup> Street and B Street; and,

NOW, THEREFORE, BE IT RESOLVED, by the Village 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 Resolution as fully as if set out at length herein.

Section 2. That traffic control devices, to wit: "No Parking" signs, be erected on the East and West sides of 6<sup>th</sup> Street and on the North and South sides of B Street, so that parking areas described above are adequately marked.

Section 3. That upon the approval of this Resolution, the aforementioned traffic control devices shall be erected and this Resolution shall remain in full force and effect until further action by the Governing Body.

Motion by Meier, second by Surman, to adopt Resolution 2022-02. Voting: Ayes – 3. Motion carried.

Motion by Moore, second by Meier, to introduce Ordinance 2022-05. Voting: Ayes – 3. Motion carried.

Chairperson Surman read Ordinance 2022-05 entitled:

#### **ORDINANCE NO. 2022-05**

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 9, ARTICLE 7, SECTION 9-704 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO BUILDING PERMIT FEES; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, ARE HEREBY

AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Moore, second by Meier, to accept the first reading of Ordinance 2022-05.  
Voting: Ayes – 3. Motion carried.

Motion by Moore, second by Meier, to establish a USDA Reserve Account for Eagle Facilities & Grounds Association at Riverstone Bank with an opening deposit of \$9,120. Voting: Ayes – 3. Motion carried.

Motion by Meier, second by Surman, to approve minutes as typed for the previous meeting. Voting: Ayes – 3. Motion carried.

Motion by Moore, second by Meier, to approve claims as presented. Voting: Ayes – 3. Motion carried.

Approved Claims: Wages 14,764.49, Board Wages 900.00, ABC Termite & Pest Control 55.00, All Road Barricades 230.88, Allied Benefit Systems 5,306.34, Amazon Marketplace 515.92, American Exchange Bank 1,125.00, American Fence 6,664.00, Black Hills Energy 283.88, Black, Russ 250.00, BOK Financial 82,568.25, Bound Tree Medical 697.54, Bromm Lindahl Freeman-Caddy & Lausterer 1,286.50, Casey's 812.47, Cass Co Mutual Aid 50.00, Cass Co Sheriff's Dept 3,145.21, Constellation Energy 123.10, Core & Main 4,533.22, Dollar General 91.20, Dunrite Homes 3,620.00, Eagle Automotive 1,576.87, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,713.42, First Wireless 251.20, Frazier Construction 250.00, Frye, Polly 17.52, GBE CPA, PC 7,000.00, Google LLC 120.00, Gordon Electric 106.25, Hamilton Equipment 1,626.88, Hestermann, Rick 1,904.25, Hobby Lobby 49.76, Husker Lock & Key 639.50, Interstate Battery 85.50, John Deere Financial 374.15, John Hancock Investments 312.00, Knee Deep 4,200.00, Kurtenbach, Jerrod 1,810.00, Matheson Tri-Gas 197.99, Menards-South 674.31, Midwest Labs 371.64, NE Dept of Rev 2,149.68, NE Public Health Env Lab 30.00, Norland Pure 26.00, Nystrom, Taira 450.00, One Billing Solutions 99.01, One Call Concepts 26.66, OPPD 4,384.63, Quik Dump Refuse 1,194.40, Quick Med Claims 58.95, Ready Mixed

Concrete 1,030.20, Riley Designs 375.00, Snyder & Associates 9,087.31, Staples 35.91, UNUM 870.10, US Postmaster 290.00, USA Bluebook 694.27, Verizon Wireless 586.44, Voice News 172.53, Windstream 576.27. Total of bills: **\$175,933.60**.

Approved Park Claims: Aqua Chem 4,248.73, Black Hills Energy 38.41, Gordon Electric 824.42, Lincoln Winwater Works 176.51, OPPD 118.01, Riverstone Bank 100.00, Windstream 100.68. Total of bills: **\$5,606.76**.

Motion by Surman, second by Meier, to accept the resignation of Travis Moore as a member of the Village of Eagle Board of Trustee. Voting: Ayes – 3. Motion carried.

The meeting was adjourned at 8:00 p.m.

