

VILLAGE OF EAGLE
BOARD OF TRUSTEES AGENDA
APRIL 18, 2022
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

PUBLIC HEARING for the purpose of hearing testimony concerning a zoning change and amendment of the Eagle Zoning Map from AG (Agricultural) to RS (Residential Suburban) for ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Open Public Hearing
Public Comment
Close Public Hearing

PUBLIC HEARING for the purpose of hearing testimony concerning a Preliminary Plat / Subdivision Agreement for property consisting of ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.

Open Public Hearing
Public Comment
Close Public Hearing

1. Discuss/possible action: Approval of a zoning change and amendment of the Eagle Zoning Map from AG (Agricultural) to RS (Residential Suburban) for ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
2. Discuss/possible action: Approval of a Preliminary Plat / Subdivision Agreement for property consisting of ± 33.798 acres located in Tax Lot 36, located in part of Tax Lot 22, in the East Half of Section 19, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska.
3. Report from Fire & Rescue.
4. Open Forum.
5. Discuss/possible action: Final reading of Ordinance 2022-03 – Amending Chapter 10, Article 3 of the Eagle Municipal Code regulating mobile food vendors operating within the corporate limits of the Municipality.
6. Discuss/possible action: Consider proposals for new playground equipment on the west side of Eagle Municipal Park.
7. Discuss/possible action: Consider amendments to the Building Permit fee schedule for new community center savings.

8. Report on Streets and Maintenance.
9. Report on Wells and Sewer.
10. Discuss/possible action: Approve or deny minutes as typed for the previous meeting.
11. Report from Committees and Boards.

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.

APPLICATION FOR A CHANGE OF ZONING
Eagle, Nebraska

Date 02/18/2022

Form must be filled out completely before acceptance of this application for processing. Please print.

Applicant's Name MDC Eagle One, LLC Telephone No. 402-558-2200
Applicant's Address 11550 I Street, Suite #200, Omaha, NE 68137
Present Use of Subject Property Agriculture
Desired Use of Subject Property Single Family Residential
Present Zoning AG Requested Zoning R5

Legal Description of Property Requested to be Rezoned _____
Eagles Landing, Lots 1 through 98, Inclusive and Outlots A and B, being a platting of Tax Lot 36, located in part of Tax Lot 22,
in the east half of Section 19, Township 10 North

Area of Subject Property, Square Feet and/or Acres 33.80 acres
How is Adjoining Properties Used (Actual Use)

North AG South AG
East AG West AG

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

The Zoning Administrator, who may be accompanied by others is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

Justification

You must justify your request. Questions 1 through 4 must be answered completely. Use separate sheet if necessary.

1. What is the general character of the area? Describe.
2. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area?
3. What type of sewer and water system will be used?
4. How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be?

Signature of Owner _____ or Signature of Agent _____

OFFICE USE ONLY

File No. _____ Fee paid Yes () No () _____

Date _____ Approved _____
Disapproved _____ Chair, Eagle Planning Commission.

Date _____ Approved _____
Disapproved _____ Chair, Village Board of Trustees

**APPLICATION FOR PRELIMINARY PLAT
EAGLE, NEBRASKA
LEGAL DESCRIPTION AND GENERAL LOCATION**

Eagles Landing, Lots 1 through 98, Inclusive and Outlots A and B, being a platting of Tax Lot 36, located in part of Tax Lot 22, in the east half of Section 19, Township 10 North

SUBDIVIDER

Name: MDC Eagle One, LLC
Address: 11550 I Street, Suite #200, Omaha, NE 68137

Telephone: () 402-558-2200

OWNER

Name: MDC Eagle One, LLC
Address: 11550 I Street, Suite #200, Omaha, NE 68137

Telephone: () 402-558-2200

VILLAGE USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____

Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: Lamp Rynearson (Engineer)

Address: 14710 W. Dodge Road, Suite 100, Omaha, NE 68154

Telephone: () 402-496-2498

NAME OF PRELIMINARY PLAT: Eagles Landing NUMBER OF LOTS: 98

1. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes ___ No X. If yes, please describe the nature of such interest: _____

2. Will the preliminary plat require any zoning or other action (rezoning, Clustered/Mixed Use, conditional use, or vacations) to complete the development? Yes X No ___. If yes, please describe the nature of the action:
Rezoning from AG to RS.

3. Does the preliminary plat deviate from the requirements of the Subdivision Regulations of the Village of Eagle or the Village's Design Standards? Yes X No ___. If yes, please state each deviation, how the proposal meets the intent of the subdivision ordinance and why the proposal should be accepted (additional sheets may be added):
Requesting a waiver of the maximum block length. Requesting a waiver of the requirement for a minimum of two vehicular access points.

4. Is any part of the land within the preliminary plat within a flood plain? Yes ___ No X. If yes, please include the following information: Hydrological and grade information to determine frequency and extent of inundation of flood waters; location of proposed use and type of use; areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use, location and elevation of open space; all plans and other information conform to Development Standards; limits of the flood plain; amount of Fill Material brought into the flood plain; a certificate that grading will not result in any increase in the flood plain. (Additional sheets may be added).

Applicant's Signature: _____

Date: _____

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 10, ARTICLE 3 OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AS THE SAME RELATES TO BUSINESS REGULATIONS TO PROVIDE REGULATIONS FOR MOBILE FOOD VENDORS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Eagle has the authority to regulate mobile food vendors operating within the corporate limits of the Municipality;

WHEREAS, Mobile food vendors provide a beneficial service to the general public within Eagle while, due to their distinct manner of operation, also present substantial differences of circumstances from other food retailers. It is, thus, desirable to regulate, and require permits for mobile food vendors so that their transitory use of various properties can occur in a fair and safe manner, and so that public safety and welfare can be protected. The purpose of this chapter is to enact regulations to serve those goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. Chapter 10, Article 3, Section 3-XXX of the Village of Eagle, is added as indicated:

§10-3XX DEFINITIONS

For the purpose of this chapter the following terms shall have the meanings respectively ascribed to them:

Food: Shall mean any raw, cooked, or processed edible substance or beverage used or intended for use or for sale in whole or in part for human consumption.

Mobile Food Vendor: Shall mean a person who travels from place to place selling or offering for sale food from a motor vehicle or trailer on public or private property. The following activities are excluded from such definition, and alone, do not subject a vendor to being covered under by such definition: (1) the sale or offer for sale of farm products

produced or raised by such a vendor from land either occupied or cultivated by him or her; (2) the sale or offer of sale of homemade items, such as breads, pies, etc. for a Farmers Market event; (3) the sale or offer of sale of food by non-profit groups or at an event sponsored by a non-profit group; or (4) a minor who is selling liquid refreshments or homemade items on a temporary basis in a manner akin to a lemonade stand.

Permanent Food Establishment: A fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food, a concession stand, a convenience store, a grocery store, or an automotive fueling station.

Administrator: The Municipal Clerk/Treasurer, or his or her designee.

§10-3XX PERMIT REQUIRED

It shall be unlawful for any person to operate as a mobile food vendor within the corporate limits, whether on public or private property, unless such person complies with the requirements and regulations of this chapter, including holding a valid and active mobile food vendor permit issued by the municipality under this chapter.

