

**Legislative/Development Committee Meeting**  
**Tuesday, April 4, 2017 6:00 PM**  
**Crete City Hall**  
**243 E 13th Street**  
**Crete, NE 68333**

**1. Open Meeting**

The City has posted a 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, if anyone wishes one during this meeting, please advise. As each agenda item is considered, if there are any questions concerning the agenda item please advise. The Committee may consider items listed on the agenda in random order. The City has assisted listening devices available, if needed please advise. This meeting was posted in three public places to-wit:

City Hall - 1st Floor  
Post Office - Lobby  
City Bank and Trust - Front Entry

**2. Roll Call**

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

**3. Special Order of Business**

The Committee may take action to hear testimony in favor of or in opposition to, discuss/limit discussion and take action to approve or disapprove a recommendation to the City Council on any matter presented under this title.

3.A. Central Business District Improvement Program Guidelines and Application Packet  
Review of the guidelines and application process for the DTR program

**4. Officers' Reports**

Reports may be given by Department Heads, other Committees and Council members concerning current operations of the City. Questions may be asked and answered. No action can be taken by the Committee on matters presented under this title except to answer any question posed and to refer the matter for further action.

**5. Adjournment**

The City Council Committee will review the above matters and take such actions as they deem appropriate. The Committee may enter into closed session to discuss any matter on this agenda when it is determined by the Committee that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and 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 the presiding officer immediately prior to the closed session 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.

**Disclaimers & Notices**

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- The complete agenda with attachments is available at [www.crete.ne.gov](http://www.crete.ne.gov).

**Legislative/Development Committee Meeting**  
**April 04, 2017 6:00 PM**  
**City Hall**  
**Council Chambers**  
**243 East 13th Street**

**1. Open Meeting**

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# Crete Central Business District Improvement Program



## Program Guidelines and Application Packet

All application materials and questions should be submitted to the Southeast Nebraska Development District (SEND), 2100 Fletcher Ave., Ste. 100, Lincoln, NE 68521, 402-475-2560.

# Map of Project Area with Downtown Historic District Overlay



Downtown District Eligible Project Area 

Historic District Overlay 

## Table of Contents

1	ADMINISTRATION.....	6
1.1	Official Program Office .....	6
1.2	Program Advisory Committee.....	6
1.3	Program Management.....	6
2	PROGRAM ELIGIBILITY .....	6
2.1	Applicant.....	6
2.2	Property.....	6
2.2.1	Use and Condition.....	6
2.2.2	Location.....	6
2.2.3	Floodway and Floodplain .....	6
2.2.4	Property Insurance and Property Taxes .....	7
2.2.5	Property Maintenance.....	7
2.2.6	Required Documents.....	7
3	ELIGIBLE USE OF FUNDS AND DESIGN GUIDELINES.....	7
3.1	Priority Improvements.....	7
3.2	Design Guidelines .....	8
3.3	Non-Priority Rehabilitation and Improvements .....	9
3.3.1	Code Deficiencies.....	9
3.3.2	Energy Conservation.....	9
4	FINANCIAL ASSISTANCE AND TERMS .....	9
4.1	Matching Funds.....	9
4.2	Grant Funds.....	9
5	APPLICATION PROCESS.....	10
5.1	Application Review.....	10
5.2	Tier II Environmental Review.....	10
5.3	Structural Engineering Review .....	10
5.4	Project Inspection.....	11
5.5	Bid Document Preparation.....	11
5.6	Contractor Selection.....	11
5.6.1	Pre-Qualified Contractors List.....	11

5.7	Consideration, Recommendation, and Approval or Rejection .....	12
5.8	Notification of Selection/Non-Selection.....	12
6	CONSTRUCTION PROCESS.....	12
6.1	Building Permit .....	12
6.2	Contractor and Subcontractor Preconstruction Conference.....	12
6.3	Contracts.....	12
6.4	Notice to Proceed.....	12
6.5	Construction Monitoring.....	13
6.6	Davis Bacon Employee Interviews.....	13
6.7	Payroll Certifications.....	13
6.8	Project Completion.....	13
6.9	Invoice(s)/Payments .....	13
7	CONFLICT OF INTEREST .....	13
8	COMPLAINT PROCEDURE .....	14
9	AMENDMENT OF THE GUIDELINES.....	15
10	POLICY FOR COLLECTING PROJECT PHOTOGRAPHS .....	15
11	LEAD-BASED PAINT POLICY AND PROCEDURE.....	15
12	UNIFORM RELOCATION AND ASSISTANCE ACT OF 1970 (URA) AND APPLICABILITY TO TITLE 49 PART 24 SUBPART B 24.101 .....	16
13	FAIR HOUSING .....	16
14	FEDERAL COMPLIANCE .....	17
15	CRETE CENTRAL BUSINESS DISTRICT IMPROVEMENT PROGRAM APPLICATION.....	19
16	UNITED STATES CITIZENSHIP ATTESTATION FORM.....	23
17	CERTIFICATION OF ASSURANCES.....	24
18	RELEASE AND HOLD HARMLESS AGREEMENT.....	25

THE CITY OF CRETE  
CENTRAL BUSINESS DISTRICT IMPROVEMENT  
PROGRAM GUIDELINES  
ADOPTED 04/04/2017

**Overview**

The purpose of this program is to utilize Community Development Block Grant Economic Development Funds for Downtown Revitalization in Crete in order to attract consumers, new residents, and new businesses, as well as to support existing businesses.

