

VILLAGE OF EAGLE  
BOARD OF TRUSTEES AGENDA  
JULY 5, 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. Report from Law Enforcement.
2. Report from Building & Zoning Administrator.
3. Open Forum.
4. Discuss/possible action: Approve Change Order No. 2 with Cather & Sons Construction for the Parkview Avenue / Wenzel Circle Mill & Overlay Improvements Project in the amount of \$13,862.93.
5. Discuss/possible action: Approve Application for Partial Payment No. 1 with Cather & Sons Construction for the Parkview Avenue / Wenzel Circle Mill & Overlay Improvements Project in the amount of \$97,324.18.
6. Discuss/possible action: Approve the purchase of replacement electrical contacts from Grainger in the amount of \$841.21 for the WWTP grinder.
7. Discuss/possible action: Resolution 2022-04 – Conveyance of personal property (2004 Ford SRW Super Duty F-250 Crew Pickup with Utility Box) by method of independent online auction.
8. Discussion: Review of Fiscal Year 2021 Audit as presented by Gabriel, Burger & Else, CPA, PC (GBE).
9. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
10. Discuss/possible action: Approve claims.
11. Report from Attorney.
12. Report from Clerk/Treasurer.

**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.**

**CHANGE ORDER NO. 2**

OWNER: Village of Eagle

PROJECT: Parkview Ave / Wenzel Circle Mill & Overlay  
Improvements  
S&A PROJECT #: 122.0160.20

To: Cather and Sons Construction  
Contractor  
PO Box 29199  
Address  
Lincoln, NE 68529  
City, State, Zip

You are directed to make the following changes in this contract:

1. **Description of change to be made:**  
Adjust quantities to reflect as-built conditions. Includes additional full depth patching on 4th Street.
2. **Reason for Change:**  
Adjust as-bid to as-built quantities for final payment and project closeout.

3. **Settlement for the cost of making the change shall be as follows:**

Item No.	Item Description	Quantity	Unit	Unit Price	Total Price
4.	Asphalt Concrete Surface Course, Type SLX	5.13	TN	\$155.25	\$796.43
(Alt) 4.	Full Depth Asphalt Patch	174.22	SY	\$75.00	\$13,066.50
<b>TOTAL</b>					<b>\$13,862.93</b>

4. This change order will result in a net change in the contract completion time of 0 days and a net change in the cost of the project of \$13862.93 divided as follows:

	Contract Amount	Contract Completion Date
Approved funds and contract completion date as per (Engineer's Estimate, Contract or last approved C.O.)	\$83,461.25	July 21, 2022
Change due to this C.O. (+ or -)	\$13,862.93	0
Totals including this C.O.:	\$97,324.18	July 21, 2022

The change described herein is understood, and the terms of settlement are hereby agreed to:

Cather and Sons Construction  
CONTRACTOR  
By *Justin England*

DATE: 6-24-22

Snyder & Associates, Inc.  
ENGINEER  
By *Brodyca Johnston*

DATE: 6/22/2022

Village of Eagle  
OWNER  
By \_\_\_\_\_

DATE: \_\_\_\_\_

APPLICATION FOR PARTIAL PAYMENT NO. 1

PROJECT: Parkview Ave / Wenzel Circle Mill & Overlay Improvements

S&A PROJECT NO.: 122.0160.20

OWNER: Village of Eagle
CONTRACTOR: Cather and Sons Construction
ADDRESS: PO Box 29199, Lincoln, NE 68529

DATE:

PAYMENT PERIOD: 6/9/2022 to 6/24/2022

1. CONTRACT SUMMARY:

Original Contract Amount: \$ 84,216.25
Net Change by Change Order: \$ 13,107.93
Contract Amount to Date: \$ 97,324.18

CONTRACT PERIOD: TOTAL WORKING DAYS

Original Contract Date: June 9, 2022
Original Contract Time: 42

2. WORK SUMMARY:

Total Work Performed to Date: \$ 97,324.18
Retainage: 0% \$0.00
Total Earned Less Retainage: \$97,324.18
Less Previous Applications for Payment: \$ -
AMOUNT DUE THIS APPLICATION: \$97,324.18

Added by Change Order: 0
Contract Time to Date: 42
Time Used to Date: 9
Contract Time Remaining: 33

3. CONTRACTOR'S CERTIFICATION:

The undersigned CONTRACTOR certifies that:

(1) all previous progress payments received from OWNER on account of Work done under the contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with the Work covered by prior Applications for Payment; and

(2) title to all materials and equipment incorporated in said Work or otherwise listed in or covered by the application for Payment are free and clear of all liens, claims, security interests, and encumbrances

