

VILLAGE OF EAGLE  
BOARD OF TRUSTEES AGENDA  
JANUARY 4, 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: Consider creation of Municipal Ordinance pertaining to Mobile Food Vendors.
5. Discuss/possible action: Appropriate funds from 2022 Highway Allocation dollars into the Street and Sidewalk Repairs Savings Account.
6. Discuss/possible action: Approve purchase of Nuke Lift Station Degreaser from Mid-American Research Chemical.
7. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
8. Discuss/possible action: Approve claims.
9. Report from Attorney.
10. Report from Clerk/Treasurer.
11. Discuss/possible action: Hiring for the Full-time Maintenance position.

**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.**



**MID-AMERICAN RESEARCH CHEMICAL CORP.**  
 P. O. Box 927 . COLUMBUS, NE 68602-0927  
 402-564-7104 . 800-228-8508 . FAX 402-563-1290  
 e-mail: marc1@marc1.com

THIS IS NOT AN INVOICE  
**Order No. 3510002**  
 ORIGINAL ORDER

Date: April 30, 20 27  
 , 20

*Would like to purchase  
9*

**SHIP NOW**  
 **FUTURE DATE:**

SALES REPRESENTATIVE: <b>Rick Micek</b>		CUSTOMER P. O. NO. _____	
SHIP TO NAME: <b>Village of Eagle</b>		BILL TO NAME: _____	
CARE OF SHIPPING ADDRESS: <b>747 S 2nd Street</b>		BILLING ADDRESS _____	
P.O. Box 130	BUYER <b>Kurt</b>	MARC CUST. ACCOUNT NO: <b>00-3404211</b>	
CITY <b>Eagle</b>	STATE/ZIP CODE <b>NE, 68347</b>	CITY _____	STATE/ZIP CODE _____

COUNTY: Cass  NEW ACCOUNT **FOB:**  DESTINATION **TERMS: NET 30 DAYS**  
 PHONE #: \_\_\_\_\_  OLD ACCOUNT  COLUMBUS, NE  
 FAX #: \_\_\_\_\_ **TAXABLE?**  YES  NO - TAX EXEMPTION NO.: **05-8440123**

**SHIPPING AND INVOICING INSTRUCTIONS: This is just a quote not an order.**

MARC #	PRODUCT DESCRIPTION	UNIT	PACKAGING	QUANTITY	UNIT PRICE	EXTENSION
1 <b>M266</b>	<b>Nuke Lift Station Degreaser</b>	<b>PL05</b>	<b>PL05</b>	<b>3</b>	<b>\$342 50</b>	<b>\$1027 50</b>
2						
3						
4	The price is going to be \$398.50 per pail on Jan 10t					
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

Phone in from  CUSTOMER  SALES REP. TAKEN BY: \_\_\_\_\_

**CUSTOMER SIGNATURE**

Sign Here **X** \_\_\_\_\_

<b>EQUIPMENT TOTAL</b>	<b>\$0 00</b>
<b>PRODUCT TOTAL</b>	<b>\$1027 50</b>
<b>ORDER TOTAL \$</b>	<b>\$1027 50</b>

ABSOLUTELY NO MERCHANDISE CAN BE RETURNED FOR CREDIT WITHOUT WRITTEN CONSENT FROM THE COLUMBUS, NEBRASKA OFFICE.

This account is payable in Columbus, Nebraska. Payments must be made directly to MARC. Pay no money to agents. This is not an invoice.

All orders are subject to acceptance or rejection by an authorized agent of MARC at its office in Columbus, Nebraska. By accepting orders for settlement in full at a later date, MARC establishes a personal guarantee with acting officers, partners, owners, or agents as of original order date. All claims for errors or adjustments of any kind must be made within 5 days after receipt of goods.

References: (1) \_\_\_\_\_ (2) \_\_\_\_\_

## **VILLAGE OF EAGLE**

**December 20, 2021**

The Village Board of Trustees met in regular session at 7:00 p.m. on December 20, 2021 with Surman, Meier, Moore, 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.

Open Forum – No public comment.

