

CITY OF SIDNEY

**ECONOMIC DEVELOPMENT PLAN
REVISED - 2018**

(October 1, 2018 – September 30, 2028)

SIDNEY ECONOMIC DEVELOPMENT PLAN REVISED – 2018

SECTION I. GENERAL COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY:

The Nebraska Legislature, in the Local Option Municipal Economic Development Act 18-2701 et seq., R.R.S. Neb., has made the following legislative findings: (1) there is a high degree of competition among states and municipalities in our nation in their efforts to provide incentives for businesses to expand or locate in their respective jurisdictions; (2) municipalities in Nebraska are hampered in their efforts to effectively compete because of their inability under Nebraska law to respond quickly to opportunities or to raise sufficient capital from local sources to provide incentives for business location or expansion decisions which are tailored to meet the needs of the local community; (3) the ability of a municipality to encourage business location and expansion has a direct impact not only upon the economic well-being of the community and its residents, but upon the whole State as well; and (4) there is a need to provide Nebraska municipalities with the opportunity of providing assistance to business enterprises in their communities, whether for expansion of existing operations or creation of new businesses, by the use of funds raised by local taxation when the voters of the municipality determine that it is in the best interests of their community to do so.

The City of Sidney has faced stiff competition to recruit and retain businesses and jobs in the Sidney area. Many of these major business and industry developments serve as the lynchpins of the economic vitality of the City and the area economy. Adopting a plan under the Local Option Municipal Economic Development Act Section 18-2701 R.R.S. Neb. et seq. hereinafter referred to as LB840 Plan is an essential development tool. Such a Plan originally approved in 1997 and continued in 2007 and 2017 helped Sidney maintain its competitive edge in retaining and recruiting new payrolls. Continuing the program and the ability to provide public-private partnerships in creating economic development projects is critical for Sidney to also be competitive over the next ten years from 2018 to 2028.

The revised 2018-2028 proposal includes an annual allocation of \$300,000 of EXISTING sales tax revenues, the same amount that was annually appropriated the past ten years for the next ten years, AS WELL AS ANY GRANTS, DONATIONS, OR STATE AND FEDERAL FUNDS RECEIVED BY THE CITY SUBJECT TO ANY RESTRICTIONS OF THE GRANTOR, DONOR OR STATE AND FEDERAL LAWS. During the ten-year time frame from 2018 to 2028, the funding would be allocated as follows:

*\$2 million in the local economic development revolving loan fund proceeds for partnership projects with private industry on expanding and recruiting new payrolls that create new economic wealth in the community through base industry payrolls. This would be overseen by the Economic Development Advisory Committee and administered by the Plan Administrator.

*\$500,000 of proceeds toward downtown projects that would benefit and revitalize the Historic Downtown District which would be administered by the Sidney Historic Preservation Board with oversight by the Advisory Committee and Plan Administrator.

*\$500,000 of proceeds are targeted for community economic development projects in the area of Sidney north of the Union Pacific tracks. Recommendations for projects would come forward from community hall meetings of Northside residents, or a designated Northside Neighborhood Development Association.

In all cases, final approval of the projects will be made by the Sidney City Council.

The City, through its Economic Development arm, has competed as best it could to bring new businesses and new well-paying jobs to the community, but frankly has less ability to compete if it doesn't have the tools granted by the Act. The City believes that not having the ability to directly fund Economic Development in the past may have cost jobs and capital investment which otherwise would have been realized and conversely, having those tools during the previous twenty-year period has spurred an unparalleled growth for our community which the Plan seeks to continue. Not having the benefit of economic development, the growth of the tax base had been hampered. The previous ten-year plans had helped to spur impressive growth in the tax base. The City of Sidney was one of the first communities to develop a Plan and seek voter approval and has since benefitted from the growth set out above. This Economic Development Plan was submitted, upon Council approval, to a vote of the people to continue this economic vitality to the benefit of all, thereby expanding job opportunities and the tax base in our community.