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Nick Nystrom  
Village Clerk

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John Surman  
Chairperson

## VILLAGE OF EAGLE

June 7, 2022

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

Report from Law Enforcement – Sergeant Sommer reported 3 citations, 6 warnings and 26 calls for service during the month of May. Surman said the individual who has been in trouble in the past for operating a motorized bicycle is now operating a modified lawn mower around town and on the public streets. Nystrom said the office has received complaints about the same individual operating the lawn mower across the park. Surman said he continues to see violations of the off-road vehicle (ATV, UTV, Golf Car) ordinance and asked that law enforcement continues to keep an eye on this matter.

Report from Building & Zoning Administrator – Hestermann reported 2 new building permits, 5 certificates of occupancy and 9 inspections during the month of May. There are 21 total open permits to date. Hestermann said a meeting is scheduled for June 9, 2022 with the Zoning Steering Committee to bring the zoning ordinance to a final draft. Letters for property maintenance code violations found during the Board of Health meeting have been drafted and sent out to property owners.

Open Forum – James Dobbins (745 G St.) thanked Travis Moore for all of the hard work and effort he has put into serving on the Village Board for the last 9.5 years. Surman said serving on the Village Board has advanced to the point where there are enough important topics that it is not practical to wait until the night of the meeting to review the information found in the packets; he encouraged every member of the Village Board to put forth the effort and do the job they were elected to do.

Discuss/possible action: Approve closure of F Street between 3<sup>rd</sup> Street and the nearest alleyway to the east on June 25, 2022 from the conclusion of the Eagle Days parade until Midnight – Surman said his biggest concerns are F Street is a major thoroughfare for first responders to reach the fire station and this is the same date as Eagle Days. Moore said he is inclined to allow the street closure this year and determine next time a request comes in for this date whether or not it worked out sufficiently. Meier said as long as awnings or tents are not set up in the street he doesn't have a problem with the event.

Motion by Moore, second by Meier, to approve the closure of F Street between 3<sup>rd</sup> Street and the nearest alleyway to the east on June 25, 2022 from the conclusion of the Eagle Days parade until Midnight. Voting: Ayes – 3. Motion carried.

Discuss/possible action: Parkview Avenue and Wenzel Circle Mill & Overlay Improvements Project bid opening, recommendation and award – Two bids were received by the Village of Eagle on May 19, 2022 for said project. There was one base bid (Parkview Avenue) and one alternate bid (Wenzel Circle). Pavers Inc.'s bid total was \$76,623.70 (\$46,774.00 Base / \$29,849.70 Alternate) and Cather and Sons Construction's bid total was \$84,216.25 (\$54,816.25 Base / \$29,400.00 Alternate). Surman said although Pavers was the apparent low bidder, their bid was non-responsive as their bid did not meet the specified project completion date. Snyder & Associates recommends the award of the construction contract to the lowest responsive bidder, Cather & Sons Construction, in the total amount of \$84,216.25.

Motion by Moore, second by Meier, to award the Parkview Avenue and Wenzel Circle Mill & Overlay Improvements Project bid to Cather & Sons Construction in the total amount of \$84,216.25. Voting: Ayes – 3. Motion carried.

Discuss/possible action: Approve Work Order No. 3 with Snyder & Associates for Pre-Application Services for the Eagle Water System in the amount of \$17,500 – The Water Wastewater Advisory Committee (WWAC) serves as an advisory panel for municipalities seeking public financing. WWAC member agencies include the Nebraska Department of Environment and Energy (NDEE), USDA Rural Development and Nebraska Department of Economic Development (NeDED). Nebraska state and federal funding agencies adopted a common Preliminary Engineering Report (PER) and pre-application format used to reduce the costs to applicants in developing a project. Funding sources under this pre-application include the NDEE State Revolving Fund (SRF) Loan Program, the USDA RD Water and Waste Disposal Program and NeDED Community Development Block Grants (CDBG). Surman said this is a critical agreement to approve in order to get in the pecking order for available grants and loans for the water system. The agreement with Snyder & Associates will include Pre-Application forms, Facility Plans and Preliminary Engineering Reports. Surman said milestones found in this agreement include a Notice to Proceed (June 8, 2022); Submitting an Engineering Report to NDEE (October, 2022); and WWAC Review Meetings (November, 2022). Moore said it will be important that the Village Board prioritizes funding for water and sewer projects during the budget workshop this summer.

Motion by Moore, second by Surman, to approve Work Order No. 3 with Snyder & Associates for Pre-Application Services for the Eagle Water System in the amount of \$17,500. Voting: Ayes – 3. Motion carried.

Motion by Meier, second by Surman, to introduce Resolution 2022-02. Voting: Ayes – 3. Motion carried.