Motion by Moore, second by Caylor, to approve the 2022 Annual Investment with Cass County Nebraska Economic Development Council in the amount of \$2,000. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Caylor, to introduce Resolution 2021-12. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Resolution 2021-12 entitled:

### **RESOLUTION 2021-12**

WHEREAS, Neb. Rev. Stat. §17-313 (Cum. Supp. 2020) provides that the registered voters of a village may vote to discontinue organization as a village and organize as a city of the second class under this section if the population of the village exceeds eight hundred inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United State Bureau of the Census; and the prior vote pursuant to Neb. Rev. Stat. § 17-312 (Cum. Supp. 2020) was in favor of retaining the village form of government, and

WHEREAS, on October 13, 1981, the issue was submitted to the voters whether the Village of Eagle shall retain the village form of government, in spite of the Village containing a population in excess of eight hundred persons, with the result being that the votes in favor of retaining the village form of government exceeded those against; and

WHEREAS, the most recent federal decennial census count for the Village of Eagle for the year 2020 determined that there were one thousand sixty-five (1,065) inhabitants of the Village of Eagle, and

WHEREAS, upon ascertaining that the conditions set forth above are satisfied, the issue may be placed before the voters by a resolution adopted by the board of trustees of such village; and

WHEREAS, the Eagle Board of Trustees has determined that the conditions set forth above have been met and the question of whether to discontinue the village form of government may now be submitted to the qualified electors of the Village of Eagle.

NOW, THEREFORE, BE IT RESOLVED BY THE 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 the following question be submitted to the qualified electors of the Village for their approval or rejection in the following proposition, to-wit:

**“Whether the Village of Eagle, Cass County, Nebraska shall be reorganized as a city of the second class:**

\_\_\_\_\_ **For reorganization of the Village of Eagle as a city of the second class.**

\_\_\_\_\_ **Against reorganization of the Village of Eagle as a city of the second class.”**

Section 3. That the question shall be submitted to the qualified electors of the Village of Eagle at the same time as the statewide primary election on May 10, 2022.

Section 4. If a majority of votes are cast in favor of the question, then the Board of Trustees certifies the fact to the Nebraska Secretary of State at which point the Secretary shall, by proclamation, declare the village to have become a city of the second class.

Section 5. The Village Clerk is hereby instructed to certify a copy of this resolution containing the proposition to the Election Commissioner of Cass County and the Election Commissioner is requested to submit the proposition *at the time set for such election.*

Section 6. The Election Commissioner shall prepare the ballots and issue early voters' ballots and appoint and supervise the election officials conducting such election as provided by law. The election returns shall be made to the Election Commissioner. The municipal ballots, including early voters' ballots, shall be counted and canvassed as provided by law. Upon completion of the canvass of the vote by the county canvassing board the Election Commissioner shall certify the election results to the governing body of the Village.

Section 7. The Village Clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election.

Motion by Moore, second by Weyers, to adopt Resolution 2021-12. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Caylor, to approve Christiansen Tree Service's proposals to remove the pear tree at F Street & Parkview Avenue in the amount of \$530.00 and to remove brush piles along the streets in an amount not to exceed \$1,560.00.

Motion by Moore, second by Caylor, to approve CC Contracting's proposal for as needed, contracted snow removal during the 2021-2022 winter season. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Weyers, to approve the Low-Income Household Water Assistance Program (LIHWAP) Vendor Agreement between the State of Nebraska, Department of Health and Human Services and the Village of Eagle. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Meier, to approve Curtis Klabenes attending a Wastewater Training Continuing Education Course in Wahoo on January 26, 2022. Voting: Ayes – 5. Motion carried.

Travis Moore left the meeting at 7:59 p.m.

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

The meeting was adjourned at 8:18 p.m.

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Nick Nystrom  
Village Clerk

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John Surman  
Chairperson

## VILLAGE OF EAGLE

December 20, 2021

The Village Board of Trustees met in regular session at 7:00 p.m. on December 20, 2021 with Surman, Meier, Moore, 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.

Report from Fire & Rescue – Hank Oetjen (Fire Chief) reported 14 rescue calls, 6 fire calls, 2 hazmat calls and 1 car accident since the November 18, 2021 board meeting. Oetjen thanked the Village Board for having the carpet steam cleaned in the meeting/training room. Eagle Fire & Rescue was informed they are eligible for additional AFG Grant funding which they hope to take advantage of. Oetjen said for this round of funding the department will apply for handheld radios, bay station radios and pagers.

Open Forum – No public comment.

Motion by Moore, second by Caylor, to approve the 2022 Annual Investment with Cass County Nebraska Economic Development Council in the amount of \$2,000. Voting: Ayes – 5. Motion carried.

