

**CITY OF SCOTTSBLUFF**  
**Scottsbluff City Hall Council Chambers**  
**2525 Circle Drive, Scottsbluff, NE 69361**  
**CITY COUNCIL AGENDA**

**Special Meeting**  
**September 27, 2019**  
**8:00 AM**

1. Roll Call
2. Pledge of Allegiance.
3. **For public information, a copy of the Nebraska Open Meetings Act is available for review.**
4. No other business shall be transacted at the special meeting unless all Councilmembers are present to consent and the City Council declares the existence of an emergency.
5. Public Hearings:
  - a) Council to conduct a public hearing for this date at 8:00 a.m.to consider and take action on an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$750,000 for Owner Occupied Housing Rehabilitation.
6. Resolutions & Ordinances
  - a) Council to consider and take action on a Resolution which would authorize the Mayor to sign an application for Community Development Block Grant Funds for Owner Occupied Housing Rehabilitation.
7. Adjournment.

# **City of Scottsbluff, Nebraska**

**Friday, September 27, 2019**

**Special Meeting**

## **Item 1**

**Council to conduct a public hearing for this date at 8:00 a.m.to consider and take action on an application to the Nebraska Department of Economic Development for a Community Development Block Grant in the amount of \$750,000 for Owner Occupied Housing Rehabilitation.**

**Staff Contact: City Council**

City of Scottsbluff  
Owner Occupied Rehabilitation  
Housing Program Application

PREPARED BY

Panhandle Area Development District

FOR

THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Project Name: Owner Occupied Rehab Scottsbluff, NE

City of Scottsbluff, Nebraska  
Owner Occupied Rehab Application  
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\*See *Section 5.02* and *5.03* of the Application Guidelines and Chapter 9 for additional information.

# Owner Occupied Rehabilitation (HO) Application

Community Development Block Grant (CDBG)

Nebraska Department of Economic Development (DED)

## PART I. GENERAL INFORMATION

TYPE OR PRINT ALL INFORMATION

2019

### DED USE ONLY

Application No.

19-HO-

Date Received

#### 1. APPLICANT IDENTIFICATION

Applicant Name City of Scottsbluff  
Mailing Address 2525 Circle Drive  
City, State, ZIP Scottsbluff, NE, 69361  
Local Contact Starr Lehl  
Telephone 308-632-4136  
Fax Number 308-630-6294  
Federal ID # 47-6006350  
DUNS # 040601601  
Email Address slehl@Scottsbluff.org  
SAM Expiration Date 07/08/2020

#### 2. PERSON PREPARING APPLICATION

Name Bryan Venable  
Address 1620 Broadway Suite A  
City, State, ZIP Scottsbluff, NE, 69361  
Telephone # 308-436-684  
Federal ID # 47-0545622  
Email Address bryanv@nepadd.com

Application Preparer (Check One)

☐ Local Staff ☐ Non-Profit  
☐ Consultant ☒ Economic Development District

#### 3. ACTIVITY TYPE

☒ Owner Occupied Rehabilitation

#### 5. APPLICATION TYPE

☐ Individual (City or Village Only)

#### 6. SERVICE AREA

City Scottsbluff County Scotts Bluff

Legislative District 48 Congressional District 3

#### 4. FUNDING SOURCE

CDBG Funds Requested \$ 750,000.00  
Matching Funds \$ 0  
Total Funds \$ 750,000.00

(Round amounts to the nearest dollar.)

#### 7. PROJECT NAME AND LOCATION

Owner Occupied Rehab Scottsbluff, NE

#### 8. USE SUMMARY: Brief description of the project for which CDBG funds are requested (including # of units proposed).

☒ Project Description attached.

Owner Occupied Rehabilitation with in the City Limits of Scottsbluff, NE on at least 26 Owner Occupied units.

#### 9. CERTIFYING OFFICIAL: Chief elected officer of local government requesting CDBG funds.

To the best of my knowledge and belief, data, and information in this application are true and correct, including any commitment of local or other resources. This application has been duly authorized by the governing body of the applicant following an official public hearing. This applicant will comply with all federal and state requirements governing the use of CDBG funds.

Signature in Blue Ink	Raymond Gonzales Mayor Typed Name and Title	Date Signed
Attest	Kimberley Wright City Clerk Typed Name and Title	Date Signed

Individuals who are hearing and/or speech impaired and have a TTY, may contact the Department through the Statewide Relay System by calling (711) INSTATE (800) 833-7352 (TTY) or (800) 833-0920 (voice). The relay operator should be asked to call DED at (800) 426-6505 or (402) 471-3111. Additional information is at the Nebraska Relay website at <http://www.nebraskarelay.com/>. Nebraska Relay offers Spanish relay service for our Spanish-speaking customers. Spanish-to-Spanish (711) or 1-888-272-5528/Spanish-to-English (711) or 1-877-564-3503. Nebraska le ofrece el servicio de relevo a nuestros clientes en español. Los consumidores de TTY pueden escribir por maquina en español y las conversaciones seran retransmitidas en español y ingles.

City Of Scottsbluff, Nebraska

Owner Occupied Rehab

Funding Summary

Activity Code-Activity	Nat'l Objective *	Proposed Unit Type **	CDBG Funds	Matching Funds <sup>2</sup>	Total Funds	Sources of Matching Funds
0523 Relocation <sup>1</sup>	LMH	HO Unit				
0530 SF Housing Rehabilitation	LMH	HO Unit	750,000	0	750,000	
<b>SUBTOTAL PROJECT COSTS</b>			<b>641000</b>	<b>0</b>	<b>641000</b>	
0580 Housing Management <sup>3</sup>	LMH		50000		50000	
0580a Housing Mgmt: LBP Test & Risk Assessments/Clearance <sup>4</sup>	LMH		39000		39000	
<b>SUBTOTAL SUPPORTING PROJECT COSTS</b>			<b>730000</b>		<b>730000</b>	
<b>0181 GENERAL ADMINISTRATION<sup>5</sup></b>			<b>20000</b>		<b>20000</b>	
<b>1000 TOTAL AMOUNT</b>			<b>750000</b>		<b>750000</b>	

\*For each activity enter the most appropriate National Objective Code and complete the summary information below. The CDBG National Objectives include LMH (Benefit Low- and Moderate-Income Households).

\*\*Proposed Units of Accomplishment types include: People, Public Facilities, Housing Units, and Businesses. List the most appropriate proposed primary beneficiary group. Identify the most appropriate proposed type of primary beneficiary group in the table and list the proposed number of beneficiaries below.

#### NATIONAL OBJECTIVE SUMMARY INFORMATION

INSTRUCTIONS: Check all that apply and provide requested summary information.

x **LMH:** Benefit Low/Moderate Income Households.  
Number of LMI Households: 26.

Enter the dollar amount of CDBG funds requested for each activity. Enter the amount of other funds **that you are committing** to each activity and identify the source. Be sure to distinguish cost among the proper activities. You would include costs for environmental review, fair housing activities, record keeping, progress reports, general office expenses, contractual services for administration, and audits under code 0181 General Administration. **Utilize the OOR Budget Calculator for determining funding amounts based on the number of units within the project and the recommended maximums. Include the OOR Budget Calculator in the application after this Part II.**

<b>Part II Budget Calculator for CDBG OOR Projects</b>	
Number of Units (Enter # in Project)	26
<b>Estimated \$ Amount for Rehab</b>	<b>\$25,000</b>
Total amount of CDBG funds for rehab [530]	\$650,000
Lead Based Paint \$1,500 per unit [580a]	\$39,000
Other Activity (i.e. demolition) [enter the amount]	
<b>Subtotal</b>	<b>\$689,000</b>
<b>Total Estimated Request</b>	<b>\$689,000</b>
Housing Management maximum 12% of Total CDBG project costs [580]	\$50,000
General Administration maximum 8% of Total CDBG project costs [181]	\$20,000
<b>Final Part II Budget</b>	
0530 Rehabilitation	\$641,000
0580(a) LBP Testing	\$39,000
0#### [Other Activity]	\$0
0580 Housing Management (enter maximum noted above)	\$50,000
0181 General Administration (enter maximum noted above)	\$20,000
<b>Total Budget Request</b>	<b>\$750,000</b>