Cather and Sons
CONTRACTOR

By [Signature] DATE: 6-30-22

4. ENGINEER'S APPROVAL:

Payment of the above AMOUNT DUE THIS APPLICATION is recommended:

Snyder & Associates, Inc.
ENGINEER

By [Signature] DATE: 6/24/2022

5. OWNER'S APPROVAL

OWNER

By \_\_\_\_\_ DATE: \_\_\_\_\_

**6. DETAILED ESTIMATE OF WORK COMPLETED:**

ITEM NO.	DESCRIPTION	CONTRACT ITEMS				COMPLETED WORK	
		PLAN QTY.	UNIT	UNIT COST	COST TOTAL	QTY. TO DATE	COST TOTAL
1.	Mobilization	1	LS	\$ 2,000.00	\$ 2,000.00	1	\$ 2,000.00
2.	Traffic Control	1	LS	\$ 250.00	\$ 250.00	0	-
3.	Asphalt Mill, 2"	2,285	SY	\$ 5.00	\$ 11,425.00	0	-
4.	Asphalt Concrete Surface Course, Type SLX	265	TN	\$ 155.25	\$ 41,141.25	190.13	29,517.68
Alt-1.	Traffic Control	1	LS	\$ 250.00	\$ 250.00	1	250.00
Alt-2.	Asphalt Mill, 2"	1,498	SY	\$ 5.00	\$ 7,490.00	1,498	7,490.00
Alt-3.	Asphalt Concrete Surface Course, Type SLX	174	TN	\$ 115.00	\$ 20,010.00	0	-
Alt-4.	Full Depth Asphalt Patch	22	SY	\$ 75.00	\$ 1,650.00	774.22	58,066.50
TOTAL ORIGINAL CONTRACT =					\$ 84,216.25		\$ 97,324.18
<b>CHANGE ORDER SUMMARY:</b>							
<b>CO #1</b>							
1.	Mobilization	--	LS	\$ 2,000.00	\$ -		
2.	Traffic Control	(1)	LS	\$ 250.00	\$ (250.00)		
3.	Asphalt Mill, 2"	(2285)	SY	\$ 5.00	\$ (11,425.00)		
4.	Asphalt Concrete Surface Course, Type SLX	(80)	TN	\$ 155.25	\$ (12,420.00)		
Alt-1.	Traffic Control	--	LS	\$ 250.00	\$ -		
Alt-2.	Asphalt Mill, 2"	--	SY	\$ 5.00	\$ -		
Alt-3.	Asphalt Concrete Surface Course, Type SLX	(174)	TN	\$ 115.00	\$ (20,010.00)		
Alt-4.	Full Depth Asphalt Patch	578	SY	\$ 75.00	\$ 43,350.00		
TOTAL CHANGE ORDERS =					\$ (755.00)		\$ 83,461.25
<b>CO #2</b>							
1.	Mobilization	--	LS	\$ 2,000.00	\$ -		
2.	Traffic Control	--	LS	\$ 250.00	\$ -		
3.	Asphalt Mill, 2"	--	SY	\$ 5.00	\$ -		
4.	Asphalt Concrete Surface Course, Type SLX	5.13	TN	\$ 155.25	\$ 796.43		
Alt-1.	Traffic Control	--	LS	\$ 250.00	\$ -		
Alt-2.	Asphalt Mill, 2"	--	SY	\$ 5.00	\$ -		
Alt-3.	Asphalt Concrete Surface Course, Type SLX	--	TN	\$ 115.00	\$ -		
Alt-4.	Full Depth Asphalt Patch	174.22	SY	\$ 75.00	\$ 13,066.50		
TOTAL CHANGE ORDERS =					\$ 13,862.93		\$ 97,324.18
TOTAL CONTRACT & CHANGE ORDERS					\$ 97,324.18		\$ 97,324.18



# Quotation

401 S. Wright Rd  
 Janesville, WI 53546  
 www.grainger.com  
 (800)472-4643

**Customer Information**  
 VILLAGE OF EAGLE  
 540 C ST  
 EAGLE NE 68347-8828

**Billing Information**  
 VILLAGE OF EAGLE  
 747 S 2ND ST  
 EAGLE NE 68347-5127

**Shipping Information**  
 VILLAGE OF EAGLE  
 747 S 2ND ST  
 EAGLE NE 68347-5127

**Information**

Grainger Quote Number	2051232160
Validity Start Date	06/21/2022
Validity End Date	07/21/2022
Creation Date	06/21/2022
Grainger EIN Number	36-1150280
PO #	
PO Create Date	
PO Release #	
Customer Number	857385587
Department Number	
Project/Job Number	
Requisitioner Name	
Attention	
Caller	CURTIS KLABENES
Telephone Number	4027812748
Page	1 / 3