The program's goals are:

1. Enhance the environmental and historical quality of the Crete Downtown Historic District.
2. Improve the economic potential of individual buildings and the Central Business District area.
3. Strengthen property values.
4. Create more viable commercial spaces.
5. Protect residents, patrons, and the physical environment by reducing life, health and safety issues.
6. Eliminate blight conditions by enabling more businesses, residents, and visitors to use downtown Crete on a regular basis.
7. Improve ingress/egress to commercial properties and second floors.

**Grant Summary:**

- Available to property owners and business owners within Crete Central Business District
- Funding will be allocated using a pro rata formula until all program funds are expended
- Requires a minimum 25% match by the property owner (i.e. \$1,000 total project cost is \$250 in match and \$750 in grant)
- Request and design must be approved by the City of Crete
- Façade improvements must be compliant with the Crete Downtown Design Guidelines and remain so through the economic life of the structure.
- All improvements must be compliant with applicable building codes, zoning ordinances, and historic property requirements, when applicable.
- Proposed improvements must adhere to Design Guidelines.
- **All reconstruction, renovations, and repairs shall be approved by the Program prior to making such improvements.**
- Work needs to be completed within six (6) months of contract signing and invoices submitted within thirty (30) days of rehabilitation completion.

## *1 ADMINISTRATION*

### 1.1 Official Program Office

The official contact person/program office for the Program is: SENDD, 2100 Fletcher Ave., Ste. 100, Lincoln, NE 68521, 402-475-2560.

### 1.2 Program Advisory Committee

The LB840 Committee shall serve as the Program Advisory Committee for this program.

### 1.3 Program Management

The program shall use the services of a Certified CDBG Grant Administrator and a qualified Property Inspector.

## *2 PROGRAM ELIGIBILITY*

### 2.1 Applicant

Decisions on applications for this program are based on the criteria outlined in this document. Each application/request will be considered solely on its merits, without regard to age (provided the applicant is of age as prescribed by law), color, creed, marital status, national origin, political party affiliation, race or gender of the applicant(s).

### 2.2 Property

#### *2.2.1 Use and Condition*

The property must be primarily for commercial use (50% of building space is for commercial purposes). Each property shall require a property structural engineering overview prepared by a licensed engineer, which establishes that the property is in a structurally sound condition. If the building is not structurally sound, the Program will not provide financial assistance for the property.

#### *2.2.2 Location*

Eligible properties shall be commercial properties located within the Central Business District (bounded by 9<sup>th</sup> Street, the South side of 14<sup>th</sup> Street from Norman to Main and both North and South sides of 14<sup>th</sup> Street from Main to Linden, Norman Avenue, and Linden Avenue) of the City of Crete, Nebraska.

#### *2.2.3 Floodway and Floodplain*

Project will not approve properties located within Floodways. Project may allow non-critical actions for properties located in 500-year floodplain (B Zone or shaded X Zone). Project may allow for improvements in 100-year floodplain (A Zone) on properties that do not meet the thresholds for “substantial improvement” under § 55.2(b)(8).

The owner will be required to maintain flood hazard insurance if building structure is located in a FEMA-identified Special Flood Hazard Area (SFHA) or unless property has an Elevation Certificate. For this project, HUD assistance is provided as a grant. Insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

#### *2.2.4 Property Insurance and Property Taxes*

The owner is required to maintain property hazard insurance, with an amount equal to the replacement value of the dwelling.

Real Estate taxes and all other debts to the City must be current at the time application is made and kept current.

#### *2.2.5 Property Maintenance*

Properties shall be free and clear of any debris that jeopardizes public safety and/or impairs the appearance of the neighborhood. Debris shall include, but not be limited to: inoperable automobiles, machinery, appliances, tires and accessories, noxious weeds, discarded metal and other unsightly rubble.

#### *2.2.6 Required Documents*

All applicants shall provide the below documents. Additional project-specific required documents are listed on the Application.

- A copy of lease on property if not occupied by owner.
- A completed Proposed Property Improvement Plan. Any proposed façade improvements must be consistent with Crete Downtown Design Guidelines. The Property Improvement Plan shall include a drawing of the property with descriptions of requested improvements and showing approximate locations of requested improvements.
- Color Photographs of existing façade on all exposed sides.
- Color Photographs of specific locations where requested improvements would occur.