The City Administration, with the leadership of the City/County Economic Development Director, has prepared the Plan for submission, first to the City Council, and upon Council approval, to the voters of the City of Sidney. The Legislature of the State of Nebraska has made available, through the Act, an invaluable tool to recruit new businesses and to retain and expand businesses presently in a community. The City intends to use this tool to spur further economic development within the City. The City seeks, through the Economic Development Plan, to be more competitive or at least as competitive in the economic development area as any other community of comparative size in this or any other State.

Most importantly, the City does not propose, as part of its strategy, the imposition of any new or additional tax. The City, in proposing an allocation of \$300,000 of EXISTING sales tax revenue, is the same amount funded in the past years of the program, be devoted to fund the Economic Development Program. ANY additional funds would be derived from grants, donations or state and federal funds

SECTION II. STATEMENT OF PURPOSE DESCRIBING GENERAL INTENT AND PROPOSED GOALS:

The general intent of the Sidney Economic Development Program ("the Program"), is to provide well-paying jobs to the citizens of Sidney, Nebraska, by encouraging and assisting local businesses to expand both as regards job creation and capital investment and to recruit new qualifying businesses with the goals of creation of jobs and expansion of the tax base. The success of the Program and achievement of goals will be measured by the number of jobs created and retained for the length of the Program, the total dollars invested in fixed assets, i.e., buildings, new commercial real estate and business equipment, and finally, the growth in total valuation in the City. Each project will be based on its own merits, but priority will be given to jobs created and/or retained at or above average wages and benefits for the community.

SECTION III. TYPES OF ECONOMIC ACTIVITIES THAT WILL BE ELIGIBLE FOR ASSISTANCE:

A. Definition of Project or Program:

Project or program means the approved activities utilizing funds derived from the dedicated local source of revenue, namely, Three Hundred Thousand Dollars each year for ten years of the current previously approved sales tax funds AND any grants, donations or state and federal funds received by the City subject to any restrictions of the grantors, donors or state and federal laws: (1) expended for the purpose of providing direct or indirect financial assistance to a qualifying business or the payment of related costs and expenses through a revolving loan fund or other eligible activity as stated below, (2)

expended for projects in the defined Sidney downtown area to benefit and revitalize the Historic Downtown District as approved by the Sidney Historic Association Board and Council consistent with the Plan and limited annually to \$50,000, (3) expended for community economic development projects in the Northside District (area north of the Union Pacific Railroad tracks) as approved by the Northside Neighborhood Development Association and Council consistent with the Plan and limited annually to \$50,000, (4) expended to fund tourism-related capital projects. The purpose of each Program or Project is to increase job opportunities and business investment within the community and provide upgrades to the Downtown and Northside Districts to increase the viability of those districts particularly and the community generally for business investments.

B. Activities Eligible:

The Economic Development Program may include, but shall not be limited to, the following activities:

1. (1) A revolving loan fund from which low interest or forgivable loans will be made to qualifying businesses on a no more than a one for one match basis from the grantee business for fixed assets or working capital or both or for loan guarantees and based upon job creation and/or retention said jobs to be above the average wage scale for the community according to the Nebraska Department of Labor's Occupational Employment and Wage Rates.
1. (2) Public works improvements essential to the location or expansion of a qualifying business or for capital improvements when tied to job creation criteria or when critical to retention of jobs of a major employer within the community.
1. (3) The purchase of real estate or real estate options on a match basis for non-retail and non-service sector qualifying businesses based on job creation and/or retention, said jobs to be above the average wage scale for the community, which equity investment is to be secured by Mortgage, Deed of Trust, Promissory Note, personal and/or corporate guarantees or other financial instrument. Selection of tract(s) will be based upon appropriateness for intended use by qualifying business considering zoning and the Comprehensive Development Plan of the City. Proceeds from the sale of land may be used by the City for additional land purchases for economic development purposes.
1. (4) The provision of technical assistance to businesses, such as preparation of financial packages, survey, engineering, legal, architectural or other similar assistance and payment of relocation or initial location expenses.
- (5) The authority to issue bonds pursuant to the Act.
- (6) Grants or loans for job training.

