

VILLAGE OF EAGLE
BOARD OF TRUSTEES AGENDA
APRIL 17, 2023
EAGLE FIRE & RESCUE DEPARTMENT—705 S 1st 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 Fire & Rescue.
2. Open Forum.
3. Discuss/possible action: Resolution 2023-03 – Installation of a stop sign at the intersection of 14th & Gage Street.
4. Discuss/possible action: Crack sealing Village streets with Hein Construction.
5. Discuss/possible action: Approve Mike Graham attending the Wastewater Certification Training course in Wahoo on June 26-28, 2023 at a cost of \$450.00.
6. Report on Streets and Maintenance.
7. Report on Wells and Sewer.
8. Discuss/possible action: Approve or deny minutes as typed for the previous meetings.
9. Report from Committees and Boards.
10. Discuss/possible action: Consideration of employment options for Curtis Klabenes.

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

RESOLUTION NO. 2023-03

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

WHEREAS, Municipal Code §5-210 provides that the Board of Trustees may place stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon, by resolution, and,

WHEREAS, the Village Board of Trustees of the Village of Eagle, Nebraska, as the Village of Eagle's Governing Body, does desire to install a stop sign in order to correct and prevent unsafe traffic conditions at the following location which is located within the corporate limits of the Village of Eagle, Nebraska, to wit:

A stop sign located at the intersection of 14th Street and Gage Street, stopping Westbound traffic on Gage Street.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of Trustees of the Village of Eagle, Nebraska, as follows:

Section 1. That the findings hereinabove made should be and are hereby made a part of this Resolution as fully as if set out at length herein.

Section 2. That a traffic control device, to wit: "Stop" sign, be erected on the North side of Gage Street at the intersection of 14th Street.

Section 3. Stop signs shall be erected and maintained according to all applicable rules and regulations enacted by the State of Nebraska; Cass County, Nebraska; and the Village of Eagle, Nebraska.

Section 4. That upon the approval of this Resolution, the aforementioned traffic control device shall be erected and this Resolution shall remain in full force and effect until further action by the Governing Body.

PASSED AND APPROVED this _____ day of April, 2023.

VILLAGE OF EAGLE, NEBRASKA

(SEAL)

By: _____
Terri Todd, Its Chair

Nick Nystrom, Its Village Clerk

WASTEWATER CERTIFICATION TRAINING

June 26-28, 2023

Clint Johannes Education Center
1655 County Road 16
Wahoo, NE 68066
(East Side of Lake Wanhoo)

Cost: \$450

SCHEDULE

7:30am - 8:00am Registration & Welcome
8:00am - 5:00pm: Training
5:00pm - Adjourn

CONTACT HOURS

NDEQ: 24 (pending approval)
July - 10 (Pending Approval)

**These classes are intended for Municipal Levels 1-3.
Material for Level 4 is covered but not comprehensively.**

Follow the link for the 2023 Training Brochure for more details.

**For questions contact:
Ryan Hurst, NWEA Training Chairman
Hurst@wahoo.ne.us
402-443-3222**

VILLAGE OF EAGLE

April 4, 2023

The Village Board of Trustees met in regular session at 7:00 p.m. on April 4, 2023 with Todd, Hochstein, Meier and Dobbins present. Caylor was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Todd 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 Todd opened the public hearing at 7:00 p.m. concerning the One & Six-Year Street Improvement Plan for the Village of Eagle. In the current 2022 program year, the Village of Eagle completed the following projects: Wenzel Circle from 4th Street Mill & Overlay Improvements (\$97,324.18) and Miscellaneous Maintenance Projects (\$19,126.50). The total project improvements completed in the year 2022 was \$116,450.68. The One-Year Street Improvement Plan for 2023 consists of general maintenance and two projects consisting of nearly 6 blocks of street improvements. These projects total over 1,900' of pavement reconstruction and are estimated to cost \$125,000. The remaining four projects on the Six-Year Street Improvement Plan for 2023-2028 consist of 9 blocks of street improvements. These projects total approximately 1,700' of pavement reconstruction and 1,300' of mill and overlay activities and are estimated to cost \$1,318,000. The estimated cost of all projects is \$1,443,000. Hochstein noted an amendment is necessary for Project No. M-259(34) on the One-Year Plan; this article should read D Street from 1st Street to 5th Street. Nystrom will forward this information to the Village Engineer. Hochstein said at the time 4th Street is reconstructed (see Six-Year Plan) there will be significant water main and storm sewer work that needs to be included. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public.

