

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING
August 3, 2021

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

2. Roll Call

Kyle Frans: Present

Ryan Hinz: Present

Jack
Oelschlager: Present

Present: 3.

3. Items of Business

A. Discuss and provide a recommendation to the City Council on Downtown Revitalization program awards.

Recommend to the City Council to approve the Downtown Revitalization program awards, striking John Cochran's project from the list. Carried with a motion by Jack Oelschlager and a second by Kyle Frans.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye

Aye: 3, No: 0

Committee member Ryan Hinz expressed only one concern about the DTR program award recommendations. John Cochran's plan for the funds he would receive is to change the west door, which SHIPPO was against. The committee discussed this and decided that it would be best to go with SHIPPO's recommendation on that.

B. Discuss and provide a recommendation to the City Council on reconsidering the City's commitment of \$175,000 to SENDD to use as matching funds for a Rural Workforce Housing program.

Recommend to the City Council to rescind the City's commitment of \$175,000 to SENDD to use as matching funds for a Rural Workforce Housing program. Carried with a motion by Kyle Frans and a second by Jack Oelschlager.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye

Aye: 3, No: 0

City Administer Tom Ourada reported to the committee that SENDD lost some employees and is having the representative that was supposed to help us with this take on the whole housing program, including hundreds of cities already in the program. \$175,000 is a lot of money to risk. We could rescind the commitment of the money and try again in a couple years when it's less of a risk.

C. Discuss enacting Ordinance 2131: An ordinance creating a vacant and neglected property registration.

Table for further discussion. Carried with a motion by Jack Oelschlager and a second by Ryan Hinz.
Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye
Aye: 3, No: 0

City Administrator Tom Ourada, Mayor Dave Bauer, and committee member Ryan Hinz deliberated the ordinance and how it compares to our current code on nuisance properties. This ordinance would address property that the owners either leave vacant or abandoned completely, doesn't do any upkeep, and starts to fall apart or becomes unsafe.

D. Discuss amending the animal regulations to allow a limited number of chickens (hens) within the City.

Table for further discussion. Carried with a motion by Jack Oelschlager and a second by Ryan Hinz.
Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye
Aye: 3, No: 0

4. Officers' Reports

5. Adjournment

Mayor

(SEAL)

City Clerk-Treasurer

I, Jerry Wilcox, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and 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. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk-Treasurer

(S E A L)

Applicant	Address	Project Cost (per App.)	DTR Funds Requested	Avg. Eligible Exp. (based on Cost Est.)	Match (20%)	DTR Funds (80%)	Recommended Award
Alarcon, Victor	1246 Main Ave	65,635.63	50,000.00	64,337.75	12,867.55	51,470.20	35,000
Allen Agency	1140 Main Ave	11,254.06	9,003.25	10,904.65	2,180.93	8,723.72	9,000
Cochnar, John	142 W 13th	64,114.00	50,000.00	59,520.50	11,904.10	47,616.40	10,000
Crist Chiropractic	1106 Main Ave	20,411.70	16,329.36	20,520.14	4,104.03	16,416.11	
Diaz, Angelica	1202 Main Ave	71,049.65	50,000.00	31,142.70	6,228.54	24,914.16	18,000
Doty, Howard	130 E 13th	9,500.00	7,600.00	12,083.00	2,416.60	9,666.40	10,000
Elle's On Main	1103 Main Ave	45,000.00	35,000.00	38,977.67	7,795.53	31,182.13	20,000
Garcia, Mayra	1244 Main Ave	7,820.00	6,256.00	7,400.00	1,480.00	5,920.00	
Gilpin, Sarrah	125 W 13th	120,000.00	50,000.00	61,298.47	12,259.69	49,038.78	50,000
Krupicka, Melvin	1228 Main Ave	20,250.00	16,200.00	24,805.16	4,961.03	19,844.13	20,000
Marvin, Ken	1302 Linden Ave	45,000.00	36,000.00	42,402.93	8,480.59	33,922.35	20,000
Ortega, Rosa	119 E 13th	4,366.35	3,493.08	4,061.72	812.34	3,249.38	12,000
Page, Janet	136 E 13th	7,549.24	6,039.39	7,320.00	1,464.00	5,856.00	6,000
Skala, Scott	1334 Main Ave	8,300.00	6,640.00	4,997.58	999.52	3,998.07	5,000
Sorensen, Tom	1132 Main Ave	11,032.00	8,825.60	10,832.00	2,166.40	8,665.60	9,000
15	TOTAL	511,282.63	351,386.68	400,604.27	80,120.85	320,483.42	224,000.00