**Freight Forwarder**

We will deliver according to the following terms and conditions:

Incoterms® 2020:      FOB ORIGIN  
 Freight Terms:        Prepaid  
 Carrier:                \* See line item detail  
 Payment Terms:       Net 30 days after invoice date

**Special Instructions:**

Item PO-Line	Material	Description	Expected Del Date	Qty	Unit	Price	Total in USD
10	2MNA1	NEMA Magnetic Contactor,27A,480VAC,NEMA1 Mfg Brand Name: SQUARE D Manufacturer Part No: 8502SCO2V06 Carrier:		1.00	EA	492.90	492.90
20	2BZ24	NEMA Overload Relay,19 to 27A,3P Mfg Brand Name: SCHNEIDER ELECTRIC Manufacturer Part No: 9065SEO5		1.00	EA	121.78	121.78



# Quotation

401 S. Wright Rd  
 Janesville, WI 53546  
 www.grainger.com  
 (800)472-4643

**Information**

Grainger Quote Number 2051232160  
 Creation Date 06/21/2022  
 Customer Number 857385587  
 Page 2 / 3

Item PO-Line	Material	Description	Expected Del Date	Qty	Unit	Price	Total in USD
		Carrier:					
30	242Y74	Contact,2N/O 2N/C Top Mnt Aux Contact Mfg Brand Name: EATON CUTLER HAMMER Manufacturer Part No: C320KGT15 Carrier:		1.00	EA	149.91	149.91
40	6VMP3	Auxiliary Contacts,1NO-1NC,Size00-2 Mfg Brand Name: EATON Manufacturer Part No: C320KGS3 Carrier:		1.00	EA	76.62	76.62
<del>50</del>	<del>8C759</del>	<del>Time Delay Relay,24 to 48VAC/12 to 48VDC Mfg Brand Name: OMRON Manufacturer Part No: H3CR-A8AC24-48DC12-48 Carrier:</del>		<del>1.00</del>	<del>EA</del>	<del>76.04</del>	<del>76.04</del>
<del>60</del>	<del>2A180</del>	<del>Time Delay Relay,100 to 240VAC,5A,DPDT Mfg Brand Name: OMRON Manufacturer Part No: H3CR-A8AC100-240/DC100 Carrier:</del>		<del>1.00</del>	<del>EA</del>	<del>76.04</del>	<del>76.04</del>
<del>70</del>	<del>6CVD1</del>	<del>Time Delay Relay,12 to 240VAC/DC,12A,DPDT Mfg Brand Name: SCHNEIDER ELECTRIC Manufacturer Part No: TORPBO-5102 Carrier:</del>		<del>1.00</del>	<del>EA</del>	<del>84.75</del>	<del>84.75</del>
<b>Sub Total</b>							<del>1,078.04</del>
<b>Total USD</b>							<del>\$ 1,078.04</del>
							<b>\$ 841.21</b>

## RESOLUTION NO. 2022-04

WHEREAS, the Village of Eagle, Cass County, Nebraska, is the owner of the following personal property, to wit:

2004 Ford SRW Super Duty F-250 Crew Pickup with Utility Box.

WHEREAS, the Village of Eagle does not have a present need to retain ownership of said item of personal property and pursuant to Neb. Rev. Stat. §17-503.02, shall offer and direct the sale of the personal property to be removed from the site by the terms set forth herein,

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

1. That the findings set forth above shall be incorporated herein.
2. The method and terms of sale shall be:
  - A. Sale through independent online auction service to be sold online.
  - B. Date of sale and name and online address of auction service, after established with auction service, shall be posted in three places in Village; posted on the Village Website and published in the legal newspaper one time at least 7 days before sale.
  - C. The light bar and Village of Eagle Insignia shall be removed prior to transfer of Pickup to buyer.
  - D. The Village Clerk and Village Board Chair shall have authority to facilitate this transaction and the Village Board Chair sign any documents required to engage the services of the online auction service and to transfer ownership documents upon final sale.

BE IT FURTHER RESOLVED that the Clerk of the Village of Eagle Nebraska, shall publish notice of the proposed sale of the above described items of personal property, and the terms thereof, by the posting of a notice of said sale in three prominent places within the Village of Eagle, Nebraska, for a period of not less than seven (7) days prior to the sale of said items of personal property, after the passage of this Resolution. Notice of the proposed sale shall also be posted on the Village of Eagle website and published one time in the legal newspaper of the Village at least seven days prior to sale.

