

TRAFFIC REGULATIONS

§5-503 OFFROAD VEHICLES; UNLAWFUL OPERATION.

A. The use of all off-road designed vehicles, which are not licensed under the laws of the State of Nebraska, upon the public streets of the Village of Eagle, Nebraska is prohibited. Examples of said vehicles are as follows:

1. Golf carts;
2. Go carts;
3. Minibikes, which shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen (14") inches or an engine rated capacity of less than forty-five (45) cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only;
4. Snowmobiles;
5. All-terrain vehicles and Utility Vehicles (as defined by Chapter 60, Nebraska Revised Statutes);
6. All other vehicles banned as provided in the Municipal Code.

EXCEPT, said vehicles are permitted under the following circumstances:

1. In parades or special events, which specifically authorize such use, by the Board of Trustees, and,
 2. Use by Municipal Employees or contractors in such capacity.
- (Effective Date 1/1/2011, Ordinance 2010-9)*

Current Municipal Code

Nebraska ATV Laws

Section 60-6,355 *All-terrain vehicle, defined.* For purposes of sections 60-6,355 to 60-6,362, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of nine hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control. All-terrain vehicles which have been modified to include additional equipment not required by sections 60-6,357 and 60-6,358 shall not be required to be registered under the Motor Vehicle Registration Act.

Section 60-6,356 *All-terrain vehicle; operation.* (1) Except as provided in subsections (2) through (5) of this section, an all-terrain vehicle shall not be operated on any highway of this state. The crossing of any controlled-access highway shall not be permitted. (2) The crossing of a highway shall be permitted only if: (a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; (d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and (e) Both the headlight and taillight of the vehicle are on when the crossing is made. (3) An all-terrain vehicle may be operated on a highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a highway shall have a valid Class O operator's license or a farm permit as provided in section 60-4,126 and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a highway, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. (4) All-terrain vehicles may be operated on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state. (5) All-terrain vehicles may be operated on highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of the vehicle pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes.

Section 60-6,357 *All-terrain vehicle; lights required; when.* Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from sunset to sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.

Section 60-6,358 *All-terrain vehicle; equipment required.* Every all-terrain vehicle shall be equipped with: (1) A brake system maintained in good operating condition; (2) An adequate muffler system in good working condition; and (3) A United States Forest Service qualified spark arrester.

Section 60-6,359 *Modification of all-terrain vehicle; prohibited.* No person shall: (1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device; (2) Operate an all-terrain vehicle with an exhaust system so modified; or (3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

Section 60-6,360 *All-terrain vehicle; competitive events; exemptions.* All-terrain vehicles participating in competitive events may be exempted from sections 60-6,357 to 60-6,359 at the discretion of the Director of Motor Vehicles.

Section 60-6,361 *All-terrain vehicle; accident; report required.* If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-699.

Section 60-6,362 *Violations; penalty.* (1) Any person who violates sections 60-6,356 to 60-6,361 shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor. (2) Any violation of such sections which is also a violation under any other provision of Chapter 60 may be punished under the penalty provisions of such chapter. injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-699.

Section 60-137 *Act; applicability.* (1) The Motor Vehicle Certificate of Title Act applies to all vehicles as defined in the act, except: (a) Farm trailers; (b) Well-boring apparatus, backhoes, bulldozers, and front-end loaders; and (c) Trucks and buses from other jurisdictions required to pay registration fees under Chapter 60, article 3, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-356. (2) All new all-terrain vehicles and minibikes sold on or after January 1, 2004, shall be required to have a certificate of title. An owner of an all-terrain vehicle or minibike sold prior to such date may apply for a certificate of title for such all-terrain vehicle or minibike as provided in rules and regulations of the department. (3) An owner of a utility trailer may apply for a certificate of title upon compliance with the Motor Vehicle Certificate of Title Act.

Section 60-154 *Fees.* (1)(a) For each original certificate of title issued by a county for a motor vehicle or trailer, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to a fund to be administered by the Consumer Protection Division of the Department of Justice at the direction of the Attorney General for the purposes of the investigation and prosecution of odometer and motor vehicle fraud and motor vehicle licensing violations which may be referred by the Nebraska Motor Vehicle Industry Licensing Board; forty-five cents to the Nebraska State Patrol Cash Fund; and ten cents to the Nebraska Motor Vehicle Industry Licensing Fund for the purpose of conducting preliminary investigations of motor vehicle licensing violations relating to odometer and motor vehicle fraud. (b) For each original certificate of title issued by a county for an all-terrain vehicle or a minibike, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the

General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to a fund to be administered by the Consumer Protection Division of the Department of Justice at the direction of the Attorney General for the purposes of the investigation and prosecution of fraud and theft of all-terrain vehicles and minibikes; and fifty-five cents to the Nebraska State Patrol Cash Fund. (2) For each original certificate of title issued by the department for a vehicle, the fee shall be ten dollars, which shall be remitted to the State Treasurer for credit to the Motor Carrier Division Cash Fund.

Section 60-699 Accidents; reports required of operators and owners; when; supplemental reports; reports of peace officers open to public inspection; limitation on use as evidence; violation; penalty.