### *3 ELIGIBLE USE OF FUNDS AND DESIGN GUIDELINES*

Program funds are restricted in use to the preparation of a required property structural engineering overview; architectural plans and engineering specifications necessary to accomplish façade and/or interior improvements (particularly those required for renovations of properties identified with historic interest); and financing of building materials and construction labor for permanent improvements as further defined below:

#### *3.1 Priority Improvements*

This program is for Public Street Façade improvements only. Public Street Façades are defined as the front and side façades only, excluding rear façades, and are that portion

of the building which is exposed ground level to the highest point of the structure, excluding roofs, chimneys, and other ancillary elements.

Priority shall be given to applications that propose improvements that:

- ❖ Restore the Public Street Façade in compliance with SHPO requirements
- ❖ Bring the Public Street Façade into conformance with Crete Downtown Design Guidelines

Façade Improvements may include:

- a. Cleaning and painting.
- b. Brick/masonry repair or restoration.
- c. New or replacement of awnings and signs.
- d. Exterior wall repairs, including the repair, restorative installation of decorative details and other design features such as pediments, cornices, lintels, and bulkheads.
- e. Building mounted façade lighting.
- f. Entries, door and window repairs and replacements.
- g. Miscellaneous façade improvements.
- h. Façade code violation eradication.
- i. Rear façades may be considered only for restoration/repair of historic elements, to address safety issues, or to address slum and blight issues.

### 3.2 Design Guidelines

- Where practical, building facades planned for upgrading shall be restored to the original period design. All horizontal and vertical features shall be retained.
- All storefronts shall be designed, constructed and maintained to complement and accent the original qualities, character, and architectural features of the building. All accessories, signs and awnings shall likewise harmonize with the overall character of the building and area. All color schemes shall accent the building, as well as harmonize with historic character of adjacent buildings.
- 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.
- Non-original building siding such as stucco, vinyl and aluminum should be removed whenever possible. Metal awnings should be replaced by awnings crafted from other appropriate materials.
- Replacement glass should be similar in size, color, and reflectivity to the original.
- The use of incompatible materials for reconstruction is discouraged (for example: aluminum or steel siding, faux brick, asphalt or cedar shingles, plastic, fiberglass, and stucco).
- Signage should accentuate the period architecture and should comply with local signage code ordinances.

- If awnings contain language, it should be limited to the address information only.
- If a building does not have a historic significant architectural design or feature, another proposed design may be submitted to qualify for the program.

Participants in this program are encouraged to consult with the City and the Nebraska State Historic Preservation Office (SHPO) to determine eligibility for other financing methods and means, including tax incentive programs. SHPO may be contacted by calling 1-800-833-6747 or via email [hpnsht@nebraskahistory.org](mailto:hpnsht@nebraskahistory.org).

### 3.3 Non-Priority Rehabilitation and Improvements

#### *3.3.1 Code Deficiencies*

Improvements made must conform to applicable state and local building codes after rehabilitation work is complete. When necessary to meet specific requirements of local building codes, program funds may be used for:

- The provision, rehabilitation or removal of structural elements of the property, including the repair or replacement of fences, steps, and sidewalks.
- The grading, filling, or landscaping of the lot for other than purely aesthetic purposes.

#### *3.3.2 Energy Conservation*

- The elimination of leaks in structural openings through the installation of weather-stripping, caulking, etc.

## *4 FINANCIAL ASSISTANCE AND TERMS*

### 4.1 Matching Funds

Requires a minimum 25% match by the property owner (i.e. \$1,000 total project cost is \$250 in match and \$750 in grant)

The Contractor shall submit invoices to the property owner and may submit a copy to the Property Inspector at the same time. The property owner must submit a copy of their cleared/cancelled check to the Official Program Office as proof of payment of their matching funds.

### 4.2 Grant Funds

Maximum Grant Subsidy: 75% of the total project cost may be provided, up to the maximum amounts described below. These funds are provided as a grant - \$0 repayment, 0% interest.

One time funding based on a pro rata formula to equitably distribute the limited funding available among eligible applications and priority improvements.

All approved rehabilitation work must be completed within 6-months of signing the construction contract.

## *5 APPLICATION PROCESS*

Property owner or prospective owner with fully executed purchase agreement shall submit application along with required documents to SENDD, 2100 Fletcher Ave., Ste. 100, Lincoln, NE 68521.

### 5.1 Application Review

SEND D reviews application, funding request and matching funds, confirms property ownership (verified by written confirmation from the Saline County Register of Deeds under a deed search), property taxes are paid and current, property hazard insurance is paid and current, existing liens on property, and confirms zoning compliance with Crete Building Inspector.

### 5.2 Tier II Environmental Review

All properties will have a Tier II Environmental Review conducted. This review shall, at a minimum include submitting request for review to the State Historical Preservation Office (SHPO), review of location of property in relation to Special Flood Hazard Areas (SFHAs) as identified on the community's FEMA Flood Insurance Rate Map (FIRM), and review of onsite and nearby potential Contamination and Toxic Substances.

The Proposed Property Improvement Plan and bid specifications shall be submitted to SHPO for review. For properties identified by SHPO as having historic relevance, SEND D shall incorporate all recommendations of SHPO in the Work Write-Up and issuance of a Historic Area Work Permit (HAWP). For these properties, an A&E firm and/or contractors with specialty experience in historic property rehabilitation may be required.