**City of Scottsbluff Owner Occupied Rehab Budget**

Activity Code	Description	Quantity	Total Cost
<b>(0530) Owner Occupied Housing Rehab</b>	<b>Program Cost</b> Construction Costs	26 homes @ \$ 24,653.85	\$641,000
<b>(0580) Housing Administration</b>	<b>Administration Costs</b> Verification of Contractor qualifications/recruitment Legal Fillings Application Review & Verification Housing Inspection Bid Package Development Contract Signing Legal Fees Rehab Inspections Final Inspections Program Marketing Other approved activities as needed	26 homes @ 1923.08	\$50,000
<b>(0580a) Paint Testing, Risk Assessments, Clearance Testing provided by private Contractor</b>	Risk Assessments Paint Tests Prepare Reports for Homeowner Final Clearance Test	26 homes @ 1500.00	\$39,000
<b>(0181) General Administration</b>	Fair Housing Activities Financial Audit Drawdowns Prepare and Submit Reports Environmental review Close Out Activities Other approved activities as needed		\$20,000
<b>Total</b>			<b>\$750,000</b>

Budget Notes:



Budget prepared by Bryan Venable Panhandle Area Development District Email [bryanv@nepadd.com](mailto:bryanv@nepadd.com) (308)-436-6584. Construction cost are difficult to estimate at this point having not done walk thru on the properties that would be renovated. It is my belief that some of the properties will have rehab cost that approach the \$25,000 limit while others will be far less. I chose to budget for the high end to allow that adequate funding is available to complete the projects that are selected. We are budgeting housing administration cost at 6.66% of the total CDBG project cost. We budgeted the lead testing at \$1500 per unit due to the fact that we do not currently have an approved testing contractor in town. If we are able to schedule multiple units to have testing on the same day, we will be able to reduce the cost per unit by reducing travel cost. Also, we do have an organization in town going through the training to do the testing. If they would become certified, and the city would procure their services this could have the potential to reduce this cost. However, at this point we felt that it was necessary to budget at \$1500 per-unit to make sure the cost are covered.

## Project Description

### Scottsbluff, NE Owner Occupied Rehab

This Owner Occupied Housing Rehabilitation project will be conducted within the city limits of the City of Scottsbluff, Nebraska located in Scotts Bluff County.

The proposed project is to rehab a minimum of 26 homes to DED rehab standards in the City of Scottsbluff. The City of Scottsbluff has agreed to submit an application in the amount of \$750,000 for Owner Occupied Housing Rehabilitation.

A Regional Housing Study completed in 2016 found that there were 839 homes in Scottsbluff County that were classified to be in "poor" condition. It also identified that a large percentage of the population, an estimated 32.2 percent, were cost burdened paying in excess of 30 percent of their income for housing. As part of the plan to meet the city's housing needs it was found that at least 105 homes in the City of Scottsbluff needed to be rehabbed before 2021 to meet the needs of the low to moderate income households.

As I reflected, a large majority of the housing stock in the City of Scottsbluff is old and in need of some type of improvement. In the city of Scottsbluff, a total of 56.49% of the population is considered low to moderate income. The problem of housing improvements is more critical in the low to moderate income population of the City of Scottsbluff. This population sometimes does not have the means to make even small repairs. These small repairs which could be taken care of without a lot of money become large much needed repairs due to the lack of attention.

The City of Scottsbluff Owner Occupied Rehab program is designed to provide income qualified homeowners with 5 year forgivable loans in which to renovate their homes. These loans will be secured with liens, and will be repayable if the resident does not continue to reside in the residence for 5 years following the renovation. Renovations may include such activities as replacing furnaces, windows, siding, new roofs, electrical upgrades, insulation, handicap accessibility, and more.

The mission of the program is to assist homeowners with specified repairs in order to make their homes safe, sanitary, and affordable. Homeowners must meet program requirements which include living in the home and being income eligible. They will need to be current on their insurance, mortgage payment, and property taxes. There will be a maximum limit of \$25,000 to be used for eligible repairs.

The Owner Occupied Rehab program will allow low to moderate income households to repair their homes before they become severely deteriorated and not economically viable for rehab. The need for affordable housing in the City of Scottsbluff is huge and the Owner Occupied Rehab program will provide an option to upgrade some of the current housing stock in the community.

Due to the declining sales tax revenues and the fact that the local agriculture community in the region have faced an extremely difficult year, it is projected the city revenues will continue to be strained and budgets will be very tight. It is for this reason that the City of Scottsbluff will not be contributing matching dollars to this program.

## Need/Impact

### Scottsbluff, NE Owner Occupied Rehab

The City of Scottsbluff has been taking a serious look at the housing situation in Scottsbluff, as well as the region, for several years. Scottsbluff being a regional hub draws workers and consumers from throughout the region. This was a key reason why Scottsbluff took a roll with the formation of Western Nebraska Economic Development (WNED) to start addressing some of the economic and housing issues in the region. WNED sponsored a housing study in 2016 and has been looking at ways to implement some of the strategies identified. In the study, they identified that there was a need to rehab 105 homes in the community by 2021 to benefit the low to moderate Income population in the community.

In the last six weeks, we have received 35 pre-applications that have been verified as homeowners and have indicated that their household incomes fall within the limits to qualify for assistance. The number of applications that we have received in such a short period with limited promotion certainly shows the need and interest for this type of program.

Scottsbluff's existing housing stock is rapidly aging with over 75% of the homes being at least 40 years old. As part of housing study completed in 2016 for WNED by Hanna: Keelan Associates, P.C., the condition of housing was described as: "A **Housing Structural Condition Survey** was conducted with information provided by the Scotts Bluff County Assessor's Office, to determine the number of structures showing evidence of minor or major deterioration or being dilapidated. Only 8.6percent of the total County housing stock was rated as "Very Good" or "Good". A total of 839 structures were rated as being in "Poor" and an additional 120 structures were rated as "Worn Out," or not cost effective to be rehabilitated and should be demolished." We would identify at a minimum the 839 structures being rated as being in "poor" condition as potential candidates for rehabilitation.

The proposed Owner Occupied Housing project will directly benefit low to moderate income households that fall within the income eligibility guidelines for the project. These households cover a wide range of demographic profiles from the elderly home owner living on a fixed income who has been unable to maintain the upkeep of their home to the young family with children working low paying jobs who are simply unable to afford some of the repairs needed on their homes. It will also benefit some of our handicapped population by being able to address some of the barriers within their homes that affect their quality of life.

Scottsbluff has a large percentage of low paying jobs in the community with a median household income being \$43,781, as well as, 11.5% of families in the community are living below the poverty level. The primary jobs that are available to people in the target population include food service, retail, agriculture, general labor positions, and other service industry jobs.

The City of Scottsbluff will measure the success of the Owner Occupied Rehab project by how will it improve the quality of lives. We will also track how the rehabs serve as a catalyst that prompts other renovations in the neighborhood. This will ultimately improve property values and make some of the more distressed neighborhoods more appealing to new workforce that we are trying to attract to the community.

Community Demographics	Scottsbluff, Nebraska	
	Estimate	Percent
1. Total Population	17999	100
<b>Housing Occupancy</b>		
2. Total Housing Units	7850	100
3. Occupied Housing Units	6943	88.4
4. Vacant Housing Units	907	11.6
<b>Housing Tenure</b>		
5. Owner Occupied Housing Units	4418	63.6
6. Renter Occupied Housing Units	2525	36.4
<b>Year Structure Built</b>		
7. Units Built 1980 or later	6567	83.6
8. Units Built 1940 to 1979	4311	54.9
9. Units Built 1939 or earlier	1702	21.6
<b>Selected Monthly Owner Costs as a Percentage of Household Income</b>		
10. 30.0 percent or more	881	36.3
<b>Gross Rent as a Percentage of Household Income (GRPI)</b>		
11. 30.0 percent or more	1140	48.9

## Collaboration

### Scottsbluff, NE Owner Occupied Rehab

The City of Scottsbluff has a strong code enforcement program with experienced staff to enforce the building codes within the City of Scottsbluff. This staff also has a strong relationship with the contractors working in the community. Scottsbluff has also implemented a contractor registration program that helps the city to know the contractors that are working in the community, who their insurance coverage is through, and their contact information. This will help the homeowner if there are any issues; then the city can provide the affected citizen this information to help them try to resolve their issue.