(1) The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than one thousand dollars shall within ten days forward a report of such accident to the Department of Roads. If the operator is physically incapable of making the report, the owner of the motor vehicle involved in the accident shall, within ten days from the time he or she learns of the accident, report the matter in writing to the Department of Roads. The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of either department. The operator or the owner of the motor vehicle shall make such other and additional reports relating to the accident as either department requires. Such records shall be retained for the period of time specified by the State Records Administrator pursuant to the Records Management Act. (2) The report of accident required by this section shall be in two parts. Part I shall be in such form as the Department of Roads may prescribe and shall disclose full information concerning the accident. Part II shall be in such form as the Department of Motor Vehicles may prescribe and shall disclose sufficient information to disclose whether or not the financial responsibility requirements of the Motor Vehicle Safety Responsibility Act are met through the carrying of liability insurance. The form used for the report shall be so perforated that the parts may be readily separated. (3) Upon receipt of a report of accident, the Department of Roads shall determine the reportability and classification of the accident and enter all information into a computerized data base. Upon completion, the department shall separate the parts of the accident report and shall forward Part II of the report to the Department of Motor Vehicles for processing as provided in section 60-506.01. (4) Such reports shall be without prejudice. All reports made by peace officers, made to or filed with peace officers in their respective offices or departments, or filed with or made by or to any other law enforcement agency of the state shall be open to public inspection, but accident reports filed by the operator or owner of a motor vehicle pursuant to this section shall not be open to public inspection. The fact that a report by an operator or owner has been so made shall be admissible in evidence solely to prove compliance with this section, but no such report or any part of or statement contained in the report shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents nor shall the report be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages. (5) The failure by any person to report an accident as provided in this section or to correctly give the information required in connection with the report shall be a Class V misdemeanor.

Special Designated License
Local Recommendation (Form 200)

Applications must be entered on the portal after local approval - no exceptions
Late applications are non-refundable and will be rejected

McIntosh Ventures LLC dba Baileys Local
Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

540 S 4th ST PO Box 370 Eagle NE 68347
Retail Liquor License Address or Non-Profit Business Address

CK-117354
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only
Event Date(s): June 26th

Event Start Time(s): 12pm

Event End Time(s): 2am

Alternate Date: N/A

Alternate Location Building & Address: N/A

Event Building Name: Baileys Local

Event Street Address/City: 540 S 4th ST Eagle NE 68347

Indoor area to be licensed in length & width: X

Outdoor area to be licensed in length & width: 283 X 52 (Diagram Form #109 must be attached)

Type of Event: Out Door Concert Estimate # of attendees: 200

Type of alcohol to be served: Beer X Wine Distilled Spirits X
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Ty McIntosh Event Contact Phone Number: 308 870 2887

Event Contact Email: baileyslocal@outlook.com

*Signature Authorized Representative: [Signature] Printed Name Ty McIntosh

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee - Must be signed by a member listed on permanent license
*Non-Profit Organization - Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of Eagle OR County of approves the issuance of a Special Designated License as requested above. (Only one should be written above)

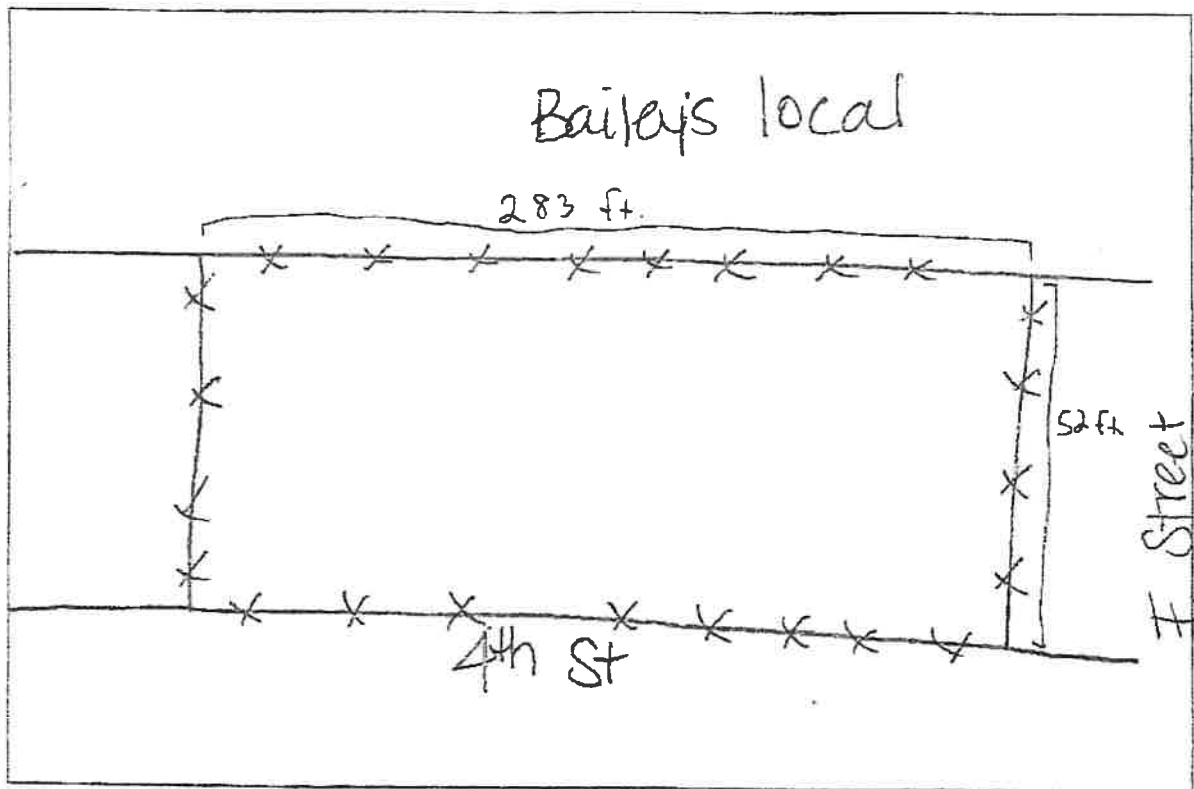
Local Governing Body Authorized Signature _____ Date _____