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WHEREAS, on October 13, 1981, the issue was submitted to the voters whether the Village of Eagle shall retain the village form of government, in spite of the Village containing a population in excess of eight hundred persons, with the result being that

the votes in favor of retaining the village form of government exceeded those against; and

WHEREAS, the most recent federal decennial census count for the Village of Eagle for the year 2020 determined that there were one thousand sixty-five (1,065) inhabitants of the Village of Eagle, and

WHEREAS, upon ascertaining that the conditions set forth above are satisfied, the issue may be placed before the voters by a resolution adopted by the board of trustees of such village; and

WHEREAS, the Eagle Board of Trustees has determined that the conditions set forth above have been met and the question of whether to discontinue the village form of government may now be submitted to the qualified electors of the Village of Eagle.

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Section 3. That the question shall be submitted to the qualified electors of the Village of Eagle at the same time as the statewide primary election on May 10, 2022.

Section 4. If a majority of votes are cast in favor of the question, then the Board of Trustees certifies the fact to the Nebraska Secretary of State at which point the Secretary shall, by proclamation, declare the village to have become a city of the second class.

Section 5. The Village Clerk is hereby instructed to certify a copy of this resolution containing the proposition to the Election Commissioner of Cass County and the Election Commissioner is requested to submit the proposition *at the time set for such election.*

Section 6. The Election Commissioner shall prepare the ballots and issue early voters' ballots and appoint and supervise the election officials conducting such election as provided by law. The election returns shall be made to the Election Commissioner. The municipal ballots, including early voters' ballots, shall be counted and canvassed as provided by law. Upon completion of the canvass of the vote by the county canvassing board the Election Commissioner shall certify the election results to the governing body of the Village.

Section 7. The Village Clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election.

Discussion: Marcus Hochstein (625 S. 4<sup>th</sup> St.) inquired about some of the differences between a village and a city of the second class. Surman said one difference is a Village Trustee is allowed to assist Municipal staff during emergency situations (i.e., the wind storm which resulted in power outages last week) and receive compensation; a city council member would not be eligible to receive compensation for this type of work. Surman also spoke on election requirement changes and to the organization of a Board of Health. Caylor said she feels the purpose of submitting this question to the qualified voters was because the Village Board felt the population increased dramatically since the last decennial census; however, the population only increased slightly to 1,065 inhabitants. Surman said a population of 800 is all that is required to become a city of the second class and Eagle achieved that number back in 1981. Weyers said she agrees with allowing the elected voters the opportunity to decide which form of government they would like to have but she feels everyone should be aware that it will eventually cost the governing body more money to operate.

Motion by Moore, second by Weyers, to adopt Resolution 2021-12. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider creation of Municipal Ordinance pertaining to Mobile Food Vendors – The Village Board was provided with two sample ordinances to review from the City of Wahoo and City of Broken Bow. Surman said Wahoo charges a \$100.00 annual fee (\$50.00 annually thereafter for returning vendors) and Broken Bow charges a \$125.00 annual fee. Surman asked the Village Board to keep in mind that mobile food vendors would be competing with local businesses, both current and future, that pay property taxes. Weyers asked if there has been interest expressed from the public in having mobile food vendors. Nystrom said yes. Ashley Moyer (710 S. 3<sup>rd</sup> St.) said mobile food vendors have become more popular and already set up in neighboring communities, such as Bennet, and in neighborhoods, such as The Waterford, on the east edge of Lincoln. Moyer said she feels the mobile food vendors would be very successful if they could situate themselves somewhere along Highway 34 because there are very limited options for food in town currently. Meier asked if the vendors could operate in the Eagle Municipal Facility lot so they would be adjacent to Highway 34. Surman said the Village Board would need to be



very cautious before allowing something like this to happen from both a liability standpoint and the perception of favoring one type of business enterprise over another. Caylor said the Village Board would also need to decide if they are going to put a limit on the number of vendors they allow each year. Weyers said she understands the desire from residents to bring in more dining options because it is easy to get burned out between the only two food options Eagle currently has. The Village Board generally agreed to further discuss this matter at the next meeting when the Village Attorney is present. Agenda item tabled until the January 4, 2022 meeting.

