

Legislative and Economic Development Committee Meeting
Tuesday, July 6, 2021 5:00 PM
Crete City Hall
243 E 13th Street
Crete, NE 68333

1. Open Meeting

- In accordance with Nebraska law, a copy of the Open Meetings Act can be found in the back of the Council Chambers.
- Items listed on the agenda may be considered in any order.

2. Roll Call

- Attendance of members will be recorded to determine the presence of a quorum for official actions.

3. Items of Business

- The Committee may discuss or limit discussion on, hear testimony in favor of or in opposition to, or take action to provide a recommendation to the City Council on any matter presented under this title.
- A. Discuss and provide a recommendation to the City Council on amending the 2020 Downtown Revitalization Program Guidelines.
- B. Discuss and provide a recommendation to the City Council on providing the Blue River Arts Council \$2,750 for summer cultural events.
- C. Discuss amending the animal regulations to allow a limited number of hens within the City.
- D. Discuss enacting Ordinance 2131: An ordinance creating a vacant and neglected property registration.

4. Officers' Reports

- Reports may be given by the Mayor, Officers, Departments, or Councilmembers concerning the current operations of the City.
- No action can be taken on matters presented under this title except to answer any questions or to refer the matter for further action.

5. Adjournment

Disclaimers & Notices

- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.
- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at www.crete.ne.gov.



**City of Crete
Downtown Revitalization Program**

2020 Program Guidelines and Application Packet

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PART I: PROGRAM OVERVIEW

Statement of Purpose

The purpose of the City of Crete's Downtown Revitalization Program is to rehabilitate and revitalize the buildings and structures located in Crete's historic downtown area in order to support existing businesses, to provide a healthy, vibrant downtown district, and to attract new residents, new businesses, and new investment

The Program's goals are:

- To prevent or eliminate slum and blight conditions by enhancing the aesthetic and historical qualities of the downtown district.
- To improve the economic potential of individual buildings and structures and the district as a whole and to strengthen property values.
- To improve access to first floor commercial properties and upper floor development.
- To create more desirable commercial and mixed-use buildings and structures.
- To protect residents, customers, and the physical environment by reducing life, health, and safety issues.
- To encourage investment and the location of more businesses and residents in the downtown district.

Funding Sources

The program uses Community Development Block Grant funds from the Nebraska Department of Economic Development, which may be combined with local funding from the City's local Economic Development Program. Interested applicants will need to apply for this funding separately. Information about the City's program and applications can be found on the City's website, www.crete.ne.gov, under Community and Economic Development.

All participants in this Program will need to provide private matching funds. More information about the required matching funds can be found in the Application Process section.

Participants are also encouraged to consult with the City and Nebraska's State Historic Preservation Office (SHPO) to determine eligibility for other financing methods and means, including tax incentive programs. SHPO is available by calling 1-800-833-6747 or via email at hpns@nebraskahistory.org.

Program Administration

The Program will be jointly administered by the City and Southeast Nebraska Development District (SEND). All applications must be submitted to: City of Crete, Downtown Revitalization Program, 243 E. 13th Street, Crete, NE 68333.

PART II: APPLICATION

Application Cycles

The program will consist of two application cycles. The first application cycle will open on March 3, 2021 and close on April 20, 2021. Completed applications and all required application materials must be delivered to the City by 5:00 pm on April 20, 2021. Applications received after this deadline will not be considered.

The second application cycle will open on July 5, 2021 and close on September 24, 2021. Completed applications and all required application materials must be delivered to the City by 5:00 pm on September 24, 2021. Applications received after this deadline will not be considered.

Eligibility

Eligible Applicants

To be eligible for an award, applicants must own or lease an Eligible Property that is located within the geographic boundaries of the Eligible Project Area. Business entity applicants (*e.g.*, corporations, limited liability companies, and partnerships) must be authorized to transact business in the State of Nebraska and must have an active, valid registration with the Nebraska Secretary of State. Applicants applying as individuals or sole proprietors must be lawfully present in the United States and must complete the United States Citizenship Attestation Form provided by the City.

Applicants that are debarred, suspended, proposed for debarment, placed in ineligibility status, or voluntarily excluded from covered transactions by a federal agency are ineligible to receive an award.

Eligible Properties

Eligible properties are commercial or mixed-use buildings or structures located within the Eligible Project Area. The principal use of the property must be a commercial use, which means at least fifty percent (50%) of the total square footage of the building or structure is intended or used for commercial purposes. Buildings or structures that are not structurally sound are not eligible properties.

Eligible Activities/Improvements

Program funds may only be used for the following eligible activities:

- the preparation of a required property structural engineering overview;
- architectural plans and engineering specifications; and,
- the costs of building materials and construction labor for eligible façade improvements or to fix code violations.

Eligible façade improvements include:

- Restoration, renovation, replacement, or reconstruction of signage, awnings, windows, or doors.
- Brick, stucco, masonry, and exterior surface repair or restoration for the purpose of historic preservation.
- Repair, restoration, or installation of historic decorative details and other design features such as pediments, cornices, lintels, and bulkheads.