The public hearing was closed at 7:05 p.m.

Motion by Dobbins, second by Meier, to introduce Resolution 2023-01. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Resolution 2023-01 entitled:

RESOLUTION NO. 2023-01

WHEREAS, The Village of Eagle, Nebraska, has conducted a public hearing in accordance with the requirements of the Board of Public Roads Classification and Standards.

NOW, THEREFORE, be it resolved by the Chairperson and Village Board that the One and Six Year Plan for streets as presented at said public hearing has been accepted and approved.

Motion by Hochstein, second by Dobbins, to adopt Resolution 2023-01. Voting: Ayes – 4. Motion carried.

Open Forum – Hochstein asked what the final outcome is on the culvert project adjacent to 315 South 4th Street; it appears the culvert on the north side of the property has been removed and concrete work is pending. Dobbins said the Street Committee met onsite with the property owner and determined that proper grading will allow water to flow down the ditch without a culvert on the north side. Hochstein said he has concerns with water being pushed out into the street if there isn't a culvert. Meier said he initially had some concerns as well but feels that if the driveway contains a proper swale there shouldn't be any issues. Terry Caddy said the Village Engineer visited the site today and will make a recommendation to the Village Board on how to proceed with the project.

Motion by Todd, second by Dobbins, to approve the donation of an annual Individual Pool Pass to the Eagle Parks & Recreation Commission for the Earth Day Community Clean-up Event on April 22, 2023. Voting: Ayes – 4. Motion carried.

Motion by Todd, second by Hochstein, to award the Parkview Avenue and D Street Mill & Overlay Improvements Project proposal to Cather & Sons Construction in the total amount of \$99,097.40. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Ordinance 2023-03 entitled:

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND CHAPTER 3, ARTICLE 1, SECTION 3-108 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO WATER RATES BY AMENDING SAID RATES; TO PROVIDE AN EFFECTIVE DATE FOR SAID RATES; 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, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Todd, second by Hochstein, to accept the final reading and adopt Ordinance 2023-03. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Hochstein, to introduce Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Ordinance 2023-04 entitled:

ORDINANCE 2023-04

AN ORDINANCE TO ESTABLISH COMPENSATION FOR POOL EMPLOYEES; TO PROVIDE FOR THE EFFECTIVE DATE HEREOF; 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, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

Motion by Hochstein, second by Todd, to accept the first reading of Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Motion by Dobbins, second by Meier, to suspend the rules of three consecutive readings of Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Todd, to adopt Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Hochstein, to introduce Resolution 2023-02. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Resolution 2023-02 entitled:

RESOLUTION NO. 2023-02

WHEREAS, the Municipal Code of the Village of Eagle, Nebraska, and in particular Ordinance §3-223, provides the following:

The sum of \$4.00 shall be charged for each 1000 gallons of water used based upon the average amount of water metered for the premises, occupied by the current occupant or tenant, per month during the preceding winter quarter (January, February, and March). If there is no established usage for the previous January, February and March period for the premises occupied by the current occupant or tenant, **then a flat monthly rate set by resolution by the Governing Body, annually, shall be charged, until a January, February and March water usage average can be established.**

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska deem it in the best interests of the citizens of the Village of Eagle, Nebraska, that said flat monthly rate be established for the period this Resolution is passed, until the anniversary of passage,

NOW, THEREFORE, be it resolved by the Chair and Board of Trustees of the Village of Eagle, Nebraska, as follows:

- 1 That the findings here and above made should be and are hereby made a part of this Resolution as fully as if set out at length herein.
- 2 That the flat monthly rate required by the Ordinance set forth above shall be the amount of \$20.00 per month.
- 3 That the effective date of this rate shall be May 1, 2023 and shall expire on April 30, 2024.

Motion by Dobbins, second by Hochstein, to adopt Resolution 2023-02. Voting: Ayes – 4. Motion carried.

Motion by Hochstein, second by Meier, to approve Extreme Crazy Cracker's 2023 Fireworks Permit Application at 510 Highway 34. Voting: Ayes – 4. Motion carried.