DTR Staff Review and Award Recommendations

Alarcon, Victor

Application Information

Address:	1246 Main Ave. (SE Corner of 13th and Main)
Estimated Project Costs:	\$ 65,635.63
DTR Funds Requested:	\$ 50,000.00

Staff Review

Average Eligible Expenses:	\$ 64,337.75
Potential Matching Funds:	\$ 12,867.55
Potential DTR Funds:	\$ 51,470.20

Project Details

This project involves the renovation of two storefronts, the west storefront that faces Main Ave. and a north storefront that faces 13th Street, and masonry repair at various locations.

The west storefront (Main Ave.) portion of the project includes removing the existing sign and restoring the space underneath, repairing the large awning and adding a sign to it, replacing the fabric on the smaller awning, replacing the storefront door, and repairing the masonry underneath the storefront windows.

The north storefront (13th St.) portion of the project includes replacing all of the transom windows with new clear glass windows, replacing the far eastern door with a new half-glass commercial door, and installing a new fabric awning over the storefront.

The masonry repairs include tuck pointing and the replacement of broken bricks on the north side of the building from the stucco to the top of the building.

SHPO Review

SHPO found no adverse effects with the proposed improvements.

Additional Information

During SHPO review, the applicant indicated that the size of the project may be scaled back to only include the improvements to the north side of the building.

DTR Staff Review and Award Recommendations

Staff Award Recommendation: \$35,000

The staff recommendation would be for the Committee and City Council to award this project up to \$35,000 of DTR Funds for use toward the renovation of both storefronts. The building sits prominently at the corner of the city's busiest intersection. The renovation of both of the storefronts would do much to showcase the city's downtown revitalization efforts. It is recommended that the award be limited to the following eligible expenses:

- All of the proposed renovations to the west storefront, including removing the noncompliant siding underneath the existing sign and any repair work to the building surface underneath.
- The replacement of the windows and door on the north side of the building and the addition of an awning over the north storefront.
- The removal of the noncompliant siding around the north storefront door.
- The repair of the masonry under the west storefront windows.

The remaining masonry repair is not recommended at this time but should be revisited during subsequent rounds.

DTR Staff Review and Award Recommendations

Allen Agency

Application Information

Address:	1140 Main Ave.
Estimated Project Costs:	\$ 11,254.06
DTR Funds Requested:	\$ 9,003.25

Staff Review

Average Eligible Expenses:	\$ 10,904.65
Potential Matching Funds:	\$ 2,180.93
Potential DTR Funds:	\$ 8,723.72

Project Details

This project involves the replacement of all three of the building's older storefront windows and the addition of a new wall sign above the transom windows. The new storefront windows will be clear glass with a dark bronze frame. The wall sign will be large stainless steel block letters with a brushed finish.

SHPO Review

SHPO found no adverse effects with the proposed improvements to the building.

Additional Information

None.

Staff Award Recommendation: \$9,000

The staff recommendation would be for the Committee and City Council to award this project up to \$9,000 of DTR Funds, which is approximately what the applicant requested, for use toward the new storefront windows and wall sign.

DTR Staff Review and Award Recommendations

Cochnar, John (Jack)

Application Information

Address:	142 W. 13th St. (NE Corner of 13th and Norman)
Estimated Project Costs:	\$ 64,114.00
DTR Funds Requested:	\$ 50,000.00

Staff Review

Average Eligible Expenses:	\$ 59,520.50
Potential Matching Funds:	\$ 11,904.10
Potential DTR Funds:	\$ 47,616.40

Project Details

This project involves window and door replacement on two sides of the building: the south side of the building that faces 13th Street and the west side of the building that faces Norman Ave. All of the existing windows and doors on the ground floor level of the south side of the building would be replaced, including the transom windows underneath the awnings and the door leading to the upper story apartments. The windows and storefront doors would look approximately similar to those existing now, and the apartment door would be replaced with a new steel commercial door. On the west side of the building, the ground floor entrance windows would be replaced with windows that look approximately the same, and the door would be replaced with a new full-glass storefront door.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

None.

Staff Award Recommendation: \$10,000

The staff recommendation would be for the Committee and City Council to award this project up to \$10,000 of DTR Funds for use toward the windows and doors on the west side of the building. The replacement of the windows and doors on the south side of the building is not recommended at this time but may be revisited during subsequent rounds.