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED staff + volunteers

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:





May 6, 2021

City of Eagle/ People Services
Oil in Radiator Repair

To City Council and Utilities Supervisor

Thank you for letting us have the opportunity to give you this proposal. After our technician was onsite, he stated that there was oil in the radiator or cooling system. Typically, this is caused by a faulty or failed Oil cooler. The proposal below is for replacing the oil cooler, flushing the system to remove as much of the oily residue as possible then refilling the cooling system with new antifreeze and testing the unit afterwards.

PowerTech appreciates the opportunity to be able to offer this to you. It will include the following:

- Remove and replace oil cooler as suspect to the issue of allowing oil in the cooling system.
- Flush cooling system to remove as much as possible of the oily residue.
- Refill with new antifreeze
- Test run and check operation and check for leaks.

All parts and labor not to exceed based on current findings-----\$1725.00.

Thanks for the opportunity to provide this proposal to you.

Tax not included.

Bob Morton
Service Manager



2614 Railroad Highway
Council Bluffs, IA 51503
C: 402.651.3175
BMorton@powertechteam.com

Main Office

2614 Railroad Highway • Council Bluffs, IA. 51503
Office (712) 256-8702 • Fax (712) 256-4404

VILLAGE OF EAGLE

May 4, 2021

The Village Board of Trustees met in regular session at 7:00 p.m. on May 4, 2021 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 there have been reports that there may be a chlorine shortage this summer but he has not heard of any impacts beyond residential swimming pools at this time.

Motion by Caylor, second by Meier, to approve Frazier Construction Company's proposal to upgrade the Fire Station restrooms in the amount of \$33,200.00 and to approve the rental of a portable toilet during project construction. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Surman, to approve Task Order #3 with Schemmer for General Engineering Services in the amount of \$22,500.00. Voting: Ayes – 4. Motion carried.

Motion by Surman, second by Meier, to approve Blue Valley Public Safety's proposal to replace the transformer rectifier on the Hartland Estates emergency siren in the amount of \$3,638.00. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Weyers, to introduce Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Chairperson Surman read Ordinance 2021-06 entitled:

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE MASTER FEE SCHEDULE FOR FEES CHARGED BY THE VILLAGE FOR ZONING OR SUBDIVISION RELATED ACTION OR PERMIT REQUESTS; TO PROVIDE FOR FEES FOR FAILURE TO OBTAIN A PERMIT PURSUANT TO THE ZONING ORDINANCE OR REGULATIONS; 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 EITHER IN PAMPHLET FORM OR BY POSTING; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

Motion by Meier, second by Caylor, to accept the first reading of Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Surman, to adopt Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Motion by Caylor, second by Meier, to introduce Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Chairperson Surman read Ordinance 2021-07 entitled:

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE GENERAL MASTER FEE SCHEDULE; 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 EITHER IN PAMPHLET FORM OR BY POSTING; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AND SECTIONS MAY BE RENUMBERED TO ACCOMPLISH THE SAME.

Motion by Meier, second by Weyers, to accept the first reading of Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Motion by Caylor, second by Weyers, to suspend the rules of three consecutive readings of Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Caylor, to adopt Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Motion by Weyers, second by Meier, to introduce Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Chairperson Surman read Ordinance 2021-08 entitled:

ORDINANCE 2021-08

AN ORDINANCE TO ESTABLISH COMPENSATION FOR SEASONAL MAINTENANCE PERSONNEL FOR THE VILLAGE OF EAGLE, NEBRASKA; 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 Meier, second by Weyers, to accept the first reading of Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Motion by Weyers, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Caylor, to adopt Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Motion by Weyers, second by Caylor, to approve the transfer of \$25,000 from the General Fund to the Park Fund for the 2021 pool season. Voting: Ayes – 4. Motion carried.

Motion by Surman, second by Meier, to approve dental and vision insurance coverage with UNUM for full-time Village of Eagle employees and families. Voting: Ayes – 4. Motion carried.