Motion by Hochstein, second by Meier, to approve Alvo/Eagle Recreation's 2023 Fireworks Permit Application at 1st Street & Highway 34. Voting: Ayes – 4. Motion carried.

Motion by Hochstein, second by Meier, to approve Patriot Pete's 2023 Fireworks Permit Application at 340 Highway 34. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Hochstein, to approve the four-year service contract with Sargent Drilling for the variable frequency drives at the wells in the amount of \$2,654.00. Voting: Ayes – 4. Motion carried.

Motion by Todd, second by Meier, to approve the purchase of Weed and Feed from Frontier Cooperative in an amount not to exceed \$1,700.00. Voting: Ayes – 4. Motion carried.

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

Motion by Hochstein, second by Meier, to approve claims as presented. Voting: Ayes – 4. Motion carried.

Approved Claims: Wages 17,894.03, Board Wages 1,000.00, ABC Termite & Pest Control 55.00, Allied Benefit Systems 3,431.04, Amazon Marketplace 245.91, American Exchange Bank 750.00, Big Red Drainage Pipe Supply 1,309.58, Black Hills Energy 1,024.66, Bound Tree Medical 604.66, Bromen, Joseph & Kyleigh 300.00, Bromm Lindahl Freeman-Caddy & Lausterer 210.00, Capital Business Systems 231.63, Casey's 578.24, Cass Co Economic Development 1,000.00, Cass Co Sheriff's Dept 3,145.21, Cass Co Treasurer 100.00, CC Contracting 910.00, Constellation Energy 980.01, Copple Chevrolet 2,338.52, Display Sales 450.00, Dunrite Homes 1,810.00, Eagle Automotive 183.63, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 5,026.36, Google LLC 132.00, Grainger 300.01, Hestermann, Rick 979.70, Intuit Quickbooks 799.00, John Hancock Investments 382.89, Lovell Excavating 1,000.00, Maguire Iron 3,544.00, Mary's Tax Svc 135.00, Matheson Tri-Gas 212.87, Menards-South 136.90, Midwest Labs 125.70, NE Dept of Rev 2,337.36, NE Generator 9,160.55, NE Public Health Env Lab 247.00, NE Unclaimed Property 367.46, NE Works 31.67, Norland Pure 6.50, Nystrom, Taira 450.00, One Billing Solutions 763.54, One Call Concepts 53.94, OPPD 4,753.66, Quik Dump Refuse 1,436.80, Snyder & Associates 6,691.00, Southwick Liquid Waste 320.00, UNUM 673.05, US Postmaster 563.13, Verizon Wireless 747.33, Voice News 450.91, Windstream 578.07, Youngdahl, Robert & Benet 300.00. Total of bills: **\$82,750.52**.

Approved Park Claims: Aqua Chem 6,573.00, Black Hills Energy 42.35, Lincoln Winnelson Supply 186.18, Menards-South 304.09, NE Unclaimed Property 100.87, OPPD 93.98. Total of bills: **\$7,300.47**.

The meeting was adjourned at 8:27 p.m.

Nick Nystrom
Village Clerk

Terri Todd
Chairperson

VILLAGE OF EAGLE

April 4, 2023

The Village Board of Trustees met in regular session at 7:00 p.m. on April 4, 2023 with Todd, Hochstein, Meier and Dobbins present. Caylor was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Todd 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 Todd opened the public hearing at 7:00 p.m. concerning the One & Six-Year Street Improvement Plan for the Village of Eagle. In the current 2022 program year, the Village of Eagle completed the following projects: Wenzel Circle from 4th Street Mill & Overlay Improvements (\$97,324.18) and Miscellaneous Maintenance Projects (\$19,126.50). The total project improvements completed in the year 2022 was \$116,450.68. The One-Year Street Improvement Plan for 2023 consists of general maintenance and two projects consisting of nearly 6 blocks of street improvements. These projects total over 1,900' of pavement reconstruction and are estimated to cost \$125,000. The remaining four projects on the Six-Year Street Improvement Plan for 2023-2028 consist of 9 blocks of street improvements. These projects total approximately 1,700' of pavement reconstruction and 1,300' of mill and overlay activities and are estimated to cost \$1,318,000. The estimated cost of all projects is \$1,443,000. Hochstein noted an amendment is necessary for Project No. M-259(34) on the One-Year Plan; this article should read D Street from 1st Street to 5th Street. Nystrom will forward this information to the Village Engineer. Hochstein said at the time 4th Street is reconstructed (see Six-Year Plan) there will be significant water main and storm sewer work that needs to be included. Todd asked if there were any comments or questions from the public. There were no comments or questions from the public.

