

3. If operating or riding on an ATV or UTV, utilize manufacturer installed seat belts or wear a helmet approved for lawful operation of a motorcycle in the State of Nebraska; and,
4. Only operate such ATV, UTV or Golf Car Vehicle between sunrise and sunset as required by Neb. Rev. Stat §60-6,356 and §60-6,381.

B. Every ATV and UTV shall be equipped with:

1. A braking system maintained in good operating condition;
2. An adequate muffler system in good working condition and without a cutout, bypass or similar device, or any modifications to the muffler system which increases the volume of the noise of the exhaust system. No portion of the system shall be permitted to contact the ground when weighted by its operator;
3. A United States Forest Service-qualified spark arrester;
4. Headlights and taillights;
5. A reflective sign must be affixed to the rear of the vehicle; and,
6. Equipped with a safety flag (provided by the Municipality) which extends no less than five (5) feet above the ground and is attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.

C. No child under the age of eight (8) years shall be a passenger on an ATV, UTV, or Golf Car Vehicle unless the vehicle is equipped with, and the child is restrained by, a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration.

D. No person shall:

1. Equip the exhaust system of an ATV or UTV with a cutout, bypass, or similar device;
2. Operate an ATV or UTV with an exhaust system so modified; or
3. Operate an ATV or UTV with the spark arrester removed or modified except for use in closed-course competition events.

SECTION 5-507: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; ACCIDENT REPORT.

As provided in Neb. Rev. Stat. § 60-6,361, if an accident involving an ATV, UTV or Golf Car Vehicle results in an injury to any person resulting in the examination or treatment of the injured person by a physician, or results in the

death of any person, then the operator of each ATV, UTV or Golf Car Vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699.

SECTION 5-508: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; PENALTY; IMPOUNDMENT.

A. Any person who violates any provision of this Article or violates the provisions defined by Chapter 60 of the Revised Statutes of Nebraska while operating an ATV or UTV or who owns the same, shall be subject to the penalties under Chapter 5 of the Municipal Code and under the provisions of Chapter 60 of the Revised Statutes of Nebraska is hereby authorized and all Municipal-issued registrations for all of the operators and the owners of ATVs and UTVs shall be revoked as follows:

1. For the first offense, the owner and/or operator shall be guilty of a Class III misdemeanor pursuant to Neb. Rev. Stat. § 60-6,362, which carries a possible maximum penalty of \$500 fine and/or three (3) months in jail or both for violations under Neb. Rev. Stat. 60-6,356 to 60-6,361. For a subsequent offense within any period of one year, the owner and/or operator shall be guilty of a Class III misdemeanor pursuant to Neb. Rev. Stat. §60-6,362, (if within the same year as the prior offense, then a Class II misdemeanor, which carries a maximum penalty of a \$1,000 fine and/or six (6) months in jail or both.)

2. For violations of the provisions of this article, not included under the state sections noted above, the owner and/or operator shall be guilty of a misdemeanor and subject to the penalties contained in Chapter 5 of the municipal code

B. Any person who violates any provision of this Article while operating a Golf Car Vehicle, or who owns the same, shall be subject to the penalties under Chapter 5 of the Municipal Code, or if done in violation of the State Law, may be subject to the penalties provided thereunder.

C. The following additional provisions apply to violations under the Municipal Code and/or the State Statutes, and apply to ATV, UTV and Golf Car Vehicle violations within the corporate limits as follows:

1. First Offense Impoundment: The vehicle may be impounded until it is validly registered (if registration is the basis of the violation) or for 10 days (for all other violations) and stored in a privately operated facility or other place designated by or maintained by the Municipality, with all impoundment costs payable by the owner/operator prior to retrieval. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the

Municipality for a period of ten (10) days from the date of the offense.

