

**RESOLUTION NUMBER 7119**

**WHEREAS**, the City of Beatrice, Nebraska (“City”), is submitting a grant application through the 2023 Community Development Block Grant (“CDBG”) Downtown Revitalization (“DTR”) Program; and

**WHEREAS**, as part of the program, the City must adopt certain guidelines for the administration of said grant program; and

**WHEREAS**, the Mayor and City Council desire to adopt the Program Guidelines for the 2023 DTR Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

**SECTION 1.** That the 2023 DTR Program Guidelines, marked as Exhibit “A”, attached hereto and incorporated herein by this reference, be and hereby are adopted.

**SECTION 2.** That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 5<sup>th</sup> day of August, 2023.

Attest:

  
Erin Saathoff, CMC, City Clerk

  
Robert Morgan, Mayor

Exhibit "A"



**CITY HALL**

400 Ella Street | Beatrice, NE 68310  
Phone: 402.228.5200 Fax: 402.228.2312

**SERVICE CENTER**

500 North Commerce Street | Beatrice, NE 68310  
Phone: 402.228.5211 Fax: 402.223.5181

# City of Beatrice, Nebraska Downtown Revitalization

## Program Guidelines

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## **DOWNTOWN REVITALIZATION PROGRAM GUIDELINES**

### **I. Program Overview**

#### **Statement of Purpose:**

To improve downtown buildings by restoring, renovating, replacing or reconstructing above ground facades, commercial code compliance repairs, structural repairs/alterations and exterior building repairs. These improvements will be in accordance with historic preservation guidelines to achieve five (5) significant goals and are part of an overall strategy to attract consumers and new businesses, as well as to support existing businesses. These five (5) goals are:

1. Improve the economic potential of individual buildings and the Downtown area
2. Strengthen property values and reduce or eliminate vacancies in the Downtown area
3. Improve the blighted condition and appearance of buildings in the Downtown area
4. Enhance the environmental and historical quality of the Downtown area
5. Encourage pride in the Downtown area

#### **Funding Mechanism**

A Downtown Revitalization (DTR) Program is administered by the City of Beatrice and funded by the Community Development Block Grant (CDBG) Downtown Revitalization Program.

#### **Grant Details**

- Available to property owners within the designated DTR Area as identified in the 2016 Phase I DTR Study prepared Hanna:Keelan Associates, P.C.
- Eligible improvements include the rehabilitation of buildings and addressing safety and code violations
- The Beatrice City Council shall appoint a Downtown Revitalization Committee (DTR Committee)
- Application deadline will be determined by the DTR Committee. If surplus funds remain after the first application cycle, additional cycles will be determined by the DTR Committee
- Requires a minimum 25% match from each participant
- Requested amounts and designs will be reviewed by the DTR Committee
- The DTR Committee will make project funding recommendations to the Beatrice City Council, with the City Council making awards
- Work must be completed and invoices submitted prior to the contract end date which is yet to be determined

## **DOWNTOWN REVITALIZATION PROGRAM GUIDELINES**

### **II. Application Guidelines**

The purpose of this program is to assist in the creation of a cohesive, cost-effective and vibrant downtown business district and if applicable to restore, improve or create historic architectural features to facades of buildings within downtown Beatrice as identified within the 2016 Downtown Revitalization Plan.

#### **Eligible Applicants**

This program is available to property owners, business owners and tenants within the designated DTR Plan area. Attestation of U.S. Citizenship will be required if the applicant is an individual or a sole proprietor.

#### **Eligible Improvements**

Eligible improvements include structural and code compliance repairs and building facade rehabilitation. Eligible improvements include but are not limited to:

- Brick/masonry repair or restoration
- New or replacement of awnings and signs
- Exterior wall repairs, including the repair, restorative installation of decorative details and other design features
- Building mounted facade lighting
- Entryway, door and window repairs and replacements
- Miscellaneous facade improvements
- Facade code violation eradication
  - i. Repairs of building code compliance issues identified in an inspection conducted by the City of Beatrice
- Roof and gutter replacements (on a case-by-case basis)
- Americans with Disability Act (ADA) improvements
- Life Safety (fire code)
- Painting is eligible for exterior facade improvements in combination with above activities or permanent signage for restoration and historic preservation that are fixed to the structure