Chairperson Surman read Resolution 2022-02 entitled:

**RESOLUTION NO. 2022-02**

WHEREAS, the Governing Body of the Village of Eagle, Nebraska, has enacted a Municipal Code, and,

WHEREAS, Municipal Code §5-603 provides that the Board of Trustees may set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited, by resolution, and,

WHEREAS, the Village Board of Trustees of the Village of Eagle, Nebraska, as the Village of Eagle's Governing Body, does desire to adopt this resolution providing for no parking permitted by any vehicle in the following locations which are located within the corporate limits of the Village of Eagle, Nebraska, to wit:

Commencing at the intersection of 6<sup>th</sup> Street and C Street, then continuing North on the East and West sides of 6<sup>th</sup> Street to the terminus of 6<sup>th</sup> Street; and,

Commencing at the intersection of 6<sup>th</sup> Street and B Street, then continuing East on the North and South sides of B Street to the intersection of 5<sup>th</sup> Street and B Street; and,

NOW, THEREFORE, BE IT RESOLVED, by the Village 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 Resolution as fully as if set out at length herein.

Section 2. That traffic control devices, to wit: "No Parking" signs, be erected on the East and West sides of 6<sup>th</sup> Street and on the North and South sides of B Street, so that parking areas described above are adequately marked.

Section 3. That upon the approval of this Resolution, the aforementioned traffic control devices shall be erected and this Resolution shall remain in full force and effect until further action by the Governing Body.

Motion by Meier, second by Surman, to adopt Resolution 2022-02. Voting: Ayes – 3. Motion carried.

Motion by Moore, second by Meier, to introduce Ordinance 2022-05. Voting: Ayes – 3. Motion carried.

Chairperson Surman read Ordinance 2022-05 entitled:

## ORDINANCE NO. 2022-05

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 9, ARTICLE 7, SECTION 9-704 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO BUILDING PERMIT FEES; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, ARE HEREBY AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Nebraska Revised Statutes provide that a Village of the State of Nebraska may adopt Building Regulations and impose fees, and,

WHEREAS, a modification of the application fees for building permits is in order.

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

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

Section 2. That the Chairman and Board of Trustees of the Village of Eagle, Nebraska, do hereby amend Municipal Code Chapter 9, by amending Section 9-704 as follow:

### **§9-704 BUILDING PERMITS; FEES.**

Before issuing any permit for the building of any new building or for the alteration or remodeling of any building, there shall be charged the owner of the

real estate upon which said alteration, remodeling, moving, relocating, or building is taking place, a permit fee which shall be as follows:

A. Base Rate for all Building Permits:

Construction Cost	Base	for each Thousand
\$500 or Less	\$23.50	\$0
\$501 to \$2000	\$23.50	\$3.05 over \$500
\$2001 to \$25,000	\$69.25	\$14.00 over \$2,000
\$25,001 to \$50,000	\$391.25	\$10.10 over \$25,000
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Over \$1,000,000	\$5608.75	\$3.15 over \$1,000,000

The Permit Fee shall be calculated as follows:

The Base Fee for a given Construction Cost plus the scheduled amount for each thousand dollars over the bottom of the range.

For Example:

For a construction cost of \$139,579, the formula would be as follows:

\$993.75 (Base) added to 40 (\$39,579, rounded to \$40,000, divided by 1,000) X \$5.60 (\$224) = \$1,217.75.

B. New Construction Residential, Commercial or Industrial Use Structures:  
Additional \$500.00 fee per permit application for a new construction primary residential, primary commercial or primary industrial structure.

C. An occupancy permit deposit shall also be made to the Municipal Clerk in the amount of \$250.00 for each Residential Primary Use Structure and \$100.00 for each Accessory Structure. Said deposit shall be returned to the applicant upon the issuance of the final occupancy permit. In the event occupancy occurs prior to the receipt of the permit, the deposit shall become non-refundable and forfeited by the applicant. The applicant may also be subject to other penalties imposed elsewhere in the Municipal Code.

Note:

- ALL CONSTRUCTION COSTS OVER \$2000 SHALL BE ROUNDED UP TO THE NEXT \$1000
- THE CONSTRUCTION COST SHALL INCLUDE: ALL ELECTRICAL, PLUMBING, HVAC, PAVING, AND OTHER WORK RELATED TO THE VALUE OF THE IMPROVEMENT. LOT VALUES SHALL NOT BE INCLUDED AS PART OF THE CONSTRUCTION COST.