2. Second Offense Impoundment/Revocation: All Municipal-issued registrations shall be revoked for a period of one (1) year from the date of the offense; and the vehicle shall be impounded for fourteen (14) days and stored in a privately operated facility or other place designated by or maintained by the Municipality with all impoundment costs payable by the owner/operator prior to retrieval. The plate/flag shall be removed from the vehicle and returned to the Municipal Clerk. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the Municipality for a period of one (1) year from the date of the offense.
3. Third and subsequent Offense Impoundment/Revocation: In the event of a third or subsequent offense under this Article, the registration for the ATV, UTV or Golf Car Vehicle shall be permanently revoked and the owner shall be prohibited from registering another vehicle permanently. An operator's third offense shall prohibit the operator from operating such vehicles in the Municipality permanently. The vehicle shall be impounded for fourteen (14) days and stored in a privately operated facility or other place designated by or maintained by the Municipality with all impoundment costs payable by the owner/operator prior to retrieval. The plate/flag shall be removed from the vehicle and returned to the Municipal Clerk.

E. Any adult, including the parent or guardian, who is found to have encouraged, caused, or contributed to the act of a minor child operating an ATV, UTV or Golf Car Vehicle in violation of Chapter 60 or of this Code, shall be considered in violation of Contributing to the Delinquency of a Minor pursuant to Neb. Rev. Stat. §28-709 and subject to the penalties set forth under Nebraska Law.

SECTION 5-509: ALL-TERRAIN VEHICLES, UTILITY-TYPE VEHICLES AND GOLF CAR VEHICLES; PERMIT AND REGISTRATION.

- A. All ATVs, UTVs and Golf Car Vehicles shall be registered by filing application with the Municipal Clerk, providing proof of liability insurance coverage as required in Section 5-506, and paying an annual fee of \$75.00 per vehicle. Upon filing and payment, the vehicle shall be inspected by the Municipal Clerk and the Municipal Clerk will issue the permit which shall be evidenced with a license plate and matching whip flag (as provided by the

Municipality) affixed to the vehicle. In the event the plate or flag are lost, the Owner shall pay the Municipality for a replacement at the cost of \$50.00.

- B. The permit period shall be from January 1 to December 31 each year. There shall be no proration of the annual permit fee for any permits issued after January 1. The full shall be required regardless of the time of year paid and will expire on December 31 of the year issued. A new application is required each calendar year.
- C. A permit plate and a whip flag of not less than thirty (30) square inches must be posted on the vehicle in a conspicuous place at all times. Lost plates and flags are to be replaced at Permittee's cost.
- D. Operators of the vehicle must comply with the rules set forth in this article, Nebraska Rules of the Road, and traffic laws. Owners shall be subject to impoundment and other penalties if the vehicle is entrusted to an operator who is not the owner.

3. That the effective date of this Ordinance shall be January 1, 2022.

4. That the Clerk and the appropriate department of the municipality are hereby authorized and directed to implement this Ordinance.

5. 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 governing body 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.

6. That all Ordinances or parts of Ordinances passed and approved prior to the passage, approval and publication of this Ordinance and in conflict herewith, are hereby repealed.

7. That this Ordinance shall be published within the first fifteen days after its passage and approval, in pamphlet form, and shall be in full force and take effective on the aforementioned effective date as provided herein.

7. That it is the intention of the governing body, and it is hereby ordained 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 Caylor, second by Meier, to accept the second reading of Ordinance 2021-11. Voting: Ayes – Weyers, Meier, Caylor, Surman. Nays – Moore. Motion carried.