The public hearing was closed at 7:05 p.m.

Motion by Dobbins, second by Meier, to introduce Resolution 2023-01. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Resolution 2023-01 entitled:

RESOLUTION NO. 2023-01

WHEREAS, The Village of Eagle, Nebraska, has conducted a public hearing in accordance with the requirements of the Board of Public Roads Classification and Standards.

NOW, THEREFORE, be it resolved by the Chairperson and Village Board that the One and Six Year Plan for streets as presented at said public hearing has been accepted and approved.

Motion by Hochstein, second by Dobbins, to adopt Resolution 2023-01. Voting: Ayes – 4. Motion carried.

Report from Law Enforcement – Sergeant Boehm reported 30 citations, 33 warnings and equipment violations, and 44 calls for service during the month of March. Meier discussed the opportunity for law enforcement to have remote access to the security camera system at the park; he feels this would be beneficial to monitoring the park after hours without having to be physically present. Dobbins asked if there have been any traffic stops on unlicensed off-road vehicles. Boehm said no.

Report from Building & Zoning Administrator – Hestermann reported 4 new building permits, 4 certificates of occupancy and 10 inspections during the month of March. There are 17 total open permits to date. There were no comments or questions from the board.

Open Forum – Hochstein asked what the final outcome is on the culvert project adjacent to 315 South 4th Street; it appears the culvert on the north side of the property has been removed and concrete work is pending. Dobbins said the Street Committee met onsite with the property owner and determined that proper grading will allow water to flow down the ditch without a culvert on the north side. Hochstein said he has concerns with water being pushed out into the street if there isn't a culvert. Meier said he initially had some concerns as well but feels that if the driveway contains a proper swale there shouldn't be any issues. Terry Caddy said the Village Engineer visited the site today and will make a recommendation to the Village Board on how to proceed with the project.

Discussion: Property line boundaries at 140 D Street – Kenny Rader (140 D St.) was present for discussion. Nystrom said approximately 20 years ago Mr. Rader was given permission to erect a detached outbuilding northwest of his house; as it turns out, the outbuilding and associated driveway are actually on municipal property, platted as 2nd Street, which was never made into a public roadway and contains a sanitary sewer main. Freeman-Caddy discussed the option of abandoning the platted street, which would result in one-half of the property being owned by Rader and the other half being owned by the property owner(s) to the west; a utility easement would then be established for the sanitary sewer main on the property. Nystrom discussed the need for a sanitary sewer easement with the Village Engineer who recommended retaining no less than a 30' wide easement. Freeman-Caddy said the Village Board needs to look at this parcel and decide if there is any reason to retain the property for future use; it would be an unbuildable lot due to the large sewer main running down the middle of the property. Hochstein said he would hate to forfeit the property in the event something could be made of it in the future. Todd asked what the legal opinion

is. Freeman-Caddy said her concern is liability to the community; currently, there is private use on public land; she would probably recommend an abandonment of the property while retaining the entire width as a utility easement. Nystrom agreed and said he does not see how there would ever be a drivable right-of-way on this parcel in the future. Todd asked what Rader would like to see happen with the property. Rader said he agrees with the attorney's recommendation. The Village Board generally agreed to abandon the adjacent right-of-way and retain the entire area as a utility easement. Freeman-Caddy was directed to draft the required ordinance and notices for further action at a future meeting.

Motion by Todd, second by Dobbins, to approve the donation of an annual Individual Pool Pass to the Eagle Parks & Recreation Commission for the Earth Day Community Clean-up Event on April 22, 2023. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Parkview Avenue and D Street Mill & Overlay Improvements Project bid opening, recommendation and award – Nystrom said two bids were received and opened on March 30, 2023 from Pavers (\$99,296.90) and Cather & Sons Construction (99,097.40). Snyder & Associates recommends awarding the construction contract to the lowest responsive bidder, Cather & Sons Construction, for mill and overlay work on both Parkview Avenue (base bid) and D Street (bid alternate) in the amount of \$99,097.40. Todd asked if there have ever been any issues in the past with either contractor. Nystrom said no.