- Painting when combined with window replacement or the repair or restoration of brick, stucco, or other exterior surfaces for historic preservation.
 - Painting by itself is considered maintenance and program funds may not be used for maintenance activities.
- Miscellaneous façade improvements that are reasonably similar to those listed above.
- Any other activity that is approved by the Nebraska Department of Economic Development.

Fixing Code Violations

- Program funds may be used for costs associated with fixing municipal code violations.
- In order to be an eligible activity, the applicant must submit documentation from the City's Building Inspector that delineates the specific code violations and the required repairs.

Any activities that may be considered maintenance are ineligible activities under federal regulations. All repairs, improvements, or other work done must conform to all state and local building codes and design standards or the activities or improvements will be declared ineligible.

Eligible Project Area

All projects must be located within the area specified in the map below. This area is generally between Norman and Linden Avenues and 14th and 11th Streets.



Assistance Details

Maximum Grant Award

The maximum amount that may be awarded for any project is Fifty Thousand Dollars (\$50,000). Applicants may request any award amount up to the \$50,000 maximum. The City Council may grant an award that is less than the amount requested.

Matching Funds

Applicants must provide private matching or other leveraged funds in the amount of at least twenty percent (20%) of the total project cost. For example:

- A proposed project that will cost approximately \$12,000 will require at least \$2,400 in private matching funds and will be eligible for an award of up to \$9,600.
- An award of \$50,000 (the maximum grant award) would require at least \$12,500 in private matching funds.

Matching and other leveraged funds must be expended during the grant period. Applicants are responsible for all costs that exceed the proposed total project cost.

Application Materials

Application Form

Applicants must submit a completed Application Form (found attached to these guidelines) and all required additional materials to City of Crete, Downtown Revitalization Program, 243 E. 13th Street, Crete, NE 68333 before the close of the application cycle.

Additional Materials

All applications must include the project-specific documents listed on the Application Form and must provide the following additional materials:

- Property ownership documentation or a copy of the applicant's current lease and a letter from the property owner authorizing the application and the work to be performed.
- A completed Proposed Property Improvement Plan. Any proposed activities or improvements must be consistent with the City's Design Standards and Guidelines. The Property Improvement Plan shall include a construction drawing of the property with descriptions of proposed activities or improvements and showing the approximate locations.
- Color photographs of existing façade on all exposed sides.
- Color photographs of specific areas where requested improvements would occur.
- Three (3) cost estimates from different independent contractors to verify the proposed costs are within reasonable parameters.
 - Applicants are responsible for preparing the project specifications, work-writeups, or other documents necessary to obtain cost estimates on the proposed project activities.
- Submission of all federal compliance items, including submission of appropriate SAM verification.
- US Citizenship Attestation Form, if required.

PART III: APPLICATION REVIEW PROCESS

Staff Review

City Staff will initially review applications for completeness and to ensure that all additional materials have been submitted. Incomplete applications will not be eligible for consideration. Applicants who submit incomplete applications before the close of the application cycle may be contacted about the deficiencies in their applications. Applications or parts of applications received after the cycle deadline will not be accepted.

City Staff will also verify property ownership/tenancy and check the status of property taxes, special assessments, or liens on the property, potential conflicts of interest, and building code/zoning compliance.

Conflicts of Interest

No employee, officer, or agent of the municipality shall participate in the selection, award, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would exist. Such a conflict would exist when an employee, officer, or agent; any member of his or her immediate family; his or her partner; or an organization that employs, or is about to employ, any of the above has a financial or other interest in the award. Conflicts of interest may also exist under the Nebraska Political Accountability and Disclosure Act or under federal regulations. Municipal employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

City Staff will review applications for any potential conflicts of interest. Conflicts that arise after an award of funds may be cause for the immediate revocation of the award and may result in penalties or sanctions under federal or state laws and regulations.

Code Compliance Review

City Staff will review applications to determine if the proposed activities or improvements comply with the City's Commercial and Neighborhood Design Standards and other Building or Sign Regulations found in the Crete Municipal Code.

Structural Engineering Review

Buildings or structures that are not structurally sound are not eligible properties. The City Building Inspector may require a structural engineering review to determine if a building or structure is structurally sound. If a review is required, the applicant may use the services of the City's Engineer or may use another qualified firm. All costs of the review shall be paid by the applicant; however, if the application is selected for an award, any reasonable costs associated with the review and report will be included in the total project costs.

SENDD Review

SENDD will review applications to ensure the proposed activities or improvements meet federal and state guidelines and requirements and verify the applicants and any proposed contractors and subcontractors are not on the federal debarred, suspended, or ineligible list.

Council Committee Review

The City Council's Legislative and Economic Development Committee will review all applications to determine how well the proposed activities or improvements comply with the Program Design Standards and will score applications based on the priority ranking system and selection criteria. This Committee will then make recommendations for award to the City Council.