§10-3XX APPLICATION

All permit applications under this chapter shall be filed with the Administrator on a form to be furnished by the municipality, which shall require, at a minimum, the following:

- (a) The name, address, phone number, and email address of the individual, partnership, firm, or corporation applying for a permit;
- (b) The vehicle license numbers and descriptions of all vehicles from which the applicant proposes to sell food;
- (c) The names of all persons expected to drive such vehicles;
- (d) A copy of all vehicle registrations;
- (e) Proof of motor vehicle insurance;
- (f) Proof of commercial general liability insurance for property damage and injury for no less than \$1,000,000.00 in the operation of said business and an agreement to hold the municipality harmless of all claims and damages;
- (g) A brief description of the foods to be sold;
- (h) The address of the physical location the vendor will set up trade, and:
 - a. for private property, written permission to sell or offer to sell food on said property;
 - b. for public property, a request for permission to the governing body setting for the requested location(s);
- (i) A copy of the State of Nebraska sales tax permit or proof of sales tax exemption; and

- (j) A copy of the applicant's permit issued by the Department of Agriculture of the State of Nebraska, as required by the Nebraska Pure Foods Act (Neb. Rev. Stat. secs. 81-2,239 to 81-2,292).

After receipt of the completed application and application fee, in the event permission is requested to operate on public property, the Administrator shall place the request on the next meeting agenda of the governing body for approval.

§10-3XX ISSUANCE OR DENIAL

- a. Upon receipt of a complete application for a permit pursuant to this chapter, the Administrator shall endeavor to determine if the statements contained within the application are true and correct and shall approve or deny such application within 30 days as provided herein (in the case of requests to operate on public property, only after the request has been granted by the governing body).
- b. Grounds for denial may include, but are not limited to, the following
 - i. A finding that the application is incomplete (the criteria set forth above is not met);
 - ii. Non-payment of applicable fees;
 - iii. A finding that the application is not in conformance with any applicable laws or this code including, but not limited to Chapter 10 of this code;
 - iv. A finding that the applicant has been convicted of two or more separate violations of the provisions of this chapter within the 12 months preceding the submission of a complete application.
- c. An application for a permit under this chapter shall be accompanied by a nonrefundable processing fee of \$30.00 per calendar year for each motor vehicle, trailer, cart or other piece of mobile equipment to be used.

§10-3XX TRANSFER

Permits issued under this chapter shall be nontransferable and no such permit shall be used at any time by any person other than the one to whom it was issued.

§10-3XX EXHIBITION OF PERMIT

Vendors shall exhibit their permit at all times when operating within the corporate limits of the municipality or upon the request of any Municipal official, Municipal employee, or customer.

§10-3XX RENEWAL

A permit issued under this chapter shall expire on December 31st of each year. The permittee shall renew the permit for the following year by filing with the Municipal Clerk

prior to expiration. The renewal shall be on a form provided by the Municipal Clerk and shall include payment of a renewal fee of \$15.00 per year for each motor vehicle, trailer, cart or other piece of mobile equipment to be used.

§10-3XX SALES REGULATIONS

A mobile food vendor shall:

- a. have in full force and effect (1) a permit issued by the Municipal Clerk as provided herein, (2) a sales tax permit from the State of Nebraska (or show valid exemption), (3) a permit issued by the Department of Agriculture of the State of Nebraska, as required by the Nebraska Pure Food Act, (4) a motor vehicle liability insurance policy and be able to exhibit proof of such policy upon request; and (5) commercial general liability insurance for the operation of said business and be able to exhibit proof of such policy upon request.
- b. only sell or offer to sell food on private property that is zoned for commercial or industrial use, with written consent from the property owner, *or* only sell or offer to sell food on municipal public property as provided herein, holding the municipality harmless of all claims and damages, whichever applies;
- c. vend only when the vendor's truck is lawfully parked or stopped;
- d. vend only from the side of the truck that is away from moving traffic;
- e. comply with all local ordinances regulating noise;
- f. maintain in operable condition all fire suppression equipment or devices as required by local, state, or federal law;
- g. provide trash receptacles for the collection of trash and recyclable materials;
- h. pick up and properly dispose of any trash, litter, or recyclable materials prior to leaving a location;

A mobile food vendor shall not:

- a. sell or offer to sell alcoholic drinks;
- b. sell or offer to sell food on private property zoned for residential use;
- c. sell or offer to sell food from a vehicle located in a public right-of-way;
- d. sell or offer to sell food from a vehicle located on a street or street parking stall unless the street is closed for a special event, with approval from the Municipal Board;
- e. sell or offer to sell food on county public property, school public property, or natural resource district public property without written consent of an authorized representative of said entity;
- f. vend to a person standing in the roadway;
- g. vend on state highways;
- h. dispose of any trash, litter, recyclable materials, or food waste (including grease) in public trash or recycling containers; or
- i. dump grease, waste, food waste, waste water, or grey water on the ground or in the storm sewers.

§10-3XX OPERATING ON MUNICIPAL PROPERTY

To operate on municipal property, a mobile food vendor must obtain permission from the governing body. A permit to operate on municipal property does not create a property interest in the location. Mobile food vendors are only allowed the opportunity to park and operate on the following municipal property:

- a. The northern or eastern portion of the lot located east of the Eagle Municipal Pool (Eagle-OT lots 1-6 of block 13); or
- b. The southern portion of the Eagle Municipal Office parking lot located at 747 S. 2nd Street; or
- c. Any other location specifically authorized by the governing body.

If the vendor has failed to receive permission to locate on public property, any authorized official or employee of the municipality may order a mobile food vendor to move or leave from public property. If the vendor has received permission, the vendor may be asked to remove or leave the public property for the following reasons: revocation/suspension issued by the Administrator; violation of zoning, local or state law, emergency necessity on the part of the Municipality, or the Municipality requires the use of the space for governmental purpose. No vehicles or other auxiliary equipment used by a mobile food vendor shall be left or parked on municipal property for more than 12 hours. The municipality may tow or otherwise move a mobile food vendor's vehicle or other auxiliary equipment if it presents a danger to public safety, in the event of revocation/ suspension of the permit, in the case of public emergency or requirement of use of the space for governmental purpose and only after request has been made of the vendor to remove and the mobile food vendor fails to remove the same.

§10-3XX HOURS OF OPERATION

Mobile food vendors are only permitted to operate between the hours of 7:00 a.m. and 12:00 midnight, seven days a week.

§10-3XX REVOCATION OR SUSPENSION

Grounds: A permit issued under this chapter may be revoked or suspended by the Administrator for any of the following reasons:

- a. Any fraud, misrepresentation, or false statement contained in the application for a permit;
- b. Any fraud, misrepresentation, or false statement made in connection with the selling of food or operation of the business;
- c. Any violation of this chapter or any applicable laws or provisions of the Eagle Municipal Code or any agency or department of the State of Nebraska, or a violation of Nebraska law;
- d. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the

public; or

- e. Upon conviction of two or more separate violations of this chapter within any consecutive 12-month period. For purposes of this section, conviction shall mean any finding of guilt or liability on the part of the mobile food vendor by a court of competent jurisdiction, and shall include any conviction that has previously been set aside.

Notice: To revoke or suspend a license, the Administrator shall provide written notice to the permit holder stating the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be sent by regular U.S. mail or by certified mail (although return receipt is not required to prove service) to the license holder's address as stated in his/her/its application.