D. The Zoning Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
  2. Not more than 85% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- E. All building permits as set forth in this Article must be applied for and obtained before construction of any work is begun upon the building or remodeling. If construction or work is begun prior to obtaining the permit, the Municipality shall charge and collect double the amount of the fee, plus any costs related to investigation and legal action.
- F. In the event construction commences without the application and/or payment of the fees set forth above, a warning will be issued by the Building Inspector, and if the warning is not complied with, within the time allowed, all fees shall be increased to double what the fee would have been if applied for prior to construction. This penalty shall be in addition to any other power conferred upon the Building Inspector by the relevant building code or municipal code, or both.

Section 3. That the Chair and Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 4. 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 Chairman and Board of Trustees of the Village of Eagle that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 5. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 6. That this Ordinance shall be published within the first 15 days after its passage and approval either in pamphlet form or by posting in three public places within the Village of Eagle, Nebraska, and shall be effective on the 15<sup>th</sup> day from and after its passage, approval, and publication as provided herein.

Section 7. That the provisions of this Ordinance shall become and be made a part of the Eagle Municipal Code and the sections of this Ordinance may be renumbered to accomplish such intention.

Motion by Moore, second by Meier, to accept the first reading of Ordinance 2022-05. Voting: Ayes – 3. Motion carried.

Discuss/possible action: Establishing a USDA Reserve Account for Eagle Facilities & Grounds Association at Riverstone Bank – Nystrom said it was brought to his attention last month by the USDA that a Reserve Account should have been created on behalf of Eagle Facilities & Grounds Association (EFGA) back in 2017 to assure loan installments were made on time, for emergency maintenance, for extensions to facilities and for the replacement of short-lived assets. Due to severe staffing shortages with USDA, the EFGA account was missed and this requirement was not fulfilled appropriately. Nystrom said at the request of USDA, and as a requirement of EFGA's USDA Rural Development Loan, the Eagle Board of Trustees is responsible for establishing a USDA Reserve Account in one of the following methods: Create a fully funded USDA Reserve Account in the amount of \$18,240 or create a funded-to-date USDA Reserve Account in the amount of \$9,120. If the second option is selected, an additional \$1,824 per year is required to be deposited into the account until it reaches the full funding threshold of \$18,240.

Motion by Moore, second by Meier, to establish a USDA Reserve Account for Eagle Facilities & Grounds Association at Riverstone Bank with an opening deposit of \$9,120. Voting: Ayes – 3. Motion carried.

Discuss/possible action: Update on community recycling program – Surman said he requested this item be on the agenda tonight for discussion as the program has now been in effect for 5 months. Surman said there have been instances of individuals delivering commercial quantities of recyclables, particularly cardboard, from various areas around Eagle, including Lincoln; additionally, the amount of times the recycling containers are being dumped has increased substantially since the program began. Surman said if the amount of recyclables does not increase any further the projected cost for a 12-month period will be approximately \$10,650. Moore asked if a cost-share has been received from Cass County. Nystrom said he sent a request for reimbursement today; the maximum amount Cass County will reimburse in any given year is \$1,400. Moore said he realizes offering this program is an expense but it is also a service being widely used by the community; when this program disbanded the first time, the office was inundated with phone calls from residents wanting to know when recycling would come back. Moore said the alternative would be to offer curb side recycling service to the residents, but the last time this option was explored the Village Board was in disagreement in providing the service; he would just hate to see the service go away due to one or two bad actors. No action taken.

Motion by Meier, second by Surman, to approve minutes as typed for the previous meeting. Voting: Ayes – 3. Motion carried.

Discuss/possible action: Approve claims – Surman inquired as to the remaining principal amount due on the two invoices from BOK Financial. Nystrom said the Series 2021 Bonds (Sanitary Sewer & Streets) have an outstanding principal balance

of approximately \$500,000; the Series 2020 Bonds (F Street between 3<sup>rd</sup> & 4<sup>th</sup> Streets) have an outstanding principal balance of approximately \$115,000. Meier noted that proxy cards were purchased for the Fire & Rescue building. Nystrom said yes; the office only had a couple of proxy cards remaining on hand.

Motion by Moore, second by Meier, to approve claims as presented. Voting: Ayes – 3. Motion carried.