DTR Staff Review and Award Recommendations

Crist Chiropractic

Application Information

Address:	1106 Main Ave. (SE Corner of 11th and Main)
Estimated Project Costs:	\$ 20,411.17
DTR Funds Requested:	\$ 16,329.36

Staff Review

Average Eligible Expenses:	\$ 20,520.14
Potential Matching Funds:	\$ 4,104.03
Potential DTR Funds:	\$ 16,416.11

Project Details

This project involves window replacement on two sides of the building: the west side of the building that faces Main Ave. and the south side of the building that faces 11th St. All of the existing windows would be replaced with new tinted glass windows.

SHPO Review

SHPO found no adverse effects with the proposed improvements to the building.

Additional Information

None.

Staff Award Recommendation: \$0

The staff recommendation would be for the Committee and City Council to decline an award for this project at this time. The building is newer and generally appears in good condition. The replacement of the windows would have minimal effects on downtown revitalization efforts. The project could be revisited in later rounds.

DTR Staff Review and Award Recommendations

Diaz, Angelica

Application Information

Address:	1202 Main Av. (NE Corner of 12th and Main)
Estimated Project Costs:	\$ 71,049.65
DTR Funds Requested:	\$ 50,000.00

Staff Review

Average Eligible Expenses:	\$ 31,142.70
Potential Matching Funds:	\$ 6,228.54
Potential DTR Funds:	\$ 24,914.16

Project Details

This project involves window and door replacement on two sides of the building: the west side storefront that faces Main Ave. and the south side of the building that faces 12th St. All of the existing windows and doors on the ground level of both sides of the main building would be replaced with new glass windows and commercial doors. The building also underwent a structural engineering review.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

The applicant has other property that is currently under administrative action and noncompliant.

Staff Award Recommendation: \$18,000

The staff recommendation would be for the Committee and City Council to award this project up to \$18,000 of DTR Funds for use toward the windows and doors on the west side storefront and the structural engineering review. The ground floor of this building has been vacant and deteriorating for years, and the renovation of the west storefront would do much to improve the overall look of the core downtown and potentially increase the likelihood of a business inhabiting the space. The replacement of the windows and doors on the south side of the building is not recommended at this time but may be revisited during subsequent rounds.

The applicant would need to bring their other property into compliance before moving forward with this project.

DTR Staff Review and Award Recommendations

Doty, Howard

Application Information

Address:	130 E. 13th St.
Estimated Project Costs:	\$ 9,500.00
DTR Funds Requested:	\$ 7,600.00

Staff Review

Average Eligible Expenses:	\$ 12,083.00
Potential Matching Funds:	\$ 2,416.60
Potential DTR Funds:	\$ 9,666.40

Project Details

This project involves the removal of the existing mid-century metal awning, replacement of the storefront window, and the replacement of the three upper story windows, including the removal of the shutters. The new storefront window will be clear glass with a black frame. The upper story windows will be clear glass with a black or bronze frame.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

None.

Staff Award Recommendation: \$10,000

The staff recommendation would be for the Committee and City Council to award this project up to \$10,000 of DTR Funds for use toward the removal of the awning and shutters and the replacement of the storefront and upper story windows. While the recommended award is more than the applicant requested, the total project costs, based on the cost estimates, appears to be more than the applicant anticipated, and the removal of the mid-century metal awnings is a high priority for the downtown revitalization program.

DTR Staff Review and Award Recommendations

Elle's On Main

Application Information

Address:	1103 Main Ave. (SW Corner of 11th and Main)
Estimated Project Costs:	\$ 45,000.00
DTR Funds Requested:	\$ 35,000.00

Staff Review

Average Eligible Expenses:	\$ 20,000.00 (or possibly \$38,977.67 if north wall is included)
Potential Matching Funds:	\$ 4,000.00 (or \$7,795.53)
Potential DTR Funds:	\$ 16,000.00 (or \$31,182.13)

Project Details

This project involves repairs to the existing storefront awning and masonry repair on the north wall of the building. The awning repair would include fixing leaks, properly adhering the structure to the building, and incidental repainting (not general maintenance repainting). The masonry repair would include replacing broken bricks and tuck pointing with stronger mortar, as this wall was once an interior wall.

SHPO Review

SHPO found no adverse effects with the proposed improvements to the building.