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

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

Approved Claims: Wages 12,930.42, Board Wages 1,300.00, ABC Termite & Pest Control 55.00, All Road Barricades 308.54, Allied Benefit Systems 3,277.26, Amazon Marketplace 227.88, American Exchange Bank 750.00, Big Red Drainage Pipe Supply 658.40, Black Hills Energy 286.07, Blue Valley Public Health 2,670.00, Bock Concrete 1,020.00, BOK Financial 76,936.44, Bound Tree Medical 7.19, Bromm Lindahl Freeman-Caddy & Lausterer 1,415.00, Capital Business Systems 379.37, Carroll Construction Supply 307.88, Casey's 329.67, Cass Co. Register of Deeds 22.00, Cass Co. Sheriff's Dept 3,145.21, Company Care 104.00, Constellation Energy 794.72, Dollar General 72.60, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,145.36, Frontier Cooperative 2,000.00, Google LLC 120.00, Hamilton

Equipment 1,465.00, Rick Hestermann 4,662.18, HOA Solutions 1,632.00, Int'l Institute of Municipal Clerks 465.00, Iowa Pump Works 49,219.70, John Deere Financial 7.44, John Hancock Investments 312.00, Curtis Klabenes 79.97, Knee Deep LLC 1,300.00, Lincoln Winwater Works 2,913.01, Lovell Excavating 1,500.00, Matheson Tri-Gas 241.81, Menards-South 724.84, Mid-American Research Chemical 511.60, NE Dept of Rev 1,930.66, NE Generator Srvc 2,265.40, NE Medicine 267.81, NE Municipal Power Pool 869.36, NE Public Health Env Lab 30.00, NE Secretary of State 23.00, Norland Pure 18.00, North Central Emergency Vehicles 274,995.00, Taira Nystrom 200.00, One Call Concepts 26.51, OPPD 4,050.60, People Service 5,496.00, Pioneer Overhead Door 1,430.00, Power Plan 2,885.00, Quick Med Claims 36.36, Kevin & Anne Riley 8,000.00, Ross Automotive 35.00, Lyndsey Cunningham & Amanda Sadowski 165.32, Tractor Supply 97.98, Trekk Design Group 750.00, UNUM 490.64, US Postmaster 213.90, Verizon Wireless 756.59, Voice News 131.72, Windstream 584.08. Total of bills: **\$484,538.49**.

Approved Park Claims: Black Hills Energy 32.76, Bock Concrete 1,700.00, Menards-South 268.53, OPPD 92.40. Total of bills: **\$2,093.69**.

Approved Keno Claims: Total of bills: Alvo/Eagle Recreation 5,000.00, Tennis Courts Unlimited 2,760.00. Total of bills: **\$7,760.00**.

The meeting was adjourned at 7:59 p.m.

Nick Nystrom
Village Clerk

John Surman
Chairperson

VILLAGE OF EAGLE

May 4, 2021

The Village Board of Trustees met in regular session at 7:00 p.m. on May 4, 2021 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 35 calls for service during the month of April with 5 citations and 6 warnings issued. Surman reported issues with a dirt bike and ATV traveling down G Street and Eagle Drive and on the adjacent sidewalks.

Report from Building & Zoning Administrator – Hestermann reported 5 new building permits, 5 certificates of occupancy and 21 inspections during the month of April. There are 35 total open permits to date. Hestermann reported that the revised subdivision regulations have been forwarded to the Village Attorney for review and will then be presented to the Planning Commission. Meier asked if Casey's General Store's has received a final occupancy permit at 130 Highway 34. Hestermann said yes. Meier said the fire department has not yet received a donation from Casey's for washing off the construction site. Hestermann said he can provide the contractor's contact information but that was not part of the occupancy terms.

Open Forum – Surman said there have been reports that there may be a chlorine shortage this summer but he has not heard of any impacts beyond residential swimming pools at this time.

Discuss/possible action: Consider proposal from Frazier Construction Company to upgrade the Fire Station restrooms in the amount of \$33,200.00 and to approve the rental of a portable toilet during project construction – Surman said the proposal tonight includes a payment bond in the amount of \$33,200 which was discussed at the last board meeting.

Motion by Caylor, second by Meier, to approve Frazier Construction Company's proposal to upgrade the Fire Station restrooms in the amount of \$33,200.00 and to approve the rental of a portable toilet during project construction. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Consider options for Task Order #3 with Schemmer for General Engineering Services – Schemmer provided two options to the Village

Board; Option 1 for 120 hours of service in the amount of \$22,500 and Option 2 for 60 hours of service in the amount of \$11,250. The General Engineering Service proposals include engineering topics that require input, effort and meeting attendance which do not fall under a current existing task order. Surman said as a comparison, \$56,973.60 was spent with Olsson last year on engineering services and a couple of their task assignments were over budget. Caylor asked if water line projects are being considered next budget year, and if so, that will help make her decision on this proposal; if G Street and a couple of other areas are not upgraded she fears there will be major consequences as developers continue building in and around Eagle. Surman agreed but said engineering services for water infrastructure upgrades will be on a separate task order in the future.

Motion by Meier, second by Surman, to approve Task Order #3 with Schemmer for General Engineering Services in the amount of \$22,500.00. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Approve Blue Valley Public Safety's proposal to replace transformer rectifier on the Hartland Estates emergency siren in the amount of \$3,638.00 – Surman asked if this project has already been completed. Nystrom said no; there were new fuses and batteries installed at each siren last month due to the sirens not operating correctly; however, the bid tonight is to replace the transformer rectifier that has been wired around at Hartland Estates making it a battery operated only unit. Adding the transformer rectifier will get this unit back to factory specifications and running properly. Surman said this is a very important upgrade from a safety perspective.