### 5.3 Structural Engineering Review

On or around the time of the Tier II Review, the Property Inspector shall inform the applicant that they should schedule a Structural Engineering Review from a qualified engineering firm. The applicant may utilize the services of the City Engineering Firm, Olsson Associates, or they may utilize another qualified firm. 100% of the costs for the Structural Engineering Review shall be paid by the applicant. Upon completion, the applicant shall provide the Structural Engineering Report to the Property Inspector. A reasonable cost for the review and report is estimated to be approximately \$900. If the application is approved by the City of Crete, any reasonable cost for the review and report may be included in the total project costs and may potentially be eligible for reimbursement of up to 75% of the total amount.

#### 5.4 Project Inspection

All properties will have an inspection of the property conducted regarding the improvements requested. The purpose of this inspection is to review the necessary and desirable repairs, categorize the repairs by type (i.e. priority or non-priority, etc.), and estimate the total cost of the work. Essentially, the Project Inspector will assemble all of the information necessary for preparation of bid documents. An estimate of the total cost of the work is made so that the owner can be counseled on the extent of rehabilitation and the type and cost of the financial assistance. In addition, the Project Inspector shall review the work write up with the applicant and receive in writing the applicant's concurrence with the identified work items. The Project Inspector may take "before" photographs during this inspection, in addition to those provided with the application.

#### 5.5 Bid Document Preparation

The Project Inspector will use the information gathered to prepare the Project Specifications, Work-Writeups and/or other documents necessary to obtain bids on the rehabilitation work.

#### 5.6 Contractor Selection

The solicitation of bids for the rehabilitation work will be conducted in accordance with Federal, State and local requirements for requesting bids. If "Competitive Sealed Bids" are required for a project, normally the lowest responsible and responsive bid would be accepted. Alternate methods of selecting contractors, dependent upon type of improvement and total contract amount, may be used.

##### *5.6.1 Pre-Qualified Contractors List*

The program will utilize a pre-qualified list of contractors maintained by the Southeast Nebraska Development District, who are available to conduct Rehabilitation for projects that are awarded minor rehabilitation grants. Pre-qualification requirements include submittal of the following documents to the Official Contact Office (SEND):

- Proof of liability insurance;
- Lead safe work practices training;
- Completion of the Contractor's Application (Proof of Responsibility);
- Proof of State Licensure; and
- Proof of SAM certification.
- Contractors are required to comply with Davis-Bacon Wage Determinations if dollar amount of project reaches Davis-Bacon threshold (any contract exceeding \$2,000.00).
- All contracts shall require compliance with E-Verify as required by statute.

### 5.7 Consideration, Recommendation, and Approval or Rejection

Once a contractor has been selected a project summary will be prepared and presented to the Advisory Committee. The Advisory Committee will then consider the project and provide a recommendation of approval or rejection to the City Council.

Following a public hearing, City Council considers the application and the Advisory Committee recommendation and makes a decision to accept or not accept. Nothing herein shall be interpreted to require that the City grant approval to any project. The City reserves the sole right to accept or reject any and/or all of the applications for financial assistance.

### 5.8 Notification of Selection/Non-Selection

It is the policy of the City of Crete that all applicants shall be notified of final eligibility or ineligibility in writing within thirty (30) days of the decision of the City Council.

## 6 CONSTRUCTION PROCESS

### 6.1 Building Permit

Prior to construction, owner or contractor shall submit a copy of building permit if required (Required for doorway work, sidewalk work, awning work. No permit required for windows or façade painting, mortar, etc.)

### 6.2 Contractor and Subcontractor Preconstruction Conference

A required Contractor/Subcontractor Preconstruction Conference will be held prior to signing contracts so that all contractors and subcontractors will be made aware of their requirements under this program.

### 6.3 Contracts

A contract for the project will be prepared by SENDD, which must be signed prior to issuance of the Notice to Proceed. The contract for rehabilitation work will be between the property owner and contractor, with the Program as a third party acting as an Operating Agency to provide for oversight, construction observation and to process invoice payment requests, insuring that the contractor and owner meet agreed upon conditions.

### 6.4 Notice to Proceed

**No project shall begin work prior to the date stated on the Notice to Proceed.** All work approved by the City under the Program shall be completed within six months, or one hundred eighty (180) calendar days, of execution of the contractor contract.

#### 6.5 Construction Monitoring

Inspections will be necessary during the construction phase to monitor the rehabilitation. The primary purpose of these inspections is to insure that materials used and work done is accomplished in compliance with the contract. The Project Inspector shall visit each job site when necessary to assure adequate job performance. Should change orders become necessary during the rehabilitation work which would change the total cost of the contract, the Program and the owner must agree on said change orders and any modification to the funding prior to beginning the described change order items.

#### 6.6 Davis Bacon Employee Interviews

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

#### 6.7 Payroll Certifications

For every week that a contractor and/or his employees are on the job, contractor is required to submit Davis Bacon Payroll Certifications. These shall be submitted immediately after the applicable week ending date.