Motion by Todd, second by Hochstein, to award the Parkview Avenue and D Street Mill & Overlay Improvements Project proposal to Cather & Sons Construction in the total amount of \$99,097.40. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Ordinance 2023-03 entitled:

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE VILLAGE OF EAGLE, NEBRASKA, TO AMEND CHAPTER 3, ARTICLE 1, SECTION 3-108 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, PERTAINING TO WATER RATES BY AMENDING SAID RATES; TO PROVIDE AN EFFECTIVE DATE FOR SAID RATES; 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, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Section 3-108 of the Municipal Code of the Village of Eagle, Nebraska, specifies the water rates to be charged to users of the Eagle water system, and,

WHEREAS, no amendment to the standard fees and variable usage fees have been made since May 15, 2015.

WHEREAS, the cost of providing water service to the users of the Municipal system has changed and an amendment to the same is in order, and,

WHEREAS, the Chairperson and Board of Trustees of the Village of Eagle, Nebraska, do desire to amend the rates to account for and pay for the operation and maintenance expense incurred by the Village to offer said service.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRPERSON 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 Chapter 3, Article 1, Section 108 of the Municipal Code of the Village of Eagle, Nebraska, shall be amended to read as follows:

§3-108 MUNICIPAL WATER DEPARTMENT; USE RATES.

A. All water consumers located within the corporate limits of the Municipality of Eagle, Nebraska, shall be liable for the following user rates as set by ordinance for all water which is reported to have flowed through the water meter of the consumer. The following rates will be charged for water service:

- (1) The sum of ~~eight dollars (\$8.00)~~ **nine dollars (\$9.00)** shall be charged for all water consumed up to and including one thousand (1,000) gallons per month. This ~~eight dollars (\$8.00)~~ **nine dollars (\$9.00)** per month charge shall be a minimum charge for water service and shall be assessed against all Eagle water users within the corporate limit.

In addition to the minimum charge established herein, the following rates for water service shall apply:

- (2) The sum of one dollar and forty cents (\$1.40) shall be charged for each one thousand (1,000) gallons consumed in excess of one thousand (1,000) gallons per month, up to and including four thousand (4,000) gallons per month.
- (3) The sum of one dollar and seventy-five cents (\$1.75) shall be charged for each one thousand (1,000) gallons consumed in excess of four thousand (4,000) gallons per month, up to and including nine thousand (9,000) gallons per month.
- (4) The sum of ~~two dollars and ten cents (\$2.10)~~ **four dollars and twenty cents (\$4.20)** shall be charged for each one thousand (1,000) gallons consumed in excess of nine thousand (9,000) gallons per month, up to and including fourteen thousand (14,000) gallons per month.
- (5) The sum of ~~two dollars and forty five cents (\$2.45)~~ **four dollars and ninety cents (\$4.90)** shall be charged for each one thousand (1,000) gallons consumed in excess of fourteen thousand (14,000) gallons per month, up to and including nineteen thousand (19,000) gallons per month.
- (6) The sum of ~~two dollars and eighty cents (\$2.80)~~ **five dollars and sixty cents (\$5.60)** shall be charged for each one thousand (1,000) gallons consumed in excess of nineteen thousand (19,000) gallons per month.
- (7) Water may be furnished by the Municipality of Eagle for construction purposes in strict accordance with this paragraph. The contractor shall contact the Municipal maintenance staff and obtain a water meter prior to obtaining the Municipality's water. The water so obtained shall be metered using the meter provided by the Municipal maintenance department and shall be obtained from a site designated by the Municipal maintenance department and equipped with a backflow prevention device. The minimum charge for the water so obtained shall be ~~\$25~~ **fifty dollars (\$50.00)** per load **and**, in addition, the sum of ~~\$10~~ **twenty dollars (\$20.00)** shall be charged for each 1,000 gallons of water obtained in excess of 2,000 gallons. Upon completion of the loading of the water, the contractor shall return the meter to the Municipal Clerk and pay the charges incurred for the water obtained. The contractor shall be responsible for any damage done to the water furnished by the Municipality.

B. All non-resident users, approved for access by the Municipality, shall pay 175% of the rates set forth above in subparagraphs 1 through 6, for premises not located within the corporate boundaries of the Municipality. Non-resident users shall be subject to all ordinances, resolutions, rules, and regulations adopted by the Municipality, regarding use and operation of the water system of the Municipality, including but not limited to, the operation and maintenance of water meter and system protection devices, water use restrictions, termination of service, and payment of water use fees.