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 20, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on June 20, 2022 with Surman, Meier, Weyers and Caylor 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 nominated Terri Todd as an appointee to the Village of Eagle Board of Trustees to fulfill the remainder of a four-year term vacated by Travis Moore expiring on December 3, 2024. Voting: Ayes – 4.

Terri Todd was sworn in as a new member of the Village of Eagle Board of Trustees.

Open Forum – Marcus Hochstein (625 S. 4<sup>th</sup> St.) asked if the emergency sirens were supposed to sound last week when there was a Tornado Warning in Cass County. Weyers said no; the warning polygon went around Eagle and Elmwood and up to the north; the goal is not to set off the emergency sirens unless Eagle is in the direct path of the storm to prevent complaints from the public.

Motion by Meier, second by Caylor, to approve the closure of 14<sup>th</sup> Street between Olivia Drive and Gage Street on July 3, 2022 from 12:00 p.m. to midnight. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Caylor, to approve the closure of F Street between David Lane and Parkview Avenue on July 3, 2022 from 5:00 p.m. to midnight. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to approve the closure of Applewood Drive between David Lane and Douglas Drive on July 4, 2022 from 12:00 p.m. to midnight. Voting: Ayes – 5. 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 Meier, second by Caylor, to accept the second reading of Ordinance 2022-05. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2022-05. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to adopt Ordinance 2022-05. Voting: Ayes – 5. Motion carried.

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

Motion by Weyers, second by Caylor, to approve the Parkview Avenue/Wenzel Circle Mill & Overlay Improvements Project Change Order No. 1 with Cather & Sons Construction in the amount of \$83,461.25. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 7:51 p.m.

---

Nick Nystrom  
Village Clerk

---

John Surman  
Chairperson

## VILLAGE OF EAGLE

June 20, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on June 20, 2022 with Surman, Meier, Weyers and Caylor 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 nominated Terri Todd as an appointee to the Village of Eagle Board of Trustees to fulfill the remainder of a four-year term vacated by Travis Moore expiring on December 3, 2024. Voting: Ayes – 4.

Terri Todd was sworn in as a new member of the Village of Eagle Board of Trustees.

Report from Fire & Rescue – Makinsey Lonergan (Rescue Captain) reported 8 rescue calls, 6 fire calls, 2 car accidents and 2 mutual aid calls since the May 16, 2022 board meeting.

Open Forum – Marcus Hochstein (625 S. 4<sup>th</sup> St.) asked if the emergency sirens were supposed to sound last week when there was a Tornado Warning in Cass County. Weyers said no; the warning polygon went around Eagle and Elmwood and up to the north; the goal is not to set off the emergency sirens unless Eagle is in the direct path of the storm to prevent complaints from the public.

Motion by Meier, second by Caylor, to approve the closure of 14<sup>th</sup> Street between Olivia Drive and Gage Street on July 3, 2022 from 12:00 p.m. to midnight. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Caylor, to approve the closure of F Street between David Lane and Parkview Avenue on July 3, 2022 from 5:00 p.m. to midnight. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to approve the closure of Applewood Drive between David Lane and Douglas Drive on July 4, 2022 from 12:00 p.m. to midnight. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider options for drainage way repairs at 400 Parkview Avenue – The Village Board was provided with photos of the concrete drainage way that extends across 400 Parkview Avenue and moves storm water in the direction of the park to the east. Surman said you will note from the photos that some of the

flume sections of concrete are no longer in their proper place. Caylor asked if this situation occurred due to age and erosion or if it was the result of tree removal in the area. Surman said primarily erosion as this situation has existed for a number of years already; the adjacent property owner has frequently complained and asked for the Village Board to consider options for replacement; additionally, the property owner's sump pump pushes water down the drainage way which is another reason for the standing water. Weyers asked what options are available. Surman said he asked Klabenes to look into the cost of installing a culvert but there is no money for this project in the current budget; if the Village Board desires to move forward next fiscal year, now is the time to request money is put into the budget for the work. Klabenes said by the time you consider the culvert, with associated angles and flume, along with the dirt work, a rough estimate is \$10,000 to complete the project. The Village Board generally agreed to direct Nystrom to include money in next fiscal year's budget for replacement of the drainage way at 400 Parkview Avenue. There was no formal action taken.

