

facility or other place designated by or maintained by the Municipality, with all impoundment costs payable by the owner/operator prior to retrieval. The operator shall be prohibited from operating ATVs, UTVs and Golf Car Vehicles within the Municipality for a period of ten (10) days from the date of the offense.

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

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

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

- A. All ATVs, UTVs and Golf Car Vehicles shall be registered by filing application with the Municipal Clerk, providing proof of liability insurance

coverage as required in Section 5-506, and paying a **an** first-year annual fee of \$75.00 per vehicle. ~~Registrations for subsequent years shall be \$30.00 provided a new plate or flag are not necessary and that prior registrations are in good standing at the end of the prior year.~~ Upon filing and payment, the vehicle shall be inspected by ~~law enforcement~~ **the Municipal Clerk** and ~~law enforcement~~ **the Municipal Clerk** will issue the permit which shall be evidenced with a license plate and matching whip flag **(as provided by the Municipality)** affixed to the vehicle. In the event the plate or flag are lost, the Owner shall pay the Municipal for a replacement at the cost of **\$50.00**.

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

3. That the effective date of this Ordinance shall be **November 1, 2021**.

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

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

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

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

8. That it is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Municipal Code of the Village of Eagle, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

Motion by Caylor, second by Weyers, to accept the first reading of Ordinance 2021-11.

Discussion: Surman said one of the first items that need to be addressed is the age requirement to operate these off-road vehicles on the municipal streets. Moore said he has a series of proposed amendments that he will pass out to the Village Board and will start with the amendment dealing with Section 5-506.

Motion by Moore, second by Surman, to introduce Amendment 1 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 1 as follows; adds Golf Car Vehicle to Section 5-506, Sub-Section A; strikes farm permit and adds “at least 17 years of age” to Sub-Section A, Number 1; strikes highway and adds Golf Car Vehicle and “at the time of registration” to Sub-Section A, Number 2; adds “provided by the Municipality” to Sub-Section B, Number 6; and adds Sub-Section C which states, “No child under the age of eight (8) years shall be a passenger on an ATV, UTV, or Golf Car Vehicle unless the vehicle is equipped with, and the child is restrained by, a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration”. Meier said it is his understanding you only need to be 16 to obtain a driver’s license. Moore said the age to obtain a Class O operator’s license is 17. Meier said his understanding is this amendment will not allow anyone under the age of 17 to operate or ride along on an off-road vehicle. Moore encouraged Meier to read the amendment; it clearly states no child under the age of 8 shall be a passenger; a 17 year old can both operate an ATV and be a passenger.

Motion by Moore, second by Surman, to accept Amendment 1 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Surman, to introduce Amendment 2 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 2 as follows; adds “providing proof of liability insurance coverage as required in Section 5-506”, “as provided by the Municipality” and \$50.00 for a replacement flag or plate and strikes registrations for subsequent years shall be \$30.00 in Section 5-509, Sub-Section A; adds “of not less than thirty (30) square inches” to Sub-Section C; and adds “Nebraska Rules of the Road, and traffic laws” to Sub-Section D. Caylor said she disagrees with striking the fee of \$30.00 for subsequent years provided a new plate or flag is not necessary. Surman said when a car or motorcycle is licensed you pay the same amount in

registration fees each year and asked if the off-road vehicles should be any different. Moore said new plates and new flags should be required every year to make it apparent to law enforcement who is operating an off-road vehicle with expired registration; he has also heard from proponents of this ordinance that legalizing off-road vehicles will be a “money maker” for the Village, and although he disagrees with this statement, if the ordinance is going to pass, a fee should be charged that will not lose the Village any money.

Motion by Moore, second by Surman, to accept Amendment 2 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Weyers, to introduce Amendment 3 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 3 as follows; adds “December 31, 2021” in Section 5-509, Number 3 to become the effective date of this ordinance. Caylor said she would recommend September 1, 2021 as the effective date in anticipation of hunting season. Meier said the license plate and whip flag manufacturer requested at least a 30-day notice before arrival of product. Caylor said she would then recommend October 1, 2021. Surman said that date assumes the three readings of the ordinance will be suspended and that may not be the case. Moore said if the ordinance ends up requiring three separate readings the soonest it could be adopted is September 20, 2021; this does not allow the office employees enough time to prepare for vehicle registrations and other administrative duties. Caylor said she feels proponents of this ordinance would rather see the law go into effect as soon as possible. Meier agreed and recommended November 1, 2021. Weyers agreed and said law enforcement can handle enforcing the ordinance at the soonest eligible date. Moore disagreed and said it was stated at the last meeting by law enforcement that they do not enforce the rules in place currently. Weyers said a letter simply needs to be sent to the Sheriff asking that the ordinance be enforced. Moore said that hasn’t worked out in the past. Captain Dave Lamprecht (Cass County Sheriff’s Department) said if the ordinance is passed his office would need some direction on how to write the violation since it would no longer be a State violation. Moore said at the last meeting law enforcement stated that they do not have a way of issuing local violations because it would require a hand written citation. Lamprecht recommend creating a Municipal Code citation book that could be issued to law enforcement.