Program Design Standards

Where practicable, building and structure facades should be restored to the original period design for the building or structure:

- All unique historical features must be retained.
- If practicable, deteriorated architectural features should be repaired rather than replaced. If replacement is necessary, new materials should match as closely as possible in design, color, texture, and other visual qualities to the original.
- All repairs, replacements, and improvements shall be designed, constructed, and maintained to complement and accent the original qualities, character, and architectural features of the building.
 - The use of incompatible materials for reconstruction of facades is prohibited (for example: vinyl or metal siding, faux brick, asphalt or cedar shingles, plastic, fiberglass, and stucco).
- Non-original or incompatible exterior materials, such as stucco, vinyl, and aluminum, should be removed whenever possible.
- All accessories, signs, and awnings shall harmonize with the overall character of the building and area. All color schemes shall accent the building, as well as harmonize with the historic character of adjacent buildings.
 - Signs and awnings must comply with the City's Sign Regulations and should accentuate the period architecture.
- Replacement windows, doors, and glass should be similar in size, color, and reflectivity to the original.

Priority Ranking and Selection Criteria

Priority shall be given to applications that propose activities or improvements that:

- Restore the building or structure facade in compliance with SHPO requirements.
- Bring the facade into conformance with the City's Commercial and Neighborhood Design Standards and the Program Design Standards; and,
- Fit the City Council's revitalization priorities and downtown district design vision and goals.

City Council Award

The City Council will consider all applications and the Committee's recommendations at its first regularly scheduled meeting after the close of the review period and will make the decision to award or not award any project independently from the recommendation of the Committee. Nothing herein shall be interpreted to require the City to grant an award to any project. The City reserves the right to accept or reject any or all of the applications.

Notification of Selection or Non-selection

Within thirty days of the decision of the City Council, the City will notify applicants of award selection or non-selection by an official, written notice signed and dated by the Mayor. If the application was not selected for an award, the notification will inform the applicant of the reason for non-selection.

PART IV: PROJECT IMPLEMENTATION

Grant Award Contract

The City and award Recipients will enter into a grant award contract to ensure that the Recipient agrees to the conditions of the Program and understands its rights and obligations, including those obligations required by the Nebraska Department of Economic Development.

The Recipient will be responsible for generating their own contracts, agreements, or other documents with any contractors or subcontractors hired by them. These agreements must be executed, and a copy provided to the City, prior to the disbursement of any grant funds. All contracts for rehabilitation work will be between the Recipient and their contractors or subcontractors; under no circumstances will the City enter into any contracts or other agreements with contractors or subcontractors.

Funding Terms

All awards will be structured as conditional grants, the repayment of which will be required if the conditions specified in the grant award contract are not met. These conditions generally require the Recipient to comply with all federal, state, and local laws, regulations, and program guidelines.

All rehabilitation work approved by the City under the Program must be completed within twelve months after the execution of the grant award contract.

SHPO and Historic Preservation Review

The Property Improvement Plan provided with the application materials will be submitted to SHPO for review before a Notice to Proceed is issued. For properties identified by SHPO as having historic relevance, the Property Improvement Plan shall be adjusted to incorporate any reasonable recommendations of SHPO into the planned project activities or improvements.

Notice to Proceed

The Recipient or its contractors must submit a copy of any required building, sign, or other city permits before a Notice to Proceed will be issued. The City has waived permit fees for work conducted in association with this Program. Once all reviews are completed, all required program documents are executed, and all city permits are obtained, the City will notify Recipients that their projects may begin by an official, written notice signed and dated by the Mayor. No project shall begin work prior to the date stated on the Notice to Proceed.

Procurement Process

Recipients may select one or more of the contractors that provided the three (3) cost estimates to perform the proposed work or may rebid all or any portion of the work. Regardless of the contractor selected, Recipients will only receive reimbursement for eligible expenses up to the maximum amount awarded and will be responsible for all costs that exceed the proposed total project cost.

All contractors and subcontractors performing work under this Program must be authorized to transact business in the State of Nebraska, must have an active, valid registration with the Nebraska Secretary of State, and must meet all applicable requirements of the Nebraska Contractor Registration Act. Contractors or subcontractors performing work as individuals or sole proprietors must be lawfully present in the United States and must complete the United States Citizenship Attestation Form.

No contractor or subcontractor that has been debarred, suspended, proposed for debarment, placed in ineligibility status, or voluntarily excluded from covered transactions by a federal agency or any applicable government debarment and suspension regulations may perform work as part of this Program.

Construction Process

Once contractor verification is complete and the construction contract is signed, a preconstruction conference will be held with SENDD and the contractors to go over the federal labor standards that must be followed and the required paperwork that is needed.

All activities or improvements must comply with all applicable building codes, zoning ordinances, commercial and neighborhood design standards, and historic property requirements. Contractors are required to have inspections done by the Building Inspector whenever required by the City.

All grant funds will be disbursed as reimbursement for expenses incurred. Contractors must submit invoices to Recipients for payment and may choose to submit a copy to the City at the same time. Recipients must submit a copy of the invoice as well as verification of payment.

When it is determined that the quality of work is satisfactory to the Recipient and meets all city requirements, the City will reimburse the Recipient for eighty percent (80%) of the amount paid for eligible expenses up to the maximum amount of the grant award.

Compliance Review

Compliance with DBRA/SAM/E-Verify

Recipients and all contractors and subcontractors are required to comply with any applicable Davis-Bacon Wage Determinations, System for Award Management (SAM) requirements, and E-Verify requirements. It will be the responsibility of Recipients to ensure contractors and subcontractors are aware of these requirements.