The City of Scottsbluff also has a representative that sits on the board of the Panhandle Area Development District that will be administering this program for the city. The Panhandle Area Development District has a relationship with lead testing providers that would allow us help the City of Scottsbluff with the procurement process. Mr. Venable, the Deputy Director of the Panhandle Area Development District, who will help administer the Owner Occupied Rehab program also has over 15 years experience in the construction industry in Scottsbluff. He has served as a project manager and then later as a store manager for a local home center in Scottsbluff. The Panhandle Public Health District is also in the process of getting some staff certified to do lead testing which would provide another potential contractor to make sure that program goals can be achieved in an efficient and timely manner. One of the other key aspects of the program would be the carry over affect. As people get help with their homes and improve the quality of their property it will encourage their neighbors to improve their properties as well. This will result in the trickledown effect of improving the quality of neighborhoods and making them more appealing to people looking to relocate into the community.

The public has been involved over the last several years in helping to identify housing as a priority for the City of Scottsbluff. During the housing study completed in 2016, 140 households in the City of Scottsbluff returned surveys that helped identify the housing needs. One of the outcomes from the housing study was that there are 250 homes in the City of Scottsbluff that are in need of moderate rehab by 2021 to meet the needs of our citizens. Within the past 6 weeks, the City of Scottsbluff has accepted pre-applications to gauge the demand and need for an Owner Occupied Rehab Program in the Community. During that time, we have received 35 applications that have been verified as homeowners and indicated their household income is equal to or less than the 80% of the AMI level required to be eligible for the program. Based on the pre-applications and the needs that were identified we would estimate that 27 of the applicants would be financially feasible under the guidelines of this program by needing what we would consider to be minor to moderate renovations or energy efficiency upgrades.

## Readiness/Capacity

### Scottsbluff, NE Owner Occupied Rehab Program

The City of Scottsbluff issued a press release in mid-July 2019 to our local media partners to promote that they would be pursuing a CDBG grant to help qualified homeowners with Owner Occupied Rehab. To determine interest in the project we began accepting pre-applications. Since that time we have received 35 applications that we have verified through the county tax accessor as being homeowners. All of these applicants have also indicated that based on their household size they meet the income requirements of equal to or less than the 80% AMI level required to be eligible for this program. Based on the pre-applications and the needs that were identified we would estimate that 27 of the applicants would be financially feasible under the guidelines of the program by needing what we would consider to be minor to moderate renovations or energy efficiency upgrades.

Nuisance abatement in the City of Scottsbluff is covered under Ordinance No. 3452 Section 1. Chapter 12 of the Municipal Code of the City of Scottsbluff. An ordinance dealing with nuisances, defining terms, describing nuisances and providing abatement procedures and penalties. A copy to the Nuisance policy appears in Attachment 4 on page 45 of this application.

The City of Scottsbluff in collaboration with the Panhandle Area Development District worked together to develop an implementation schedule achievable for the Panhandle Area Development District who will be providing project management, CDBG administration, as well as General Administration for the for the project. The schedule was created with the understanding that multiple residences will be renovated simultaneously consideration was also given to the fact that the scope of work for each home will be different therefore the time frame for each home will vary as well.

<b>Project Implementation Schedule City of Scottsbluff Owner Occupied Rehabilitation program</b>	
<b>Activity</b>	<b>Estimated Completion Date</b>
CDBG Grant Due Date	September 30, 2019
CDBG Award	December 2019
Release of funds	February 2020
Begin Application Review and verification and create scope of work write-ups for pre- qualified projects	February 2020
Allow homeowners to begin getting bids on their projects and final approvals for qualified	March 2020
Begin first home	April, 2020
Finish last home	November 1, 2021
Final Report	December 1, 2021

The key players who will be involved in the project include the City of Scottsbluff Economic Development Director who will serve as the city contact person for public inquiries about the about the project. The City of Scottsbluff Housing Inspectors who will be involved in issuing building permits where required and any necessary inspections to verify that the cities building codes are being adhered to. Mr. Venable with the Panhandle Area Development District who will be responsible for the day to day activities of the program serving as a primary contact for program applicants, doing home inspections to create the scope of work for the Rehab projects, present projects the to the Rehabilitation Committee for approvals throughout the process as well as keep them updated on the progress of projects, approving change orders where appropriate and doing final inspections and homeowner closeout interviews to insure that work that was outlined in the scope of work was completed and that the homeowners are satisfied with the process. The City of Scottsbluff CRA who will serve as the Housing Rehabilitation Committee to approve projects and project changes. The Scottsbluff City County along with the DED who will be responsible for approving any changes to the project guidelines. A third party contractor who will be procured by the city of Scottsbluff to do lead testing activities. CDBG grant administration will be covered by the two CDBG grant administrators on the Panhandle Area Development Districts Staff, Jeff Kelley and Megan Koppenhafer. CDBG administrator will oversee the all activities of the program to assure that they comply with program requirements, they will also be responsible project reporting and drawdown activities.

There have not been any changes to the information provided in the pre-application as the city of Scottsbluff does not currently have any funded DED housing projects. There are also no non-DED funded housing projects currently in the City of Scottsbluff.

The City of Scottsbluff Owner Occupied Rehab program will provide no interest forgivable loans to income qualified homeowners, who live within the City Limits of the City of Scottsbluff, to at minimum bring their homes up to the minimum standards as defined by DED housing rehabilitation guidelines, and within the cost limits of the program which is limited to \$25,000 per residence. Complete details of the program are fully outlined in exhibit P of this application.

Housing has been identified as part of the City of Scottsbluff Comprehensive Plan that was most recently updated in February of 2016. Since that time a Housing Study was completed in October of 2016. The City was a member of a regional group that made an application for rural workforce housing as part of the LB 518 program in 2017, and has since been exploring other opportunities to address our housing needs. This is the reason that we are applying for Owner Occupied Rehab as we see it as an opportunity to improve our existing housing stock.

Match

Scottsbluff, NE Owner Occupied Rehab

Due to the declining sales tax revenues and the fact the local agriculture community in the region have faced an extremely difficult year it is projected the city revenues will continue to be strained and budgets will be very tight. It is for this reason that the City of Scottsbluff will not be contributing matching dollars to this program.

MEF

Scottsbluff, NE Owner Occupied Rehab

No Narrative included for this section.

Achievements

Scottsbluff, NE Owner Occupied Rehab

The City of Scottsbluff is an Economic Development Certified Community in the State of Nebraska.



## **NOTICE OF PUBLIC HEARING ON APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

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NOTICE IS HEREBY GIVEN that on September 27<sup>th</sup> 2019 in the City Hall the City of Scottsbluff will hold a public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant. This grant is available to local governments for community/ economic development activities.

The City of Scottsbluff is requesting \$750,000.00 for Owner Occupied Rehab within the city limits of the City of Scottsbluff, NE \$641,000 funds for rehab, \$39,000 for lead based paint testing, \$50,000 for housing management, and \$20,000 for general administration. All projects will be done to benefit LMI households within the city limits of Scottsbluff, NE and there is no plan to displace any individuals as a result of the Owner Occupied Rehab program.

The grant application will be available for public inspection at City Hall 2525 Circle Drive Scottsbluff, NE 69361. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written and oral testimony will also be accepted at the public hearing scheduled for 8 am, September 27<sup>th</sup> 2019, in City Hall at 2525 Circle Drive Scottsbluff, NE 69361. Written comments addressed to Starr Lehl at Scottsbluff City Hall 2525 Circle Drive Scottsbluff, NE 69361 will be accepted if received on or before noon September 30<sup>th</sup> 2019.

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, please contact Starr Lehl at Scottsbluff City Hall 2525 Circle Drive Scottsbluff, NE 69361 or at 308-632-4136 no later than September 23, 2019. Accommodations will be made for persons with disabilities and non-English speaking individuals provided that 3 day notice is received by the City of Scottsbluff.

## RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of Scottsbluff, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City Of Scottsbluff, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$750,000.00 for Owner Occupied housing rehab within the city limits of Scottsbluff, NE to benefit LMI households; and,

NOW, THEREFORE, BE IT RESOLVED BY

City Council of City of Scottsbluff, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Scottsbluff and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

---

Signed     Raymond Gonzales

---

Title       Mayor

---

Date       09/27/2019

## **APPLICANT'S STATEMENT OF ASSURANCES AND CERTIFICATIONS**

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The City Of Scottsbluff (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development regarding an application for Community Development Block Grant (CDBG) funds, the following:

### **THRESHOLD CERTIFICATIONS**

1. There are no significant unresolved audit findings relating to any prior grant award from the federal and/or state government that would adversely affect the administration of this grant.
2. No legal actions are underway or being contemplated that would significantly impact the Applicant's capacity to effectively administer the program, and to fulfill the CDBG program; and
3. No project costs have been incurred that have not been approved in writing by the Department.