(Activities which may be funded through the Economic Development Program or General Fund as authorized by Section 13-315 R.R.S.)
- (7) Commercial/industrial recruitment and promotional activities.
- (8) Tourism-related capital projects.

SECTION IV. DESCRIPTION OF TYPES OF BUSINESSES THAT WILL BE ELIGIBLE:

A. A qualifying business shall mean any corporation, partnership, limited liability company or sole proprietorship that derives its principal source of income from any of the following:

- (1) The manufacture of articles of commerce;
- (2) The conduct of research and development;
- (3) The processing, storage, transport or sale of goods or commodities which are sold or traded in interstate commerce;
- (4) The sale of services in interstate commerce;
- (5) Headquarters facilities relating to eligible activities as listed in this section;
- (6) Telecommunications activities, including services providing advanced telecommunications capability;
- (7) Tourism-related projects;
- (8) A business that derives its principal source of income from retail trade, meaning a business which is principally engaged in the sale of goods or commodities to ultimate consumers for their own use or consumption and not for resale;
- (9) Production of all types of films or television programs;
- (10) A business that reviews its principal source of income from the construction or rehabilitation of housing, as per a Workforce Housing Plan;
- (11) A business that derives its principal source of income from early childhood care and education programs; or
- (12) Any other business deemed as a qualifying business through the action of the legislature.

B. If a business which would otherwise be a qualifying business employs people and carries on activities in more than one city in Nebraska or will do so at any time during the first year following application for participation in the Program, it shall be a qualifying business only if, in each such city, it maintains employment for the first two years following the date on which such business begins operations in the city as a participant in its economic development program at a level not less than its average employment in the city over a twelve-month period preceding participation.

C. A qualifying business must be located within the zoning jurisdiction of the city unless a variance is granted for special circumstances by the Sidney City Council for a qualifying business in the Sidney area.

D. Any other business deemed a qualifying business through future action of the Legislature as approved for participation by the Sidney City Council.

SECTION V. REVOLVING LOAN FUND:

A. A. The amount of funds available for any single project shall not exceed the amount of funds available under the Economic Development Program during the project term, nor shall it provide for more than fifty percent (50%) of total project costs. An applicant must provide participation and evidence of participation through private funding as distinguished from federal, state or local funding in the minimum amount of ten percent (10%) equity investment. The right is reserved to negotiate the terms and conditions of the loan with each applicant, which terms and conditions may differ substantially from applicant to applicant.

A. B. The interest rate shall be fixed and negotiated on an individual basis, usually one-half the rate of the lending rate for the project at a traditional banking source. The term shall not exceed ten (10) years for loans used for capital assets and five (5) years for loans involving any other asset category. Security for loans will include, but will not be limited to, Promissory Notes, Mortgages or Deeds of Trust, and personal and/or corporate guarantees as appropriate and may be in a subordinate position to the primary lender.

A. C. If the loan is approved as performance based, a qualifying business may be approved to recapture on a grant basis a portion of the loan amount to be determined by the Sidney City Council based upon job creation or retention and economic impact of the project to the community.

A. D. A loan repayment schedule providing for monthly, quarterly or annual payments will be approved in conjunction with project approval. Repayments will be held in a revolving reuse loan fund for future projects as approved.

E. The Economic Development Director or contracted loan administrator, such as Panhandle Area Development District, is responsible for auditing and verifying job creation and retention and determine grant credits toward any loans made. No grant credits are available unless pre-approved in the initial application and project approval and no grant credits are available beyond the level initially approved.

F. The Revolving Loan fund will be audited annually by a selected firm of certified public accountants.

G. It is anticipated that the Program can be fully administered by the Office of the Economic Development Director or contracted loan administrator.