Motion by Surman, second by Meier, to approve Blue Valley Public Safety's proposal to replace the transformer rectifier on the Hartland Estates emergency siren in the amount of \$3,638.00. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Weyers, to introduce Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Chairperson Surman read Ordinance 2021-06 entitled:

ORDINANCE NO. 2021-06

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE MASTER FEE SCHEDULE FOR FEES CHARGED BY THE VILLAGE FOR ZONING OR SUBDIVISION RELATED ACTION OR PERMIT REQUESTS; TO PROVIDE FOR FEES FOR FAILURE TO OBTAIN A PERMIT PURSUANT TO THE ZONING ORDINANCE OR REGULATIONS; 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 EITHER IN PAMPHLET FORM OR BY POSTING; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA.

WHEREAS, the Village Board of Trustees has adopted a Zoning Ordinance and a Subdivision Ordinance and also, provides for application fees and payments of deposits and the like related to the same for zoning and subdivision activity within its limits and the extraterritorial jurisdiction of the Village, and

WHEREAS, Chapter 11 of the Municipal Code sets forth the various fees and requirements and

WHEREAS, it is in order to update and modify said fees,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN 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 section 11-202 of the Municipal Code shall be repealed and substituted with the following:

§11-202 ZONING REGULATIONS; FEE STRUCTURE.

An applicant for a change of zoning; an amendment of zoning district; an appeal of a decision of the building official; a variance; a special exception; a conditional use and interpretation of zoning ordinance; an occupancy permit; or other permit application made pursuant to the Zoning Regulations for the Municipality shall file an application with the Municipal Clerk. Upon filing the application forms and required documents, the Municipal Clerk shall collect all fees and deposits (if any) as required herein prior to processing the application. In the event the deposit is not sufficient, the Clerk may request an additional deposit. Provided: Nothing contained herein shall in any way be construed to guarantee, assure, or otherwise provide that the Municipal Governing Body will necessarily grant or approve such application simply because the fee and deposit is paid. The payment of deposit and election to pay the costs for such application is the responsibility and obligation of the applicant regardless of whether such application is granted or denied, approved or disapproved, or acted upon in any other way by said Governing Body.

Upon the completion of the process, within 30 days, the Municipal Clerk shall send a copy of an itemization of the actual costs to the applicant and either reimburse applicant for the amount of the applicant's deposit that exceeds the actual costs for preparation of the application forms and compliance with administrative procedures,

or shall bill said applicant for the amount that exceeds the deposited amount, which amount shall be paid within 30 days to the municipality.

SCHEDULE OF FEES AND DEPOSITS:

ZONING:	
<i>CHANGE OF ZONING DISTRICT APPLICATION FEE (MAP)</i>	<i>\$250.00 plus actual costs of notice, publication and legal review *</i>
<i>ZONING TEXT AMENDMENT APPLICATION</i>	<i>\$ 250.00 plus actual cost of notice, publication and legal review *</i>
<i>SIGN PERMIT</i>	
<i>* Real Estate Listing (yard sign)</i>	<i>No Fee</i>
<i>* Public Announcements</i>	<i>No Fee</i>
<i>* Other Temporary Sign</i>	<i>\$25.00</i>
<i>* All other signs</i>	<i>\$3.00 per square foot</i>
<i>TOWER DEVELOPMENT PERMIT</i>	<i>\$1,000.00 plus actual notice and engineer review costs *</i>
<i>SOLAR PANEL PERMIT</i>	<i>\$200.00 plus actual notice and engineer review costs *</i>
<i>APPEAL FEE – Board of Zoning Adjustment (appeals and variance requests)</i>	<i>\$250.00 plus actual costs of notice*</i>
<i>SPECIAL EXCEPTION OR CONDITIONAL USE PERMIT</i>	<i>\$200.00 plus actual notice and legal review*</i>
<i>OCCUPANCY PERMIT (for change of use or use after extended vacancy of structure) For remodeling or new constructure, occupancy permits are included in the building permit fee.</i>	<i>\$100.00</i>
<i>* ACTUAL COSTS (notice, publication, legal and engineering review)– A deposit may be required in addition to the fee.. The actual fee will be billed to the applicant and must be paid within 30 days of billing and prior to any permits being issued. The deposit shall be applied to actual fees and if there is excess, returned to applicant</i>	
<i>PENALTY FOR COMMENCING OR CHANGING USE OR WORK WITHOUT PERMIT</i>	<i>-Double the Fee Set for all Categories above</i>
<i>-CEASE WORK OR USE ORDER SHALL BE ISSUED BY THE BUILDING/ZONING OFFICIAL.</i>	

PRIOR TO ANY FURTHER USE OR CONSTRUCTION, THE FOLLOWING SHALL BE PAID:	
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Section 3. That section 11-302 of the Municipal Code shall be repealed and substituted with the following:

An applicant for a subdivision application; an administrative subdivision; an annexation petition or any other application filed pursuant to the Subdivision Regulations shall file the application with the Municipal Clerk. Upon filing the application forms and required documents, the Municipal Clerk shall collect all fees and deposits (if any) as required herein prior to processing the application. In the event the deposit is not sufficient, the Clerk may request an additional deposit. Provided: Nothing contained herein shall in any way be construed to guarantee, assure, or otherwise provide that the Municipal Governing Body will necessarily grant or approve such application simply because the fee and deposit is paid. The payment of deposit and election to pay the costs for such review or preparation of application forms are the responsibility and obligation of the applicant regardless of whether such application is granted or denied, approved or disapproved, or acted upon in any other way by said Governing Body.