### **FEDERAL COMPLIANCE CERTIFICATIONS**

4. It will adopt and follow a residential anti-displacement and relocation assistance plan that will minimize displacement as a result of activities assisted with CDBG funds.
5. It will conduct and administer its programs in conformance with:
  - a. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and the regulations issued pursuant thereto (24 CFR Part 1).
  - b. Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.
  - c. The Fair Housing Act of 1988 (42 USC 3601-20) and will affirmatively further fair housing.
6. It will not attempt to recover any capital costs of public improvements assisted in whole or part by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (1) grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than grant funds, or (2) for purposes of assessing any amount against properties owned and occupied by persons of LMI who are not persons of very-low income, the recipient certifies to the state that it lacks sufficient grant funds to comply with the requirements of clause (1).
7. It will comply with all provisions of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

### **CITIZEN PARTICIPATION PLAN CERTIFICATION**

8. It certifies that a detailed citizen participation plan is on file which includes:
  - a. Providing and encouraging citizen participation with particular emphasis on participation by lower income persons who are residents of slum and blight areas in which funds are proposed to be used to include target areas as identified in the application.
  - b. Providing citizens with reasonable and timely access to local meetings, information, and records relating to the Applicant's proposed and actual use of CDBG funds.
  - c. Furnishing citizens with information, including but not limited to, the amount of CDBG funds expected to be made available for the current fiscal year, including CDBG funds and anticipated program income; the range of activities that may be undertaken with CDBG funds; the estimated amount of CDBG funds to be used for activities that will meet national objective of benefit to low- and moderate-income people, and the proposed CDBG activities likely to result in displacement and the grantee's anti-displacement and relocation plans.
  - d. Providing technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals. The level and type of assistance is to be identified within the plan.
  - e. Providing for public hearings at different stages of the program, for the purpose of obtaining citizen's views and responding to proposals and questions. The hearings must cover community development and housing needs, development of proposed activities and review of program performance. The hearing to cover community development needs must be held before submission of an application to the state. The hearing on program performance must be held during the implementation of the CDBG awarded grant. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings are to be conducted

in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can be expected to participate.

- f. Providing citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in the application to the state and for grants already made, activities that are added to, deleted or substantially changed from the application to the state. Substantially changed is defined in terms of purpose, scope, location or beneficiaries defined by the state established criteria.
- g. Providing citizens the address, phone number and acceptable hours for submitting complaints and grievances and providing timely written responses to written complaints and grievances within 15 working days where practicable.

#### **SPECIAL REQUIREMENTS AND ASSURANCES.**

- 9. The Applicant will comply with the administrative requirements of the 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 AmendedPublic 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 referenced as 2 CFR Part 200 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.)

Applicant hereby certifies that it will comply with the above stated assurances.

Signed \_\_\_\_\_

Subscribed in my presence and sworn to before me.

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public (Not required if on letterhead)

May 2017 Revised

# EXHIBIT C-2

## Citizen Participation Plan

City of Scottsbluff, Nebraska

### A. Participation by Citizens

All citizens, including low- and moderate-income citizens, shall be requested and encouraged to participate in the assessment of community issues, problems and needs; the identification of potential solutions; and priority to such issues, problems and needs, as follows:

1. All citizens shall be periodically requested to complete a community needs survey to identify community and neighborhood issues, problems and needs.
2. All citizens shall be notified by publication and posting of all meetings to discuss the identified needs, potential solutions and solution priorities.
3. All citizens, particularly low and moderate-income citizens, shall be afforded the opportunity to serve on various community improvement task forces established by the City of Scottsbluff.

### B. Access to Meetings, Information and Records

Notice of public meetings conducted by the City of Scottsbluff shall be published or posted within a reasonable number of days prior to such meetings.

Agendas of all such meetings shall be available at the City Hall for public inspection.

All meetings where CDBG projects or applications are to be discussed shall be published or posted for 10 days prior to such meetings and all information and records concerning such CDBG projects or applications shall be available for public inspection at the City Hall.

All meetings will be held at a time and Location convenient to potential or actual beneficiaries which will be accessible to all citizens. The building and site will also be accessible to persons with disabilities.

### C. Specific CDBG Project Information

All citizens shall be provided with information regarding specific CDBG projects through public meetings and publication of notices which provide all pertinent information regarding any CDBG project including, but not limited to:

1. The amount of CDBG funds expected to be made available to the City of Scottsbluff for the current fiscal year, including CDBG funds and anticipated program income;
2. The specific range of activities that may be undertaken with CDBG funds;
3. The estimated amount of CDBG funds to be used for activities that will meet the national objective of benefit to low-and moderate-income persons, and;
4. A description of any proposed CDBG funded activities that are likely to result in displacement of persons along with the City of Scottsbluff anti-displacement and relocation plans.

### D. Provisions for Technical Assistance to Citizens

The Economic Development Director shall maintain current information of available resources for community improvement efforts and CDBG programs available and provide such information upon request by any citizen or group representing any citizen or group of citizens and the Economic Development Director shall provide assistance in developing proposals to address issues, problems and needs identified by such citizen or citizens.

### E. Public Hearing on CDBG Activities

The City of Scottsbluff shall enact a minimum of two (2) public meetings or hearings to be conducted with regard to any CDBG application. At least one meeting or hearing shall be conducted prior to the submission of any such application and a second public hearing shall be held near the completion of any CDBG funded activity to obtain citizen input, comments or opinions with regard to such application(s) and to program or project performance.

The Economic Development Director shall act as the contact person for all questions, comments or concerns expressed by any citizen with regard to any CDBG program or project and shall forward any such questions, comments or concerns to the City of Scottsbluff at the next regular meeting of the City of Scottsbluff immediately following expression of such questions, comments or concerns. The Economic Development Director shall also be responsible for transmitting the City of Scottsbluff response to any such question, comment or concerns to the citizen or citizens expressing the same.

### F. Needs of Non-English Speaking Citizens

The City of Scottsbluff shall conduct the public hearings in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate, the City Clerk shall arrange for oral or written translation of information regarding any CDBG program, application or project upon request by such non-English speaking persons or representatives of such persons.

**G. Compliance/Grievance Procedures**

The City Clerk shall post a notice at the City Hall that provides name, telephone number, address, and office hours of the City of Scottsbluff for citizens who wish to file a complaint or grievance regarding any CDBG program, project or application.

Individuals wishing to submit a complaint or file a grievance concerning activities, of or application for, CDBG funds may submit a written complaint or grievance to the City Manager.

The City Manager shall present such complaint or grievance to the City Council at the next regular meeting of the City of Scottsbluff, where it be reviewed by the Board members. The individual submitting such complaint or grievance shall be notified of such meeting and shall be given the opportunity to make further comments at such meeting. The City of Scottsbluff shall issue a written response to any complaint or grievance within fifteen (15) days following the meeting at which a response is formulated. Such response shall be mailed to the individual citizen(s) submitting the complaint or grievance by the City Manager to the last known address of said citizen(s).

In the event that the nature of the complaint or grievance is determined to be a matter requiring immediate action, a special meeting of the City of Scottsbluff shall be called to review the matter within ten (10) days of receipt of such complaint or grievance.

**H. Adoption**

This Citizen Participation Plan is hereby adopted by action of the City Council of City of Scottsbluff, Nebraska.

Signed:

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Chief Elected Official: Raymond Gonzales, Mayor

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Attest: Kimberley Wright, City Clerk

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Date

## RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

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The City of Scottsbluff will replace all occupied and vacant occupiable low-moderate-income dwelling units demolished or converted to a use other than as low-moderate-income housing as a direct result of activities assisted with Community Development Block Grant (CDBG) funds provided under the Housing and Community Development Act of 1974, as amended.

All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Scottsbluff will make public and submit to DED the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low-moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low-moderate-income dwelling unit for at least ten (10) years from the date of initial occupancy.

The City of Scottsbluff will provide relocation assistance, according to either the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24) or 24 CFR 570.496a(c) to each low/moderate-income family displaced by the demolition of housing, or the conversion of a low-moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the CDBG program, the City of Scottsbluff will take the following steps to minimize the displacement of persons from their homes:

1. Maintain current data on the occupancy of houses in areas targeted for CDBG assistance.
2. Review all activities prior to implementation to determine the effect, if any, on occupied residential properties.
3. Include consideration of alternate solutions when it appears an assisted project will cause displacement, if implemented.
4. Require private individuals and businesses to consider other alternatives to displacement causing activities, if they are requesting CDBG assistance.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Subscribed in my presence and sworn to before me.