B. These rates shall be effective commencing on the 15th day of May, 2023. (Ref. 17-538 RS Neb.)

Section 4. 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.

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 should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Chair and Governing Body of the Village of Eagle, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 7. 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 on the 15th day from and after its passage, approval, and publication, as provided herein.

Section 8. That it is the intention of the Chair and Governing Body of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code of the Village of Eagle, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Motion by Todd, second by Hochstein, to accept the final reading and adopt Ordinance 2023-03. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Hochstein, to introduce Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Ordinance 2023-04 entitled:

ORDINANCE 2023-04

AN ORDINANCE TO ESTABLISH COMPENSATION FOR POOL EMPLOYEES; TO PROVIDE FOR THE EFFECTIVE DATE HEREOF; 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, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS

ORDINANCE SHALL NOT BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

The Village operates a swimming pool in the Municipality and it is necessary to pay for and compensate seasonal employees for the operation of the pool, therefore,

BE IT ORDAINED BY THE CHAIRPERSON AND THE MEMBERS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA:

Section 1. COMPENSATION SCHEDULE FOR EAGLE POOL EMPLOYEES AS FOLLOWS:

Manager:	\$13.00
Asst. Manager:	\$11.00
Lifeguards/Pool Operator:	\$10.50
Office Assistant:	\$7.00

The wage for any returning Lifeguard or Pool Operator will increase by \$0.25 per hour each season.

Section 2. The above schedule of compensation shall run for the duration of the 2023 pool season, unless amended by ordinance of the Village of Eagle.

Section 3. 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 4. That this Ordinance shall be published within the first fifteen (15) days after its passage and approved in pamphlet form, and shall be effective the 15th day from and after the passage, approval, and publication as provided herein.

Section 5. That it is the intention of the Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall not become a part of the Eagle Municipal Code of the Village of Eagle, Nebraska.

Discussion: Nystrom said the lone revision to this ordinance is modifying the starting wage for lifeguards from \$10.00 to \$10.50 per hour to match the State of Nebraska’s new minimum wage. Dobbins suggested modifying the employee wage scale to include seasonal pool employees so a new ordinance would not need to be adopted each year.

Motion by Hochstein, second by Todd, to accept the first reading of Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Motion by Dobbins, second by Meier, to suspend the rules of three consecutive readings of Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Todd, to adopt Ordinance 2023-04. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Hochstein, to introduce Resolution 2023-02. Voting: Ayes – 4. Motion carried.

Chairperson Todd read Resolution 2023-02 entitled:

RESOLUTION NO. 2023-02

WHEREAS, the Municipal Code of the Village of Eagle, Nebraska, and in particular Ordinance §3-223, provides the following:

The sum of \$4.00 shall be charged for each 1000 gallons of water used based upon the average amount of water metered for the premises, occupied by the current occupant or tenant, per month during the preceding winter quarter (January, February, and March). If there is no established usage for the previous January, February and March period for the premises occupied by the current occupant or tenant, **then a flat monthly rate set by resolution by the Governing Body, annually, shall be charged, until a January, February and March water usage average can be established.**

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska deem it in the best interests of the citizens of the Village of Eagle, Nebraska, that said flat monthly rate be established for the period this Resolution is passed, until the anniversary of passage,

NOW, THEREFORE, be it resolved by the Chair and Board of Trustees of the Village of Eagle, Nebraska, as follows:

- 1 That the findings here and above made should be and are hereby made a part of this Resolution as fully as if set out at length herein.
- 2 That the flat monthly rate required by the Ordinance set forth above shall be the amount of \$20.00 per month.
- 3 That the effective date of this rate shall be May 1, 2023 and shall expire on April 30, 2024.

Motion by Dobbins, second by Hochstein, to adopt Resolution 2023-02. Voting: Ayes – 4. Motion carried.

Motion by Hochstein, second by Meier, to approve Extreme Crazy Cracker's 2023 Fireworks Permit Application at 510 Highway 34. Voting: Ayes – 4. Motion carried.

Motion by Hochstein, second by Meier, to approve Alvo/Eagle Recreation's 2023 Fireworks Permit Application at 1st Street & Highway 34. Voting: Ayes – 4. Motion carried.