#### **Ineligible Improvements**

- Residential
- Interior Improvements that do not address code violations
- Roof and gutter maintenance or repairs
- Some code issues will not be covered (this is on a case-by-case basis)
- Painting as a sole activity

## DOWNTOWN REVITALIZATION PROGRAM GUIDELINES

- Sidewalks

### III. Program Guidelines

1. A minimum 25% match is required by each participant.
2. Projects shall be located in the designated downtown business district as stated in the City of Beatrice 2016 DTR Plan. A copy of the designated map is attached hereto as Exhibit A.
3. Request amounts and designs will be reviewed by the DTR Committee. The DTR Committee will make project funding recommendations for approval by the Beatrice City Council. Priorities shall be given on a first-come, first-serve basis.
4. Each application 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).
5. \$25,000 of the total awarded grant funds shall be reserved for administrative costs and \$10,000 for construction management.
6. \$400,000 shall be set aside for forgivable loans in the amount greater than \$1,000. Applicants may request additional funds exceeding \$50,000 and will be reviewed on a case-by-case basis.
7. The DTR program funds will be reimbursed to the applicant for eligible project costs and will become a five (5) year forgivable loan. This is done to ensure that the improvements will remain in place.
8. The five (5) year forgivable loan can be transferred by the property owner at the time of a sale to the purchaser if approved by the Beatrice City Council.
9. For each forgivable loan, the applicant will be required to sign a Promissory Note and the property owner will be required to sign a Deed of Trust.
10. Improvements must remain intact for a minimum period of five (5) years from the date of completion. Changes to funded improvements prior to five (5) years may trigger repayment.
11. Where practical, building facades shall be restored to historic standards. If it is deemed not practical by the DTR Committee then a similar architectural design shall be used.
12. If a building does not have a historic significant architectural design, feature or designation, an application may still be submitted.
13. No work for which funding is sought shall begin until authorized by the CDBG Administrator.
14. To qualify for funding, an application with appropriate conceptual plans and other documents must be submitted to the City Clerk at 400 Ella Street, Beatrice, NE 68310.

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15. The work proposed by the applicant requires at least two (2) bids from outside sources to verify that costs are within reasonable parameters. The DTR Committee may waive this requirement in special circumstances.
16. All projects must comply with City of Beatrice Building Codes as currently adopted by the City as well as relevant Nebraska Statutes, Rules and Regulations.
17. Contractors are required to comply with Davis-Bacon Wage Determination and E-Verify requirements. Applicants should notify contractors of this when securing bids.
18. Applicants are responsible for any architectural fees, preparing design specifications, any engineering and any other costs.
19. Attestation of U.S. Citizenship form is required if the applicant is an individual or sole proprietor.
20. Projects are subject to a Tier II environmental review and approval from the State Historic Preservation Office (SHPO) in compliance with Section 106 standards.
21. All amendments to the program guidelines shall be approved by the Beatrice City Council with prior approval or recommendation of the Nebraska Department of Economic Development.

### IV. Design Guidelines

For the benefit of the entire City of Beatrice this program encourages the improvement of facades and buildings in the downtown business district, so as to accentuate economic opportunities and the historic elements of the district through the restoration, renovation, replacement or reconstruction of facades, as defined:

**Facade** shall mean the exterior of a building exposed to public view from the building's exterior. This will typically include a visual impact with items such as awnings, windows and signage.

**Restoration** is the preferred treatment for building facades and improvements. Restoration is most applicable to buildings where there has been very little change to the building facade over time. This results in the return of the facade to its original appearance through the use of authentic materials and colors and the replication of missing or deteriorated components.

**Renovation** results in improvements which do not attempt to return the building to its original appearance. Improvements made should be sensitive to historic details and materials and should respect any original character that is remaining.

**Replacement** of facades is appropriate when the majority of the original facade is missing or has been significantly altered so as to make restoration or renovation impractical. Facade

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designs should select materials, dimensions and architectural details that are similar or compatible to surrounding buildings such as facade height, window size and spacing, materials and colors. It should be noted that in some cases the current facade alteration may be considered historic in their own right, even if the current look is not original. Projects that intend to replace any aspects of the facade or exterior structure are encouraged to consult with SHPO before application to identify potential project challenges.

**Reconstruction** takes place when the building and its features no longer exist. With reconstruction, facade designs are created through new construction to replicate, mimic, resemble or accentuate historic period details.