\_\_\_\_\_  
Notary Public (Not required if on letterhead)



The City of Scottsbluff (Applicant) hereby assures and certifies to the Nebraska Department of Economic Development (the Department) regarding an application for Community Development Block Grant (CDBG) funds, the following:

1. Applicant has reviewed 2 CFR Part 200 Subpart D which sets forth the standards that are applicable to procurement for Federal grants and cooperative agreements and sub-awards to the State, local and Indian tribal governments.
2. Applicant has reviewed the Nebraska Statute 13-1904. Development District, duties which is defined as: “A development district shall, as directed by its policy board, serve as a regional resource center and provide planning, community, and economic development, and technical assistance to local governments which are members of the district and may provide assistance to industrial development organizations, tourism promotion organizations, community development groups, and similar organizations upon request.”
3. City of Scottsbluff is a member of Panhandle Area Development District. **Attach documentation identified below.**
4. The project activity directly relates to the official capacity of the appointee as described in brief below. Where services are beyond general administrative services, attach any related supplementary documentation to capacity (e.g. statement of capacity to complete planning services, construction management, etc.):

Applicant hereby certifies that it will comply with the above stated assurances.

---

Title

Date \_\_\_\_\_

Select and attach one of the following items for verification:

- X Letter from Development District  
☐ Copy of paid membership dues

# FFATA REPORTING FORM/CERTIFICATION – CDBG

The Federal Funding Accountability and Transparency Act (FFATA) seeks to provide the public with greater access to Federal spending information. Due to FFATA requirements, units of general local government are required to provide the following information, which may be used by the Department of Economic Development ("Department") to comply with federal reporting requirements. Please fill out the following form accurately and completely, have it signed by an authorized official, and submit to the Department along with your application for funding.

<b>Name of Applicant:</b> City Of Scottsbluff			
<b>Applicant Address:</b> 2525 Circle Drive			
<b>City:</b> Scottsbluff	<b>State:</b> NE	<b>Zip:</b> 69361-	<b>Congressional District:</b> 3
<b>Applicant DUNS number:</b> 040601601			
<b>Principal Place of Performance of Proposed Project:</b> Within the city limits of the city of Scottsbluff			
<b>City:</b> Scottsbluff	<b>State:</b> NE	<b>Zip:</b> 69361-	<b>Congressional District:</b> 3
<b>Brief Project Description:</b> Owner Occupied Rehab within the city limits of Scottsbluff, Nebraska benefiting LMI households.			
If certain conditions are met, Applicant must provide names and total compensation of Applicant's top five highly compensated Executives to the Department. Please answer question number 1, and follow the instructions. If directed to answer question 2, please answer question 2 and follow instructions.			
<p>1. In Applicant's previous fiscal year, did Applicant receive (a) 80 percent or more of Applicant's annual gross revenues in U.S. federal contracts and subcontracts and other federal financial assistance subject to the Transparency Act, as defined in 2 C.F.R. 170.320; <b>AND</b> (b) \$25,000,000 or more in annual gross revenues from contracts and subcontracts and other federal financial assistance subject to the Transparency Act, as defined in 2 C.F.R. 170.320?</p> <p>Yes <input type="checkbox"/> If yes, answer question 2 below.  No <input checked="" type="checkbox"/> If no, stop, you are not required to report names and compensation. Please sign and submit form to the Department.</p>			
<p>2. Does the public have access to information about the compensation of Applicant's senior executives through periodic reports filed under section 13(a) or 15(d) of the Security Exchange Act of 1934 (15 U.S.C. 78(m)(a), 78o(d)), or section 6104 of the Internal Revenue Code of 1986?</p> <p>Yes <input type="checkbox"/> If yes, stop, you are not required to report names and compensation. Please sign and submit form to the Department.  No <input type="checkbox"/> If no, you are required to report names and compensation. Please fill out the remainder of this form.</p>			
<p><b>Please provide the names and Total Compensation of the top five most highly compensated Executives in the space below.</b>  (NOTE: Executive means officers, managing partners, or any other employees in management positions. Total Compensation means the cash and noncash dollar value earned by the Executive during the Applicant's preceding fiscal year and includes salary and bonus, awards of stock, stock options, and stock appreciation rights; earnings for services under non-equity incentive plans, change in pension value, above market earnings on deferred compensation which is not tax-qualified; and other compensation exceeding \$10,000 as defined in 2 C.F.R. 170.320.)</p>			
<b>Name:</b>		<b>Total Compensation:</b>	
<b>Name:</b>		<b>Total Compensation:</b>	
<b>Name:</b>		<b>Total Compensation:</b>	
<b>Name:</b>		<b>Total Compensation:</b>	
<b>Name:</b>		<b>Total Compensation:</b>	
The Applicant certifies that the information contained on this form is true and accurate.			
Signed: _____		<b>DED USE</b>	
Title: _____			
Date: _____			







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## Search Results

### Quick Search Results

Total records: 1

Result Page: 1

Sort by **Relevance** Order by **Descending**[Save PDF](#)[Export Results](#)[Print](#)

Your search returned the following results...

Entity	<b>Scottsbluff, City Of</b>	Status: <b>Active</b>
DUNS: <b>040601601</b>	CAGE Code: <b>5EQ01</b>	<a href="#">View Details</a>
Has Active Exclusion?: <b>No</b>	DoDAAC:	
Expiration Date: <b>07/08/2020</b>	Debt Subject to Offset?: <b>No</b>	
Purpose of Registration: <b>Federal Assistance Awards Only</b>		

Result Page: 1

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<a href="#">Search Records</a>	<a href="#">Disclaimers</a>	<a href="#">FAPIS.gov</a>
<a href="#">Data Access</a>	<a href="#">Accessibility</a>	<a href="#">GSA.gov/IAE</a>
<a href="#">Check Status</a>	<a href="#">Privacy Policy</a>	<a href="#">GSA.gov</a>
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#### SAM Status Tracker

#### Check Entity Registration Status

##### Page Description

You can quickly check an entity's registration status in SAM by entering a DUNS Number or CAGE Code. The SAM Status Tracker will show you the current status of that entity's most recent record, as well as tell you what steps are left to complete based on why they are registering.

The SAM Status Tracker only returns the registration status for publicly-searchable registration records. If you are a Federal government user, please log into SAM and use the Search Records link in the main navigation menu to view registrations or data that are not publicly available.

##### Use the SAM Status Tracker Now

Check registration status by typing in a DUNS Number.

DUNS Number  Plus 4 (Optional)

Or, check registration status by typing in a CAGE Code.

CAGE Code

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Scottsbluff, City Of

Status: Active

Your registration was activated on Jul 09, 2019. It expires on Jul 08, 2020 which is one year after you submitted it for processing.



**Core Data**

Completed



**Assertions**

Not Required



**Reps & Certs**

Not Required



**POCs**

Completed



**Submit**

Completed



**Processing**

Completed



**Active**

Completed



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1/1

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FOUR FACTOR ANALYSIS  
ASSESSING  
LIMITED ENGLISH PROFICIENCY  
AND  
LANGUAGE ASSISTANCE PLAN

PREPARED BY  
City of Scottsbluff

FOR  
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
Project Name: Owner Occupied Rehab Scottsbluff, NE

## A. POLICY STATEMENT

It is the policy of the City of Scottsbluff to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The City of Scottsbluff policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. City of Scottsbluff is committed to complying with federal requirements in providing free meaningful access to its programs and activities for LEP persons.

## B. HISTORY

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have Limited English Proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

On August 11, 2000, Executive Order 13166, titled, "Improving Access to Services by Persons with Limited English Proficiency," was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to...federally conducted programs and activities by eligible LEP persons...."

## C. DEFINITIONS

**Beneficiary:** The ultimate consumer of HUD programs and receives benefits from a HUD Recipient or Sub-recipient.

**Limited English Proficient Person (LEP):** Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

**Language Assistance Plan (LAP):** A written implementation plan that addresses identified needs of the LEP persons served.

**Recipient:** Any political subdivision of the State of Nebraska, or an eligible nonprofit organization, to whom Federal financial assistance is extended for any program or activity, or who otherwise participates in carrying out such program or activity, including any successor, assign or transferee thereof, but such term does not include any Beneficiary under any such program.

**Sub-recipient:** Any public or private agency, institution, organization, or other entity to whom Federal financial assistance is extended, through another Recipient, for any program or activity, or who otherwise participates in carrying out such program or activity but such term does not include any Beneficiary under any such program.