Appeal: A permit holder aggrieved by the decision of the Administrator under this section may file an appeal in writing with the Municipal Clerk within 5 business days of the decision, to be heard before the governing body.

Re-application: A person/entity whose license has been revoked under this chapter may not re-apply for a new license for a period of 12 months after the effective date of the revocation.

§10-3XX PENALTY

It shall be unlawful for any person to violate the provisions of this chapter. In addition to revocation as provided herein, any violation shall be punishable as provided in the penalty article of this chapter.

Section 2. 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 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 should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason 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 5. 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 6. 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.

This Ordinance passed and approved this ____ day of _____ 2022.

VILLAGE OF EAGLE, NEBRASKA

By: _____
John Surman, Its Chair

ATTEST:

Nick Nystrom, Its Clerk

(SEAL)



Date: 3/22/22
Attn: Village of Eagle 245 S 5th St Eagle, Nebraska 68347 Elizabeth Umshler elizabeth.umshler@doane.edu (402) 309-3508
Project: Playground Supply and Install

Project Scope Information:
<ol style="list-style-type: none"> 1. Provide all nine items from playgroundequipment.com as shown in customer's exhibition 2. Provide 40 border timbers with stake 4'x12" 3. Delivery included 4. Surcharges included 5. Install playground equipment, borders and pea gravel/sand 6. Allow 16-24 weeks lead time 7. Does not include applicable taxes 8. Customer supplies sand or pea gravel
<i>If not listed herein, it is not included. Advise, prior to acceptance of required additional items. Manufacturing and delivery lead times are constantly changing. We ask our customers to be patient and plan accordingly.</i>

Project Pricing: \$25,725.00
<i>Signature of Customer:</i>
<i>Unless otherwise stated, pricing subject to change after 10 days of date of proposal. This proposal is not binding unless signature is affixed to page two. Do not sign and return this sheet without signed second page.</i>

Contact Information: Loren Block 605-419-1384 l.block@theamericanplayground.com
--

Standard Notes & Exclusions: Unless otherwise noted:
1. 1 mobilization is included for the installation of the fencing or playground.
2. Block-out(s) in concrete / masonry for fence by others. No core drilling included.
3. No surveying and/or staking included. Fence, playground and surfacing lines and elevations to be staked by others.
4. Private utilities to be located by others in accordance with State's One Call System standards. In the event these utilities are damaged as a result of improper locating, AFC will not be responsible for damages and associated costs.
5. Fences and playgrounds to be staked clear of utilities. No excavation included for digging within 18" of utilities but at additional expense. Hand excavation due to interference with utilities at \$55.00 per post hole.
6. No permits, bonds, dues, completed operations, or primary-none contributory included.
7. No project specific employee background, drug screen or DMV history included. Add \$65.00 per employee if required.
8. No removals, grading, grubbing, and/or demolition are included.
9. No electrical wire, wiring, grounding, conduit, connections, and/or initial electrical/controls set-up. Only after electrician has confirmed connections and operations, AFC will review installation.
10. AFC will not be subject to liquidated damages or back charges as a result of delays.
11. Material fabricated per plans. No field verification, engineering, delegated design included.
12. Accounts not paid within thirty days will be charged eighteen percent (18%) per annum. No retention to be withheld.
13. No prevailing, union or Davis – Bacon wages included.
14. No participation in billing processing programs, Textura. Participation fee to be added to contract if required.
15. Not responsible for any sprinkler repairs.
16. Not responsible for unforeseen digging conditions such as rock, excessive concrete, unmarked utilities, or other conditions

that

require additional labor, materials or equipment. Additional costs will be assessed and the responsibility of the customer.

Terms and Conditions

By signing this proposal, the customer has completely reviewed and agreed with the prices, specifications and conditions as stated herein. Furthermore, the customer is authorizing American Fence Company / AmeriFence Corporation to complete the work. Unless stated, the fence does not include a warranty. Customer is financially responsible for cancellation fees and costs of special-order materials if the customer elects to cancel the contract. TERMS: 60% Down. Balance due on date of completion. No retention to be withheld. If withheld without approval, the contract amount will be 5% more than what is shown on the proposal. Service and handling charge of 1.5% per month-18% per annum applies to delinquent accounts not paid within 5 days of completion. Customer assumes full responsibility for location of property pins, staking of fence, and inaccurately placed pins and stakes. Customer understands that American Fence Co. may stake the fence based on the proposal and/or in consideration of existing utilities that do not reflect the actual location of customer's property. Customer agrees to defend, hold harmless and indemnify American Fence Co. against claims, liabilities and expenses for trespass and damage arising out of location of said fence. Customer assumes full responsibility for damage to marked and unmarked underground utility, telephone, T.V., cable or sprinkler systems. Customer requests, agrees or allows American Fence Co. to locate the fence within 18 inches of any buried utilities; customer agrees to defend, hold harmless and indemnify American Fence Co. against all claims, liabilities and expenses as a result of damage to these utilities and property. If the contract price is not paid when due, customer agrees to allow American Fence Co. to trespass on to their property and remove fence at the company's discretion. Furthermore, customer agrees to indemnify and hold harmless American Fence Co. for any damage done to the property as a result of removal of the fence, playground or surfacing. All modifications shall be in writing and shall be affixed to the original bid. This agreement and subsequent modifications shall be contingent upon strikes, accidents, shortages or delays beyond the control of American Fence Co. Time stated for installation is purely estimated. Customer agrees and accepts that AFC will not extend discounts or credits for any delays or be held responsible for interest charges on any payments made by customer. Changes to the fence due to varying ground conditions are not the responsibility of American Fence Co. Customer to carry fire, tornado and other necessary insurance. This proposal cannot be withdrawn by customer after acceptance of proposal. American Fence Co. has the right to reject any bid. Legal and related fees accrued in an effort to collect on this account for whatever reason will be the responsibility of the customer. By signing this proposal, customer has completely reviewed and agreed with the prices, specifications and conditions as stated herein. Furthermore, customer is authorizing American Fence Co. to complete the work. The customer is financially responsible for cancellation fees and costs of special order materials in the event the customer elects to cancel the contract. TERMS: 60% Down. Balance due on substantial completion. Service and handling charge of 5% per month-60% per annum will apply to delinquent accounts past 10 days. Customer acknowledges that this is page two of two and has received page one.

By signing below, I acknowledge and agree with all stated herein inclusive of both pages one and two of this proposal.

Customer signature: _____ Date: _____

Customer printed name: _____ Date: _____

Customer invoicing email address: _____

Remit payment to: American Playground Company 47061 Charlotte Court. Sioux Falls, SD 57108

Please fill out this online form when placing your order or contact Loren Block for assistance:

<https://form.jotform.com/91645645723160>



Quote Cart

[Home](#) > [Quote Cart](#)

Here's what's in your quote cart.