Discuss/possible action: Consideration of recycling proposals – Moore said since the last conversation with Quik Dump Refuse regarding community recycling, an alternative option was presented for recycling cardboard products. The alternative option would include purchasing a compactor which would limit the number of trips and associated cost for recycling cardboard. Surman said the purchase of a compactor was not in the budget. Moore said an option remains to apply for state grant funding. Meier asked where the compactor would be located. Moore said that is something that would need to be discussed if the Village Board were interested in going this route. Meier said a compactor can be dangerous so it would take some serious thought in protecting access. Surman said it will also require additional employee labor hours; furthermore, the compactor quote before the board tonight is a used unit which is liable to leak hydraulic oil, much like the situation that was discussed regarding the street sweeper tonight. Caylor said if access is controlled, and the unit would be operated by the employees, it would also limit recycling availability to the public. Moore said controlling access and setting boundaries will also help limit abuse of the service and the number of times Quik Dump Refuse would need to pick up recyclables. Weyers said the idea of purchasing a compactor could always be reconsidered at a later date and isn't necessary in order to start an initial recycling program. Moore said after tonight, regardless of how the Village Board proceeds, he will be done with this issue; he has been working on this issue for over a year now and is done seeing it kicked down the road. Caylor asked how competitive the grant is and if the money is guaranteed. Linda Behrns (Keep Cass County Beautiful) said through the Nebraska Recycling Council, grants are offered in an amount up to \$20,000 for recycling equipment with a 20% cash match; applications are received by the 15th of every month and the majority of applications are approved. Surman asked if the grant includes equipment only or if it also includes concrete, electricity, etc. to operate the equipment. Behrns said equipment only. Caylor asked if an option exists to apply for funding again in the future if you are awarded a grant once already. Behrns said yes, an application can be submitted up to every two years. The Village Board generally agreed to consider the purchase of a cardboard compactor at a later date and direct the Buildings & Grounds Committee to follow up with Quik Dump Refuse on the logistics of launching a community recycling service and report back to the Village Board. Agenda item tabled until a future meeting.

Discuss/possible action: Wastewater Treatment Agreement between the Village of Eagle and Eagle Lake SID #4 – The Village Board was provided with an updated Wastewater Treatment Agreement, as provided by the Village Attorney, and rate options provided by the Village Clerk. Nystrom said the main issues to discuss per the Village Attorney tonight are the rate charges and the contract termination provisions. Moore said every resident that resides outside of the corporate limits and receives water or wastewater services from the Village of Eagle is charged 175% of the in-town rate and he doesn't feel Eagle Lake should be any different. Weyers agreed and said she wouldn't propose doing anything differently. Moore said his argument is still these 67 homes will take wastewater capacity away from the same number of homes in the future that will be inside the corporate limits and paying

Village taxes. Surman said the land east of the school was originally being discussed as an SID and by offering Eagle Lake a discounted service the same may be expected in this subdivision; the Village Board needs to be cautious when considering a precedent. Moore said he raised some questions and concerns at the last meeting regarding who was going to be invoiced; the individual residents or the SID. Surman said the SID will be billed directly in this agreement. Moore asked what happens if the SID goes bankrupt and what recourse the Village of Eagle has; situations like this have happened in other communities. Surman said there would need to be a method of shutting off service to the SID. Caylor asked if the ability to shut off the water service will require a separate agreement. Surman said the ability to shut off the water service would likely require an agreement with Cass County Rural Water; however, some of the properties in Eagle Lake do not have rural water and instead utilize a well; he would almost prefer to see a valve on the sewer main that can physically be shut off in the event of non-payment of services. Moore said the Village will not own the sewer main or the proposed shut off valve so that may also create an issue. Terry Caddy questioned whether the State of Nebraska will even allow a shut off valve on the sewer main. Surman said in good faith the Village needs to look at assisting Eagle Lake with sewer service but this isn't their only option; realistically, they could consider building a new sewer plant facility and hiring an operator to run it. Caddy suggested requiring Eagle Lake carry a \$1,000,000 bond in the event of default to the terms of the agreement. Moore said a deposit will also be charged per the agreement but he feels a bond might not be a bad idea additionally. Weyers said she doesn't necessarily disagree but Eagle Lake has been around a long time and doesn't feel bankruptcy is much of a risk. Caylor suggested asking the Village Attorney about the ability to require a bond. The Village Board agreed unanimously that if the agreement moves forward a rate of 175% will be charged to Eagle Lake for wastewater services; the deposit will be charged at a standard rate (\$150.00 per customer). Nystrom said he still has concerns with the additional charges discussed in the agreement for abnormal strength wastewater; he is unfamiliar with what this rate should look like and has gotten no advice on the matter from the engineer.