Contractors are required to notify the City and SENDD of the dates they will be working on the project site. The City or SENDD will be on-site no less than one time for each contractor that has a contract exceeding \$2,000.00 and will conduct employee interviews to ensure compliance with Davis-Bacon Wage Rates.

For every week that a contractor or its employees are on the job, the contractor is required to submit Davis Bacon Payroll Certifications. These shall be submitted immediately after the applicable week ending date. No requests for reimbursement will be processed until all payroll forms have been received by the City or SENDD.

Compliance with Federal Laws and Regulations

This Program and any project activities undertaken as part of this Program will comply with all applicable federal laws and regulations, including, but not limited to, the Housing and Community Development Act of 1974, 24 CFR Part 570, the Davis-Bacon Act, the Copeland "Anti-Kickback" Act, Lead-Based Paint Poisoning Prevention Act, and the Civil Rights Act of 1964.

Compliance with State and Local Laws and Regulations

This Program and any project activities undertaken as part of this Program will comply with all applicable state and local laws and regulations, including, but not limited to, the Nebraska Civil Rights Act of 1969, the Nebraska Fair Employment Practices Act, Nebraska's Uniform Energy Efficiency Standards, and all regulations and program guidelines adopted by the Nebraska Department of Economic Development.

Project Closeout

Final Inspection

A final inspection will be completed by the City prior to project closeout to ensure the project was completed in compliance with the grant agreement and all applicable federal, state, and local laws, regulations, and guidelines.

Notification of Project Completion

Upon a successful final inspection, the City will review the project file to ensure all program requirements have been met. If so, the City will issue a notification of project completion and closeout by an official, written notice signed and dated by the Mayor.

PART V: ADDITIONAL GUIDELINES

Conflicts Between Agreements/Regulations/Guidelines

In the event of any conflicts between any provisions of these Program Guidelines, the Nebraska Department of Economic Development's CDBG Administration Manual, any grant agreements entered into between the City and the Nebraska Department of Economic Development or between the City and the Recipient, and any federal, state, or local laws or regulations, the most restrictive or specific provision shall apply.

Grievance Procedures

All grievances or complaints regarding an award or non-award of funds must be submitted in writing to the City. A written response/determination will be provided to the aggrieved party within fifteen days after receipt of the grievance/complaint. If unsatisfied with the response/determination, the aggrieved party may appeal the decision in writing to the City Council for their consideration. The request for appeal must be received by the City within 15 calendar days of the initial decision. The City Council will set a hearing on the appeal within thirty calendar days after receipt of the request for appeal. Final written decision of the City Council will be provided to the aggrieved party within forty-five days after the hearing.

In the event of a dispute between the Recipient and a contractor or subcontractor, an independent mediator, agreed on by both parties, shall be selected. The mediator’s decision on the issue will be accepted as final by both parties.

Environmental Review

If required by federal or state regulations, properties will have a Tier II Environmental Review conducted. This review shall, at a minimum, include a review of onsite and nearby potential toxic substance contamination, the potential for adverse environmental impacts that disproportionately impact any minority of low-income populations within the community, and the impacts of the project activities on the historic nature of the property or adjacent structures.

Process for Amending Program Guidelines

These Program Guidelines can be amended only after review and approval by the Nebraska Department of Economic Development and formal action by the City Council.

PART VI: CERTIFICATION OF ADOPTION

The City of Crete’s Downtown Revitalization Program Guidelines and Application Packet were originally approved and adopted by the City Council on March 2, 2021 and were amended on July 6, 2021.

Mayor

Date

PROGRAM TIMELINE AND IMPORTANT DATES

Event	Date/Deadline
First Application Cycle Open	March 3, 2021
First Application Cycle Closed	April 20, 2021 @ 5:00 pm
Application Review	April 21 – July 23, 2021
Council Decision on Awards	August 3, 2021
Notice of Selection/Non-selection	By September 3, 2021
Notice to Proceed	As soon as possible after Aug. 3
Second Application Cycle Open	July 5, 2021
Second Application Cycle Closed	September 24, 2021 @ 5:00 pm
Application Review	September 24 – November 26, 2021
Council Decision on Awards	December 7, 2021
Notice of Selection/Non-selection	By January 7, 2022
Notice to Proceed	As soon as possible after Dec. 7
All Projects Completed/Closed-out	By October 31, 2022

CRETE DOWNTOWN REVITALIZATION PROGRAM APPLICATION

PART I: APPLICANT

Applicant Information

Applicant Name:

Mailing Address: _____ **City:** _____ **State:** _____ **Zip:** _____

Email Address: _____ **Phone:** (_____) _____

Business Information

Legal Name of Business or Entity*:

*Name used to register business with the State of Nebraska

Principal Office Address: _____

PART II: PROPERTY

Project Property Information

Property Address:

Total Square Footage: _____ **Commercial Square Footage:** _____

Residential Square Footage: _____ **Other:** _____

Ownership Information

Owned **Leased**

If leased:

Name of Property Owner: _____

Email Address: _____ **Phone:** (_____) _____

Beginning Date of Lease: _____ **Termination Date of Lease:** _____

Note: A copy of the applicant's current lease and a letter from the property owner authorizing the application and rehabilitation activities must be submitted with the Application Form.