**Vital Document:** Any document that is critical for ensuring meaningful access to the Recipient's major activities and programs by Beneficiaries generally and LEP persons specifically.

## D. FRAMEWORK & METHODOLOGY

This Four Factor Analysis is the first step in providing meaningful access to federally funded programs for LEP persons. The Four Factor Analysis completed by City of Scottsbluff addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by City of Scottsbluff;
2. The frequency with which LEP persons using a particular language come in contact with City of Scottsbluff;
3. The nature and importance of the City of Scottsbluff program or activity provided to the individual's life; and
4. The resources available to City of Scottsbluff and costs associated with providing LEP services.

The program or activity covered within this analysis generally involves storm sewer replacement and an expansion of the storm water drainage capacity in the Village.

**E. FOUR FACTOR ANALYSIS BY** City of Scottsbluff for the described program or activity:

**1. The number or proportion of LEP persons eligible to be served or likely to be encountered.**

The City of Scottsbluff, according to the 2017 American Community Survey of the people surveyed, 1962 out of 13,714 people spoke another language other than English and of those 555 people, 28.3% speak English “less than very well”. So the city does have instances where it comes into contact with non-English speaking citizens.

**2. The frequency with which LEP persons using a particular language come in contact.**

The City of Scottsbluff does not currently track the frequency with which LEP persons using a particular language come in contact.

**3. The nature and importance of the above described program or activity provided to the individual’s life.**

LEP individuals in City of Scottsbluff are connected to this project because many live in neighborhoods that have a higher percentage older homes that are in greater need of repair.

**4. The resources available to City of Scottsbluff, and costs associated providing LEP services.**

When a LEP person comes into city offices or calls on the phone, the city does have a full-time employee who is proficient in speaking Spanish. She is able to offer assistance with the language barrier sometimes present on a day to day basis. The city also has a good relationship with a representative from the Rural Enterprise Assistance Project who is also proficient in Spanish who is usually readily available for assistance over the phone or in person. The City has the option to use Google Translate if no other option is available. There are not currently any additional cost to the City of Scottsbluff since they already have a staff person that speaks Spanish.

As a result of the Four Factor Analysis, City of Scottsbluff has determined a Language Assistance Plan is needed:

☐ YES            ☒ NO



City of Scottsbluff  
Owner Occupied Rehabilitation  
Housing Program Guidelines

PREPARED BY  
City of Scottsbluff  
And  
Panhandle Area Development District

FOR  
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
Project Name: Owner Occupied Rehab Scottsbluff, NE

09/23/2019

The following requirements are met:	Section	NA	Page #
Clearly defined Application process that includes:			
a) Applicant eligibility, including income eligibility. Persons assisted with CDBG homebuyer funds must have incomes at ≤80% AMI	2		34
b) Anticipated Gross Annual income (See 24 CFR 5.609 income determination)	2		34
c) Formal notification of selection and non-selection policy	2		35
d) Application review process	2		35
e) Priority Ranking System, if applicable, for selection that does not contain discriminatory criteria	2		35
f) Conflict of Interest Clause	2		34
g) Grievance Procedures, See Policy Statement regarding grievances	7		39
h) Process for Amending Program Guidelines including DED approval of amendments	8		39
i) Types and terms of assistance provided (i.e. loan, deferred conditional grant)	2		36
j) Amounts of assistance allowed, including CDBG funds and other sources (include maximum amount)	2		36
k) Geographic Boundaries where the properties within communities must be located	2		34
l) Policy for compliance with HUD's lead based paint (LBP) regulations	3		37
m) Policy for compliance with DED standards or DED Rehab standards	3		37
n) Method to ensure the homeowner must occupy property as a principle residence for at least 5 years from the date that CDBG funds are invested in the property. Regardless if resale or recapture provisions are utilized, the Affordability Period for the project must be a minimum of 5 years	2		36
o) Methods of ensuring affordability period and principle residence that include 1) program-wide recapture or resale provisions, and 2) legal instruments to be used. Deed restrictions or other enforcement mechanisms must reflect this occupancy requirement	2		36
p) If recapture provisions are utilized, the Project and program income is received, then the amount recaptured cannot exceed the net proceeds. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing costs.	2		36
q) Relocation policy for voluntary and involuntary acquisitions as per 49.CFR 24.101. Policy must include the statement, "In cases where either voluntary or involuntary acquisition is anticipated, DED will be contacted prior to any action."	3		36
r) Policy to ensure all units assisted with CDBG funds will meet DED rehabilitation standards, when applicable.	3		37
s) Policy to ensure newly constructed housing will meet or exceed the 2009 (or most current) International Energy Conservation Code		x	
t) Policy to ensure new construction consisting of five or more units will meet or exceed current Uniform Federal Accessibility Standards (UFAS), and 2010 (or most current) ADA Standards for Accessible Design		x	
u) Policy to ensure compliance with the Fair Housing Act, including a narrative with specific reference to all areas of the Fair Housing Act applicable to the project	4		38

<b>v)</b> Affirmative marketing procedures including, but not limited to, marketing to local or regional residents & tenants of public housing and manufactured housing, other families assisted by public housing agencies, and households identified to be potentially eligible but least likely to apply.	5		38
<b>w)</b> Policy for collecting photographs of the project, including before, after, indoor, outdoor and grounds photos. The policy must include a method for obtaining a voluntary release and authorization for publication of these photos from the owner or beneficiary.	6		38
<b>The Applicant may retain program income from the project and utilize the funds for other CDBG eligible activities, if the following items are met:</b>	<b>Section</b>	<b>NA</b>	<b>Page #</b>
<b>a)</b> The Applicant wishes to retain program income funds and reuse those funds for additional housing related activities.	9		39
<b>b)</b> The Applicant creates a Program Income Reuse Plan that clearly notes:			
<b>1.</b> The Grantee will use program income directly generated from the use of CDBG funds to further affordable housing programs eligible under the <b>CDBG Program</b> .	9		39
<b>2.</b> Program Income funds are those funds returned to the Grantee during the Affordability Period when the property is sold or is no longer the initial and subsequent homebuyer's principle residence.	9		39
<b>3.</b> Program Income funds must be utilized for the current Project if the current Project has not been completed. This program income received must be applied to the current Project prior to requesting additional CDBG funds.	9		39
<b>4.</b> The Grantee understands that if program income is utilized for another housing related activity, other than for the same activity from the Project which generated the program income, then the Grantee will be responsible for developing and utilizing new Program Guidelines for the new eligible activity.	9		39
<b>5.</b> Up to 10% of program income may be utilized for General Administration expenses.	9		39
<b>6.</b> If resale provisions are utilized for the project, and program income is received, then the subsequent purchasers of each unit will be eligible homebuyers and the original homebuyer will receive a fair return on investment.	9		39
<b>7.</b> If recapture provisions are utilized, the Project and program income is received, then the amount recaptured cannot exceed the net proceeds. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing costs.	9		39
<b>8.</b> All program income will be returned to DED for reuse unless DED offers the option to the Grantee to retain the program income or DED approves the Grantee's Program Income Reuse Plan prior to receiving Release of Funds.	9		39

City of Scottsbluff

Owner Occupied Rehab

Housing Program Guidelines

1. The Purpose of the Owner Occupied Rehab program in the City of Scottsbluff is to provide housing rehabilitation for income qualified low to moderate income households within the City limits of Scottsbluff. In order for a home to qualify it must be able to be brought up to the minimum rehabilitation standards for a single-family home as established by the Nebraska Department of Economic Development within the cost restriction for the Owner Occupied Rehab program, which is restricted to \$25,000 per residence.
2. The City of Scottsbluff, Nebraska will contact the people who had completed the pre-applicants first and have them complete the full application once the pre-applicants have been exhausted if there are still funds available the City of Scottsbluff will advertise the program to receive additional applicants. Applications will be available at the City of Scottsbluff city office and for applicants that are unable to come the office an application can be mailed to them or if they request the Rehab Specialist will bring an application kit to their home, explain the program and assist the individuals in filling out the application.