Need help? [Chat now](#) or call **800-667-0097**

Image	Product	Qty	Price
	Large Adaptive Swing Seat Select your color: Green Seat with Tan...	1 <input type="text"/> Remove	\$856.00
	Single Post Tilted Lilly Pad Bridge	1 <input type="text"/> Remove	\$2,688.00
	Whizzy Dizzy	2 <input type="text"/> Remove	\$1,708.00 each \$854.00
	Harry Hopper Fun Bounce	1 <input type="text"/> Remove	\$778.00



Charlie Chomper Fun Bounce

1
Remove

\$1,270.00



Craggy Island
Select your color: Primary

1
Remove

\$3,602.00



Glockenspiel
Select your color: Primary

1
Remove

\$934.00



Bongo Drums
Select your color: Primary

1
Remove

\$1,648.00



Radical Rotator

1
Remove

\$3,828.00

Subtotal before shipping: \$17,312.00

[Continue Shopping](#)

[Proceed to Quote Request](#)



Quote #785404

NVB Playgrounds
d/b/a AAA State of Play
10859 E Washington St. Ste 100
Indianapolis, IN 46229
Phone: (877) 826-2776
Local: (317) 826-2777
Fax: (317) 245-2375

Ship Via: Freight
Request By: William
Quote Out: 4/13/2022

Visit:
www.AAASTATEOFPLAY.com
for more great deals

* Still awaiting
installation charges

Bill To

Elizabeth Umshler
Eagle, NE 68347 USA
umshler77@gmail.com
Ph: (402) 309-3508
Fax:

Ship To:

Elizabeth Umshler
Eagle, NE 68347 USA
Ph: (402) 309-3508

Table with 6 columns: Product ID, Description, Weight, Qty, Price, Amount. Rows include PGS028, PFB006, PFS021, PFB008, PCR013P, PMC003P, PMC001P, PFS059.

Subtotal: \$12,062.00

Shipping: \$2,040.00

Tax Rate: 5.5%

Sales Tax: \$775.61

Total Weight: 645 lbs

Installation:

Total: \$14,877.61

QUOTE ONLY
VALID FOR 30 DAYS FROM DATE OF ISSUE

If submitting a PO: Please CC orders@aaastateofplay.com and your
sales person with reference to your quote number in the subject line.
POS ONLY ACCEPTED FROM GOVERNMENT ENTITIES UNLESS
OTHERWISE APPROVED.

Due to supply chain issues industry wide, we are currently
experiencing longer than average lead times from most

Customer ID:

Quote ID: 785404

Customer Order Number:

Product ID	Description	Weight	Qty	Price	Amount
-------------------	--------------------	---------------	------------	--------------	---------------

manufacturers.

It is the customer's responsibility to provide a valid phone number for deliveries. In the event that a courier cannot reach you, or changes are made to delivery services, all additional fees will be paid by the customer.

Notes

Ships via freight by appointment from Indiana
Customer responsible for receiving and unloading material
Current estimated lead time 14-20 weeks typical

****Lead times are very fluid right now in the wake of Covid****

VILLAGE OF EAGLE

April 5, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on April 5, 2022 with Surman, Meier, Weyers and Caylor present. Moore 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 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 – Surman said it was his understanding the subdivision agreement with Eagle Estates required all new properties to have sod installed; however, there is one property currently using grass seed covered with straw. Freeman-Caddy said she does not recall that being part of the subdivision agreement but will double check.

Motion by Surman, second by Meier, to approve Tracy Masek as a member of the Eagle Park & Recreation Commission. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Weyers, to approve the weekly rental of a Bobcat E35 Mini Excavator and breaker from Hamilton Equipment for swimming pool repairs at a cost of \$2,211.60. Voting: Ayes – 4. Motion carried.

Motion by Caylor, second by Weyers, to approve ABC Termite & Pest Control's proposal for mosquito abatement services at Eagle Municipal Park at a rate of \$500.00 per month. Voting: Ayes – 4. Motion carried.

Motion by Surman, second by Caylor, to approve ABC Termite & Pest Control's proposal for bi-monthly service at Eagle Fire & Rescue at a first-year annual cost of \$598.00. Voting: Ayes – 4. Motion carried.

Travis Moore arrived at the meeting at 7:18 p.m.

Motion by Moore, second by Meier, to approve the donation of an annual Individual Pool Pass to the Eagle Park & Recreation Commission for community clean-up day. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Meier, to approve the estimate from Lovell Excavating for valve installation for the north meter pit at the Eagle Mobile Home Community in the amount of \$2,366.57. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to approve American Access Company's proposal to remove and replace the automatic gate operator at the WWTP in the

amount of \$6,664.00. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to approve Crazy Cracker's 2022 Fireworks Permit Application at 510 Highway 34. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to approve Patriot Pete's Fireworks Permit Application at 340 Highway 34. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Moore, to approve Alvo/Eagle Recreation's 2022 Fireworks Permit Application at 800 S. 1st Street. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Ordinance 2022-03 entitled:

ORDINANCE NO. 2022-00

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 10, ARTICLE 3, SECTION X-XXX, OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AS THE SAME RELATES TO BUSINESS REGULATIONS; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

Motion by Moore, second by Weyers, to accept the second reading of Ordinance 2022-03 as amended. Voting: Ayes – Meier, Caylor, Weyers, Moore. Nays – Surman. Motion carried.

Motion by Caylor, second by Weyers, to introduce Resolution 2022-01. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Resolution 2022-01 entitled:

RESOLUTION NO. 2022-01

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, 2022 and shall expire on April 30, 2023.

Motion by Meier, second by Caylor, to adopt Resolution 2022-01. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Weyers, to approve a conceptual drawing for the future addition of a meeting room at the Eagle Municipal Facility by Kevin Riley in an amount not to exceed \$500. Voting: Ayes – Meier, Weyers, Moore. Nays – Caylor, Surman. Motion carried.

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

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

Approved Claims: Wages 13,047.67, Board Wages 900.00, ABC Termite & Pest Control 119.00, Allied Benefit Systems 5,306.34, Amazon Marketplace 392.35, American Exchange Bank 1,125.00, Black Hills Energy 762.09, Bound Tree Medical 1,803.24, Brasch Homes 1,810.00, Bromm Lindahl Freeman-Caddy & Lausterer 2,681.50, Capital Business Systems 561.34, Casey's 371.89, Cass Co. Sheriff's Dept 3,145.21, Constellation Energy 531.79, Core & Main 3,471.21, Custom LED Lighting 779.69, Dollar General 49.00, Dunn, Wyatt & Kathrine 300.00, Dunrite Homes 1,810.00, Eagle Automotive 1,549.42, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,356.70, ESO Solutions 3,675.02, First Wireless 70.00, Frontier Cooperative

35.00, Frye, Polly 26.82, Google LLC 120.00, Gordon Electric 75.00, Hestermann, Rick 3,921.51, Intuit Quickbooks 549.99, Iowa Pump Works 163.31, John Hancock Investments 296.40, Knee Deep 1,400.00, Kontos, Michael & Stephenie 218.22, Maguire Iron 3,375.00, Mary's Tax Srvc 125.00, Matheson Tri-Gas 197.99, Menards-South 1,311.81, Midwest Labs 110.55, NDOL-UIC 39.51, NE Dept of Rev 3,120.04, Norland Pure 26.00, Nystrom, Nick 172.07, Nystrom, Taira 450.00, Oncenter Construction 1,810.00, One Call Concepts 70.50, OPPD 4,122.93, Quick Med Claims 124.16, Quik Dump Refuse 707.10, Ramada-Grand Island 185.90, Rock Creek Refuse 300.00, School District 145 200.00, Snyder & Associates 10,895.15, Staples 193.82, United Rentals 112.00, UNUM 1,085.93, US Postmaster 606.00, USA Bluebook 725.48, Verizon Wireless 586.76, Voice News 29.04, Windstream 615.06. Total of bills: **\$87,214.51.**

Approved Park Claims: Alvo/Eagle Recreation 6,000.00, Black Hills Energy 38.41, OPPD 92.20. Total of bills: **\$6,130.61.**

The meeting was adjourned at 9:02 p.m.