#### 6.8 Project Completion

At the completion of construction the Project Inspector shall inspect the work, in the presence of the owner and the contractor, to assure that satisfactory work has been accomplished. Any deficiencies must be corrected to the satisfaction of the owner and the Program, and all warranties, lien waivers, etc., must be delivered to the Project Inspector before final payment will be made. The Project Inspector will take "after" photographs of the work completed during the final inspection.

#### 6.9 Invoice(s)/Payments

If the quality of work is satisfactory to the owner and the Project Inspector, and all contract conditions have been met, the Project Inspector will approve final payment for the contractor. The Contractor shall submit invoices to the property owner and may submit a copy to the Property Inspector at the same time. The property owner must submit a copy of their cleared/cancelled check to the Official Program Office as proof of payment of their matching funds.

### *7 CONFLICT OF INTEREST*

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of Crete, Nebraska engaged in the award and administration of contracts supported by Federal funds under the Community Development Block Grant.

The provisions and requirements of the Conflicts of Interest, at subpart (d) of the Nebraska Political Accountability and Disclosure Act [such subpart (d) encompassing Sections 49-1493 through 49 14,104 of the Nebraska Revised Statutes], are incorporated in this Code of Conduct by this reference. The provisions and requirements of 2 C.F.R. Section 200.320 (f) are also incorporated in this Code of Conduct by this reference. The requirements of these Nebraska state statutes and federal regulations will be adhered to, and in the event of a conflict in the requirements of any of such state and federal requirements, the stricter of any conflicting provisions will be adhered to.

No employee, officer or agent of the municipality shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The 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.

Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

## *8 COMPLAINT PROCEDURE*

All grievances and/or complaints must be submitted in writing to the Official Contact Office. A written response/determination must be provided to the aggrieved party within fifteen (15) days of receipt of the grievance/complaint. If unsatisfied with the response/determination of the Official Contact Office, the aggrieved party may appeal the decision to the Program Advisory Committee in writing for their consideration. The appeal must be received by Advisory Committee within 15 calendar days of the initial decision. The Advisory Committee will act on the appeal within thirty (30) calendar days of the receipt of the appeal. Final written decision of the Advisory Committee will be provided to the aggrieved party within forty-five (45) days of receipt of the written request for appeal. Appeal of the decision of the Advisory Committee may be made in writing to the Crete City Council.

In the event of an owner and contractor dispute, an independent mediator, agreed on by both parties, shall be selected, and whose decision on the issue will be accepted as final by both parties. The applicant/beneficiary may contact the Nebraska Department of Economic Development (NDED) at his/her discretion.

## *9 AMENDMENT OF THE GUIDELINES*

The above Guidelines for the Central Business District Improvement Program can be amended only after review and formal action by the Crete City Council, with approval by NDED.

## *10 POLICY FOR COLLECTING PROJECT PHOTOGRAPHS*

The City of Crete was awarded public funds for this commercial rehabilitation program. As such all beneficiaries/recipients are requested to provide a voluntary release and authorization giving consent to the City of Crete and its agents to use and publish property photographs taken during the course of providing program assistance in marketing and promotional materials, including but not limited to the Internet, without compensation.

Previews of materials are not provided for approval. All photos used by the City of Crete and its agents are owned by the City of Crete and they may copyright material containing same. The City of Crete and its agents are released, discharged, and held harmless from any liability, including, without limitation, any claims for libel or invasion of publicity/privacy, by virtue of any use of photos, including, any alteration of such Photos, whether intentional or otherwise.

## *11 LEAD-BASED PAINT POLICY AND PROCEDURE*

It is the Policy of the City of Crete that this program shall comply with HUD lead based paint regulations. If painting is an element of the project, Contractor must submit evidence of compliance with EPA lead free regulations, lead-safe work practices, and low VOC compliance.

SEND D shall, in a satisfactory and proper manner, perform the following where required: **Lead Paint Hazards- Screen and/or Clearance Examination** in compliance with federal and state regulations. It is anticipated that lead-based paint rules will not apply to this commercial rehabilitation program.

EPA's Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities and pre-schools built before 1978 have their firm certified by EPA (or an EPA authorized state), use certified renovators who are trained by EPA-approved training providers and follow lead-safe work practices.

## *12 UNIFORM RELOCATION AND ASSISTANCE ACT OF 1970 (URA) AND APPLICABILITY TO TITLE 49 PART 24 SUBPART B 24.101*

Acquisitions are not an allowable activity within this program. It is the Policy of City of Crete that all transactions proposed for rehabilitation of property by applicants or clients of the program shall be voluntary.

It is the Policy of the City of Crete that it will not undertake any projects that will result in Displaced Person(s). However, if any project for which relocation would be a potential requirement - in cases where there is any indication of the potential for relocation through either voluntary or involuntary acquisition - DED will be contacted prior to any action.