Applications will be verified to make sure they meet eligibility requirements which include:

- All conflicts of interest will be resolved using the city of Scottsbluff Conflict of Interest Policy.
- A residence must be structurally sound prior to the rehabilitation (determined by the program's Housing Rehabilitation Committee)
- Housing units must be economically feasible to rehabilitate.
- Taxes must be current on the property.
- Applicant(s) must be U.S. citizens(s).
- The applicant(s) must reside within the City Limits of the City of Scottsbluff, Nebraska.
- The applicant(s) must have been an owner-occupant of the house for one hundred eighty (180) days prior to the date of the application. The applicant(s) must occupy the home as the principle residence.
- The applicant must own the property or be a contract purchaser. A copy of the warranty deed will be required from each applicant.
- The persons being assisted must have incomes at or below 80% AMI. Income will be determined using the guidelines established in 24 CFR 5.609.
- No property shall be eligible for rehab if it is determined by the Housing Rehabilitation Committee that the after rehabilitation value will exceed 95 percent of the median purchase price for the area. The value will be set using the HOME and Housing Trust Fund Homeownership Sales Price Limits that are available on the DED website.
- The property must be zoned for residential use to be eligible for rehabilitation.
- Elderly and non-elderly persons may apply.
- The applicant must agree to provide additional home insurance that may be necessary to cover the increased value of the home. If the property is located within the 100 year floodplain, the applicant must also have flood insurance on the property. In instances involving relocation, the applicant prior to occupancy must obtain insurance.
- Each property owner and property is eligible to receive rehabilitation assistance one time only.

- All homeowners will receive formal notification of selection and non-selection by letter.
- All homeowners select for the Owner Occupied Rehab program will receive a copy of the Rehab guidelines and sign off that they have received and understand the guidelines before any work will begin on their residence.
- The applicant is aware that the City of Scottsbluff, Nebraska may obtain information about the applicant including the following:
  - Income verification for all household residents from all sources.
  - Mortgage verification
  - Employment verification (if applicable)

A preliminary inspection of the residence must be made to determine economic feasibility and the nature of the rehabilitation work required. Applications will be prioritized according to the severity of health and safety code violations and the income levels of the applicants. All information will be treated as confidential; however, the applicant must authorize the City of Scottsbluff or their contractor to verify the needed information and to conduct an inspection of the residence.

All applicants will be reviewed by the rehabilitation staff as to eligibility of the applicant and the feasibility of rehabilitation of the residence prior to the review by the Housing Rehabilitation Committee. The Housing Rehabilitation Committee will be made up of the member of Community Redevelopment Authority (CRA) for the city of Scottsbluff. The Housing Rehabilitation Committee will review the applicants and approve or disapprove them. Applicants may be ranked by the committee in order of severity of problems to be corrected and the economic feasibility of the rehabilitation.

### **Rehabilitation Priorities**

The cost of rehabilitation for an applicant's house will be determined by the Rehabilitation Priorities. Residences must be able to comply with Nebraska Department of Economic Development Rehabilitation Minimum Standards at the completion of the rehabilitation. The following items are in order of importance. All items which are included in the work write-up and fall within category "1" must be corrected prior to correcting any items which fall into category "2" and so forth.

1. Violations of any existing City Codes as cited in the work write-up.
2. Deficiencies cited in the work write-up, which must be corrected in order for the property to meet Minimum Property Standards as established by the DED.
3. Energy Conservation-All items cited in the work write-up, which promote energy conservation in accordance with Nebraska Energy Office (NEO) guidelines.
4. Incipient Violations-Items which are cited in the work write-up which are not currently in violation but probably will become violations due to normal usage and deterioration.

Eligible rehabilitation activities may include such activities of replacing furnaces, windows, siding, new roofs, electrical upgrades, insulation, handicap accessibility and other renovations necessary to bring the house up to the Minimum Rehabilitation Standards established by the Nebraska Department of Economic Development. Rehabilitation of homes shall be carried out with consideration for the needs of the occupants and to the maximum practical extent in accordance with the principles of universal design.

Before any final decision on eligibility is made, the homeowner must receive 3 bids from qualified contractors who are registered with the City of Scottsbluff, can prove adequate insurance coverage, and verify that they have completed Lead Renovator, Repair, and Paint training are "Firm Registered" with the EPA and have a current SAM registration. The homeowner will decide which qualifying bid to go with as long as the scope of work that has been established by the city can be completed within the limitations of the funds available and within the cost estimated by the rehab staff, eligibility will be approved. The

homeowner will receive written notice from the City of Scottsbluff verifying their eligibility at which time the contract between the homeowner and the contractor with the City of Scottsbluff, and the Panhandle Area Development District serving as the cities Rehab Specialist being and interested third party in the contract. Once contracts are signed rehabilitation work will be authorized to begin.

A housing rehab specialist will verify the Contractor's work to determine its acceptability and both the rehab specialist and the homeowner will have to sign off before final payment is made to the Contractor. The Contractor will be required to warrant his work for a period of one year following completion. All work must be done according to Technical Specifications developed for the OOR Rehabilitation Program, and must conform to applicable City and County codes where applicable. Progress payments and final payments will be made only to the General Contractor. Progress payments will not be made more frequently than every 30 days. Contractor will be responsible for obtaining all necessary permits and submitting final Affidavit for payment.

No loan will be paid to the applicant. The funds will be paid directly to the contractor when the work is satisfactorily complete.

### **Types of Financial Assistance Available**

The City of Scottsbluff, Nebraska offers a forgivable loan from \$500 up to \$25,000 to as determined by the rehab committee. The total amount of the loan will depend upon the cost of rehabilitating the home. In most cases, loans will be less than the maximum.

Eligible homeowners who are chosen by the rehab committee will be awarded a 5 year forgivable loan. The terms of the forgivable loan will be five (5) years in length from the date a contract agreement is signed with the City of Scottsbluff, Nebraska. An equal portion of the loan will be forgiven for each year the home is lived in. If the homeowner retains ownership of the home and resides in the home for the entire five year period following the date of the contract agreement, the loan will be forgiven. If the homeowner sell the home or changes their primary residence to another location before the term expires, the homeowner will be required to repay the appropriate sum to the City of Scottsbluff, Nebraska. The City of Scottsbluff will place a lien on the home to cover the amount of the loan. In the case that the homeowner sells the home prior to the end of the 5 year period repayment of the loan will never exceed the Net Proceeds of the sale. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing costs. All such payments will be allocated to additional Owner Occupied Housing Rehabilitation projects in the City of Scottsbluff.

To avoid speculative use of public funds, a lien will be recorded upon all properties rehabilitated with CDBG funds. The lien shall be for five (5) years.

3. The City of Scottsbluff does not anticipate the need to have to relocate any residences through the Owner Occupied Rehab program however the following procedure would be used if a relocation would become necessary. In cases where either voluntary or involuntary acquisition is anticipated, DED will be contacted prior to any action.

Following a detailed inspection certain properties may be determined not feasible for rehabilitation. This determination is based upon the inspection done by the Housing Rehabilitation Specialist. Conditions that would cause a property to not be feasible for rehabilitation would include but not limited to the following: Foundation condition not acceptable; excessive deterioration of entire structure; the estimated cost of rehabilitation exceeds the limits as set forth in this guideline, or estimated after rehabilitation value exceeds 95 percent of median purchase price for the area.

When a property falls under these conditions, the Housing Rehabilitation Committee has the option of voting whether or not to provide relocation options to the Homeowner, providing they qualify for housing rehab assistance. The relocation process is voluntary and the decision to relocate is that of the homeowner's.

Homeowners will be responsible for selecting their own contractors with the City of Scottsbluff and the Panhandle Area Development District being interested third parties. Contractors will be required to be registered with the City of Scottsbluff, carry both liability and workers compensation insurance, completed the Lead based Renovation, Repair, and Paint training, be "Firm Registered" with the EPA, and have a current SAM registration.

**Lead-Based Paint** – As required under 24 CFR part 35, the Final HUD Regulation on Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving Federal Assistance, all assisted dwellings units constructed before January 1, 1978, will be evaluated for lead-based paint hazards or presumed to have lead-based paint present throughout the unit when paint is disturbed.

- Evaluation will be done by a qualified, certified or licensed person as required under the regulation.
- All lead-based paint hazards will be identified and reduced or eliminated through paint stabilization, interim controls or abatement with work being done by supervised, trained, qualified, certified or licensed persons as required under the regulation.
- Safe work practices will be followed at all times.
- Occupants shall be protected or temporarily relocated as required by the regulation. With some exceptions, as listed at 24 CFR 35.1345, occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe and similarly accessible dwelling unit that does not have head hazards.
- The dwelling unit and worksite shall be secured. The worksite shall be prepared and warning signs shall be posted as required by the regulation.
- Clearance examinations will be performed by qualified personnel and final clearance shall be achieved as required by the regulations.