Approved Claims: Wages 14,764.49, Board Wages 900.00, ABC Termite & Pest Control 55.00, All Road Barricades 230.88, Allied Benefit Systems 5,306.34, Amazon Marketplace 515.92, American Exchange Bank 1,125.00, American Fence 6,664.00, Black Hills Energy 283.88, Black, Russ 250.00, BOK Financial 82,568.25, Bound Tree Medical 697.54, Bromm Lindahl Freeman-Caddy & Lausterer 1,286.50, Casey's 812.47, Cass Co Mutual Aid 50.00, Cass Co Sheriff's Dept 3,145.21, Constellation Energy 123.10, Core & Main 4,533.22, Dollar General 91.20, Dunrite Homes 3,620.00, Eagle Automotive 1,576.87, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,713.42, First Wireless 251.20, Frazier Construction 250.00, Frye, Polly 17.52, GBE CPA, PC 7,000.00, Google LLC 120.00, Gordon Electric 106.25, Hamilton Equipment 1,626.88, Hestermann, Rick 1,904.25, Hobby Lobby 49.76, Husker Lock & Key 639.50, Interstate Battery 85.50, John Deere Financial 374.15, John Hancock Investments 312.00, Knee Deep 4,200.00, Kurtenbach, Jerrod 1,810.00, Matheson Tri-Gas 197.99, Menards-South 674.31, Midwest Labs 371.64, NE Dept of Rev 2,149.68, NE Public Health Env Lab 30.00, Norland Pure 26.00, Nystrom, Taira 450.00, One Billing Solutions 99.01, One Call Concepts 26.66, OPPD 4,384.63, Quik Dump Refuse 1,194.40, Quick Med Claims 58.95, Ready Mixed Concrete 1,030.20, Riley Designs 375.00, Snyder & Associates 9,087.31, Staples 35.91, UNUM 870.10, US Postmaster 290.00, USA Bluebook 694.27, Verizon Wireless 586.44, Voice News 172.53, Windstream 576.27. Total of bills: **\$175,933.60**.

Approved Park Claims: Aqua Chem 4,248.73, Black Hills Energy 38.41, Gordon Electric 824.42, Lincoln Winwater Works 176.51, OPPD 118.01, Riverstone Bank 100.00, Windstream 100.68. Total of bills: **\$5,606.76**.

Report from Attorney – Freeman-Caddy said the goal is to have the zoning ordinance final draft reviewed this week with the Zoning Steering Committee. The month of May was otherwise generally quiet with just a handful of inquiries from the Village office on matters that include ordinance reviews, unlicensed vehicles, etc.

Report from Clerk/Treasurer – Nystrom said the Village has recycled 9.82 tons of cardboard and 6.99 tons of mixed recycling since the beginning of the year. The new security camera system is in the process of being installed by Kidwell; some of the key components to the system are still on backorder due to supply chains issues. Nystrom said the total monthly income ending May 31, 2022 was \$238,014.97. Meier said he would still like to see a light at Monument Park that is directed towards the wooden eagle statue. Surman asked if any contact has been made recently with Lisa Riley (Village Accountant) as to whether or not she will be able to resume her role.

Nystrom said it has been a couple of months since he last spoke with Riley but will reach out to her again in the next couple of weeks. Freeman-Caddy asked if the Fiscal Year 2021 Audit has been completed. Nystrom said no; however, the new auditing firm has been in touch with him regularly as they move forward with the process. Surman asked for an update on the check that was written to a vendor several months ago that was stolen from the mail, forged and cashed. Nystrom said the individual was arrested and is facing criminal charges; there is no additional action required by the Village as restitution was received with the assistance of Riverstone Bank.

Discuss/possible action: Accept resignation of Travis Moore as a member of the Village of Eagle Board of Trustees – Surman thanked Moore for the time and devotion he committed to the Village Board over the course of nearly 10 years. Nystrom thanked Moore for his hard work and offered his appreciation for his years of service. Meier thanked Moore and said even though they didn't always see eye-to-eye on everything he enjoyed working alongside him. Moore said he appreciates the kind words and enjoyed his time serving on the Village Board.

Motion by Surman, second by Meier, to accept the resignation of Travis Moore as a member of the Village of Eagle Board of Trustee. Voting: Ayes – 3. Motion carried.

The meeting was adjourned at 8:00 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 June 7, 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

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Nick Nystrom  
Village Clerk

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John Surman  
Chairperson