Motion by Hochstein, second by Meier, to approve Patriot Pete's 2023 Fireworks Permit Application at 340 Highway 34. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Consider four-year service contract with Sargent Drilling for the variable frequency drives at the wells in the amount of \$2,654.00 – Nystrom said the original manufacturer's warranty on the variable frequency drives (VFD's) expired on September 1, 2022. Sargent Drilling, in participation with Danfoss, offers an additional four-year, on-site service contract that covers an array of damages and failures. For comparison sake, Nystrom said a replacement VFD is approximately \$12,500 prior to programming and installation fees.

Motion by Meier, second by Hochstein, to approve the four-year service contract with Sargent Drilling for the variable frequency drives at the wells in the amount of \$2,654.00. Voting: Ayes – 4. Motion carried.

Motion by Todd, second by Meier, to approve the purchase of Weed and Feed from Frontier Cooperative in an amount not to exceed \$1,700.00. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Update on community recycling program – Nystrom provided the Village Board with a monthly disposal fee comparison study from February, 2022 to April, 2023. Todd said the Village Board budgeted \$15,000 for community recycling services. Nystrom said the Village has spent \$9,222.11 fiscal year-to-date. The Village Board generally agreed to continue with the current recycling program and consider alternate options, such as curbside recycling, in the future. No action taken.

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

Motion by Hochstein, second by Meier, to approve claims as presented. Voting: Ayes – 4. Motion carried.

Approved Claims: Wages 17,894.03, Board Wages 1,000.00, ABC Termite & Pest Control 55.00, Allied Benefit Systems 3,431.04, Amazon Marketplace 245.91, American Exchange Bank 750.00, Big Red Drainage Pipe Supply 1,309.58, Black Hills Energy 1,024.66, Bound Tree Medical 604.66, Bromen, Joseph & Kyleigh 300.00, Bromm Lindahl Freeman-Caddy & Lausterer 210.00, Capital Business Systems 231.63, Casey's 578.24, Cass Co Economic Development 1,000.00, Cass Co Sheriff's Dept 3,145.21, Cass Co Treasurer 100.00, CC Contracting 910.00,

Constellation Energy 980.01, Copple Chevrolet 2,338.52, Display Sales 450.00, Dunrite Homes 1,810.00, Eagle Automotive 183.63, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 5,026.36, Google LLC 132.00, Grainger 300.01, Hestermann, Rick 979.70, Intuit Quickbooks 799.00, John Hancock Investments 382.89, Lovell Excavating 1,000.00, Maguire Iron 3,544.00, Mary's Tax Svc 135.00, Matheson Tri-Gas 212.87, Menards-South 136.90, Midwest Labs 125.70, NE Dept of Rev 2,337.36, NE Generator 9,160.55, NE Public Health Env Lab 247.00, NE Unclaimed Property 367.46, NE Works 31.67, Norland Pure 6.50, Nystrom, Taira 450.00, One Billing Solutions 763.54, One Call Concepts 53.94, OPPD 4,753.66, Quik Dump Refuse 1,436.80, Snyder & Associates 6,691.00, Southwick Liquid Waste 320.00, UNUM 673.05, US Postmaster 563.13, Verizon Wireless 747.33, Voice News 450.91, Windstream 578.07, Youngdahl, Robert & Benet 300.00. Total of bills: **\$82,750.52**.

Approved Park Claims: Aqua Chem 6,573.00, Black Hills Energy 42.35, Lincoln Winnelson Supply 186.18, Menards-South 304.09, NE Unclaimed Property 100.87, OPPD 93.98. Total of bills: **\$7,300.47**.

Report from Attorney – Meier asked if the Village Board should have included the wage for Terry Caddy in its motion to hire him as Deputy Clerk. Freeman-Caddy said it would have only been necessary to include the wage in the motion if it was outside of the wage scale or if the wage was amended from what the employee is currently being paid.

Report from Clerk/Treasurer – Nystrom said the annual mass mailing will be sent to all water service customers this month; the mailing will include a copy of the Annual Water Quality Report, a lead service line questionnaire and pet licensing information. The Pool Manager and Park Board have hired an Assistant Manager and five lifeguards to date. Polly Frye's last day of employment as Deputy Clerk was March 31, 2023 and Terry Caddy has begun his transition to the position. Nystrom said the total monthly income ending March 31, 2023 was \$96,908.32.