Upon the completion of the process, within 30 days, the Municipal Clerk shall send a copy of an itemization of the actual costs to the applicant and either reimburse applicant for the amount of the applicant's deposit that exceeds the actual costs for preparation of the application forms and compliance with administrative procedures, or shall bill said applicant for the amount that exceeds the deposited amount, which amount shall be paid within 30 days to the municipality.

SUBDIVISION REGULATIONS:	
<i>SUBDIVISION APPLICATION (NOT ADMINISTRATIVE)</i>	<i>\$250.00 – 1 to 9 lots</i> <i>\$500.00 – more than 10 lots</i>
<i>PRELIMINARY PLAT REVIEW FEE</i>	<i>\$10.00 per lot, plus actual cost of Engineer and Legal Review; Notices ; Recording *</i>
<i>FINAL PLAT REVIEW FEE</i>	<i>\$10.00 per lot, plus actual cost of Engineer and Legal Review, Notices, Recording *</i>
<i>REVISED PRELIMINARY PLAT OR FINAL PLAT</i>	<i>\$100.00 plus actual cost of Engineer and Legal Review; Notices; Recording *</i>
<i>LOT SPLITS, CONSOLIDATIONS AND ADMINISTRATIVE SUBDIVISIONS</i>	<i>\$150.00 plus actual cost of Engineer and Legal Review; recording *</i>
<i>VACATION OF PLAT</i>	<i>\$150.00 plus actual cost of Legal</i>

	<i>Review; recording *</i>
<i>ANNEXATION PETITION</i>	<i>\$500.00 plus legal and engineering review, notice; and recording *</i>
<i>* ACTUAL COSTS – A deposit may be required in addition to the fee. The actual fee will be billed to the applicant and must be paid within 30 days of billing and prior to any permits being issued. The deposit shall be applied to actual fees and if there is excess, returned to applicant</i>	

Section 4. That the Chairman of the Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 5. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Chairman and Board of Trustees of the Village of Eagle that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 6. 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 7. That this Ordinance shall be published either by posting in three (3) public places in the municipality or in pamphlet form and shall be effective on the fifteenth (15th) day from and after its passage and approval, provided it has been published, as aforementioned, within the first fifteen (15) days after its passage and approval.

Section 8. That it is the intention of the Chairman and Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall become or be made a part of the Municipal Code of the Village of Eagle, Nebraska.

Motion by Meier, second by Caylor, to accept the first reading of Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Surman, to adopt Ordinance 2021-06. Voting: Ayes – 4. Motion carried.

Motion by Caylor, second by Meier, to introduce Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Chairperson Surman read Ordinance 2021-07 entitled:

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND THE GENERAL MASTER FEE SCHEDULE; 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 EITHER IN PAMPHLET FORM OR BY POSTING; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AND SECTIONS MAY BE RENUMBERED TO ACCOMPLISH THE SAME.

WHEREAS, the Village Board of Trustees has adopted a Master Fee Schedule for those items not otherwise called for in its Ordinances or in the Municipal Code, and

WHEREAS, Section 11-501 requires an update of the various fees and requirements and some items removed as they are set forth in independent codes sections and ordinance by the Board of Trustees,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN 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 Article 5 of Chapter 11 of the Municipal Code shall be amended and substituted with the following:

§11-501. FEE SCHEDULE

That the Chairman and Board of Trustees of the Village of Eagle, Nebraska, do hereby adopt the following fee schedule for the Village of Eagle, Nebraska, and for that area within one mile of the corporate limits:

Office & Labor Charges:	
Copy charges (per page)	\$.25 standard; \$.50 legal; \$1.00 11x14
Fax	\$1.00 per page
Labor Charge for public employee/appointee	\$40.00 per hour
Return Check Charge	\$35.00

Machine Hire and Labor (for nuisance, emergency and other work benefitting private property)	
Labor (per public employee/appointee)	\$40.00/ hr
Overtime (per public employee/appointee)	\$80.00/hr
Use of Pick-up Truck (includes labor)	\$50.00/hr
Mower (includes labor)	\$50.00/hr
Dump Truck (includes labor)	\$75.00/hr
Skid Steer (includes labor)	\$100.00/hr
Street Sweeper (includes labor)	\$100.00/hr
Snowplow (includes labor)	\$100.00/hr
Excavator (includes labor)	\$150.00/hour
Materials	Actual Cost
Dog & Cat Licenses	
Spayed/Neutered	\$6.00 per animal per year
Unaltered	\$10.00 per animal per year

Section 3. That the Chairman of the Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, are hereby authorized and directed to implement this Ordinance.

Section 4. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Chairman and Board of Trustees of the Village of Eagle that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

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 this Ordinance shall be published either by posting in three (3) public places in the municipality or in pamphlet form and shall be effective on the fifteenth (15th) day from and after its passage and approval, provided it has been published, as aforementioned, within the first fifteen (15) days after its passage and approval.

Section 7. That it is the intention of the Chairman and Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this

Ordinance shall become or be made a part of the Municipal Code of the Village of Eagle, Nebraska and sections may be renumbered to accomplish the same.