Nick Nystrom
Village Clerk

John Surman
Chairperson

VILLAGE OF EAGLE

April 5, 2022

The Village Board of Trustees met in regular session at 7:00 p.m. on April 5, 2022 with Surman, Meier, Weyers and Caylor present. Moore 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 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 Law Enforcement – Sergeant Boehm said there were 6 citations, 15 warnings, 3 equipment violations and 29 calls for service during the month of March. Surman inquired as to what the hazardous waste call was in reference to on March 20, 2022. Boehm said this call was the result of a fuel spill at Casey's General Store. Surman said a fire call was made on March 27, 2022 at a property on Douglas Drive; this fire was in the rear yard of the property directly to his east and contained a fire with 6-foot tall flames. Surman said when dispatch was called it was their belief that it was legal to burn in Eagle; however, there is no open burning allowed in town. Boehm asked if burning in a fire pit is permissible. Surman said yes, but only if it is self-contained and the ashes don't carry. Meier said there was a trailer parked in a no-parking zone along G Street last night and asked that this type of situation is monitored more closely.

Report from Building & Zoning Administrator – Hestermann not present. There were 8 new building permits, 3 certificates of occupancy and 12 inspections during the month of March. There are 21 total open permits to date. Surman said he spoke with Hestermann regarding Building Permit #728 and inquired as to why re-roofing a house required a permit. Hestermann's response was that part of the substructure was also in need of replacement at this particular address.

Open Forum – Surman said it was his understanding the subdivision agreement with Eagle Estates required all new properties to have sod installed; however, there is one property currently using grass seed covered with straw. Freeman-Caddy said she does not recall that being part of the subdivision agreement but will double check.

Motion by Surman, second by Meier, to approve Tracy Masek as a member of the Eagle Park & Recreation Commission. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Consider options for the rental of a Bobcat Mini Excavator and breaker from Hamilton Equipment for swimming pool repairs – Surman said Meier recommended at the last meeting that an estimate be received for a larger Bobcat Mini Excavator; the weekly rental of an E35 unit, plus breaker, increased the

total cost \$558.60 to a total of \$2,211.60. Meier said ultimately he will leave it up to the employees who will be operating the equipment but feels the E35 will make the job much easier. Klabenes said he has never operated the smaller E26 unit but feels he can get the job done either way.

Motion by Meier, second by Weyers, to approve the weekly rental of a Bobcat E35 Mini Excavator and breaker from Hamilton Equipment for swimming pool repairs at a cost of \$2,211.60. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Consider proposal from ABC Termite & Pest Control for mosquito abatement services at Eagle Municipal Park at a rate of \$500.00 per month – Surman said in prior years the final spray application was free with the acceptance of a full proposal and asked if that benefit is being offered again this season. Nystrom said he has not heard that a free spray is being offered again this year; however, the price of application has increased \$150.00 per effort and ABC Termite & Pest Control has offered Eagle a no rate increase since we were one of the first customers to utilize this service.

Motion by Caylor, second by Weyers, to approve ABC Termite & Pest Control's proposal for mosquito abatement services at Eagle Municipal Park at a rate of \$500.00 per month. Voting: Ayes – 4. Motion carried.

Motion by Surman, second by Caylor, to approve ABC Termite & Pest Control's proposal for bi-monthly service at Eagle Fire & Rescue at a first-year annual cost of \$598.00. Voting: Ayes – 4. Motion carried.

Travis Moore arrived at the meeting at 7:18 p.m.

Discuss/possible action: Update on truck traffic and potential for damages to the adjacent ADA Ramp at 520 South 1st Street – Surman said this topic was discussed at the last meeting and the Village Board felt it would be a good idea to discuss with the attorney any possible liability issues, especially if the thought was to install concrete poles in the right-of-way to keep truck traffic from cutting the corner too short and potentially damaging the concrete ADA ramp again. Freeman-Caddy said she would recommend speaking with the Village Engineer on this matter to see what is done in situations like this; from her opinion, there is always going to be some liability concern when an obstruction is put in the right-of-way. Surman asked if there is a method where the Village Board can require the property owner to expand the width of the driveway to the north to better accommodate heavy truck traffic. Freeman-Caddy said since this is not a public street there would not be a way to require the property owner to widen the driving surface. Surman said if something goes wrong and a truck hits the adjacent gas pipeline there will be a bigger problem than a broken ADA ramp. Freeman-Caddy said it might be in the Village's best interest to reinforce the ADA ramp area and pour thicker concrete to help prevent future damage. Surman said he will discuss this matter with the Village Engineer and report back at a later date. No action taken.

Discuss/possible action: Approve the donation of an annual Individual Pool Pass to the Eagle Park & Recreation Commission for community clean-up day – Moore said the Eagle Park & Recreation Commission will be partnering with Keep Cass County Beautiful and the local Girl Scout Troop during the community clean-up day and the thought was to offer one individual pool pass as a prize for participation; this is a way to reward children volunteering their time on a Saturday to help clean up the community. Surman said his only concern is volunteering in the community should be just about that and not necessarily trying to win a prize to help out. Moore said he has been participating in the community clean-up day for the last several years and he can count on one hand how many people show up to volunteer; offering a chance to win a pool pass is just one creative way to entice others to volunteer their time.

Motion by Moore, second by Meier, to approve the donation of an annual Individual Pool Pass to the Eagle Park & Recreation Commission for community clean-up day. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Approve estimate from Lovell Excavating for valve installation on a meter pit at the Eagle Mobile Home Community in the amount of \$2,366.57 – Surman said it was reported at the last meeting that a water leak was present at this location. Klabenes said it was discussed at the last meeting whether the location identified for the placement of a valve was within the right-of-way; to the best of his knowledge, the initial location identified for valve placement will be outside of the right-of-way. Klabenes said this means the valve would need to be installed further west along 4th Street, and depending on the amount of time it takes Lovell Excavating to locate the water main, the cost of the total project may increase.

Motion by Surman, second by Meier, to approve the estimate from Lovell Excavating for valve installation for the north meter pit at the Eagle Mobile Home Community in the amount of \$2,366.57. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Consider options for repairs or replacement of the automatic gate operator at the WWTP – One proposal was received from American Access Company for the removal and replacement of the automatic gate operator in the amount of \$6,664.00. Klabenes said due to the age of the existing operator, the contractor is unable to find parts to repair what exists. Surman asked what issues exist if the Village Board does not take action tonight. Klabenes said the gate will need to be opened by hand until it is replaced. Nystrom said the bid tonight is only good for 15 days; if the project is put on hold a new bid will need to be received. Moore said his opinion is not having an operational gate is an inconvenience that needs to be addressed sooner rather than later; it would be no different than the Village Board telling the fire department to just manually lift the garage doors every time they go on a call.

Motion by Moore, second by Meier, to approve American Access Company's proposal to remove and replace the automatic gate operator at the WWTP in the amount of \$6,664.00. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to approve Crazy Cracker's 2022 Fireworks Permit Application at 510 Highway 34. Voting: Ayes – 5. Motion carried.