Interior work for residential or commercial purposes often follows a similar definition to the above. In terms of work being done inside a building, work typically allows great variation from the historical design and looks to accommodate modern needs and code.

The DTR Committee may adopt design guidelines to provide additional guidance to applicants.

**SHPO encourages applicants to contact their office before final project plans are made. Early contact with their office can help identify potential project delays and clarify what may be considered appropriate or inappropriate work for grant projects. SHPO may be reached at 402-471-3270 (Option 3 - Preservation Office) or you may also contact the City Office at 402-269-2173 for additional historic preservation assistance.**

### V. Project Design and Document Approval

1. Pre-applications will be reviewed by the DTR Committee. Those projects that the DTR Committee requires additional information about will be asked to submit sketches and a description of the intended use of the funds, which may be amended.
  - a. **Note:** Sketches and description of the planned improvements need only be conceptual but must show enough detail so the DTR Committee can make comments and recommendations.
2. The DTR Committee will conduct a preliminary review of all applications.
3. Applications receiving preliminary approval by the DTR Committee will be forwarded to the CDBG Administrator for Tier II environmental reviews.
4. If the applicant wishes to participate in the program, the applicant will arrange for preparation of construction drawings and price quotations and provide a copy for the review.

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5. The DTR Committee will review the formal application and make a recommendation to the City Council.
6. The City Council will award funding if approved.
7. The CDBG Administrator will meet with the applicant and contractors to review and complete paperwork and legal documents at a preconstruction meeting.
8. After formal approval and completion of all necessary documents, the CDBG Administrator will issue a Notice to Proceed to the applicant.
9. After receiving the Notice to Proceed, the project will begin according to approved design. Any changes must be reviewed by the DTR Committee, SHPO, undergo further Tier II environmental review and be approved by the City Council.
10. The applicant must ensure that the selected contractor is aware of Davis-Bacon Wage Requirements prior to final selection of the contractor.
11. The contractor must be E-Verified and the applicant must be registered on the System for Award Management (SAM) prior to signing the contract between the applicant and contractor.
12. The contractor must work with the CDBG Administrator and adhere to funding rules and regulations.
13. The applicant must submit invoices and corresponding canceled checks to the city.
14. At the project completion, the CDBG Administrator will conduct a final review to ensure that the project has been completed as proposed.
15. The CDBG Administrator will prepare the grant drawdown documents.
16. The City of Beatrice will distribute grant funds as a forgivable loan to the applicant upon receipt from the Nebraska Department of Economic Development.
17. The DTR Committee will review facade and building improvements annually for a period of five (5) years to ensure that the approved designs remain intact.

### **VI. Application Review Process**

All applications submitted will be sent to Southeast Nebraska Development District (SENDD), to ensure prospective projects comply with federal, state and local program guidelines. The City Attorney will confirm property ownership (verified by written confirmation from the Gage 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 confirm zoning compliance. Only applications which meet CDBG requirements and whose ownership is confirmed by the attorney will be scored by the DTR Committee as described below.

Applications which have been reviewed and scored will be referred to the City Council for award at the subsequent City Council meeting. Any additional materials requested from the

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applicant in order to determine eligibility and compliance must be provided prior to referring the project to the Beatrice City Council for award of funds. Application review and scoring will occur on a rolling basis and the Council will continue to issue awards until CDBG funds are fully allocated.

### VII. Scoring Criteria

Scoring criteria will include project eligibility, application completeness, conformance with priority improvements and non-priority improvements, and clear and complete project summary and/or drawings. Each application will be considered solely on its merits, without regard to age, color, creed, marital status, national origin, political party affiliation, race or gender of the applicant(s).

### Formal Notification of Selection and Non-Selection

In conjunction with SENDD, the City will notify applicants in writing of either approval or rejection upon determination by the City Council. After formal approval and completion of all necessary documents, the CDBG Administrator will issue a Notice to Proceed to the applicant.