Additional Information

It is unclear if the north wall is an eligible building façade since it does not directly face a street but is highly visible from Main Ave. Staff contacted the applicant and suggested that masonry work on the south side of the building would be eligible.

Staff Award Recommendation: \$20,000

The staff recommendation would be for the Committee and City Council to award this project up to \$20,000 of DTR Funds for use toward repairing the existing awning and repairing masonry on the south side of the building. The masonry repair on the north wall is not recommended at this time but may be revisited during subsequent rounds.

DTR Staff Review and Award Recommendations

Garcia, Mayra

Application Information

Address:	1244 Main Ave.
Estimated Project Costs:	\$ 7,820.00
DTR Funds Requested:	\$ 6,256.00

Staff Review

Average Eligible Expenses:	\$ 7,400.00
Potential Matching Funds:	\$ 1,480.00
Potential DTR Funds:	\$ 5,920.00

Project Details

This project involves window replacement on the main storefront. All four of the existing windows would be replaced with new clear glass windows with an aluminum-finish frame.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

The applicant received a DTR award in 2018 to remove a mid-century metal awning, install a new fabric awning, and replace two upper story windows.

Staff Award Recommendation: \$0

The staff recommendation would be for the Committee and City Council to decline an award for this project at this time. The building generally appears in good condition, and the replacement of the windows would have minimal effects on downtown revitalization efforts. The project could be revisited in later rounds.

DTR Staff Review and Award Recommendations

Gilpin, Sarrah

Application Information

Address:	125 W. 13th St.
Estimated Project Costs:	\$ 120,000.00
DTR Funds Requested:	\$ 50,000.00

Staff Review

Average Eligible Expenses:	\$ 61,298.47
Potential Matching Funds:	\$ 12,259.69
Potential DTR Funds:	\$ 49,038.78

Project Details

This project involves the replacement of the storefront windows and door, the replacement of the door to the upper story apartments, the replacement of three upper story windows, and substantial masonry and structural repairs to the north side of the building. The building also underwent a structural engineering review.

SHPO Review

SHPO found no adverse effects with the proposed improvements to the building.

Additional Information

The project has increased in scope as more issues with the building's masonry has been discovered. The applicant also applied for masonry repairs and window replacement for the building's east, alley-facing wall. It is unclear if the alley-facing wall is an eligible building façade since it does not directly face a street but is fairly visible from 13th St.

Staff Award Recommendation: \$50,000

The staff recommendation would be for the Committee and City Council to award this project up to \$50,000 of DTR Funds, the maximum possible award, for use toward replacing the storefront and upper story windows, replacing the storefront and apartment doors, and repairing the masonry and structural issues on the north side of the building. The masonry repair and window replacement on the alley-facing wall is not recommended at this time but may be revisited during subsequent rounds.

DTR Staff Review and Award Recommendations

Krupicka, Melvin

Application Information

Address:	1228 Main St.
Estimated Project Costs:	\$ 20,250.00
DTR Funds Requested:	\$ 16,200.00

Staff Review

Average Eligible Expenses:	\$ 61,298.47
Potential Matching Funds:	\$ 12,259.69
Potential DTR Funds:	\$ 49,038.78

Project Details

This project involves the removal of the existing mid-century metal awning, removal of the abandoned projecting sign, replacement of the upper story windows, and the replacement of the transom window above the main storefront. The replacement windows would be clear glass with a bronze frame.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

None.

Staff Award Recommendation: \$20,000

The staff recommendation would be for the Committee and City Council to award this project up to \$20,000 of DTR Funds for use toward the removal of the awning and sign and the replacement of the transom and upper story windows. While the recommended award is more than the applicant requested, the total project costs, based on the cost estimates, appears to be more than the applicant anticipated, and the removal of the mid-century metal awnings is a high priority for the downtown revitalization program. The building has been vacant, and the renovation of the storefront would do much to improve the overall look of the core downtown and potentially increase the likelihood of a business inhabiting the space.

DTR Staff Review and Award Recommendations

Marvin, Ken

Application Information

Address:	1302 Linden Ave. (NE Corner of 13th and Linden)
Estimated Project Costs:	\$ 45,000.00
DTR Funds Requested:	\$ 36,000.00

Staff Review

Average Eligible Expenses:	\$ 42,402.93
Potential Matching Funds:	\$ 8,480.59
Potential DTR Funds:	\$ 33,922.35

Project Details

This project involves the replacement of all existing awnings on the south and west sides of the building, the addition of two new wall signs on the south and west sides, and the replacement of the existing electronic information sign on the west side of the building. The new awnings would be either fabric or metal, and the new signs would be block letters that are back lit.