PART III: ACTIVITIES/IMPROVEMENTS

Proposed project activities (please mark all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Preparation of structural engineering overview | <input type="checkbox"/> Preparation of architectural plans |
| <input type="checkbox"/> Preparation of engineering specifications | <input type="checkbox"/> Building Code compliance renovations |
| <input type="checkbox"/> Removal of nonconforming items/materials | <input type="checkbox"/> Sign or awning repair/replacement |
| <input type="checkbox"/> Brick and exterior surface repair or restoration | <input type="checkbox"/> Window or door repair/replacement |
| <input type="checkbox"/> Façade improvement: Historic decorative details or design features | <input type="checkbox"/> Façade improvement: Other |
| <input type="checkbox"/> Other (please explain): _____ | |

PART IV: FINANCIAL

Estimated total project cost: _____

Amount of funds requested: _____

Sources of Matching Funds

Applicants awarded funds through this Program are required to provide at least 20% of the total project cost. Please provide information on the source of these funds (mark all that apply):

- Cash on hand in checking, savings, or other
- Bank loan
- Loan or gift from relative or private source other than a bank
- Other (please explain): _____

PART IV: AGREEMENT & SIGNATURE

THE UNDERSIGNED, in applying for financial assistance from the City of Crete Downtown Revitalization Program:

- (i) agrees that, prior to receiving an award, he or she shall comply with all federal, state, and local laws to the extent that such are applicable;
- (ii) attests that he or she is currently in good standing with the City or will return to good standing before any release of funds; and,
- (iii) acknowledges and agrees to enter into or execute any additional documents required by the City, the Nebraska Department of Economic Development, or the United States Department of Housing and Urban Development.

By: _____
(Signature)

(Typed or Printed Name/Title)

(Date)

APPLICATION AND ADDITIONAL MATERIALS CHECKLIST

REQUIRED DOCUMENTS FOR ALL PROJECTS

- A completed and signed Application Form.
- Property ownership documentation or a copy of the applicant's current lease and a letter from the property owner authorizing the application and the work to be performed.
- A Proposed Property Improvement Plan. Any proposed activities or improvements must be consistent with the City's Design Standards and Guidelines. The Property Improvement Plan shall include a construction drawing of the property with descriptions of proposed activities or improvements and showing the approximate locations.
- Color photographs of existing façade on all exposed sides.
- Color photographs of specific locations where requested improvements would occur.
- Three (3) cost estimates from different independent contractors.

ADDITIONAL PROJECT-SPECIFIC DOCUMENTS

FOR SIGNS:

- Provide a color photo or rendering of the design chosen.
- Include specifications as to the size and width of the sign.
- Specify how and where the sign will be hung on the building.

FOR AWNINGS:

- Provide information about color and style of awning chosen (color photo or rendering preferred if available).
 - o Note: Awning design must take into account the architectural style of the building.
- Specify how and where the awning will be placed on building.

FOR WINDOWS AND DOORS:

- Provide details on windows or doors being replaced.
- Provide photo or rendering of desired windows or doors.

Additional descriptions or explanations, as needed:

B. PROJECT INFORMATION:

Please provide a Brief Project Summary Description:

Starting June 4th, the Arts Council is cooperating with other businesses and nonprofits in Crete to start a First Friday arts/cultural event designed to bring residents and tourists to Crete under the tagline Crete: In Harmony. Events will be free to the public with free-will donations buckets set up when appropriate. If successful, these events will continue year-round in various forms and include live entertainment and/or regular art market opportunities. This series would continue to build and include events in the Isis Theatre when reopened. This specific request is for 2021 as follows:

June 4 - There will be an art market/vender space downtown on Main St and then the movie, The Greatest Showman, will be played in City Park at 9:00 p.m. (Movie cost \$350)

July 2 - There will be vendors, live music, food, and family activities at the Crete Youth Cabin. Net proceeds/donations to support the Cabin and BRAC (both 501c3). (Intro Band \$500, Headliner 9 pc band \$2500, Sound/Tech setup \$250)

August 6 - There will an art market/vendor space downtown on Main St and then the movie, Coco, will be played in City Park at 9:00. Knowing this is the start of Czech Days, we are intentionally targets the young families in Crete who would be more apt to stay home for the right free movie. (Movie Cost \$400)

Sept 3 - There will be an art market/vendor space on Main Street and a polka band with Wilber ties (Jim Kucera) will play downtown. We are inviting Garden Square/Tabitha/Wilber Care Center to bring residents and will have to rent seating to accommodate older folks who wouldn't have their own chairs. (Band Cost \$400, Chairs \$200 Sound/Tech \$100)

Oct 1 - There will live music/tailgate activities in and around Elle's to target local residents and those who might be in town for Doane Homecoming. (Band Cost \$500)

Balance of the request is an overall budget for advertising all events of \$300: posters, radio, Facebook, Crete News