Motion by Caylor, second by Meier, to amend Amendment 3 of Ordinance 2021-11 to state that the effective date of this ordinance shall be November 1, 2021. Voting: Ayes – Weyers, Meier, Caylor, Surman. Nays – Moore. Motion carried.

Motion by Caylor, second by Meier, to accept Amendment 3 of Ordinance 2021-11. Voting: Ayes – Weyers, Meier, Caylor, Surman. Nays – Moore. Motion carried.

Motion by Moore, second by Meier, to introduce Amendment 4 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 4 as follows; adds the words “device”, “specifically” and “manufacturer” to Section 5-504, Sub-Section A; and adds “is defined pursuant to Neb. Rev. Stat. § 60-116.01 and” to Sub-Section D. Surman questioned the word Golf Car versus Golf Cart. Moore said the device is defined as Golf Car Vehicle in State Statute.

Motion by Moore, second by Meier, to accept Amendment 4 of Ordinance 2021-11.
Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to introduce Amendment 5 of Ordinance 2021-11.
Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 5 as follows; adds the word “property” to Section 5-505, Sub-Section A; strikes “if the operator is removing snow from the road or sidewalk within 48 hours after cessation of a snow storm (ATV and UTV only)” in Sub-Section A, Number 4; strikes “on public trails, sidewalks, or public right of ways while engaged by the Municipality for snow removal (ATV and UTV only)” in Sub-Section A, Number 6; adds “according to Neb. Rev. Stat. § 60-6,356 and Neb. Rev. Stat. § 60-6,381” to Sub-Section C; strikes “perpendicular” and “travel being made on such” in Sub-Section C, Number 1; adds the word “oncoming” to Sub-Section C, Number 3; adds the words “divided”, “is made”, and “such highway with a street or road” to Sub-Section C, Number 4; and adds “rights-of-ways, or other property” and strikes “for snow removal and utility work” in Sub-Section D. Moore said if the Village Board is going to pass public policy then they need to do an effective job. Weyers said she just wants to get the discussion over with because her kids will need to be up for school before this meeting is over. Moore said he is sorry Weyers is being inconvenienced to serve on a public board that she was appointed and elected to serve on. Meier asked if the desire is to keep ATV’s and UTV’s off the sidewalks to remove snow. Caylor said the Village Attorney briefly addressed at the last meeting that these vehicles have historically been allowed to remove snow from sidewalks but not from streets. Moore said since these vehicles are already allowed to remove snow from private property and adjacent sidewalks he doesn’t think it needs to be expressed in this ordinance.

Motion by Moore, second by Surman, to accept Amendment 5 of Ordinance 2021-11.
Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to introduce Amendment 6 of Ordinance 2021-11.
Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 6 as follows; adds the word “Vehicle” to Section 5-508, Sub-Section C and adds “shall be” to Sub-Section C, Number 3.

Motion by Caylor, second by Surman, to accept Amendment 6 of Ordinance 2021-11.
Voting: Ayes – 5. Motion carried.

Motion by Moore, second by Meier, to introduce Amendment 7 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Discussion: Moore discussed Amendment 7 as follows; adds “As provided in Neb. Rev. Stat. § 60-6,361” and “Neb. Rev. Stat. § 60-699” to Section 5-507.

Motion by Moore, second by Meier, to accept Amendment 7 of Ordinance 2021-11. Voting: Ayes – 5. Motion carried.