The meeting was adjourned at 8:27 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 April 4, 2023 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

Terri Todd
Chairperson

VILLAGE OF EAGLE

April 6, 2023

The Village Board of Trustees met in special session at 7:00 p.m. on April 6, 2023 with Todd, Hochstein, Caylor and Dobbins present. Meier was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Todd 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.

Motion by Todd, second by Caylor, to approve an addendum to the Culvert Agreement between Dustin Gordon and the Village of Eagle at 315 South 4th Street as discussed and to approve the drainage modification plans submitted by Snyder & Associates with the exception of the proposed culverts under the north and east driveways. Voting: Ayes – 4. Motion carried.

The meeting was adjourned at 7:28 p.m.

Nick Nystrom
Village Clerk

Terri Todd
Chairperson

VILLAGE OF EAGLE

April 6, 2023

The Village Board of Trustees met in special session at 7:00 p.m. on April 6, 2023 with Todd, Hochstein, Caylor and Dobbins present. Meier was absent. The Agenda items listed thereon were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Chairperson, at the beginning of the meeting, informed the public about the location of the posted current copy of the Open Meetings Act. Chairperson Todd 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.

Discuss/possible action: Drainage and culvert issues regarding the southwest corner of 4th & C Street – Dustin Gordon was present and introduced himself as the owner of the property located at 315 South 4th Street. Todd said the purpose of tonight's special meeting is to discuss the drainage plan adjacent to Gordon's property so all parties can be on the same page moving forward. Gordon said he is not trying to be difficult or cut any corners with the project but just wants the drainage area to look good and be as maintenance-free as possible; his idea is to eliminate ditches where practical and allow water to flow freely. Gordon said he met with the Street Committee to discuss his drainage concept which included the removal of the culvert on the north side of his property and adding a driveway swale to allow storm water to flow; the Street Committee was in agreement with this concept. Todd said the only issue she sees is if the concept does not work and the driveway needs to be torn up in the future to add a culvert. Gordon said he would not be opposed to doing that but feels his drainage concept will work. Nystrom asked if a culvert will be installed under the east driveway. Gordon said he does not want any culverts under driveways but does want a box culvert installed along the west side of 4th Street; he is willing to pay for the box culvert and installation if an agreement can be reached with the Village Board. The Village Board reviewed the drainage ditch design plans provided by Snyder & Associates; the plans show an 18" culvert being installed under both driveways, a 12" culvert under the sidewalk at the southwest corner of 4th & C Street, and a box culvert installed to the north of the east driveway. Gordon said he spoke with the Village Engineer and asked why a culvert was recommended under the north driveway; her response was because there is a culvert uphill (west) of the property. Gordon said the problem is the bottom of the culvert to his west sits higher than the top of his driveway. Nystrom said he spoke with the Village Engineer this afternoon and she stated the culvert under the north driveway can be eliminated if the property owner realizes one may need to be added in the future if there are problems with drainage; the culvert under the east driveway was not mentioned because the last anyone knew it was going to be installed. Gordon said he would like to add a swale to the east driveway as well. Nystrom was directed to call Barbara Johnston (Village Engineer) during the meeting to ask her opinion on eliminating the proposed culvert under the east driveway. Johnston said as long as the property owner is agreeable to

fixing any future issues that may occur she is fine with eliminating the east culvert from the project scope as well. Terry Caddy asked if any consideration was made as to what would happen if there is a lot of snow on the ground going into a spring thaw. Gordon said he cannot honestly answer what would happen in an event like this but feels if there was that much snow then this situation would be the least of the Village's problems. Freeman-Caddy said if the Village Board is in favor of what the property owner is requesting her recommendation would be to draft an addendum to the original Culvert Agreement setting out the responsibilities of each party.

Motion by Todd, second by Caylor, to approve an addendum to the Culvert Agreement between Dustin Gordon and the Village of Eagle at 315 South 4th Street as discussed and to approve the drainage modification plans submitted by Snyder & Associates with the exception of the proposed culverts under the north and east driveways. Voting: Ayes – 4. Motion carried.

The meeting was adjourned at 7:28 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 April 6, 2023 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

Terri Todd
Chairperson