Use of Funds	Total Project Cost	Econ Dev Funds Requested
Land or Building Acquisition	\$	\$
Renovation/Rehabilitation	\$	\$
New Construction	\$	\$
Machinery / Equipment Acquisition	\$	\$
Business / Employee Recruitment Activities	\$	\$
Technology Costs	\$	\$
Small Business Development	\$	\$
Working Capital (Includes Inventory)	\$	\$
Job Training	\$	\$
Other	\$ 5,500.00	\$ 2,750.00
Total Project Cost	\$ 5,500.00	
	Total LB840 Funds Requested:	\$ 2,750.00

C. FUNDING SOURCES AND EQUITY INJECTION:

If Borrowing, Name of Lender: _____

Loan Amount: _____ Loan Term (Years): _____

Amount Injected Into the Project by Business/Partners/Owners:
\$ 2,750.00

Other Funding Source(s) and Amount(s): Accumulated Funds

6/1/2021

Dear City Council Members,

I am addressing you today after a conversation I had with Mr. Ourada. He was very kind and supportive in our discussion and advised me this was how I should address this issue with you all. I truly hope you will keep an open mind while reviewing the material I took the time to print.

I would like Crete to allow chickens. I would like to have a few hens for eggs for my family. I know other families that would like the opportunity as well. I also believe chickens would be a family activity in the responsibility of their care. Just a few hens, maybe 2-4. No roosters. I think our small Crete community could benefit as well. Crete could charge a yearly permit fee.

I have included a copy of the Hickman community chicken application permit as an example of what our Crete community could do.

Crete has that hometown feel. Many cities and towns around us allow chickens. Several of these communities are larger than Crete. Lincoln, Omaha, Grand Island, Nebraska City, Beatrice, Bellevue, York, Fairbury, La Vista and Hickman all allow chickens. There are more communities in Nebraska but I thought I had given you enough information to look at.

The truth is organic is better for our health and our wallets. I already grow many of my families vegetables, I would love to be able to gather my own eggs and not have to buy them anymore. I would also share with my neighbors just like I do with my garden produce. It would be a blessing to have chickens for fresh eggs.

Please give me and other citizens of Crete the opportunity to have a few hens for eggs for their families. Other communities have had positive results after implementing chicken permits. I believe it would be a positive experience for Crete as well.

Thank you for your time and consideration in this matter.

Geraldine Waller

Larry Waller

- (3) If, after five (5) days, the domestic dog or cat is unclaimed, and fees not paid as described herein, the Municipal Animal Pound may:
- (a) Release the domestic dog or cat to the Rabies Control Authority for transport and transfer to a licensed Humane Society; or
 - (b) With the consent of the Rabies Control Authority, release any domestic dog or cat to someone, other than the owner, who shall pay prescribed fees, to include the fee for the Municipal Pound arranging a rabies vaccination fee and complete licensing requirements; or
 - (c) Euthanize the domestic dog or cat and dispose of its remains.

6-116 Animals; torture; slaughter; injure; poison.

- (1) It shall be unlawful for any person to
- (a) torture, poison, slaughter or permit the torture, poisoning, or slaughter of any animal within the Municipality; or
 - (b) injure, maim, or destroy or attempt to injure, maim, or destroy any animal owned by another person contrary to law;
 - (c) or to place any poison, or poisoned food where the same is accessible to any animal.
- (2) This Section shall not apply to animal control officers acting within their official power and duty.

6-117 Animal regulations; cruelty.

It shall be unlawful for any person to overwork or cruelly neglect any animal within the Municipality by failing to provide sufficient rest, food, water, shelter, or other care necessary to sustain the animal's health.

6-118 Animal regulations; offensive noise.

It shall be unlawful for any person to own, keep, or harbor any animal that annoys or disturbs any neighborhood or person by loud and/or frequent noise to include, but not limited to: barking, howling, yelping, meowing, crowing, or clucking. In addition to citing violators, animal control officers shall notify the owner to silence and restrain such animal. The provisions of this Section shall not be construed to apply to the Municipal Animal Pound.

6-119 Animal regulations; fighting.

It shall be unlawful for any person to:

- (1) promote or engage in acts of animal fighting or pit an animal against another;
- (2) receive money for admission to a place kept for such purpose;
- (3) attend such an event; or,
- (4) own, use, train, or sell an animal for such purpose; or permit any act as described herein to occur on any premises owned or controlled by him or her.

6-120 Animal regulations; multi-pet households.

- (1) It shall be unlawful for any person to own, possess, or maintain property within the corporate limits of the City of Crete where more than three domestic dogs over four months of age are owned, kept, or harbored.
- (2) It shall be unlawful for any person to own, possess, or maintain property within the corporate limits of the City of Crete where more than five domestic cats over four months of age are owned, kept, or harbored.

- (3) This section shall not apply to any commercial pet store, Humane Society, or reputable, non-profit animal shelter or rescue that has obtained a permit from the Animal Control Authority or to any animal hospital operated by a veterinarian duly licensed under the laws of the State of Nebraska.
- (4) Any person who violates this section shall be guilty of a Class IV misdemeanor.
 - (a) In addition to the usual judgment of conviction, the county judge may declare such violation a public nuisance, order the person to abate said nuisance forthwith, and, in the event the person shall fail to do so, order the Animal Control Authority to remove, impound, and dispose of the animals so owned, kept, or harbored in violation of this section. The cost of such removal, impoundment, and disposal shall be borne by the convicted person.
 - (b) Each day that a violation of this section continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative and in addition to any other penalty or forfeiture provided by law.