Motion by Caylor, second by Meier, to approve Patriot Pete's Fireworks Permit Application at 340 Highway 34. Voting: Ayes – 5. Motion carried.

Motion by Surman, second by Moore, to approve Alvo/Eagle Recreation's 2022 Fireworks Permit Application at 800 S. 1st Street. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Ordinance 2022-03 entitled:

ORDINANCE NO. 2022-00

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 10, ARTICLE 3, SECTION X-XXX, OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AS THE SAME RELATES TO BUSINESS REGULATIONS; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, Eagle has the authority to regulate mobile food vendors operating within the corporate limits of the Municipality;

WHEREAS, Mobile food vendors provide a beneficial service to the general public within Eagle while, due to their distinct manner of operation, also present substantial differences of circumstances from other food retailers. It is, thus, desirable to regulate, and require permits for mobile food vendors so that their transitory use of various properties can occur in a fair and safe manner, and so that public safety and welfare can be protected. The purpose of this chapter is to enact regulations to serve those goals.

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. Chapter 10, Article 3, Section 3-XXX of the Village of Eagle, is

amended as indicated:

§10-3XX DEFINITIONS

For the purpose of this chapter the following terms shall have the meanings respectively ascribed to them:

Food: Shall mean any raw, cooked, or processed edible substance or beverage used or intended for use or for sale in whole or in part for human consumption.

Mobile Food Vendor: Shall mean a person who travels from place to place selling or offering for sale food from a motor vehicle or trailer on public or private property. The following activities are excluded from such definition, and alone, do not subject a vendor to being covered under by such definition: (1) the sale or offer for sale of farm products produced or raised by such a vendor from land either occupied or cultivated by him or her; (2) the sale or offer of sale of homemade items, such as breads, pies, etc. for a Farmers Market event; (3) the sale or offer of sale of food by non-profit groups or at an event sponsored by a non-profit group; or (4) a minor who is selling liquid refreshments or homemade items on a temporary basis in a manner akin to a lemonade stand.

Permanent Food Establishment: A fixed building which a person occupies on a continual basis and from which such person sells or offers to sell food for immediate delivery and consumption upon purchase. Such term shall not include a location where a mobile food vendor sells or offers to sell food, a concession stand, a convenience store, a grocery store, or an automotive fueling station.

Administrator: The Village Clerk/Treasurer, or his or her designee.

§10-3XX PERMIT REQUIRED

It shall be unlawful for any person to operate as a mobile food vendor within the corporate limits, whether on public or private property, unless such person complies with the requirements and regulations of this chapter, including holding a valid and active mobile food vendor permit issued by the municipality under this chapter.

§10-3XX APPLICATION

All permit applications under this chapter shall be filed with the Administrator on a form to be furnished by the municipality, which shall require, at a minimum, the following:

- (a) The name, address, phone number, and email address of the individual, partnership, firm, or corporation applying for a permit;
- (b) The vehicle license numbers and descriptions of all vehicles from which the applicant proposes to sell food;
- (c) The names of all persons expected to drive such vehicles;

- (d) A copy of all vehicle registrations;
- (e) Proof of motor vehicle insurance;
- (f) Proof of general liability insurance for property damage and injury for no less than \$1,000,000.00;
- (g) A brief description of the foods to be sold;
- (h) The address of the physical location the vendor will set up trade:
 - a. For private property, written permission to sell or offer to sell food on said property;
 - b. For public property, request permission from the governing body;
- (i) A copy of the State of Nebraska sales tax permit or proof of sales tax exemption; and
- (j) A copy of the applicant's permit issued by the Department of Agriculture of the State of Nebraska, as required by the Nebraska Pure Foods Act (Neb. Rev. Stat. secs. 81-2,239 to 81-2,292).

After receipt of the completed application and application fee, the Administrator shall either approve or deny the application. Grounds for denial may include, but not be limited to, the following:

- (a) An incomplete application;
- (b) The nonpayment of applicable fees;
- (c) A finding that the application is not in conformance with any applicable laws or this code including, but not limited to, Chapter ____ of this code.
- (d)

§10-3XX ISSUANCE OR DENIAL

- a. Upon receipt of a complete application for a permit pursuant to this chapter, the Administrator shall endeavor to determine if the statements contained within the application are true and correct and shall approve or deny such application within 30 days as provided herein.
- b. Grounds for denial may include, but are not limited to, the following
 - i. A finding that the application is incomplete;
 - ii. Non-payment of applicable fees;
 - iii. A finding that the application is not in conformance with any applicable laws or this code including, but not limited to Chapter 10 of this code;
 - iv. A finding that the applicant has been convicted of two or more separate violations of the provisions of this chapter within the 12 months preceding the submission of a complete application.
- c. An application for a permit under this chapter shall be accompanied by a nonrefundable processing fee of \$30.00 per year for each motor vehicle, trailer, cart or other piece of mobile equipment to be used.

§10-3XX TRANSFER

Permits issued under this chapter shall be nontransferable and no such permit shall be used at any time by any person other than the one to whom it was issued.

§10-3XX EXHIBITION OF PERMIT

Vendors shall exhibit their permit at all times when operating within the corporate limits of the municipality or upon the request of any Village official, Village employee, or customer.

§10-3XX RENEWAL

A permit issued under this chapter shall expire on December 31st of each year. The permittee shall renew the permit for the following year by filing with the Village Clerk prior to expiration. The renewal shall be on a form provided by the Village Clerk and shall include payment of a renewal fee of \$15.00 per year for each motor vehicle, trailer, cart or other piece of mobile equipment to be used.

§10-3XX SALES REGULATIONS

A mobile food vendor shall:

- a. have in full force and effect (1) a permit issued by the Village Clerk as provided herein, (2) a sales tax permit from the State of Nebraska, (3) a permit issued by the Department of Agriculture of the State of Nebraska, as required by the Nebraska Pure Food Act, and (4) a motor vehicle liability insurance policy and be able to exhibit proof of such policy upon request;
- b. only sell or offer to sell food on private property that is zoned for commercial or industrial use, with written consent from the property owner;
- c. only sell or offer to sell food on village public property as provided for in §10-3XX;
- d. vend only when the vendor's truck is lawfully parked or stopped;
- e. vend only from the side of the truck that is away from moving traffic;
- f. comply with all local ordinances regulating noise;
- g. maintain in operable condition all fire suppression equipment or devices as required by local, state, or federal law;
- h. provide trash receptacles for the collection of trash and recyclable materials;
- i. pick up and properly dispose of any trash, litter, or recyclable materials prior to leaving a location;

A mobile food vendor shall not:

- a. sell or offer to sell alcoholic drinks;
- b. sell or offer to sell food on private property zoned for residential use;
- c. sell or offer to sell food from a vehicle located in a village right-of-way;

- d. sell or offer to sell food from a vehicle located on a street or street parking stall unless the street is closed for a special event, with approval from the Village Board;
- e. sell or offer to sell food on county public property, school public property, or natural resource district public property without written consent of an authorized representative;
- f. vend to a person standing in the roadway;
- g. vend on state highways;
- h. dispose of any trash, litter, recyclable materials, or food waste (including grease) in public trash or recycling containers;
- i. dump grease, waste, food waste, waste water, or grey water on the ground or in the storm sewers; or
- j. vend within 150 feet of any school or school grounds from 8:00 a.m. to 4:30 p.m. on a weekday.