Motion by Meier, second by Weyers, to accept the first reading of Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Motion by Caylor, second by Weyers, to suspend the rules of three consecutive readings of Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Caylor, to adopt Ordinance 2021-07. Voting: Ayes – 4. Motion carried.

Motion by Weyers, second by Meier, to introduce Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Chairperson Surman read Ordinance 2021-08 entitled:

ORDINANCE 2021-08

AN ORDINANCE TO ESTABLISH COMPENSATION FOR SEASONAL MAINTENANCE PERSONNEL FOR THE VILLAGE OF EAGLE, NEBRASKA; 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.

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

Section 1. That the following shall be the wages and salaries for the specified seasonal maintenance employee of the Village of Eagle, Nebraska, to wit:

POSITION	WAGES OR SALARY
Paul Nystrom Seasonal Maintenance	\$15.50 Per Hour

Section 2. The above schedule of compensation shall run until modified by the Village Board of Trustees.

Section 3. The Board of Trustees of the Village of Eagle, Nebraska, has the authority to award a bonus or merit pay increase to employees as they determine.

Section 4. That the Chairman of the Board of Trustees of the Village of Eagle, Nebraska, and its Clerk, 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 this Ordinance shall be published within the first fifteen (15) days after its passage and approval in pamphlet form, and shall be effective the 15th day from and after it is passage, approval, and publication as provided herein.

Section 7. 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.

Motion by Meier, second by Weyers, to accept the first reading of Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Motion by Weyers, second by Caylor, to suspend the rules of three consecutive readings of Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Motion by Meier, second by Caylor, to adopt Ordinance 2021-08. Voting: Ayes – 4. Motion carried.

Motion by Weyers, second by Caylor, to approve the transfer of \$25,000 from the General Fund to the Park Fund for the 2021 pool season. Voting: Ayes – 4. Motion carried.

Discuss/possible action: Approve Pioneer Overhead Door's proposal to repair and adjust overhead doors and include new remote controls at Eagle Fire & Rescue in an amount not to exceed \$692.25 – Agenda item withdrawn per Emergency Services Committee request.

Discuss/possible action: Consider dental and vision insurance coverage with UNUM for full-time Village of Eagle employee families – Surman said the 2021 benefit monthly rates with UNUM for employee + family coverage is \$156.65 for dental insurance (up from \$143.72) and \$23.17 for vision insurance (no change). Surman asked if the Human Resources Committee received proposals from other providers or if they felt this was the best option. Weyers said additional proposals were not received this time around but she feels the rates are very competitive. Surman said his family did find good coverage through Ameritas so he would suggest looking into other proposals prior to next renewal to draw some comparisons.

Motion by Surman, second by Meier, to approve dental and vision insurance coverage with UNUM for full-time Village of Eagle employees and families. Voting: Ayes – 4. Motion carried.

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

Discuss/possible action: Approve claims – Surman questioned Claim Item #42 from Bock Concrete in the amount of \$1,020.00 and asked if this invoice was to install only one corner of sidewalk at 5th & B Street. Nystrom said yes, in addition to the installation of two ADA mats. Surman said he feels like this cost might be a little high but he has nothing to compare it to at this time.

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

Approved Claims: Wages 12,930.42, Board Wages 1,300.00, ABC Termite & Pest Control 55.00, All Road Barricades 308.54, Allied Benefit Systems 3,277.26, Amazon Marketplace 227.88, American Exchange Bank 750.00, Big Red Drainage Pipe Supply 658.40, Black Hills Energy 286.07, Blue Valley Public Health 2,670.00, Bock Concrete 1,020.00, BOK Financial 76,936.44, Bound Tree Medical 7.19, Bromm Lindahl Freeman-Caddy & Lausterer 1,415.00, Capital Business Systems 379.37, Carroll Construction Supply 307.88, Casey's 329.67, Cass Co. Register of Deeds 22.00, Cass Co. Sheriff's Dept 3,145.21, Company Care 104.00, Constellation Energy 794.72, Dollar General 72.60, Eagle Facilities & Grounds Assn 1,492.00, EFTPS 3,145.36, Frontier Cooperative 2,000.00, Google LLC 120.00, Hamilton Equipment 1,465.00, Rick Hestermann 4,662.18, HOA Solutions 1,632.00, Int'l Institute of Municipal Clerks 465.00, Iowa Pump Works 49,219.70, John Deere Financial 7.44, John Hancock Investments 312.00, Curtis Klabenes 79.97, Knee Deep LLC 1,300.00, Lincoln Winwater Works 2,913.01, Lovell Excavating 1,500.00, Matheson Tri-Gas 241.81, Menards-South 724.84, Mid-American Research Chemical 511.60, NE Dept of Rev 1,930.66, NE Generator Srv 2,265.40, NE Medicine 267.81, NE Municipal Power Pool 869.36, NE Public Health Env Lab 30.00, NE Secretary of State 23.00, Norland Pure 18.00, North Central Emergency Vehicles 274,995.00, Taira Nystrom 200.00, One Call Concepts 26.51, OPPD 4,050.60, People Service 5,496.00, Pioneer Overhead Door 1,430.00, Power Plan 2,885.00, Quick Med Claims 36.36, Kevin & Anne Riley 8,000.00, Ross Automotive 35.00, Lyndsey Cunningham & Amanda Sadowski 165.32, Tractor Supply 97.98, Trekk Design Group 750.00, UNUM 490.64, US Postmaster 213.90, Verizon Wireless 756.59, Voice News 131.72, Windstream 584.08. Total of bills: **\$484,538.49**.