Discussion: Surman said in Section 5-506, Sub-Section B, Number 6, the safety flag is measured at no less than five feet above the ground; he is not sure if this is sufficient due to the size of some of the UTV's on the market. James Dobbins (745 G St.) offered the idea of modifying the language to read no less than one foot from the height of the vehicle. Moore said Section 5-509, Sub-Section A, states upon filing and payment, the vehicle shall be inspected by law enforcement and law enforcement will issue the permit which shall be evidenced with a license plate and matching whip flag affixed to the vehicle. Moore asked for comments from law enforcement on this particular section. Captain Lamprecht said no mechanical inspections will be performed by law enforcement; further, other municipalities typically have license plates and flags issued by the local clerk's office. Lamprecht said it would depend on the deputy's schedule whether or not they are available to issue license plates or flags at any given time. Weyers said there are no inspections on cars before they are driven so she doesn't see off-road vehicles any differently. The Village Board agreed to strike the language which states law enforcement will be responsible for issuing license plates and flags and make that a duty of the Municipal office.

Voting on the motion by Caylor, second by Weyers, to accept the first reading of Ordinance 2021-11. Ayes – Meier, Caylor, Weyers. Nays – Moore, Surman. Motion carried.

Discuss/possible action: Consideration of recycling proposals – Moore said this agenda item was tabled at the last meeting due to the interest of another contractor, Quik Dump Refuse, in submitting a bid. Surman said there was a recent article in the Voice News pertaining to Quik Dump Refuse's recycling service in Waverly and how the city council voted to terminate the service effective September 30, 2021. Moore said the reason behind the termination of service was due to an exorbitant amount of users from out of town, people not breaking down large materials and misuse of the facility; Eagle was not immune to these issues when the recycle trailer was made available to the public in the past. Caylor said her primary concern is these issues would become a burden to the village again. Moore said a couple of the contractors that submitted bids also offer curbside service if the Village Board is interested in that avenue; there is a lot of interest in bringing recycling services back to the community in some fashion or another. Moore said Keep Cass County Beautiful is really pushing a drop off location because they would like everyone to have an opportunity to recycle and are willing to provide some compensation for these efforts; it may be

possible to close the gate to the Eagle Municipal Building lot to limit the hours for recycling and keep better tabs on what is being dropped off. Zach Mendoza (Quik Dump Refuse) said he was responsible for dumping the recyclables at Waverly and he rarely ever had issues with what was being dropped off; if items were left on the ground he would take care of them himself. Surman said the biggest problem Eagle had was people would stack cardboard three feet high outside the compartment if the trailer was full. Mendoza said this problem can be addressed and perhaps eliminated with a dedicated pick-up date. Surman asked for an elaboration on curbside recycling service. Moore said he would likely be looking at a mandatory or optional service that is billed to residents through the Village office alongside their water and sewer bills. Nystrom said he feels it would need to be studied before curbside service is offered to determine how much support there would be from the public. Meier and Surman agreed that curbside recycling should not be mandated. Moore said he is unsure if Keep Cass County Beautiful would offset any of the cost associated with curbside service either. The Village Board generally agreed that a drop off location would be more suitable than curbside service. The Buildings & Grounds Committee was directed to schedule a meeting with Quik Dump Refuse and Linda Behrns (Keep Cass County Beautiful) to identify a plan of action for the collection and disposal of recycling materials and report back to the Village Board. Agenda item tabled until the September 7, 2021 meeting.

Motion by Caylor, second by Weyers, to introduce Resolution 2021-07. Voting: Ayes – 5. Motion carried.

Chairperson Surman read Resolution 2021-07 entitled:

RESOLUTION 2021-07

SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2021

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

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution of the governing body of the municipality authorizing the signing of the certification.

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

Motion by Weyers, second by Meier, to adopt Resolution 2021-07. Voting: Ayes – 5. Motion carried.

Discuss/possible action: Approve Culvert Agreement between Nick and Shannon Gaebel and the Village of Eagle at 230 & 240 South 6th Street – Travis Frazier (Frazier Construction) said he is requesting a 12” corrugated plastic culvert pipe to service the new duplex being built in this location. Surman asked if there is an opinion from the Street Committee. Meier and Weyers agreed that a 12” culvert is sufficient in this location.

Motion by Weyers, second by Caylor, to approve the Culvert Agreement between Nick and Shannon Gaebel and the Village of Eagle at 230 & 240 South 6th Street. Voting: Ayes – 5. Motion carried.