§10-3XX OPERATING ON MUNICIPAL PROPERTY

To operate on municipal property, a mobile food vendor must obtain permission from the governing body. Mobile food vendors are only allowed to park and operate on the following municipal property:

- a. the northern or eastern portion of the lot located east of the Eagle Municipal Pool (Eagle-OT lots 1-6 of block 13); or
- b. the southern portion of the Eagle Municipal Office parking lot located at 747 S. 2nd Street.

Any authorized official or employee of the municipality may order a mobile food vendor to move or leave from the above specified locations. No vehicles or other auxiliary equipment used by a mobile food vendor shall be left or parked on municipal property for more than 12 hours. The municipality may tow or otherwise move a mobile food vendor's vehicle or other auxiliary equipment if it presents a danger to public safety and the mobile food vendor fails to move the same.

§10-3XX HOURS OF OPERATION

Mobile food vendors are allowed to operate between the hours of 7:00 a.m. and 12:00 midnight, seven days a week.

§10-3XX REVOCATION OR SUSPENSION

Grounds: A permit issued under this chapter may be revoked or suspended by the Administrator for any of the following reasons:

- a. Any fraud, misrepresentation, or false statement contained in the application for a permit;
- b. Any fraud, misrepresentation, or false statement made in connection with the selling of food;
- c. Any violation of this chapter or any applicable laws or provisions of the Eagle

Municipal Code;

- d. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public;

Conviction of violation of chapter: The Administrator shall revoke a permit issued under this chapter for any mobile food vendor who is convicted of two or more separate violations of this chapter within any consecutive 12-month period. For purposes of this section, conviction shall mean any finding of guilt or liability on the part of the mobile food vendor by a court of competent jurisdiction, and shall include any conviction that has previously been set aside.

Notice: To revoke or suspend a license, the Administrator shall provide written notice to the permit holder state the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be sent by regular U.S. mail or by certified mail (although return receipt is not required to prove service) to the license holder's address as state in his or her application.

Appeal: A permit holder aggrieved by the decision of the Administrator under this section may file an appeal with the Village, to be heard before the Village Board.

Re-application: A person whose license has been revoked under this chapter may not re-apply for a new license for a period of 12 months after the effective date of the revocation.

§10-3XX PENALTY

It shall be unlawful for any person to violate the provisions of this chapter. Any violation shall be punishable as provided in §XX-XXX.

Section 2. 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 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 should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason 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 5. 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 6. 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.

Discussion: Surman said a red line version of Municipal Ordinance 2022-03 was received from the Village Attorney tonight. Surman said he has some concerns with the definition of "Mobile Food Vendor" on Page 2 where "the sale or offer of sale of food by non-profit groups or at an event sponsored by a non-profit group" is excluded from said definition; what keeps these groups from operating with no restrictions any time they wish. Moore asked that the word "Village" be changed to "Municipal" under the "Administrator" section of Page 2. Surman said he still has concerns on Page 5 where specific addresses are listed under "Operating on Municipal Property"; if for some reason this is changed in the future, the ordinance would need to be amended and adopted once again; his opinion, instead, is the list of addresses should be available at the Village Office for vendors. Moore said his rationale is if mobile food vendors are going to be allowed on municipal property it should spell out precisely which areas are allowed to prevent somebody from operating in an area the Village Board does not desire. Surman said the vendor's application will indicate where they are operating which will need to be approved by the Village Board anyway. Moore said he agrees the ordinance will need to be amended and re-adopted in the future if another Village Board decides to make changes, but that is no different than any other ordinance that gets amended, which isn't an uncommon occurrence. Moore asked if a resident receives approval from the Village Board to close a street for a special event if they can have a mobile food vendor present to serve only those in attendance. Surman asked how the vendor will know if someone outside the party shows up to place an order. Moore said that aspect will be policed by the event organizer since they already prepaid for the service and products. Caylor suggested language be added to "Operating on Municipal Property" which includes, "any other location specifically authorized by the Governing Body". The Village Board generally agreed. Surman said the ordinance states, "if the vendor has failed to receive permission to locate on public property, any authorized official or employee of the municipality may order a mobile food vendor to move or leave from public property" and asked how this is going to be accomplished if they refuse to do so. Moore said more than likely vendors will leave if they are asked to do so, but if not, he would recommend getting law enforcement involved. Surman questioned the "Hours of Operation", which currently state, mobile food vendors are permitted to operate between the hours of 7:00 a.m. and Midnight, seven days a week; the park closes at 10:00 p.m. and one of the areas permitted for operation is east of the swimming pool; furthermore, the ordinance already states vendor vehicles and equipment cannot be parked on municipal property for more than 12 hours. Moore said the 12-hour rule was primarily established to keep vendors from parking their equipment overnight; if the Village Board would like to modify the hours of operation on public property he would be open to having that conversation. Meier said he doesn't see the hours of

operation being an issue. Weyers agreed. Surman said on Page 2 the ordinance mentions an agreement to hold the municipality harmless of all claims and damages and asked how well that would actually hold up in court. Freeman-Caddy said she would never advise the municipality to permit mobile food vendors to operate on public property in the first place because you can never get away from being sued. James Dobbins (745 G St.) said the sales regulations indicate a mobile food vendor shall not sell or offer to sell alcoholic drinks; there is at least one vendor that sells wine and he asked if they would be prohibited from operating in Eagle. Freeman-Caddy said the vendor would need to obtain a specific liquor license from the governing body before they could operate. Moore said at the last meeting there were concerns raised from some of the board members that vending within 150 feet of any school or school grounds from 8:00 a.m. to 4:30 p.m. on a weekday is not enough distance; his recommendation would be to strike this provision altogether.

Motion by Moore, second by Weyers, to accept the second reading of Ordinance 2022-03 as amended. Voting: Ayes – Meier, Caylor, Weyers, Moore. Nays – Surman. Motion carried.

Motion by Caylor, second by Weyers, to introduce Resolution 2022-01. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Resolution 2022-01 entitled:

RESOLUTION NO. 2022-01

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, 2022 and shall expire on April 30, 2023.