Discuss/possible action: Consider proposal from Christiansen Tree Service for tree removal and brush chipping – Christiansen Tree Service provided two proposals for consideration; the first proposal is to remove the entire pear tree along F Street & Parkview Avenue damaged in last week's wind storm in the amount of \$530.00 (or \$150.00 to remove only the debris on the ground) and the second proposal is to remove brush piles alongside the street caused by wind damage at a rate of \$195.00 per hour for three crew members. Caylor asked how many brush piles are still around town because she knows a lot of them were picked up by the garbage haulers. Nystrom said he is unsure. Surman said he has no problems with the proposals but he does not feel it is necessary to rake up the yard at each location. The Village Board agreed.

Motion by Meier, second by Caylor, to approve Christiansen Tree Service's proposals to remove the pear tree at F Street & Parkview Avenue in the amount of \$530.00 and to remove brush piles along the streets in an amount not to exceed \$1,560.00.

Discuss/possible action: Consider proposals for contracted snow removal during the 2021-2022 winter season – Three proposals were received for consideration from A&M Recycling, CC Contracting and Jake's Odd Jobs. Moore asked who makes the decision to call the contractor to request service during a snow event. Meier said in the past the Street Committee, in conjunction with the maintenance department, determined when snow removal was necessary. Surman said he has no problem with allowing the same group of individuals to make the decision to request snow removal service from the contractor. Meier said he would recommend approving a bid from A&M Recycling or CC Contracting due to lower rates for service. Terry Caddy said his opinion is CC Contracting would be the most professional service provider with the most experience.

Motion by Moore, second by Caylor, to approve CC Contracting's proposal for as needed, contracted snow removal during the 2021-2022 winter season. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Approve Low-Income Household Water Assistance Program (LIHWAP) Vendor Agreement between the State of Nebraska, Department of Health and Human Services and the Village of Eagle – Nystrom said the LIHWAP is anticipated to begin in early 2022 and provides water assistance to households

including all charges and fees related to drinking water and/or wastewater services. DHHS will administer the program and determine eligibility for the households; to qualify, a household must meet the income requirements (150% of the federal poverty level), citizenship requirements, residency requirements, be responsible for paying for water utility services and have a past due balance for water services. Nystrom said participating in LIHWAP will not require any changes to the current operating procedures; if there is a customer struggling to pay water bills, the customer can be referred to DHHS to apply for LIHWAP assistance. Caylor asked if information on LIHWAP will be made available to residents. Nystrom said yes; his goal would be to educate the public on LIHWAP by means of the Village website and Facebook page.

Motion by Moore, second by Weyers, to approve the Low-Income Household Water Assistance Program (LIHWAP) Vendor Agreement between the State of Nebraska, Department of Health and Human Services and the Village of Eagle. Voting: Ayes – 5. Motion carried.

Motion by Weyers, second by Meier, to approve Curtis Klabenes attending a Wastewater Training Continuing Education Course in Wahoo on January 26, 2022. Voting: Ayes – 5. Motion carried.

Travis Moore left the meeting at 7:59 p.m.

Report on Streets and Maintenance – Surman said there were a few issues with the generators during the wind storm and power outage event last week. The office and WWTP generators did not run automatically and the portable generator for the lift stations would not start. Terry Caddy said the South Meadows lift station generator experienced an issue where it was not receiving three-phase service due to an OPPD outage; this issue has since been resolved. Caddy said there was also an internet connection issue at the WWTP which resulted in the inability to monitor the water and wastewater facilities via Scada. Meier suggested a battery backup system be installed at the WWTP so that the internet service and computer remain operational during a power outage event. Caddy discussed with the Village Board the issues with the cord and plug system on the existing portable generator; when renting a generator from Titan Machinery ahead of the wind storm it was determined that the rental had a different style plug that was unable to be used at the lift stations. Weyers said she will plan to contact NEMA to determine if there is any mitigation funding available to purchase a couple of new generators; she will report back to the Village Board at the next meeting on January 4, 2022.

Report on Wells and Sewer – No additional reports.

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

Report from Committees and Boards – No reports from Committees and Boards.

The meeting was adjourned at 8:18 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 December 20, 2021 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

## Clerk/Treasurer Report ending December 31, 2021

- Off-road vehicle (ATV, UTV, Golf Car) registration and licensing begins Jan. 3
- Audit documents are ready – Awaiting response from Mierau & Co. for delivery
- Continuing Education Hours
  - 8 hours of required Treasurer APA-approved courses completed for 2021
  - 10 hours of required Water Operator NDEE-approved courses completed for 2020-2021 for Curtis & Nick
  - Curtis is finishing up Sewer Operator courses due by April, 2021
- Attached document from the League of Nebraska Municipalities discusses the primary differences between a Village and City of the Second Class for proper public informational purposes.