Report on Streets and Maintenance – Surman said the former community center property at 509 South 4th Street contains weeds in excess of 12” in height. Nystrom said a nuisance violation letter has been sent to the property owner. Terry Caddy said crosswalks and parking stalls are being painted and are nearing completion. Caddy urged the Village Board to begin thinking about the swimming pool which is in need of a new main pump, filter system, potentially a booster pump and a water leak repair. Nystrom said this project will also require engineering. Moore asked if there is a cost estimate for these repairs. Caylor said she will work on getting estimates on behalf of the Park Committee.

Report on Wells and Sewer – Caddy said Nebraska Rural Water Association exercised approximately 75 water main valves with Klabenes; approximately 15 valves were unable to be exercised at this time due to debris blocking access. Klabenes has begun flushing fire hydrants. Lovell Excavating repaired a water service leak along Wenzel Circle last week. Sargent Drilling performed the 2021 well and pump tests and the average pump efficiency is the same as last year. Surman said he contacted Miller & Associates regarding a cost estimate to install two new water wells ahead of the Budget Workshop.

Discuss/possible action: Consider Village Board member attendance at the League of Nebraska Municipalities 2021 Annual Conference on September 23rd & 24th in Lincoln – Surman said the cost to attend the full conference is \$395.00 per person now or \$425.00 per person after August 31, 2021 and asked if there is any interest or availability of the Village Board. There was no interest reported at this time. No action taken.

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

Report from Committees and Boards – Meier asked if the office has received an update from The Electronic Repair Shop as to how the camera system is functioning at the park and pool. Nystrom said no. Sergeant Sommer (Cass County Sheriff’s Department) said discussion needs to be held about the impoundment of off-road vehicles if Ordinance 2021-11 is expected to pass.

The meeting was adjourned at 9:18 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 August 16, 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

VILLAGE OF EAGLE

August 24, 2021

The Village Board of Trustees met in special session at 7:00 p.m. on August 24, 2021 with Surman, Meier, Moore and Caylor present. Weyers 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.

Discuss Budget Workshop – The Village Accountant, Lisa Riley, discussed the FY-2022 budget. The total taxable value for Tax Year 2021 is \$73,022,261 with a \$5,031,292 value attributable to growth. Riley said this is a total increase of \$10,658,885 from last year. One penny levy generates \$7,302.23 in tax with the current valuation. Four options were presented to the Village Board regarding the mill levy. Option 1 was to leave the mill levy at the same rate as last year (0.648695) which would result in an additional \$69,143.95 received; Option 2 was to decrease the levy to a rate of 0.554006 which would result in no additional money received; Option 3 was to decrease the levy to 0.601351 which would result in an additional \$34,571.98 received; and Option 4 was to decrease the levy to 0.625023 which would result in an additional \$51,858.19 received. Surman read from a list of capital outlay items presented to the Village Board on behalf of the General, Street, Sewer, Water, Park and Rescue Departments.

After discussion, Capital Outlay Items considered in the FY-2022 budget were as follows:

General Fund: Security Camera System (All Facilities) \$40,000; Community Center / Meeting Space Savings \$25,000.

Street Fund: Street Repairs \$100,000; Crack Sealing & Routing \$15,000; Bobcat Upgrade \$4,000.

Sewer Fund: Jet, Camera & Vacuum Wastewater Mains \$20,000; Sewer Study \$20,000; Lift Station Motors \$15,000; WWTP Lift Station Pump \$10,000; UV Lights \$10,000; Digester Building Motor \$5,000.

Water Fund: Radio Receivers & Meters \$25,000; Water Study \$20,000; GIS Mapping \$15,000.

Park Fund: Park Improvements (West Side Park Equipment) \$40,000; Pool Repairs \$20,000; Pool Filter System \$20,000; Park Baseball Field Improvements \$6,000; Mosquito Abatement \$3,000; Pool AED \$2,000; Lifeguard / Pool Operator Certifications \$1,000.

Rescue Fund: Painting of Fire Station / Upgrades \$20,000; Radios & Pagers \$5,000; Fire Station Outdoor LED Lights \$5,000; Training, Seminars & Continuing Education \$3,500; ESO Software Renewal \$3,000; Personal Protective Equipment \$2,500; Bay Door Upgrades \$2,000; Advertising, Apparel & Morale Boosters \$2,000; Medical Director Renewal \$2,000; Tablet for Ambulance \$1,000.