Due to the requirements of these program guidelines, relocation due to mitigation of lead paint hazards is anticipated to be a rare occurrence. If a case of mitigation of lead-based paint hazards occurs where residential interior work will not be completed within 5 calendar days, the work site is unable to be contained to prevent the release of dust, the worksite and areas within 10 feet of the worksite are unable to be cleaned at the end of each work day to remove any visible dust and debris, and the residents do not have safe access to kitchen, bath and bedrooms, then temporary relocation of homeowners would be required for "safe work practices." Mitigation of lead-based paint hazards is determined to be a code enforcement activity for purposes of this program. As such, relocation assistance requirements of the URA are not triggered. DED will be contacted by the program prior to any action.

## *13 FAIR HOUSING*

It is the Policy of the City of Crete that this program will be in compliance with the "Fair Housing Act." The Act prohibits specific kinds of discriminatory acts as described herein, regarding housing if the discrimination is based on race, color, religion, sex handicap, familial status or national origin: Refusal to sell or rent or otherwise deal with a person; Discrimination in the conditions of terms for sale, rental or occupancy; Falsely denying housing is available; Discriminatory advertising; "Blockbusting"; causing person(s) to sell or rent by telling them that members of a minority group are moving into the area; Discrimination in financing housing by a bank, savings and loan association or other business; Denial of membership or participation in brokerage, multiple listing or other real estate service; Interference (intimidation, threats, coercion, etc.) to keep a person from the full benefits of the Federal Fair Housing Law.

The City of Crete actively supports Fair Housing Activities and will assist applicants in completing Housing Discrimination Complaint forms to the Department of Housing and Urban Development (HUD).

## 14 FEDERAL COMPLIANCE

The Program will comply with the administrative requirements of the grant program, those applicable items in the 1995 Consolidated Plan, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, and 24 CFR Part 570 (including parts not specifically cited below), and the following laws, regulations and requirements, both federal and state, as the pertain to the design, implementation and administration of the local project, if approved:

### **CIVIL RIGHTS AND EQUAL OPPORTUNITY PROVISIONS**

- Public Law 88-352, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et. seq.) (24 CFR Part 1)
- Section 109 of the Housing and Community Development Act of 1974, As Amended
- Age-Discrimination Act of 1975, As Amended (42 U.S.C. 6101, et. seq.)
- Section 504 of the Rehabilitation Act of 1973, As Amended (29 U.S.C. 794) and the Americans with Disability Act
- Executive Order 11246, As Amended
- Executive Order 11063, As Amended by Executive Order 12259 (24 CFR Part 107)

### **ENVIRONMENTAL STANDARDS AND PROVISIONS**

- Section 104(f) of the Housing and Community Development Act of 1974, As Amended
- Title IV of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831) and the Implementing Regulations found at 24 CFR Part 35
- The National Environmental Policy Act of 1969 (42 U.S.C. Section 4321, et. seq., and 24 CFR Part 58)
- The Clean Air Act, As Amended (42 U.S.C. 7401, et. seq.)
- Farmland Protection Policy Act of 1981, (U.S.C. 4201, et. seq.)
- The Endangered Species Act of 1973, As Amended (16 U.S.C. 1531, et. seq.)
- The Reservoir Salvage Act of 1960 (16 U.S.C. 469, et. seq.), Section 3 (16 U.S.C. 469 a-1), As Amended by the Archaeological and Historic Preservation Act of 1974
- The Safe Drinking Water Act of 1974 [42 U.S.C. Section 201, 300(f), et. seq., and U.S.C. Section 349 as Amended, particularly Section 1424(e) (42 U.S.C. Section 300H-303(e)]
- The Federal Water Pollution Control Act of 1972, As Amended, including the Clean Water Act of 1977, Public Law 92-212 (33 U.S.C. Section 1251, et. seq.)
- The Solid Waste Disposal Act, As Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et. seq.)
- The Fish and Wildlife Coordination Act of 1958, As Amended, (16 U.S.C. Section 661, et. seq.)
- EPA List of Violating Facilities
- HUD Environmental Standards (24 CFR, Part 51, Environmental Criteria and Standards and 44 F.R. 40860-40866, July 12, 1979)
- The Wild and Scenic Rivers Act of 1968, As Amended (16 U.S.C. 1271, et. seq.)
- Flood Insurance
- Executive Order 11988, May 24, 1978: Floodplain Management (42 F.R. 26951, et. seq.)
- Executive Order 11990, May 24, 1977: Protection of Wetlands (42 F.R. 26961, et. seq.)
- Environmental Protection Act, NEB. REV. STAT. 81-1501 to 81-1532 (R.R.S. 1943)
- Historic Preservation

## **LABOR STANDARDS AND PROVISIONS**

- Section 110 of the Housing and Community Development Act of 1974, As Amended
- Fair Labor Standards Act of 1938, As Amended, (29 U.S.C. 102, et. seq.)
- Davis-Bacon Act, As Amended (40 U.S.C. 276-a - 276a-5); and Section 2; of the June 13, 1934 Act., As Amended (48 Stat. 948.40 U.S.C. 276(c), popularly known as The Copeland Act
- Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et. seq.)
- Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. 1701(u)]