SECTION VI. SOURCE OF FUNDING:

A. A. Funding and Restrictions:

The program will be funded by allocating \$300,000.00 annually for ten years from the previously adopted Sales and Use Tax authorized in the Local Option Revenue Act, AS WELL AS ANY

GRANTS, DONATIONS, OR STATE AND FEDERAL FUNDS RECEIVED BY THE CITY SUBJECT TO ANY RESTRICTIONS OF THE GRANTOR, DONOR, OR STATE OR FEDERAL LAW. No increase in taxes will be required. The City will not impose any additional property or sales tax to support the Economic Development Program. The City shall not appropriate from the sales tax for approved Economic Development Programs, in any year during which such programs are in existence, an amount more than FOUR MILLION dollars for all approved economic development programs in any one year. The City of Sidney shall not appropriate an amount in excess of the amount approved by the voters at the election which approves the AMENDED Economic Development Plan and Program. The restrictions on the appropriation of funds from local sources of revenue shall not apply to the re-appropriation of funds which were appropriated by not expended during the previous fiscal years. If, after five full budget years following initiation of the approved Amended Economic Development Program, less than fifty percent of the money collected from local sources of revenue is spent or committed by contract for the Economic Development Program, the governing body of the City shall place the question on the continuation of the City’s Economic Development Program on the ballot at the next regular election.

B. Time Period for Existence of the Program:

The Program will be in effect from October 1, 2018 to September 30, 2028.

C. Yearly Collection of Funds from Sales Tax and Total Program Amount:

<u>Fiscal Year</u>	<u>Estimated Sales Collections</u>	<u>Estimated Grants, Donations and State/Fed Funds</u>
2017-2018	\$300,000.00	3,700,000.00
2018-2019	\$300,000.00	3,700,000.00
2019-2020	\$300,000.00	3,700,000.00
2020-2021	\$300,000.00	3,700,000.00
2021-2022	\$300,000.00	3,700,000.00
2022-2023	\$300,000.00	3,700,000.00
2023-2024	\$300,000.00	3,700,000.00
2024-2025	\$300,000.00	3,700,000.00
2025-2026	\$300,000.00	3,700,000.00
2026-2027	<u>\$300,000.00</u>	<u>3,700,000.00</u>
Total funds from sales tax	\$3,000,000.00	37,000,000

D. Basic Preliminary Proposed Budget:

It is anticipated that from the total budget which is \$4,000,000 in the first year and the total budget for following years in the same amount, \$3,700,000 will be allocated across the community as provided in IV.C. above to the Revolving Loan Fund and will be expended for low interest and

performance-based loans targeting job creation and retention criteria and eligible activities set out in Section III(B) above. Of total yearly funds collected, \$50,000.00 will be directed to qualifying businesses and activities in the Downtown Business District and \$50,000.00 in the Northside District.

E. Authority to Issue Bonds:

The City will have the authority to issue bonds pursuant to the Local Municipal Economic Development Act.

SECTION VII. APPLICATION PROCESS FOR FINANCIAL ASSISTANCE TO BUSINESSES:

A. Application Process and Selection of Participants:

Businesses seeking assistance will be required to:

1. (1) Certify to the City (a) whether the qualifying business has filed or intends to file an application with the Nebraska Department Revenue to receive tax incentives under the Nebraska Advantage Act for the same project for which the qualifying business is seeking financial assistance under the Local Municipal Economic Development Act; (b) whether such application includes or will include, as one of the tax incentives, a refund of the City's local option sales tax revenue; and (c) whether such application has been approved under the Nebraska Advantage Act.
- (2) Complete an application which may be obtained from the Office of the Director of Economic Development at the City Administration Building, 1115 – 13th Avenue, Sidney, Nebraska.
- (3) Submit the completed application together with all information as set out below to the Office of the Director of Economic Development. Following review by the Director of Economic Development and Citizens Advisory Review Committee, an application which is recommended for approval will be forwarded to the Sidney City Council.
- (4) The Director of Economic Development will notify any applicant whose application is not recommended for approval. Such applicant may request in writing that the application, with the recommendation not to approve, be forwarded to the Sidney City Council for consideration.
- (5) The Sidney City Council will approve or deny the application. If approved for assistance, the Sidney City Council will determine the type of assistance to be made available, the funding level of any financial assistance, and the terms of any assistance granted.

