

City of Sidney, Nebraska

Downtown Revitalization Program Guidelines

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PART I: PROGRAM OVERVIEW

Statement of Purpose

The purpose of the City of Sidney's Downtown Revitalization Program is to rehabilitate and revitalize the buildings and structures located in Sidney's historic downtown and certified creative district 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 (LB840) dedicated to projects in the downtown corridor. Information about the City's program and applications can be found on the City's website at: <https://cityofsidney.org/322/Facade-Enhancement-Grant-Program>

All participants in this Program will need to provide 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.

PART II: APPLICATION PROCESS

An application must be sought from the Economic Development Office of the City of Sidney (1115 13th Avenue). It is also attached to these guidelines and can be found online at www.cityofsidney.org. The proposed project will then be reviewed by the Sidney Historic Preservation Board. If the board feels it meets the requirements of the program, the funding request will be reserved on a first come, first serve basis. Applicants have six months to start work or the application becomes null and void unless an extension is granted by the Historic Preservation Board.

Application Cycles and Deadline

Applications are due the first Tuesday of every month and will be reviewed at the Historic Preservation Board Meeting on the second Tuesday of every month.

Maximum Grant Award

The maximum amount that may be awarded for any project is One Hundred Thousand Dollars (\$100,000). Applicants may request any award amount up to the One Hundred Thousand Dollar maximum. The Historic Preservation Board may grant an award that is less than the amount requested.

Reimbursement Rate

- Reimbursement up to 75% with a maximum reimbursement of \$100,000 will be completed at project completion, based on invoices.

Matching Funds

Applicants must provide private matching or other leveraged funds in the amount of at least twenty five percent (25%) of the total project cost. 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.

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.
- Submission of all federal compliance items, including submission of appropriate SAM verification.
- US Citizenship Attestation Form, if required.

Eligibility

To be eligible for an award, applicants must own 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 and Improvements

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

- The costs of building materials and construction labor for eligible façade improvements or to fix code violations.

Eligible façade improvements

- 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.

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 from Hickory Street to King Street from 13th Ave to 8th Ave.



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

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.
- All standards and guidelines in the City of Sidney's Historic Preservation Design Guide must be followed.

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 Program Design Standards

Notification of Selection or Non-selection

Within thirty (30) days of the decision of the Historic Preservation Board, the City will notify applicants of award selection or non-selection by an official. 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 unless an extension is granted by the Historic Preservation Board.

SHPO and Historic Preservation Review

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. 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. No project shall begin work prior to the date stated on the Notice to Proceed.

Procurement Process

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

The contractors must comply with 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. 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 seventy five percent (75%) 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 of the dates they will be working on the project site. The City 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.

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.

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 or 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 of Sidney's Historic Preservation Board

PART IV: AGREEMENT & SIGNATURE

THE UNDERSIGNED, in applying for financial assistance from the City of Sidney 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 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:

Application Form

Date Submitted _____

Applicant Information Name _____

Building Owner Business Owner

Mailing Address _____

Phone Number _____ Email _____

Property Address _____

Business _____

Grant Type Facade Enhancement Grant Signage Incentive Grant

Project Description Please provide a detailed description of the proposed project.

Please provide supplemental information as required to thoroughly describe the proposed project:

Photographs Drawings Product Information Samples

Project Cost If applying for a Grant, provide the project costs and attach estimates from contractors and suppliers. Vendor | Description | Amount

Vendor	Description	Amount

Date reviewed _____ Approved Denied Deferred _____

Comments _____