Approved Park Claims: Black Hills Energy 32.76, Bock Concrete 1,700.00, Menards-South 268.53, OPPD 92.40. Total of bills: **\$2,093.69**.

Approved Keno Claims: Total of bills: Alvo/Eagle Recreation 5,000.00, Tennis Courts Unlimited 2,760.00. Total of bills: **\$7,760.00.**

Discuss/possible action: Update on sanitary sewer concerns at 520 South 1st Street – Surman said a letter was sent to this property owner in January regarding the existing septic system on the property and whether the property is currently connected to the public sanitary sewer system. The letter asked the property owner to either indicate whether his property is currently connected to the public sanitary sewer system or to have the appropriate work done to connect to the public sanitary sewer system and abandon the existing septic tank. Per Municipal Ordinance §3-203, the owner of all houses, buildings or properties within the Municipality are required to connect such facilities directly with the proper public sewer. Surman said the deadline to come into compliance was April 1, 2021 and no action has been taken that the Village Board is aware of. Nystrom said the property owner did contact the office in February acknowledging receipt of the letter and felt that he may need more time to come into compliance; the office asked the property owner to stay in touch if he feels a deadline extension was necessary but there has been no further communication. Freeman-Caddy asked if the property is occupied. Nystrom said there is some water usage at the property and a vehicle is on the premises at times. Freeman-Caddy asked if there is an active building permit at the property. Nystrom said no. Freeman-Caddy was directed to consider legal options at the property and report back to the Village Board at the next meeting on May 17, 2021.

Discussion: Nebraska Open Meetings Act – Surman said he requested this agenda item for a variety of reasons; first, there are three Village Board members that serve as volunteers on Eagle Fire & Rescue, and although he does not feel anything is being done illegally, he would like the Village Attorney to address what can and cannot be done since this involves a quorum of the Village Board. Weyers said she is now only serving as the treasurer of Eagle Fire & Rescue and is not attending meetings or calls for service; the reason behind this is the fact that a quorum of the Village Board are fire and rescue volunteers. Surman said his second reason for this agenda item is due to the various internal committees that exist and how sometimes membership overlaps between members of the Village Board. Freeman-Caddy said the Nebraska Open Meetings Act is designed to address a quorum of elected officials discussing business outside of a publicly advertised open meeting. Her typical recommendation to elected officials is if they happen to show up at an event together is to not talk about village business and avoid a quorum gathering together. Freeman-Caddy said an example is a meeting of the Planning Commission; per Nebraska State Statute §84-1409, a public body does not include subcommittees of the body (such as an internal committee) unless a quorum of the public body attends the subcommittee meeting; this means if three members of the Village Board were to sit in the audience of a Planning Commission meeting, and a decision at a future Village Board meeting would be rendered based on what was heard, this would be an illegal meeting unless it were advertised as a Village Board meeting as well as a Planning Commission meeting. Freeman-Caddy said if a member of the public were to challenge the Village Board on an Open Meetings Act violation the biggest penalty

would be to pay for the complainant's legal fees; additionally, a misdemeanor can be charged against the violating individual(s). Freeman-Caddy discussed "straw polling" behind the scenes where a member or members of the Village Board call enough individuals to constitute a quorum outside of a public meeting to support their agenda; this is also a violation of the Open Meetings Act and is punishable by law. Surman urged caution to the Village Board with email correspondence and the "Reply All" feature being available; be sure to only reply to the sender if a quorum of board members is included in an email.

Report from Attorney – Freeman-Caddy said she has received the amended Subdivision Regulations to review and the plan is to have these before the Planning Commission by the end of May or early June for consideration. A pre-application meeting is scheduled for tomorrow morning regarding a proposed residential subdivision south of Eagle at Highway 43 and A Street. Freeman-Caddy asked if there were any updates on the commercial property at 509 South 4th Street regarding its suspected use as a residential building. Nystrom said the Cass County Sheriff's Department was successful at serving the daughter of the property owner a notice that the building was not to be used for residential purposes; there has been no response from the property owner although it does appear individuals are still residing inside the building. Freeman-Caddy said a representative of the Village could knock on the door to see if they are allowed access or an inspection warrant may be obtained to determine if a zoning violation exists at the premises. Caylor said she has a list of properties containing dilapidated structures and asked if there is any recourse when the property taxes are current and up to date. Freeman-Caddy said if the buildings are thought to be unsafe they can be evaluated by the Building & Zoning Administrator or may even fall under a nuisance violation category.

Report from Clerk/Treasurer – Nystrom said the Health Board will be meeting soon and the office has recently sent nuisance letters to property owners with vegetation exceeding the 12" maximum height. The total income ending April 30, 2021 was \$105,680.03

The meeting was adjourned at 7:59 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 May 4, 2021 at 7:00 p.m. and that all of the subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and readily available for public inspection at the office of the Village Clerk; that such subjects were contained in said Agenda for at least twenty-four (24) hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten (10) working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting of said

body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Seal

Nick Nystrom
Village Clerk

John Surman
Chairperson