SHPO Review

SHPO found no adverse effects with the proposed improvements to the building.

Additional Information

None.

Staff Award Recommendation: \$20,000

The staff recommendation would be for the Committee and City Council to award this project up to \$20,000 of DTR Funds for use toward the replacement of the awnings and the addition of the two new wall signs. The replacement of the existing electronic information sign is not recommended at this time but may be revisited during subsequent rounds.

DTR Staff Review and Award Recommendations

Ortega, Rosa

Application Information

Address:	119 E. 13th St.
Estimated Project Costs:	\$ 4,366.35
DTR Funds Requested:	\$ 3,493.08

Staff Review

Average Eligible Expenses:	\$ 4,061.72
Potential Matching Funds:	\$ 812.34
Potential DTR Funds:	\$ 3,249.38

Project Details

This project involves the replacement of the storefront window. The replacement window would be clear glass with a black frame.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

Review of the project identified other building code issues that could be addressed, including replacing the banner sign with a new storefront sign and replacing the ceramic tile underneath the storefront window with appropriate masonry cladding.

Staff Award Recommendation: \$12,000

The staff recommendation would be for the Committee and City Council to award this project up to \$12,000 of DTR Funds for use toward the replacement of the awning, the addition of a new sign, and the building code fixes. While the recommended award is more than the applicant requested, the building code issues should be addressed as part of the façade improvement project.

DTR Staff Review and Award Recommendations

Page, Janet

Application Information

Address:	136 13th St.
Estimated Project Costs:	\$ 7,549.24
DTR Funds Requested:	\$ 6,039.39

Staff Review

Average Eligible Expenses:	\$ 7,320.00
Potential Matching Funds:	\$ 1,464.00
Potential DTR Funds:	\$ 5,856.00

Project Details

This project involves the replacement of the existing storefront windows, the replacement of the upper story windows on the south side of the building, and repairs to the masonry below the storefront windows. The new storefront and upper story windows will be clear glass with a white frame. The masonry repair includes tuck pointing and plaster patching.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

None.

Staff Award Recommendation: \$6,000

The staff recommendation would be for the Committee and City Council to award this project up to \$6,000 of DTR Funds, which is approximately what the applicant requested, for use toward the new storefront and upper story windows and the masonry repair.

DTR Staff Review and Award Recommendations

Skala, Scott

Application Information

Address:	1334 Main Ave.
Estimated Project Costs:	\$ 8,300.00
DTR Funds Requested:	\$ 6,640.00

Staff Review

Average Eligible Expenses:	\$ 4,997.58
Potential Matching Funds:	\$ 999.52
Potential DTR Funds:	\$ 3,998.07

Project Details

This project involves the replacement of the three existing storefront windows. The new storefront windows will be clear glass with an aluminum-finish frame.

SHPO Review

SHPO found no adverse effects with the proposed improvements to the building.

Additional Information

None.

Staff Award Recommendation: \$5,000

The staff recommendation would be for the Committee and City Council to award this project up to \$5,000 of DTR Funds, which is between what the applicant requested and the average of the cost estimates, for use toward the new storefront windows and incidental work.

DTR Staff Review and Award Recommendations

Sorensen, Tom

Application Information

Address:	1132 Main Ave.
Estimated Project Costs:	\$ 11,032.00
DTR Funds Requested:	\$ 8,825.60

Staff Review

Average Eligible Expenses:	\$ 10,832.00
Potential Matching Funds:	\$ 2,166.40
Potential DTR Funds:	\$ 8,665.60

Project Details

This project involves the replacement of the three storefront and two upper story windows. The new windows will be clear glass with a bronze frame.

SHPO Review

SHPO did not complete a review of this project within the required time.

Additional Information

None.

Staff Award Recommendation: \$9,000

The staff recommendation would be for the Committee and City Council to award this project up to \$9,000 of DTR Funds for use toward the replacement of the storefront and upper story windows. While the recommended award is more than the applicant requested, it is approximately 80% of the estimated project costs, and the applicant is currently performing additional out-of-pocket renovations to the building that were not included as part of the DTR application.

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, which shall consist of three members: the Mayor and two councilmembers from either the City Council's Public Works or 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

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

Gerry Waller