### VIII. Supporting Data

#### Application Documentation Checklist

The following information shall be submitted with the application:

#### Facade:

- Provide a drawing of propose changes
- Submit two (2) detailed written estimates from contractors of your choosing
- Submit color photos of existing facade on all exposed sides
- Timeline for the proposed improvements

#### Paint (only applicable with other improvements):

- Provide samples of the colors chosen
- Indicate which color will be used as primary and which colors will be used for accents
- Indicate where each color will be used
- Submit two (2) detailed written estimates from contractors of your choosing
- Submit color photos of area to be painted on all exposed sides
- Timeline for the proposed improvements
- 

#### Windows:

- Provide details on windows to be replaced

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- Provide details on replacement windows
- Submit two (2) detailed written estimates from contractors of your choice
- Submit color photos of existing facade on all exposed sides
- Timeline for the proposed improvements

### Roof:

- Provide details on the type of roof being replaced
- Provide details on the roofing materials that will be used
- Submit two (2) detailed written estimates from contractors of your choice
- Submit color photos of roof from street level (if visible) and damaged area requiring replacement
- Timeline for the proposed improvements

### Structural/Exterior Building Repairs or Alterations:

- Provide details of the components to be repaired or replaced
- Note where these components are located
- Provide details on the condition of the existing components
- Submit two (2) detailed written estimates from contractors of your choice
- Submit color photos of the components being worked on all exposed sides
- Timeline for the proposed improvements

### All:

- Submit signed Hold Harmless Agreement
- If applying as an individual or sole proprietor, submit a signed Attestation of U.S. Citizenship
- If applying as a business owner or tenant, provide written authorization from the property owner for the improvements
- Submit a copy of City building permit, if applicable

### **Conflict of Interest**

No member of the governing body of the City of Beatrice and no other official, employee or agent of those organizations who exercises policy, decision-making functions or responsibilities in connection with the planning and implementation of this program shall:

- Be directly or indirectly eligible for this Program;
- Accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreement;
- Obtain a financial interest or benefit from a Program activity; or

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- Have an interest in any contract, subcontractor agreement for themselves or for persons with business or family ties.

### Grievance Procedure

Any Applicant may request a hearing before the Downtown Revitalization Committee to appeal the committee's decision regarding the denial of their application or the amount of grant funding that was awarded to the Applicant. Requests for a hearing shall be filed within five (5) calendar days of the City Council's decision on awarding the grant funding for the Downtown Revitalization Grant. Said hearing request shall be filed in writing to the City Clerk. The Downtown Revitalization Committee shall hold the hearing within fourteen (14) business days after. The Downtown Revitalization Committee shall render a decision on the hearing within five (5) business days of the hearing. If the Applicant is not satisfied with the decision from the Downtown Revitalization Committee, then the Applicant may appeal to the City Council. Requests for an appeal shall be filed within five (5) calendar days of the Downtown Revitalization Committee's decision. Said appeal request shall be filed in writing and addressed to the City Clerk. The City Council shall hear the appeal within thirty (30) business days after. The City Council shall render a decision on the appeal within five (5) business days of the appeal hearing.

### Compliance Policies

The applicant shall be required to sign a Certification of Assurances, a sample of which is attached (**Appendix D**) to comply with the requirements of this plan and (as applicable) shall comply with:

1. The Civil Rights Act of 1964 (PL 88-352) and Title VII of the Civil Rights Act of 1968 (PO 90-284);
2. Housing and Community Development Act of 1974, as amended;
3. Age Discrimination Act of 1975;
4. Section 504 of the Rehabilitation Act of 1973;
5. 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;
6. Fair Labor Standards Act of 1938, as amended, (29 U.S.C., 102 et, seq);
7. Preservation of Historical and Archaeological Data Act of 1974 (PL, 93-291);
8. National Historic Preservation Act of 1966, Section 106 (PL 89-665);
9. National Environmental Policy Act of 1969;
10. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1979, Title II and Title III;

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11. Nebraska Community Development Law, Section 18-2101 to 18-2144, Revised Statutes of Nebraska, 1943

The City and the CDBG Administrator, Southeast Nebraska Development District (SENDD), shall comply with the following requirements (as applicable):

1. U.S. Office of Management and Budget Circular A-87, "Cost Principles for State and Local Governments";
2. U.S. Office of Management and Budget Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to States and Local Governments";
3. Acquisition of Property for Publicly Financed Projects, Sections 76-1201 to 76-1213, Nebraska Statutes Revised, 1943, as amended;
4. Community Development Law, Sections 18-2101 to 18-2144, Nebraska Statutes Revised, 1943, as amended;
5. Public Meetings Law, Sections 18-1401 to 18-1407, Nebraska Statutes Revised, 1943, as amended;
6. The Hatch Act of 1938, as amended;
7. Certification of Assurances (**Appendix D**); and

It is expressly understood that all applicable local, state and federal laws, rules, regulations and any other requirements applicable to this Downtown Revitalization Program are hereby incorporated by reference and hereinafter apply to all applicable parties to the extent provided by law.