6-121 Animal regulations; enclosures.

It shall be unlawful for any person to keep or maintain any pen, cage, shed, yard, or any other area or enclosure for the lawful confinement of any animal that by sight or odor is a public nuisance. All enclosures shall be kept in a clean and orderly manner so as not to become a public nuisance.

6-122 Animal regulations; destruction of ticket.

It shall be unlawful for any person to tear or discard a ticket issued by any animal control officer enforcing provisions of this Article.

6-123 Animal regulations; interference with animal control officers, traps, and vehicles.

It shall be unlawful for any person to:

- (1) hinder, delay, obstruct, or otherwise interfere with any animal control officer in the performance of his or her official duties; or,
- (2) open, or in any manner directly or indirectly aid, counsel, or advise the opening of:
 - (a) the Municipal Animal Pound;
 - (b) any animal trap set by an animal control officer; or,
 - (c) any vehicle used to collect or transport an animal to the Municipal Animal Pound or police station.

ORDINANCE NO. 2131

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO LAND USE AND PUBLIC NUISANCES; TO CREATE A NEW ARTICLE 9, CHAPTER 11 OF THE CRETE MUNICIPAL CODE; AND TO ENACT SECTIONS 11-901, 11-902, 11-903, 11-904, 11-905, 11-906, AND 11-907 TO IMPLEMENT VACANT, ABANDONED, AND NEGLECTED PROPERTY REGULATIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That a new Article 9 entitled “Vacant, Abandoned, and Neglected Property Regulations” shall be created within Chapter 11 of the Crete Municipal Code.

Section 2. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-901 to read as follows:

11-901 Regulations, how cited; supplemental; exceptions.

- (1) The provisions of this article shall be known and may be cited as the Vacant, Abandoned, and Neglected Property Regulations and shall be supplemental and in addition to any other laws of the State of Nebraska or the City of Crete.
- (2) This article shall not apply to property owned by the federal government, the State of Nebraska, or any political subdivision thereof.

Section 3. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-902 to read as follows:

11-902 Definitions.

For purposes of the Vacant, Abandoned, and Neglected Property Regulations, unless the context otherwise requires, the definitions found in Section 11-211 and those listed below shall apply:

- (1) “Abandoned building” means a vacant residential or commercial building the owner of which cannot be ascertained or is unresponsive to notices or other contact by the City.
- (2) “Commercial building” means a structure, building, or part of a structure or building designed or intended to be used for the operation of a lawful business engaging in a commercial enterprise.
- (3) “Commercial enterprise” means any business activity relating to or based upon the production, distribution, or consumption of goods or services.
- (4) “Evidence of vacancy” means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a structure, building, or dwelling is vacant. Such conditions or circumstances may include, but are not limited to:
 - (a) Overgrown or dead vegetation, including grass, shrubbery, weeds, and other plantings;
 - (b) An accumulation of abandoned personal property, trash, or other waste or items that constitute a nuisance;

- (c) Visible deterioration or lack of maintenance of any structure, building, or dwelling on the property;
 - (d) Graffiti or other defacement of any structure, building, or dwelling on the property; or,
 - (e) Any other condition or circumstance reasonably indicating that the property is unoccupied.
- (5) “Neglected building” means a structure, building, or dwelling wherein one or more of the following have occurred:
- (a) Within the last six months, the structure, building, or dwelling has been the subject of two or more notices of violation of the provisions found in Chapter 9 or Chapter 11 of the Crete Municipal Code;
 - (b) The structure, building, or dwelling has sustained fire, wind, water, or other damage caused by vandals, nature, or acts of God and no visible signs of consistent efforts to repair, rehabilitate, demolish, or remove the structure, building, or dwelling are evident within sixty days after the damage occurred; or,
 - (c) The structure, building, or dwelling has been declared a public nuisance or an unsafe structure.
- (6) “Owner” means the person or persons shown to be the owner or owners of record on the records of the register of deeds.
- (7) “Residential building” means a dwelling, house, condominium, townhouse, mobile home, or an apartment unit or building.
- (8) “Unoccupied” means the property, structure, building, or dwelling is not being used for a legal use or occupancy.
- (9) “Vacant” means that a residential or commercial building exhibits evidence of vacancy.

Section 4. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-903 to read as follows:

11-903 Vacant and neglected property registry; nuisance; exemption.

- (1) The City shall create and maintain a vacant, abandoned, and neglected property registration database. The database shall include, at a minimum:
 - (a) The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address of the property owner and their agent;
 - (b) The street address, parcel identification number, and legal description of the property;
 - (c) The transfer date of the instrument conveying the property to the owner; and,
 - (d) The date on which the property became vacant, abandoned, or neglected.
- (2) Vacant, abandoned, and neglected buildings shall constitute a public nuisance and may be abated, repaired, rehabilitated, demolished, or removed pursuant to law.
- (3) Vacant property that is advertised in good faith for sale or lease shall be exempt from the registration and fee requirements found in this article.