Motion by Moore, second by Caylor, to table the Wastewater Treatment Agreement between the Village of Eagle and Eagle Lake SID #4. Voting: Ayes – 5. Motion carried.

Report on Streets and Maintenance – Surman said a hole exists in the street parking area on the north side of the property located at 509 South 4th Street; additionally, the hole at 6th & E Street is still patched with gravel. Caddy said measurements have been established at 6th & E Street and the plan is to pour concrete at this location by the end of the month. Moore asked if the potholes at the intersection of Olivia Drive and 202nd Street are on the surface of the street that is Cass County's responsibility. Caddy said yes. Caddy said 20-25 trees were pulled out of the west side of the Eagle Municipal Building lot fence line. The sand and gravel lot has been cleared of construction debris; 51 loads of concrete and 5 loads of street sweepings were hauled away. Moore asked if there was a method to address the overgrown weeds

and trees in this area. Caddy said frost will kill them for the season but there really isn't a good way to keep them from coming back unless they are burned or a large concrete culvert is installed; he sprayed them in the past but the office received complaints from neighbors that it was affecting their crops and plants. Surman cautioned that any work in this area may need to be pre-approved by the Army Corps of Engineers to prevent them from believing the flow of water is altered in any way. Caddy said the maintenance department met with Aqua Chem regarding ideas to upgrade the filtration system and primary pump at the pool. The pool is drained and winterized for the season. Caddy asked for a date to winterize the park restrooms and take down the volleyball nets. The Village Board agreed to have these tasks completed the week of Halloween. Caddy asked if the tennis court surface renovation work will be repaired this fall. Caylor said she is still working with the contractor on this matter. Caddy said the last day for brush chipping services this year will be October 4.

Report on Wells and Sewer – Caddy said the maintenance department visited the WWTP and have begun making a list of backup equipment that they would like to purchase in the next couple of months. Surman said the WWTP will also need internet connection to run the Scada system prior to October 1. Caddy provided the Village Board with results on the 31 fire hydrants that were flow tested last month; there were only two fire hydrants that exceeded 1,000 gpm. Caddy asked if the Village Board would still like the fire hydrants color coded even though the vast majority will be painted orange. The Water Committee requested that the fire hydrants be painted, regardless, to match American Water Works Association (AWWA) color coding. Nystrom briefly discussed the upcoming final revisions to the Lead and Copper Rule and the budgetary impact it will likely have on the Village of Eagle and municipalities across the country.

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

Discuss/possible action: Update on swimming pool repairs – Caylor said she hopes to have an update on price, availability and timeline of anticipated repairs and upgrades to the pool by the next meeting. Meier asked if the maintenance department has considered digging up any of the concrete deck this fall to identify where the water leak(s) are located. Caddy said it was discussed but the problem is there is no way to pump water currently to identify where the leak(s) are located; the pool is also now winterized for the season. Meier asked if the booster pump was installed to allow the new slide proper water volume. Caddy said no; theoretically, once an appropriate sized filter and pump are installed at the pool, there will be no need for a booster pump. Agenda item tabled until a future meeting. No action taken.

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

Discuss/possible action: Hiring for the Full-time Maintenance position – Moore said unfortunately the applicant that was offered the position a second time has since

declined. Surman asked if the interested applicant that did not meet the educational requirements for water and sewer licensing would be interested in reapplying for a general maintenance position. Moore said he is unsure; the Village Board would need to change the language in the job posting if they are interested in a general maintenance employee with no expectation to be licensed in water and sewer. Surman said right now he would be more interested in having a physical body rather than somebody with the ability to get a license. Moore said on behalf of the Human Resources Committee maybe the Village Board should still consider hiring two full-time employees. Caylor said the Village Board was willing to evaluate the need for a second full-time employee in the next six months; for right now, the general consensus was to get a single employee hired as soon as possible. The Village Board agreed to modify the current hiring notice to seek a full-time general maintenance employee with no licensing requirements. No further action taken.

The meeting was adjourned at 9:07 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 September 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

Nick Nystrom
Village Clerk

John Surman
Chairperson