B. Information Required:

The qualifying business shall provide the following information before any application is considered by the Director of Economic Development and Citizens Advisory Review Committee:

Sole Proprietorship:

- (1) Submit a Sidney Economic Development Loan Fund Application

- (2) Business Plan
- (3) Two years' complete Individual federal tax returns (signed)
- (4) Current Year-to-Date Profit and Loss Statement (signed)
- (5) Recent Balance Sheet (signed)
- (6) Other information as requested

“S” Corporation:

- (1) Submit a Sidney Economic Development Loan Fund Application
- (2) Business Plan
- (3) Two years' complete Individual federal tax returns (signed)
- (4) Two years' complete Corporate tax returns (signed)
- (5) Current Year-to-Date Profit and Loss Statement (signed)
- (6) Recent Balance Sheet (signed)
- (7) Other information as requested

“C” Corporation:

- (1) Submit a Sidney Economic Development Loan Fund Application
- (2) Business Plan
- (3) Two years' complete Individual federal tax returns, if over 25% ownership (signed)
- (4) Two years' complete Corporate tax returns (signed)
- (5) Current Year-to-Date Profit and Loss Statement (signed)
- (6) Recent Balance Sheet (signed)
- (7) Other information as requested

General Partnership:

- (1) Submit a Sidney Economic Development Loan Fund Application
- (2) Business Plan
- (3) Two years' complete Individual federal tax returns, if over 25% ownership (signed)
- (4) Two years' complete Partnership returns (signed)
- (5) Current Year-to-Date Profit and Loss Statement (signed)
- (6) Recent Balance Sheet (signed) and K-1's for all partnerships
- (7) Other information as requested

Limited Partnerships:

- (1) Submit a Sidney Economic Development Loan Fund Application
- (2) Business Plan
- (3) Two years' complete Individual federal tax returns and K-1's for all partnerships (signed)
- (4) Complete copy of Partnership Agreement for Partnership
- (5) Other information as requested

Limited Liability Companies:

- (1) Submit a Sidney Economic Development Loan Fund Application
- (2) Business Plan
- (3) Two years' complete Individual federal tax returns (signed)
- (4) Two years' complete entity tax returns (signed)
- (5) Current Year-to-Date Profit and Loss Statement (signed)
- (6) Recent Balance Sheet (signed)
- (7) Other information as requested

- C. Verification Process:
 - (1) Credit check
 - (2) Dun and Bradstreet credit report
 - (3) Examine information required
 - (4) Examine internal records
 - (5) Obtain oral and written verification of application information
 - (6) Other investigations as may be deemed necessary.

SECTION VIII. PROCESS TO INSURE CONFIDENTIALITY OF BUSINESS INFORMATION RECEIVED:

In the process of gathering information about a qualifying business, the City may receive information about the business which is confidential and, if released, could cause harm to such business or give unfair advantage to competitors. The City is authorized to maintain the confidentiality of business records which come into its possession.

To protect businesses applying for assistance and to encourage them to make full and frank disclosure of business information relevant to their application, the City will take the following steps to insure confidentiality of the information it receives:

- 1. (1) The adoption of an Ordinance which makes such information confidential and punishes disclosure;
- 1. (2) A restriction of the number of people with access to the files which files will be maintained in the Office of the Director of Economic Development, who shall be primarily responsible for their safekeeping and any distribution of information contained therein; and
- 1. (3) Require personnel involved in the Program Review to include the Director of Economic Development, secretarial staff assisting the Director, City Manager, Citizens Advisory Committee, and Sidney City Council to sign statements of confidentiality regarding all personal and private submittals by qualified businesses.

SECTION IX. ADMINISTRATION SYSTEM FOR ECONOMIC DEVELOPMENT PROGRAM:

- A. Program Administrator:
 - (1) The Director of Economic Development will administer the Economic Development Plan and Program.
 - (2) The Economic Development Director will also serve as an Ex-Officio member of the Citizens Advisory Review Committee hereinafter established, which Committee will hold regular meetings to review the functioning and process of the Economic Development Program and advise the governing body of the City with regard to the Program.
 - (3) The Economic Development Director will review on a regular basis the progress of ongoing projects to ensure the qualifying businesses are complying with the terms of the approved project.