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) – Surman said at the last meeting, Resolution 2022-03 was approved unanimously, which prohibited the parking of vehicles on both sides of the street in these two locations. Nystrom said he received a couple of complaints from residents that live in the neighborhood that they would prefer the streets prohibit parking on only one side of the driving surface; the primary complaints were from tenants that live in the new duplex unit who cited their lack of adequate off-street parking areas when they only have a single driveway. Caylor said she inspected the area and feels from an emergency vehicle perspective the streets are too narrow to accommodate parking. Meier said he spoke with the property owner of the duplex who preferred leaving the parking prohibition on both sides of 6<sup>th</sup> Street; the owner is also considering additional off-street parking areas on her property to alleviate tenant parking concerns. Surman said parking is still allowed on C Street which is just south of the duplex as well. The Village Board generally agreed to let Resolution 2022-03 stand and prohibit parking on both sides of 6<sup>th</sup> Street (between B & C Streets) and B Street (between 5<sup>th</sup> & 6<sup>th</sup> Streets). The maintenance department was directed to move forward with installing proper signage indicating the same.

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
\$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.

Motion by Meier, second by Caylor, to accept the second reading of Ordinance 2022-05. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2022-05. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to adopt Ordinance 2022-05. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider options for the sale, repair or replacement of the 2004 Ford F-250 Pickup – Meier said this vehicle is not being used, is worn out, and there is no longer a reason to keep it around. Surman said since a replacement vehicle was not in this year's budget he would entertain options for sale or repair. Meier said he feels the vehicle is not feasible to repair and should be sold. The

Village Board generally agreed. Nystrom was directed to draft a resolution of sale to be considered at the next meeting on July 5, 2022. No further action taken.

Report on Streets and Maintenance – Klabenes said the booster pump was installed at the pool to allow water to flow for the slide; an issue does exist when it rains where water fills up the pit; a drainage way will be installed for water to flow down the side of the hill. Meier said some of the empty lots along Gage Street are allowing mud and debris to run into the street; he would like the office to notify the Building & Zoning Administrator of this issue so it can be discussed with the property owners.

Report on Wells and Sewer – Surman asked if the amount of water being pumped at the wells has approached the maximum limit to trigger the beginning of a drought stage. Klabenes said no. The South Meadows lift station generator batteries were replaced. Klabenes said the grinder at the WWTP stopped working and he is in the process of diagnosing the issue. Surman asked if the grinder is still under warranty. Klabenes said he is confident that it is still under warranty; however, he feels this is likely an electrical issue.

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

Report from Committees and Boards – Surman said Todd, as the newest member of the Village Board, will occupy the seat left behind by Moore on the various internal committees he was originally appointed to for the year. Surman said he would like the Park Board to begin considering by the mid-July meeting the date in which the pool will close for the season. Weyers inquired as to the attendance at the pool this year. Meier said it has been busy every time he has stopped by for visits. Weyers said she was only curious because every time she has driven by the pool it looks like there are only a few people swimming. Nystrom said he was tasked with contacting the Village Accountant (Lisa Riley) at the last meeting to determine whether or not she is willing and able to continue with assisting the Village with budget preparation services this year; he had a phone conversation with Riley who agreed to continue offering her services. Meier said the pool employees would like the Village to consider purchasing them a cash register. Nystrom said a cash register was purchased in the past with negative results; someone broke into the pool office and smashed the register assuming cash was present even though it was not; alternatively, the pool employees have been asked to deliver the cash to the Village Office on a nightly basis which has been more secure and successful. Surman asked if there are any updates on having the tennis court repaired while it is still under warranty. Nystrom said he spoke with the contractor a couple of weeks ago who indicated he still has plans to make it to Eagle this season but is currently backlogged due to the significant amount of rain his service area received earlier this summer.

Discuss/possible action: Consider Parkview Avenue / Wenzel Circle Mill & Overlay Improvements Project Change Order(s) – Surman said Cather & Sons Construction has identified that asphalt on Wenzel Circle is in worse condition than what was



anticipated and is crumbling with milling operations. The most deteriorated areas have been identified for full-depth patches with improved subgrade and base. Surman said due to the significant increase in cost to properly repair Wenzel Circle, the mill and overlay work on Parkview Avenue is to be removed from consideration during this project. The original contract amount for both sections of street was \$84,216.25; however, the Wenzel Circle project alone has now increased to a total of \$83,461.25. Surman said in addition to Wenzel Circle, there may be additional asphalt repairs necessary on North 4<sup>th</sup> Street which provides access to the work site.

Motion by Weyers, second by Caylor, to approve the Parkview Avenue/Wenzel Circle Mill & Overlay Improvements Project Change Order No. 1 with Cather & Sons Construction in the amount of \$83,461.25. Voting: Ayes – 5. Motion carried.

The meeting was adjourned at 7:51 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 20, 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