## DOWNTOWN REVITALIZATION PROGRAM GUIDELINES

### IX. Abbreviations and Definitions of Terms

**CDBG** – Community Development Block Grant – A federal program that provides funding for community and economic development projects to encourage additional federal, state and private resources. Communities receiving CDBG funds use those grants to provide safe and sanitary housing, a suitable living environment and expanded economic opportunities. The Nebraska Department of Economic Development (DED) administers the CDBG program for most of the state. Due to population size, some cities in Nebraska are the administrators of the CDBG program in their communities. DED receives federal funds for CDBG from the U.S. Department of Housing and Urban Development (HUD) on an annual basis. Communities can apply to use those funds for the planning and construction of projects that:

- Benefit low- and moderate-income persons
- Prevent or eliminate slum and blight conditions
- Solve catastrophic health and safety threats

**Davis-Bacon Wage Determination** – A wage determination is the listing of wage rates and fringe benefit rates for each classification of laborers and mechanics which the Administrator of the Wage and Hour Division of the U.S. Department of Labor has determined to be prevailing in a given area for a particular type of construction (e.g., building, heavy, highway or residential). The Wage and Hour Division issues two types of wage determinations: general determinations, also known as area determinations and project determinations. The term wage determination is defined as including not only the original decision but any subsequent decisions modifying, superseding, correcting or otherwise changing the rates and scope of the original decision.

In accordance with the provisions of 29 CFR Part 1 and Part 5, the wage rates and fringe benefits in the applicable Davis-Bacon wage determination shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

**DED** – Department of Economic Development – is the U.S. State of Nebraska agency responsible for economic development in the state. Created by the Nebraska State Legislature in 1967, the department's emphasis is growing and diversifying the state's economic base by fostering new investment and commercial spending throughout the state.

**DTR** – Downtown Revitalization

**E-Verify** – E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information

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provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS).

E-Verify is a voluntary program. However, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to enroll in E-Verify as a condition of federal contracting. Employers may also be required to participate in E-Verify if their states have legislation mandating the use of E-Verify, such as a condition of business licensing. Finally, in some instances employers may be required to participate in E-Verify as a result of a legal ruling.

E-Verify, which is available in all 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands and Commonwealth of Northern Mariana Islands, is currently the best means available to electronically confirm employment eligibility.

**Facade** – shall mean the exterior wall of a building exposed to public view from the building’s exterior. This will typically include a visual impact with items such as awnings, windows and signage.

**Restoration** – is the preferred treatment for building facades and improvements. Restoration is most applicable to buildings where there has been very little change to the building over time. This results in the return of the building to its original appearance through the use of authentic materials and replication of missing or deteriorated components.

**Replacement** – appropriate improvements when the majority of the original façade or building is missing or has been significantly altered so as to make restoration or renovation impractical. Designs should select materials, dimensions and architectural details that are similar or compatible to surrounding buildings such as height, size and spacing, materials and colors.

**SAM** – System for Award Management – the System for Award Management (SAM) is an official website of the U.S. government. There is no cost to use SAM. You can use this site at not cost to:

- Register to do business with the U.S. government
- Update or renew your entity registration
- Check status of an entity registration
- Search for entity registration and exclusion records

**SEND** – Southeast Nebraska Development District – is a voluntary association of counties and municipalities formed under the Nebraska Interlocal Cooperation Act to identify common