- (4) The Economic Development Director will advise the City Manager, Advisory Committee and Council as regards the status of ongoing projects in the Economic Development Program.

SECTION X. PROCESS TO ASSURE LAWS, REGULATIONS AND REQUIREMENTS ARE MET BY THE CITY AND QUALIFYING BUSINESSES:

The City will assure that all applicable laws, regulations and requirements are met by the City and the qualifying businesses which will receive assistance as follows:

A. Program Review:

The Ordinance establishing the Program shall provide for the creation of a Citizens Advisory Committee to:

1. (1) Review the functioning and progress of the Economic Development Program at regular meetings as set forth by Ordinance and to advise the governing body of the City with regard to the Program, and
1. (2) Report to the City Council on its findings and suggestions at a public hearing called for that purpose at least once in every six-month period after the effective date of the Ordinance.

It is recommended that professionals in the fields of accounting and banking and finance, small business owners and business professionals be included on the Citizens Review Committee. At least one member of the Committee shall have expertise or experience in business finance and accounting as a banker or accountant, at least one member of the Committee shall be a business owner. All members shall be registered voters of the City. The members shall be appointed by the Mayor and approved by the City Council and the Advisory Committee shall consist of five to ten members as determined by the City Council upon recommendation for appointment by the Program Administrator. No member shall be an elected or appointed City Official, an employee of the City, a participant in a decision-making position regarding expenditure of Program funds, an official or employee of any qualifying business receiving financial assistance under the Program, or an official or employee of any financial institution participating directly in the Program.

B. Monitor Participating Businesses:

The Economic Development Director or appointed contract loan administrator will conduct reviews on a regular basis to ensure that qualifying businesses are following the appropriate laws and regulations and meeting the terms and conditions of assistance.

C. Monitor Regulatory Changes:

The City Attorney will be responsible for keeping the City informed of relevant changes in the law that could affect the Economic Development Program and will review Agreements, Deeds, Mortgages, Deeds of Trust, Promissory Notes, personal and/or corporate guarantees and other documents relating to specific projects or the Program as a whole.

SECTION XI. PURCHASE OF REAL ESTATE OR OPTION TO PURCHASE:

If and when real estate is to be purchased or optioned by the City under the Program, it should meet the following general criteria:

- (1) Be properly zoned with no excessive easements, covenants or other encumbrances, and
- (2) Should conform and be able to be re-zoned to comply with the City's or County's Comprehensive Plan.
- (3) Can be located within the zoning jurisdiction of the city unless a variance is granted for special circumstances by the Sidney City Council for a qualifying business in the Sidney area.

The proceeds from the future sale of such land would be returned to the City's Economic Development Fund for reuse for any activities eligible in the Program or for additional land purchases.

SECTION XII. INVESTMENT OF COMMUNITY DEVELOPMENT FUND:

The City will establish a separate Economic Development Fund. All funds derived from local sources of revenue for the Economic Development Program, any earnings from the investment of such funds, any loan payments, any proceeds from the sale by the City of assets purchased by the City under its Economic Development Program or other money received by the City by reason of the Economic Development Program shall be deposited into the Economic Development Fund. No money in the Economic Development Fund shall be deposited into the General Fund of the City except as provided by statute. The City shall not transfer or remove funds from the Economic Development Fund other than for the purposes described in the Act and this Plan, and the money in the Economic Development Fund shall not be commingled with any other City funds. Any money in the Economic Development Fund not currently required or committed for the purposes of Economic Development shall be invested as provided in Section 77-2341 R.R.S. Neb. In the event the Economic Development Program is terminated, any funds remaining will be transferred as provided by statute to the General Fund of the City and will be used on an installment basis to reduce the property tax levy of the City as provided by the Act.