- (a) Advertised in good faith means the property is actively and continually listed, published, or posted for a reasonable price with a real estate agent or multiple listing service, in a newspaper of general circulation in the city, or on an industry-recognized website.
- (b) The owner claiming an exemption under this subsection shall have the burden of proving that the property is advertised in good faith for sale or lease.

Section 5. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-904 to read as follows:

11-904 Program administrator; inspections; rules and regulations.

- (1) The City Administrator shall be the program administrator for the vacant, abandoned, and neglected property registration database and may delegate administrative duties and responsibilities to authorized agents or designees.
- (2) The City Administrator or their authorized agent or designee shall inspect the interior and exterior of the vacant property upon initial registration and at one-year intervals thereafter for so long as the property remains on the vacant, abandoned, and neglected property registration database.
- (3) The City Administrator may adopt and promulgate rules and regulations to administer and enforce the Vacant and Neglected Property Regulations.

Section 6. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-905 to read as follows:

11-905 Registration of property; procedure.

- (1) Owners of vacant, abandoned, or neglected property located within the city or its extraterritorial zoning jurisdiction shall be required to register such property with the City if the property has been vacant for one hundred eighty days or longer.
- (2) The program administrator or their authorized agent or designee shall provide the owner with written notice that the program administrator has determined the property is vacant, abandoned, or neglected.
 - (a) The notice shall be deemed delivered if properly served on the owner or their agent according to the established procedure for civil actions.
 - (b) If service cannot be made by personal service, residential service, certified mail service, or designated delivery service, then notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting on the property, structure, building, or dwelling that is vacant, abandoned, or neglected. Any notice given by publication or posting shall be deemed delivered seven days after such publication or posting.
- (3) The owner or their agent must register the property or submit a written appeal of the program administrator's determination to the City within thirty days after delivery of the written notice. If the owner fails to timely register the property or submit a written appeal, the City shall automatically register the property, and the owner may be subject to additional administrative fines or fees.
 - (a) All requests for appeals shall be processed through the City's procedures for administrative hearings.
 - (b) An administrative hearing shall be held in front of a hearing board consisting of the Mayor and two councilmembers from the City Council's Public Works and Public Safety Committees.

- (c) Notice of the date, time, and place of the hearing shall be provided to the owner at least ten days prior to the scheduled hearing.
- (4) Upon initial registration of the property, a copy of the notice shall be recorded in the records of the register of deeds of the county in which the property is located and indexed against the premises.
- (5) One hundred eighty days after the initial registration of the property or three hundred sixty days after the property is determined to be vacant, abandoned, or neglected, whichever is sooner, the owner or their agent must submit a plan for occupancy, repair, rehabilitation, or demolition of the property and pay the initial registration fee. Each one hundred eighty days thereafter, the owner or their agent must renew the registration, submit an updated plan, and pay supplemental registration fees.
- (6) Any subsequent owner or owners of any ownership interest in the property shall assume the obligations of the previous owner or owners and must register or update the registration of the property within thirty days of any transfer of ownership interest in the property.
- (7) Vacant, abandoned, or neglected property shall be removed from the registration database and no longer subject to the requirements of this article once the owner proves, by a preponderance of the evidence, that the property is no longer violating any building or zoning laws, rules, or regulations.

Section 7. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-906 to read as follows:

11-906 Registration fees; fines; enforcement; lien.

- (1) The initial registration fee shall be set forth in the City's Master Fee Schedule and shall not be more than two hundred fifty dollars for a residential building or more than one thousand dollars for a commercial building.
- (2) The supplemental registration fees shall be set forth in the City's Master Fee Schedule and shall not be more than double the previous fee amount, with a maximum supplemental registration fee of ten times the initial registration fee amount.
- (3) The City Council may impose administrative fines or fees for violations of this article. Such fines or fees shall be set forth in the City's Master Fee Schedule and shall be cumulative and in addition to the registration fees.
- (4) All fees and fines shall be paid at the time of registration and must be paid in full prior to the issuance of any city permits. The City may enforce the collection of vacant property registration fees and any associated administrative fines or fees by civil action in any court of competent jurisdiction.
- (5) Unpaid vacant property registration fees and unpaid administrative fines and fees shall become a lien on the applicable property upon the recording of a notice of such lien in the office of the register of deeds of the county in which the applicable property is located. Any lien created under this subsection shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this subsection is recorded.

Section 8. That Chapter 11, Article 9 of the Crete Municipal Code shall be amended by adding a new section 11-907 to read as follows:

11-907 Violations, penalty.

(1) It shall be unlawful for any person to interfere with, impair, or obstruct any government agents tasked with executing or enforcing this article and any rules and regulations promulgated hereunder; to fail to comply with lawful orders or duties imposed by this article or any rules and regulations promulgated hereunder; or to provide false, fictitious, or misleading information to the City regarding any property that may reasonably be subject to this article.

(2) Any person who violates this section shall be guilty of a Class IV misdemeanor.

Section 9. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 10. That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 11. That this ordinance shall be published in pamphlet or book form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED this 20th day of July 2021.

Mayor

ATTEST:

City Clerk