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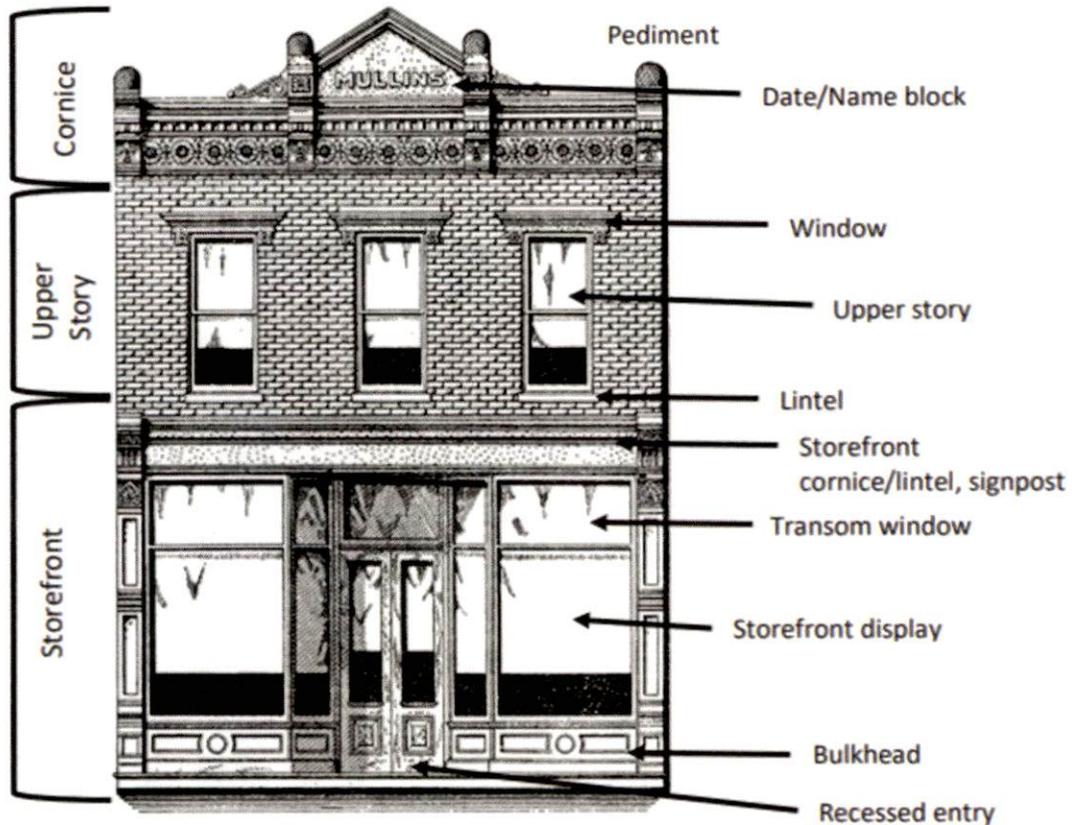
problems, their solutions and to provide continuing support for efficient and effective government among its members. Website: [www.sendd.org](http://www.sendd.org)

SEND D Membership includes the Counties (and their participating communities) of: Butler, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Polk, Saline, Saunders, Seward, Richardson, Thayer, and York.

**SHPO** – State Historic Preservation Office

**Tier II Environmental Review** – is the examination of a project relative to the National Environmental Policy Act of 1969 (NEPA) and its related laws. NEPA was established to ensure environmental protection for government funded projects.

X. Commercial Building Design Features and Definitions



**Bulkhead** – Located between sidewalk and storefront window, the bulkhead raises the display area for better viewing and provides a base that can withstand pedestrian traffic for the storefront windows. Bulkheads were often constructed of wood. Because bulkheads are vulnerable to weather and damage, many have been replaced with more durable materials like tile, stone and brick.

**Cornice** – The cornice tops the main facade of a building. This feature is typically made of decorative formed metal or patterns of brick, sometimes terra cotta or stone in larger commercial buildings in urban areas.

**Date/Name Block** – The date block and sometimes a name block can be found within the design of the cornice or below the cornice on the upper part of the facade. It contains the date the building was built and/or name of the original building owner(s).

**Facade** – The main or front exterior face(s) of a building.

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**Lintel** – Horizontal piece located at the bottom of a window, door or other opening.

**Sign Panel** – Located above the storefront, this space for signage was traditionally defined with a brick frame.

**Storefront Cornice/Lintel** – Not as elaborate as the cornice atop the building, it's used to cap the top of the storefront opening. Also serves as a structural element carrying the weight of the upper facade wall.

**Storefront Display Windows** – Originally used to bring natural light into the building, they provide an excellent opportunity for product and merchandise displays.

**Transom Windows** – Window area directly above display windows. Filter light back into narrow traditional commercial buildings, illuminating the interior.

**Window Hood/Lintel** – Decorative piece located at the top of a window, door or other opening.