## **Differences between Cities of the Second Class and Villages**

### In General

Generally cities of the second class are municipalities with a population of more than 800 and not more than 5,000 inhabitants (Neb. Rev. Stat. §17-101), and villages are municipalities with a population of not more than 800 and not less than 100 inhabitants (Neb. Rev. Stat. §17-201). However, statutory provisions provide that whenever the population of a city of the second class decreases to less than 800 inhabitants, the Mayor and Council may decide by ordinance to remain a city of the second class (Neb. Rev. Stat. §17-310). A similar provision exists whereby a village that grows to more than 800 inhabitants may retain its village form of government, but only upon a petition from citizens and a vote of the people (Neb. Rev. Stat. §17-312). Otherwise the village board of trustees is required to certify to the Secretary of State that the population is more than 800 and less than 5000, and the Secretary of State then issues a proclamation declaring the village to have become a city of the second class (Neb. Rev. Stat. §17-311).

### Form of Government

The major difference between a city of the second class and a village is the form of government. Unless the voters choose the commission or city manager form of government (see below), a city of the second class is organized under a Mayor/Council form of government, and a village is organized under a Trustee form of government. The governing body under a Mayor/Council form of government is comprised of a Mayor elected at large and 4 to 12 Council members elected either by wards or at large. The Mayor has the superintendence and control of the affairs of the city. The Mayor's duties include being the presiding officer at the meetings of the City Council, and he or she may vote when his or her vote will be decisive and the Council is equally divided. (Generally Neb. Rev. Stat. §17-101 through 17-117.)

Villages are organized under a Trustee form of government. The governing body is comprised of 5 Trustees elected at large. The corporate powers and duties are vested in the Board as a whole. The Board of Trustees elects from among themselves a Chairperson. The Chairperson assumes some of the administrative duties that would be performed by the Mayor under a Mayor/Council form of government. Since the Chairperson is one of the trustees, he or she is allowed to vote on all matters before the Board. (Generally Neb. Rev. Stat. §§17-201 through 17-207.)

A city with a population of 1,000 or more and less than 200,000 may adopt the city manager form of government. In this form, members are elected to the Council and they choose one of their members as president and ex officio Mayor. The council also chooses a city manager who exercises many of the powers of the Mayor in a Mayor/Council form. (Neb. Rev. Stat §§19-601 to 19-662.) A city having not less than 2000 inhabitants may adopt the commission form of government (Neb. Rev. Stat. §§19-401 to 19-433). In that form, Council members are elected to specific functional positions, and the Mayor is the one elected as superintendent or commissioner of the department of public affairs.

## Qualifications to be a Candidate for an Elected Office of the Governing Body

In a city of the second class, in order to serve as a Council member, a person must be a resident of the city and a registered voter. In addition, if the city elects council members from wards, the person must be an actual resident of the ward from which elected. The Mayor is required to be a resident and registered voter of the City (Neb. Rev. Stat. §§17-103, 17-104, and 17-107). In a village, a person seeking an elected office must be a citizen of the United States, must reside in the village, and must be a registered voter prior to holding such office (Neb. Rev. Stat. §§17-203 and 32-532).

## Caucus Candidates

A village governing body may, by ordinance, call a caucus for the nomination of candidates for offices to be filled in the general village election. Cities of the second class do not have this authority (Neb. Rev. Stat. §§17-601.01 through 17-601.03).

## Elections

Municipal elections are held as provided in the Election Act. (Neb. Rev. Stat. 32-101 et seq.) In a city of the second class, primary and general elections are held in conjunction with the statewide primary and general elections, which are currently held in May and November respectively (Neb. Rev. Stat. §§32-401 to 32-404 and 32-533). In a village, there is no primary election. One general election is held in conjunction with the statewide general election in November (Neb. Rev. Stat. §§17-202, 32-403 and 32-532).

## Compensation for Seasonal or Emergency Work

Village Trustees may do seasonal and emergency work for the village and, if approved by the Board of Trustees, be compensated for the work (Neb. Rev. Stat. §17-209.02) subject to the statutes on conflict of interest (Neb. Rev. Stat. §§49-14,103.01 through 49-14,103.06). This authority does not exist for Council members of cities of the second class.

## Chief Law Enforcement Official

In a city of the second class, the chief law enforcement official is titled Chief of Police (Neb. Rev. Stat. §§17-107, 17-118 and 17-121). In a village, the chief law enforcement official is titled Village Marshal (Neb. Rev. Stat. §17-213).

## Law Enforcement Reserve Force

Cities of the second class may establish a law enforcement reserve force (Neb. RS 81-1438 through 81-1446). Villages do not have this authority.

### Serving as the Water Commissioner

Neither the Mayor nor any member of the Council in a city of the second class is eligible to the office of water commissioner during the term for which he or she was elected (Neb Rev. Stat. §17-543). By implication, a member of a village Board of Trustees can hold the position of water commissioner. The duties of a water commissioner are limited by statute. The position is not the same as a utilities superintendent.

### Board of Health

Cities of the second class are required to maintain a Board of Health comprised of four members: The Mayor (who shall be the chairperson), the President of the City Council, and two other members (Neb. Rev. Stat. §17-121). One member must be a physician or health care provider (if one can be found who is willing to serve) who shall be the board's medical advisor. If the Mayor has appointed a Chief of Police, the Chief of Police serves on the board as secretary and quarantine officer.

Villages are required to maintain a Board of Health comprised of the Chairperson of the Board of Trustees (who shall be the chairperson) and two other members (Neb. Rev. Stat. §17-208). One member must be a physician or health care provider (if one can be found who is willing to serve) who shall be the board's medical advisor. If the Board of Trustees has appointed a Village Marshal, that person may be appointed to the board and serve as secretary and quarantine officer.

### Board of Adjustment

If the municipality adopts zoning regulations, the local governing body must provide for the appointment of a board of adjustment (Neb. Rev. Stat. §19-907). The governing body of a village may provide by ordinance that it will constitute the Board of Adjustment for the Village (Neb. Rev. Stat. §19-911). A city of the second class does not have authorization to allow the Council to serve as the Board of Adjustment; a separate board must be established.

The zoning board of adjustment of a county that has adopted a comprehensive development plan and is enforcing zoning regulations based upon such a plan, shall, upon request of the governing body of either a village or city of the second class, serve as the zoning board of adjustment for such village or city in that county (Neb. Rev. Stat. §19-912.01).

### Board of Public Works

Cities of the second class have the authority to appoint a separate Board of Public Works. Villages do not have this authority (Neb. Rev. Stat. §§17-801 through 17-810).

### Annual Audit

Neb. Rev. Stat. §19-2903 generally provides that the accounts of municipalities shall be audited on a cash or accrual basis annually after the end of the fiscal year, except that a village may request a waiver of this requirement from the state Auditor of Public Accounts. Under Neb. Rev. Stat. §19-2905, the audit must be filed with the Auditor.

Except for villages that are not required to conduct an audit, that is, those that receive a waiver from the Auditor, Neb. Rev. Stat. §19-2903 also provides that municipalities owning or operating any type of public utility or other enterprise which substantially generates its own revenue shall have that phase of the affairs of the municipality audited separately and the result shall appear separately in the annual audit report. The audit for such a city must be on an accrual basis while the village's audit may be on either a cash or accrual basis.

### Business Improvement Districts

Cities of the second class have the authority to levy a special assessment in order to provide for and maintain a business improvement district (Neb. Rev. Stat. §§19-4015 to 19-4038). Villages do not have this authority.

### Off-Street Parking

A city of the second class has the authority to levy a special assessment for the creation and maintenance of off-street parking facilities (Neb. Rev. Stat. §§19-3301 to 19-3327). A city of the second class also has the authority to issue revenue bonds for purchase, construction, lease, condemnation, or equipping of off-street parking facilities (Neb. Rev. Stat. §17-165). No similar powers are provided for villages.

### Joint Acquisition of Land with School District

A city of the second class may, together with a school district, acquire land for, erect, equip, furnish, maintain, and operate a joint municipal and recreation building or joint recreational and athletic field to be used jointly by such city of the second class and school district (Neb. Rev. Stat. §17-156). No similar statutory provision exists authorizing villages to do the same but they probably could accomplish this under the Interlocal Cooperation Act (Neb. Rev. Stat. §§13-801 to 13-827) or under the Joint Public Agency Act (Neb. Rev. Stat. §§13-2501 to 13-2550).

### Discontinuance of Utility Service to Delinquent Customers

The statutory procedure set forth for a city of the second class to discontinue utility service is much more detailed than the procedure set forth for a village to do the same (Neb. Rev. Stat. §§70-1601 through 70-1615).