## **FAIR HOUSING STANDARDS AND PROVISIONS**

- Section 104(a)(2) of the Housing and Community Development Act of 1974, As Amended
- Public Law 90-284, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601, et. seq.). As Amended by the Fair Housing Amendments Act of 1988
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended (42 U.S.C. 4630) and the Implementing Regulations Found at 49 CFR Part 24
- Relocation Assistance Act, NEB. REV. STAT. 76-1214 to 76-1242 (R.S. Supp. 1989)
- Nebraska Civil Rights Act of 1969 20-105 to 20-125, 48-1102 and 48-1116 Uniform Procedures for Acquiring Private Property for Public Use, NEB. REV. STAT. 25-2501 to 25-2506 (R.R.S. 1943)

## **ADMINISTRATIVE AND FINANCIAL PROVISIONS**

- 78 FR 78589 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards “Cost Principles”
- 78 FR 78589 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards “Administrative Requirements”
- 24 CFR 570.503 - Grant Administration Requirements for Use of Escrow Accounts for Property Rehabilitation Loans and Grants
- 24 CFR 570.488 to 570.499a - States Program: State Administration of CDBG Nonentitlement Funds
- Community Development Law, NEB. REV. STAT. 18-2101 to 18-2144 (R.S. Supp. 1982)
- Public Meetings Law, NEB. REV. STAT. 18-1401 to 18-1407 (R.R.S. 1943)
- 24 CFR Subtitle A (4-1-98 Edition) – 85 Administrative requirements for grants and cooperative agreements to State, local and federally recognized Indian tribal governments

## **MISCELLANEOUS.**

- Hatch Act of 1938, As Amended (5 U.S.C. 1501, et. seq.)

15 CRETE CENTRAL BUSINESS DISTRICT IMPROVEMENT PROGRAM APPLICATION

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**PART I**

**Applicant Information**

**Legal Name of Property Owner(s)**

\_\_\_\_\_

**Business or Entity**

\_\_\_\_\_

**Property Legal Description:**

\_\_\_\_\_

**Mailing Address:** \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**Contact Person** \_\_\_\_\_ **Phone** (\_\_\_\_) \_\_\_\_\_

**Email Address** \_\_\_\_\_ / \_\_\_\_\_

**Legal Structure of Ownership**  Sole Proprietor  LLC  Partnership  Corporation  Other \_\_\_\_\_

**List all owners and/or stockholders with 20% or more of total ownership:**

Name	Title	Percentage Owned

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**PART II**

**Business Information**

**Legal Name of Business\*:**

\_\_\_\_\_

\*Name used to register business with the State of Nebraska

**Address of Business Property**

\_\_\_\_\_

**Years in Business** \_\_\_\_\_ **Tax ID** \_\_\_\_\_  Owned  Leased

Name of Tenant \_\_\_\_\_ Date of Lease \_\_\_\_\_ Exp Date \_\_\_\_\_

**PART III  
Financial Information**

**Sources and Uses of All Project Funds (complete all that are applicable):**

DESCRIPTION	TOTAL COST	GRANT	25% OWNERS MATCH
Engineering/design	\$ _____	\$ _____	\$ _____
Construction	\$ _____	\$ _____	\$ _____
Supplies/Materials	\$ _____	\$ _____	\$ _____
Other	\$ _____	\$ _____	\$ _____
<b>Project Totals</b>	<b>\$ _____</b>	<b>\$ _____</b>	<b>\$ _____</b>

Type of improvements desired (please mark all that apply):

- Demolition/Removal of Nonconforming items/materials**
- Awning**
- Facade Reconstruction**
- Brickwork**
- Exterior Lighting**
- Ingress/Egress Improvements**
- Other (describe) \_\_\_\_\_**
- Signage**
- Entranceway**
- Window Repair/Replacement**
- Painting**
- Building Code Compliance/Improvements**

**PART IV  
SIGNATURE & AUTHORIZATION**

THE UNDERSIGNED, in applying for financial assistance from the City of Crete Central Business District Improvement Program, recognizes that prior to receiving financial assistance he or she will agree to comply with all federal, state and local laws to the extent that such are applicable. I understand the project must be completed within six (6) months from date of project approval and that grant funds will not be paid to the contractor until the project is completed. If the City has not received correspondence in that time frame, the funds will be reallocated.

\_\_\_\_\_  
Name of Business

\_\_\_\_\_  
Signature/Title of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature/Title of Business Owner (if applicable)

## REQUIRED DOCUMENTS FOR ALL PROJECTS

- A completed and signed application form with signed Citizenship & Attestation form, signed Certification of Assurances form, and signed Hold Harmless Agreement.
- A copy of lease on property if not occupied by owner.
- A completed Proposed Property Improvement Plan. Any proposed façade improvements must be consistent with Crete Downtown Design Guidelines. The Property Improvement Plan shall include a drawing of the property with descriptions of requested improvements and showing approximate locations of requested improvements.
- Color Photographs of existing façade on all exposed sides.
- Color Photographs of specific locations where requested improvements would occur.