The Village Board further discussed the four options as presented by the Village Accountant regarding the mill levy. Moore said he personally likes Option 2, which would decrease the mill levy by 0.094688 to 0.554006 (from 0.648695); he feels most residents are starting to feel the pinch with the cost of everything increasing and he feels the Village Board has a duty to be frugal and responsible with the tax payer's money. Surman said the capital outlay expenses and the potential for a large water bond this year have all been acknowledged by the Village Board tonight and asked how these items will be accounted for with a large decrease to the mill levy. Moore said he realizes these expenses that were discussed in the budget were deemed necessary but the Village Board needs to be fiscally conservative when spending money and do a good job of prioritizing purchases; he would be willing to go back through the capital outlay expenses and cut more spending if needed. Surman said it would be difficult to explain to the citizens a year from now why the mill levy needs to be increased dramatically if the large decrease this year cannot cover the Village's expenses. Luke Renken (1381 Shire Lane) said his opinion is it's easier to leave the mill levy the same now than try to catch back up later. Surman said he would be open to decreasing the levy somewhat, but not as dramatically as found in Option 2, because he really doesn't see where the capital outlay expenses can be cut anymore. Terri Todd (940 Applewood Dr.) said her opinion is people will be happy just knowing the mill levy wasn't increased from the year prior. Meier agreed and said he would support Option 1, which leaves the mill levy the same as last year. Surman and Caylor said they would be willing to consider Option 4 which decreases the mill levy approximately \$0.024 to 0.625023. Riley said if the Village Board would like to consider decreasing the mill levy to an even \$0.03 for simplicity's sake the tax increase for the year would still be approximately \$47,237.00. Moore said he would support this additional option. Surman and Caylor agreed.

Meeting adjourned at 8:37 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 August 24, 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

RESOLUTION 2021-_____

WHEREAS, Neb. Rev. Stat. §17-313 (Cum. Supp. 2020) provides that the registered voters of a village may vote to discontinue organization as a village and organize as a city of the second class under this section if the population of the village exceeds eight hundred inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United State Bureau of the Census; and the prior vote pursuant to Neb. Rev. Stat. § 17-312 (Cum. Supp. 2020) was in favor of retaining the village form of government, and

WHEREAS, the most recent federal decennial census count for the Village of Eagle for the year 2020 determined that there were _____ inhabitants of the Village of Eagle, and

WHEREAS, on October 13, 1981, the issue was submitted to the voters whether the Village of Eagle shall retain the village form of government, in spite of the Village containing a population in excess of eight hundred persons, with the result being that the votes in favor of retaining the village form of government exceeded those against; and

WHEREAS, upon ascertaining that the conditions set forth above are satisfied, the issue may be placed before the voters by a resolution adopted by the board of trustees of such village; and

WHEREAS, the Eagle Board of Trustees has determined that the conditions set forth above have been met and the question of whether to discontinue the village form of government may now be submitted to the qualified electors of the Village of Eagle.

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

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

Section 2. That the following question be submitted to the qualified electors of the Village for their approval or rejection the following proposition, to-wit:

“Whether the Village of Eagle, Cass County, Nebraska shall be reorganized as a city of the second class:

_____ **For reorganization of the Village of Eagle as a city of the second class.**
_____ **Against reorganization of the Village of Eagle as a city of the second class.”**

Section 3. That the question shall be submitted to the qualified electors of the

Village of Eagle at a Special Election pursuant to Neb. Rev. Stat. §32-559 set for the _____ day of _____, 202____ **or** (at the same time as the statewide primary election on May 10, 2022) **or** (at the same time as the statewide general election on November 8, 2022).

Section 4. If a majority of votes are cast in favor of the question, then the Board of Trustees certifies the fact to the Nebraska Secretary of State at which point the Secretary shall, by proclamation, declare the village to have become a city of the second class.

Section 5. The Village Clerk is hereby instructed to certify a copy of this resolution containing the proposition to the Election Commissioner of Cass County and the Election Commissioner is requested to submit the proposition *at the time set for such election*.

Section 6. The Election Commissioner shall prepare the ballots and issue early voters' ballots and appoint and supervise the election officials conducting such election as provided by law. The election returns shall be made to the Election Commissioner. The municipal ballots, including early voters' ballots, shall be counted and canvassed as provided by law. Upon completion of the canvass of the vote by the county canvassing board the Election Commissioner shall certify the election results to the governing body of the Village.

Section 7. The Village Clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election.

PASSED AND APPROVED this ____ day of _____, 2021.

ATTEST:

John Surman
Village Chairperson

Nick Nystrom
Village Clerk

(S E A L)