Motion by Meier, second by Caylor, to adopt Resolution 2022-01. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Approve a conceptual drawing for the future addition of a meeting room at the Eagle Municipal Facility by Kevin Riley in the amount of \$500.00 – Moore said Nystrom, Hestermann and himself met with Luke Renken, Travis Frazier and Kevin Riley on behalf of the Buildings & Grounds Committee to brainstorm an idea for a meeting room attached to the Village office. The idea for this space is to use it strictly for Village Board and other municipal meetings. Moore said holding meetings at the fire station was never meant to be a long term solution; it creates obstacles with scheduling meetings as well as safety and security issues. Moore said the conceptual drawing would indicate a 50' x 40' meeting space addition on the west side of the existing building with ADA-accessible restrooms and a mechanical room; Kevin Riley (Riley Design) indicated the cost for a conceptual drawing would cost between \$300-\$500. Surman asked if the 50' x 40' size includes the bathroom and mechanical room space. Moore said yes. Weyers said her only concern would be whether the room is large enough; when the classroom was added the fire station everyone felt it would be a sufficient size but it turned out that it really wasn't. Moore said that topic was addressed during the meeting in which Riley said the Village would need to be mindful that once a building reaches a specific size it would require a fire suppression system which would increase the overall cost. Additionally, Moore said the Village would need to be mindful of the space and not crowd it with a lot of additional items along the exterior walls because this would also decrease the usable space. Caylor said while she thinks having an independent meeting room is a good idea she feels it might be a little early to consider a project that will cost this kind of money when there are other infrastructure projects on the horizon. Surman echoed these concerns and said if too much money is spent from savings there will be nothing left for a future community center. Moore said the Village cannot plan, budget or look for funding options without an initial concept plan; he feels the Village will be much more likely to obtain a meeting space before a community center ever comes to fruition; he has been trying for a community center since the day he got on the Village Board and has never had much success. Caylor said she would be more apt to support this concept drawing if it was something that was going to be built in the next 12-18 months but she does not feel that is realistic at this time. Moore said \$25,000 was budgeted for community center/meeting space savings and feels \$500 for a concept drawing is not too much to ask for. Surman asked what would be done with the parking lot to make it ADA compliant. Moore said

the parking area would be included in the concept drawing which will show paving and the required handicap accessible stalls. Terry Caddy said the Village Board needs to keep in mind that not only would you have the expense of building a new structure, you would also have utility and maintenance costs every year. James Dobbins (745 G St.) said he feels \$500 is a nominal amount of money for a concept drawing; this feature will allow the Village Board the ability to express to the community what is being considered and also open up the door to locate possible grant funding. Moore said if it was not for his determination, and that of some of the past Village Board members, the employees would still be operating out of the old municipal office which was unsanitary, unsafe and substandard; instead, the municipal leaders had a plan and vision and now have a beautiful facility that serves the population. Moore reiterated that long term use of the fire department space is not going to work for meetings and the members of the department share similar concerns. Caddy said he would like to point out that the current Village office wouldn't exist if he hadn't presented the option to a couple members of the Village Board; the property would have been sold before the Village even knew it was available; furthermore, the property was initially purchased to become a community center until plans changed. Weyers said one of the primary reasons she may support this initial step in planning is the possibility to use this space for emergency evacuations for students at Eagle Elementary.

Motion by Moore, second by Weyers, to approve a conceptual drawing for the future addition of a meeting room at the Eagle Municipal Facility by Kevin Riley in an amount not to exceed \$500. Voting: Ayes – Meier, Weyers, Moore. Nays – Caylor, Surman. Motion carried.

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

Discuss/possible action: Approve claims – Surman said he has noticed a large increase in the amount of medical supplies purchased for the rescue department this year; he asked if supplies are nearing capacity, and if not, how long these purchases will continue. Caylor said supplies are nearly caught up; additionally, the department started a new ALS program which required the purchase of some additional drugs. Moore agreed there have been huge amounts of medical expenses recently and asked what the shelf life is on some of these items; he understands the need for ALS drugs but the department also utilizes Cass County for ALS service; he would like to know if an abundance of supplies are being purchased that will sit on the shelf until they expire. Caylor said the department is not a full spectrum ALS provider like Cass County and is only purchasing items of need; the department will be up for audit soon and needs to ensure the rescue units are up to standards now that the grace period during COVID-19 has expired.

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

Approved Claims: Wages 13,047.67, Board Wages 900.00, ABC Termite & Pest Control 119.00, Allied Benefit Systems 5,306.34, Amazon Marketplace 392.35, American Exchange Bank 1,125.00, Black Hills Energy 762.09, Bound Tree Medical 1,803.24, Brasch Homes 1,810.00, Bromm Lindahl Freeman-Caddy & Lausterer 2,681.50, Capital Business Systems 561.34, Casey's 371.89, Cass Co. Sheriff's Dept 3,145.21, Constellation Energy 531.79, Core & Main 3,471.21, Custom LED Lighting 779.69, Dollar General 49.00, Dunn, Wyatt & Kathrine 300.00, Dunrite Homes 1,810.00, Eagle Automotive 1,549.42, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,356.70, ESO Solutions 3,675.02, First Wireless 70.00, Frontier Cooperative 35.00, Frye, Polly 26.82, Google LLC 120.00, Gordon Electric 75.00, Hestermann, Rick 3,921.51, Intuit Quickbooks 549.99, Iowa Pump Works 163.31, John Hancock Investments 296.40, Knee Deep 1,400.00, Kontos, Michael & Stephenie 218.22, Maguire Iron 3,375.00, Mary's Tax Srvc 125.00, Matheson Tri-Gas 197.99, Menards-South 1,311.81, Midwest Labs 110.55, NDOL-UIC 39.51, NE Dept of Rev 3,120.04, Norland Pure 26.00, Nystrom, Nick 172.07, Nystrom, Taira 450.00, Oncenter Construction 1,810.00, One Call Concepts 70.50, OPPD 4,122.93, Quick Med Claims 124.16, Quik Dump Refuse 707.10, Ramada-Grand Island 185.90, Rock Creek Refuse 300.00, School District 145 200.00, Snyder & Associates 10,895.15, Staples 193.82, United Rentals 112.00, UNUM 1,085.93, US Postmaster 606.00, USA Bluebook 725.48, Verizon Wireless 586.76, Voice News 29.04, Windstream 615.06. Total of bills: **\$87,214.51**.

Approved Park Claims: Alvo/Eagle Recreation 6,000.00, Black Hills Energy 38.41, OPPD 92.20. Total of bills: **\$6,130.61**.

Report from Attorney – Freeman-Caddy said the Planning Commission will meet tomorrow night regarding the proposed Eagle's Landing residential subdivision west of the corporate limits. The Superintendent of School District 145 was again notified that subdivision inquiries continue to arise in and around Eagle. Freeman-Caddy said it might not be a bad idea to consider a joint agency project in the future with School District 145 where facilities such as meeting spaces, gymnasiums, etc. can be used by both the community and school. James Dobbins asked if joint acquisition of land with a school district can only be accomplished if a municipality is designated a city. Freeman-Caddy said yes; the only other option would be an Interlocal Agreement. Terry Caddy urged the Village Board to read through the Water & Sewer Study documents presented by Snyder & Associates to get a good idea of what they say from both a current and future infrastructure standpoint.

Report from Clerk/Treasurer – Nystrom said the final eligible aid for Municipal Equalization for Fiscal Year 2022-23 is \$27,082.39. The NPDES permit renewal application for the WWTP was completed and submitted on March 29, 2022. Nystrom attended Clerk School in Grand Island on March 16-18, 2022 and provided a brief recap of the courses he attended. Polly Frye has been working on two mass mailings this month; the reorganization Q & A and the standard annual mailer which consists of the Annual Water Quality Report, cross connection education material and pet licensing information. Nystrom said the total monthly income ending March 31, 2022

was \$118,568.93. Surman inquired as to where the Village stands on employee pay and benefits versus the amount of money received from property taxes. Nystrom said he will run this report and report back to the Village Board.

The meeting was adjourned at 9:02 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 5, 2022 at 7:00 p.m. and that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and readily available for public inspection at the office of the Village Clerk; that such subjects were contained in said Agenda for at least twenty-four (24) hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten (10) working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Seal

Nick Nystrom
Village Clerk

John Surman
Chairperson