## PROJECT-SPECIFIC DOCUMENTS

### FOR SIGNAGE:

- Provide a color photo or rendering of the design chosen
- Include specifications as to the size and width of the sign
- Note how and where the sign will be hung on the building
- Optional for signs that are specific in design, provide price quotes as described below\*\*

### FOR AWNINGS:

- Provide information about color and style of awning chosen, color photo or rendering preferred if available
- Include specifications as to the size and width of the Awnings
- Note where awning will be placed on building
- Optional for awnings that are specific in design, provide price quotes as described below\*\*

Note: Awning design must take into account the architectural style of the building.

\*\*Applicant may choose to select non-construction items such as signs and awnings that are specific in design. For these items, the application should include:

- o If item cost is \$3,000 or less – provide copy of written price quote from a qualified vendor.
- o If item cost is \$3,000.01 to \$150,000 – provide a copy of your written identification of the item(s) to be purchased (to include quantity, size(s), type of material, etc), and provide copies of written price quotes from at least three (3) qualified vendors. Please note that after application approval, SENDD will prepare a contract with the vendor providing the lowest bid.

**FOR PAINTING:**

- Provide samples of the colors chosen
- Mark which color will be the body color and which will be accent colors
- Note where each color will be used

**FOR WINDOWS:**

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

Additional descriptions or explanations, as needed:

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*16 UNITED STATES CITIZENSHIP ATTESTATION FORM*

For the purpose of complying with Neb. Rev Stat §§ 4-108 through 4-114, I attest as follows:

**Applicant**

I am a citizen of the United States.

**OR**

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows \_\_\_\_\_, and I agree to provide a copy of my USCIS documentation upon request.

**Applicant's Printed Name:**

\_\_\_\_\_

<b>First</b>	<b>Middle</b>	<b>Last</b>
--------------	---------------	-------------

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete and accurate and I understand that this information may be used to verify my lawful presence in the United States.

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

**Co - Applicant**

I am a citizen of the United States.

**OR**

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows \_\_\_\_\_, and I agree to provide a copy of my USCIS documentation upon request.

**Applicant's Printed Name:**

\_\_\_\_\_

<b>First</b>	<b>Middle</b>	<b>Last</b>
--------------	---------------	-------------

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete and accurate and I understand that this information may be used to verify my lawful presence in the United States.

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

*17 CERTIFICATION OF ASSURANCES*

To the best of my knowledge and belief, as a condition of obtaining assistance through the CDBG DTR program, the applicant will, if assistance is approved, comply with all Federal and State requirements, including the following:

- A. The Civil Rights Act of 1964 (PL88-352) and Title VIII of the Civil Rights Act of 1968 (PL 90-284);
- B. Housing and Community Development Act of 1974, as amended;
- C. Age Discrimination Act of 1975;
- D. Section 504 of the Rehabilitation Act of 1973;
- E. Davis Bacon Act, as amended (40 U.S.C. 276a-276a-5), where applicable under Section 110 of the Housing and Community Development Act of 1974, as amended;
- F. Fair Labor Standards Act of 1938, as amended, (29 U.S.C., 102 et.seq);
- G. Preservation of Historical and Archaeological Act of 1974 (PL 89-664);
- H. National Historic Preservation Act of 1966, Section 106 (PL 89-665);
- I. National Environmental Policy Act of 1969;
- J. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1979, Title II and Title III;
- K. Nebraska Community Development Law, Section 18-101 to 18-2144, Revised Statutes of Nebraska, 1943.

\_\_\_\_\_  
Signed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed / Typed Name

Date Signed: \_\_\_\_/\_\_\_\_/20\_\_\_\_

For: \_\_\_\_\_  
Business / Company Name

Address: \_\_\_\_\_

Attest: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/20\_\_\_\_

\_\_\_\_\_  
Printed / Typed Name

*18 RELEASE AND HOLD HARMLESS AGREEMENT*

Release executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by (Property Owner) \_\_\_\_\_ and (Business owner if applicable) \_\_\_\_\_, of (Street Address) \_\_\_\_\_, City of Crete, County of Saline, State of Nebraska, referred to as Releaser(s).

In consideration of being granted monies for restoration, modifications, signage, or other physical changes to the property located at the above address, the Releaser(s), waives, releases, discharges, and covenants not to sue or interplead and agrees to indemnify the City of Crete (or entities under the City's umbrella), the Southeast Nebraska Development District for loss or damage, and claims or damages therefore, on account of any work that has been performed in accordance with City or State guidelines.

Releaser(s) agrees that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as permitted by the laws of the State of Nebraska and that if any portion of the agreement is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

Releaser's obligation and duties hereunder shall in no manner be limited or restricted by the maintaining of any insurance coverage related to the above referenced event.

This release contains the entire agreement between the parties to this agreement and the terms of this release are contractual and not a mere recital.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Business Owner (if applicable)

\_\_\_\_\_  
Printed Name & Title of Property Owner

\_\_\_\_\_  
Printed Name & Title of Business Owner

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date: