

VILLAGE OF EAGLE

October 1, 2019

The Village Board of Trustees met in regular session at 7:00 p.m. on October 1, 2019 with Moore, Meier, Schukei, Surman and Lahmon 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 Moore named the three (3) areas where the agenda was posted as follows: Eagle Municipal Building, Eagle Fire & Rescue Department and Eagle State Bank.

Chairperson Moore opened the public hearing at 7:00 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle – Outlots Lot 24 located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20, Township 10 North, Range 9 East of the 6th P.M., or more commonly known as 510 Highway 34 in Eagle, Nebraska, for the use of exterior storage. Christopher LeFrois was present as the Conditional Use Permit applicant and said he is requesting a single, cargo container storage unit at the property. Surman said he has concerns with the possibility of an influx of additional cargo containers being used for exterior storage. Moore said it is his understanding that if a property owner wants additional cargo containers on their property they would be required to go through the application process again. Surman said he understands this requirement but the number of structures needs to be limited at some point. Moore said the number of allowable structures will need to be considered during the zoning revision updates. Marcus Hochstein (625 S. 4th St.) testified that he supports cargo container storage permitting they follow approved regulations. Terry Caddy said the Eagle Building & Zoning Administrator provided the Planning Commission with information from several communities in regards to regulating cargo container storage units. The Planning Commission recommended approval of both Conditional Use Permits being considered tonight contingent upon the ability to meet the twelve conditions listed in the resolutions before the Village Board tonight.

The public hearing was closed at 7:10 p.m.

Chairperson Moore opened the public hearing at 7:11 p.m. for the purpose of hearing testimony concerning a Conditional Use Permit at Eagle – OT Lots 7 to 10, Block 18, or more commonly known as 540 South 4th Street in Eagle, Nebraska, for the use of exterior storage. Ty McIntosh was present as the Conditional Use Permit applicant and said he is requesting a single, cargo container storage unit at the property. Moore asked if there were any comments or questions from the public. There were no questions or comments from the board or public.

The public hearing was closed at 7:12 p.m.

Motion by Surman, second by Lahmon, to introduce Resolution 2019-10. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Resolution 2019-10 entitled:

RESOLUTION NO. 2019-10

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR CARGO CONTAINER STORAGE ON THE PROPERTY ADDRESSED AS 510 HIGHWAY 34, AND LEGALLY DESCRIBED AS EAGLE – OUTLOTS LOT 24 LOCATED IN THE SW¹/₄ OF THE SE¹/₄ OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 9 EAST OF THE 6TH P.M., EAGLE, CASS COUNTY, NEBRASKA.

WHEREAS, Christopher LeFrois, on behalf of Patrick Egan, has petitioned the Village of Eagle for a Conditional Use Permit to allow for exterior cargo container storage on the property legally described as Eagle – Outlots Lot 24 located in the SW¹/₄ of the SE¹/₄ of Section 20, Township 10 North, Range 9 East of the 6th P.M., Eagle, Cass County, Nebraska.

WHEREAS, the subject property is presently zoned HC (Highway Commercial) wherein exterior storage in conjunction with another primary use is permitted upon processing and approval of a Conditional Use Permit.

WHEREAS, the Eagle Planning Commission conducted a public hearing on September 11, 2019 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 510 Highway 34, and legally described as Eagle – Outlots Lot 24 located in the SW¹/₄ of the SE¹/₄ of Section 20, Township 10 North, Range 9 East of the 6th P.M., Eagle, Cass County, Nebraska, to allow for exterior cargo container storage, subject to the following conditions found in Exhibit A.

WHEREAS, the Village of Eagle Board of Trustees conducted a public hearing on October 1, 2019 to consider said Conditional Use Permit application.

WHEREAS, concerns regarding the safety, the necessity for setback distance, visual and valuation concerns for conformity with the surroundings, clarification regarding any possible signage or nuisance led to the conditions recommended and approved in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that the findings set forth above are hereby incorporated herein and that a conditional use permit be granted as requested conditional upon the Conditions set for in Exhibit A, subject to enforcement by the Zoning Administrator. In the event the container is moved from the location that was

submitted in the application to another location on the parcel, a new permit must be secured.

Motion by Lahmon, second by Meier, to adopt Resolution 2019-10 as amended. Voting: Ayes – 5. Motion carried.

Motion by Lahmon, second by Schukei, to introduce Resolution 2019-11. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Resolution 2019-11 entitled:

RESOLUTION NO. 2019-11

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR EXTERIOR CARGO CONTAINER STORAGE ON THE PROPERTY ADDRESSED AS 540 SOUTH 4TH STREET, AND LEGALLY DESCRIBED AS EAGLE – OT LOTS 7 TO 10, BLOCK 18 IN EAGLE, CASS COUNTY, NEBRASKA.

WHEREAS, Ty McIntosh has petitioned the Village of Eagle for a Conditional Use Permit to allow for exterior cargo container storage on the property legally described as Eagle – OT Lots 7 to 10, Block 18, Eagle, Cass County, Nebraska.

WHEREAS, the subject property is presently zoned CBD (Central Business District) wherein exterior storage is permitted upon processing and approval of a Conditional Use Permit.

WHEREAS, the Eagle Planning Commission conducted a public hearing on September 11, 2019 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the property addressed as 540 South 4th Street, and legally described as Eagle – OT Lots 7 to 10, Block 18, Eagle, Cass County, Nebraska, to allow for exterior cargo container storage, subject to the following conditions found in Exhibit A.

WHEREAS, the Village of Eagle Board of Trustees conducted a public hearing on October 1, 2019 to consider said Conditional Use Permit application.

WHEREAS, concerns regarding the safety, the necessity for setback distance, visual and valuation concerns for conformity with the surroundings, clarification regarding any possible signage or nuisance led to the conditions recommended and approved in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, that the findings set forth above are hereby incorporated herein and that a conditional use permit be granted as requested conditional upon the Conditions set for in Exhibit A, subject to enforcement by the

Zoning Administrator. In the event the container is moved from the location that was submitted in the application to another location on the parcel, a new permit must be secured.

Motion by Lahmon, second by Surman, to adopt Resolution 2019-11 as amended. Voting: Ayes – 5. Motion carried.

Open Forum – Meier said the Fire & Rescue Department would like to encourage residents to install clearly marked house numbers at their property to ensure a quicker response by emergency personnel. Terry Caddy (21319 Holdrege St.) discussed the end of brush chipping season; ordering salt and sand for snow removal; removing old furniture and tanks from the maintenance shop; overhanging limbs at the WWTP; property grounds maintenance at the WWTP; removing the pile of dirt and rocks from the north parking lot of the park; and seeding the new park space at Eagle Estates. Surman said the dumpster at the pool is accumulating garbage from other than Village use. Nystrom will speak with Rock Creek Refuse about options for the dumpster moving forward. Surman said on the west side of the park is a property with a privacy fence that excludes containing the individual's utility boxes; the area outside the fence is not being maintained and contains overgrown vegetation. Nystrom will identify the property owner and send notice regarding the overgrown vegetation. Marcus Hochstein (625 S. 4th St.) discussed having the high school band perform at Eagle Days and holding a competition.

Motion by Lahmon, second by Surman, to approve the purchase of a John Deere Z997R lawn mower from Stutheit Implement Company in the amount of \$11,900.00 after trade-in of the current John Deere 1435 lawn mower in the amount of \$5,800.00. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Lahmon, to introduce Resolution 2019-12. Voting: Ayes – 5. Motion carried.

Chairperson Moore read Resolution 2019-12 entitled:

RESOLUTION NO. 2019-12

SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM 2019

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor

or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Village Board Chairperson of the Village of Eagle is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance Form.

Motion by Lahmon, second by Schukei, to adopt Resolution 2019-12. Voting: Ayes – 5. Motion carried.

Motion by Lahmon, second by Surman, to approve Eagle State Bank as Village of Eagle depository. Voting: Ayes – 5. Motion carried.

Motion by Meier, second by Lahmon, to approve minutes as typed for the previous meetings. Voting: Ayes – Schukei, Lahmon, Meier, Moore. Surman abstained due to his absence from the September 19, 2019 meeting. Motion carried.

Motion by Lahmon, second by Surman, to approve claims as presented. Voting: Ayes – 5. Motion carried.

Approved Claims: Wages 9,003.45, Board Wages 1,300.00, ABC Termite & Pest Control 55.00, Allied Benefit Systems 1,813.35, Amazon Marketplace 76.18, American Exchange Bank 500.00, Aramark 270.00, Black Hills Energy 56.21, Bromm Lindahl Freeman-Caddy & Lausterer 739.50, Buel Trucking 342.32, Capital Business Systems 467.31, Casey's 557.08, Cass Co. Sheriff's Dept 3,145.21, CS Concrete 429.97, Dollar General 25.25, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 2,599.70, EMS Billing 753.69, Frontier Cooperative 503.90, Google LLC 96.00, GWorks 15,000.00, Richard Hestermann 1,807.01, Intuit Quickbooks 650.00, John Deere Financial 700.00, John Hancock Investments 310.86, John Henry's Plumbing 491.08, Kenny's Tractor Svc 100.00, Lovell Excavating 850.00, Matheson Tri-Gas 112.49, Menards-South 53.91, Midwest Insurance Exchange 30,208.00, Municipal Supply of Omaha 94.61, NE Child Support Pymt Center 410.85, NE Dept of Rev 3,334.55, NE Public Health Env Lab 234.00, NE UI Connect 121.27, Olsson 1,053.05, One Call Concepts 14.59, OPPD 4,621.38, O'Reilly Auto Parts 183.03, People Service 5,463.00, Physio Control 1,317.48, Rock Creek Refuse 200.00, Sargent Drilling 600.00, UNUM 326.64, US Postmaster 312.35, Verizon Wireless 544.04, Voice News 276.85, Mike Wenzel 50.00, Windstream 385.27. Total of bills: **\$94,052.43.**

Approved Park Claims: ABC Termite & Pest Control 500.00, Black Hills Energy 15.77, Menards-South 560.15, OPPD 234.20, Rock Creek Refuse 80.00, Windstream 96.62. Total of bills: **\$1,486.74.**

The meeting was adjourned at 8:17 p.m.

Nick Nystrom

Travis Moore

Village Clerk

Chairperson

A true and complete copy of the above minutes is available at the Village Clerk's Office during regular business hours.