All renovation completed through the Owner Occupied Rehab program when complete will meet the Minimum Rehabilitation Standards as established by the Nebraska Department of Economic Development. A copy of the standards can be obtained at: <https://opportunity.nebraska.gov/program/community-development-block-grant/#forms>

A housing rehab specialist with the Panhandle Area Development District will verify the Contractor's work to determine its acceptability and will be signed off by both the rehab specialist and the homeowner before final payment is made to the Contractor. The Contractor will be required to warrant his work for a period of one year following completion. All work must be done according to Technical Specifications developed for the DED Rehabilitation Program, and must conform to applicable City or County codes where applicable.

All contractors performing work for Owner Occupied Rehab recipients will be verified that they have a current SAM registration. All Owner Occupied Rehab recipients in the city of Scottsbluff will receive a letter laying out the conditions of the program and copy of the rehab guidelines that must be signed off on prior to the Notice to proceed before any contracts can be signed or work can begin. All Davis Bacon procedures will be followed where required.

Once the contracts are signed any changes that are requested by either the homeowner or contractor will require a written change order that is approved by both the homeowner and the rehabilitation specialist. Any changes of less than a \$1,000 where the funds are available can be approved by the homeowner and the

housing specialist, any changes greater than a \$1000 will also require approval by the City of Scottsbluff Housing Rehab Committee.

**4. Fair Housing Act**

The owner occupied housing rehabilitation program under the guidance of the City of Scottsbluff, Nebraska will abide and comply with the Fair Housing Act. No person in the United States shall on the grounds of race, color, national origin, religion, familial status, disability, or sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under this Program.

**5. Affirmative Marketing Procedures**

This marketing plan and procedure is a guide to assist the City of Scottsbluff, Housing Rehabilitation Committee and its recipients and sub recipients receiving funds. It summarizes Affirmative Fair Housing Marketing (AFHM) plans and affirmative marketing procedures as required by the Department of Housing and Urban Development.

In developing an Affirmative Marketing Plan, the City of Scottsbluff, Nebraska requires all applicants do the following:

1. Targeting: Identify the segments of the eligible population
2. Outreach: Outline an outreach program that includes special measures designed to attract those groups identified as least likely to apply and other efforts designed to attract persons from the total population.
3. Indicators: State the indicators to be used to measure the success of the marketing program. The effectiveness of the marketing program can be determined by noting if the program effectively attracted renters or buyers who are:
  - from the majority and minority groups, regardless of gender, as represented in the population of the housing market area;
  - person with disabilities and their families; and
  - Families with children, if applicable.

Will make a "good faith effort" to carry out the provisions of the Department of Housing and Urban Development's Affirmative Marketing requirements. Good faith efforts are recorded activities and documented outreach to those individuals identified as least likely to apply. Examples of such efforts include:

1. Advertising in print and electronic media that is used and viewed or listened to by those identified as least likely to apply;
2. Marketing housing to specific community, religious or other organizations frequented by those least likely to apply;
3. Developing a brochure or handout that describes facilities to be used by buyers or renters, e.g., transportation services, schools, hospitals, industry, and recreational facilities. The brochure should also describe how the proposed project will be accessible to physically handicapped persons and describes any reasonable accommodations made to persons with disabilities; and
4. Insuring that the management staff has read and understood the Fair Housing Act, and the purpose and objectives of the AFHM Plan.

**6. Photography policy**

As part of the Owner Occupied Rehab application the homeowner will be asked to voluntarily sign a release that they agree to the Rehab Specialist collecting photographs of the project, including before, after, indoor, outdoor and grounds photos, and authorizing for the publication of these photos.



**7. Grievance Procedure**

If the applicant disagrees with the final determination regarding the application review or has a complaint concerning any portion of the rehabilitation program the following procedure applies:

The Housing Rehabilitation Committee must receive all complaints in writing within thirty (30) days from the time of the act(s) and/or omissions(s) on which the complaint is based. (Exception-rehabilitation work that is covered under the 1 year warranty). The Housing Rehabilitation Committee will review the complaint. Within 15 days a formal hearing will be set with the complainant, the Housing Rehabilitation Committee, Grant Administrator, and if necessary, and Attorney, The outcome of the review shall constitute the final determination and shall not be subject to further appeal.

**8. Amendment of Rehabilitation Program Guidelines**

All housing Rehabilitation Program policy statements, guidelines and changes concerning rehabilitation shall be approved by the City of Scottsbluff, Nebraska City Council as an agenda item and the Nebraska Department of Economic Development prior to implementation.

**9. Program Income Reuse Plan**

The City of Scottsbluff wishes to retain program income generated from this Owner Occupied Rehab Program be used for further Owner Occupied Rehab projects in the City of Scottsbluff using the same Policy and Procedures of the current program.

- The City of Scottsbluff will use the same eligibility requirement and program guidelines as approved for this Owner Occupied Rehab project.
- Program Income funds are those funds returned to the Grantee during the Affordability Period when the property is sold or is no longer the initial and subsequent homebuyer's principle residence.
- Program Income funds will be utilized for the current Project in the Current Project has not been completed. This program income received will be applied to the current Project before requesting additional CDBG funds.
- The City of Scottsbluff, Nebraska understands that if program income is utilized for another housing related activity, other than for the same activity from the Project which generated the program income, then the City of Scottsbluff will be responsible for developing and utilizing new Program Guidelines for the new eligible activity.
- Up to 10% of program income may be utilized for General Administration expenses.
- If the homeowner sales a property that was part of the Owner Occupied Rehab Project during the 5 year affordability period, then the amount of recapture cannot exceed the net proceeds. Net proceeds are the sales price minus superior loan repayment (other than CDBG funds) and any closing cost.
- If the DED does not approve the City of Scottsbluff Income reuse plan than program income returned to the City of Scottsbluff from this Project will be returned to the DED.

## Exhibit Q

There is no cost share from the City of Scottsbluff for this application.

Proof of Publication of Notice for Public Hearing:

AFFIDAVIT OF PUBLICATION

Star Herald  
PO Box 1709  
Scottsbluff, NE 69363

State of Nebraska  
County of Scotts Bluff } ss.

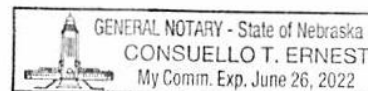
I, Cheryl Helser-Garcia do solemnly swear that I am the Accounts Receivable Bookkeeper of the Star-Herald, a legal newspaper of general circulation, published daily except Mondays, at Scottsbluff, Scotts Bluff County, Nebraska; that the notice hereto attached and which forms a part of this affidavit was Published in said paper 1 (one)

consecutive week (s) in the issues published, respectively September 17, 2019

that said notice was published in the regular and entire issues and every number of the paper on the days mentioned, the same being the corresponding day of each week during the period of time of publication, and that said notice was published in the newspaper proper and not in the supplement.

Cheryl Helser-Garcia  
SUBSCRIBED in my presence and sworn to before me on September 18, 2019  
Consuello Ernest  
Notary Public

The publication fees amount to \$ \$30.92



SCOCCL - 54043794

City of Scottsbluff City Council Notice of Special City Council Meeting and Public Hearing

Notice is hereby given that the City Council of the City of Scottsbluff, Nebraska will hold a public hearing at a special meeting scheduled for Friday, September 27, 2019 at 8:00 a.m. in the Council Chambers, City Hall 2525 Circle Drive, Scottsbluff, Nebraska concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant. This grant is available to local governments for community/economic development activities.

The City of Scottsbluff is requesting \$750,000.00 for Owner Occupied Rehab within the city limits of the City of Scottsbluff, NE \$641,000 funds for rehab, \$39,000 for lead based paint testing, \$50,000 for housing management and \$20,000 for general administration. All projects will be done to benefit LMI households within the city limits of Scottsbluff, NE and there is no plan to displace any individuals as a result of the Owner Occupied Rehab program.

The grant application will be available for public inspection at City Hall 2525 Circle Drive, Scottsbluff, NE 69361. All interested parties are invited to attend this public hearing at which time you will have an opportunity to be heard regarding the grant application. Written and oral testimony will also be accepted at the public hearing scheduled for 8am, September 27th 2019, in City Hall at 2525 Circle Drive Scottsbluff, NE 69361. Written comments addressed to Star Lehl at Scottsbluff City Hall 2525 Circle Drive, Scottsbluff, NE 69361 will be accepted if received on or before September 30th 2019.

Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print, or recorded materials, please contact Star Lehl at Scottsbluff City Hall 2525 Circle Drive Scottsbluff, NE 69361 or at 308-632-4136 no later than September 23, 2019. Accommodations will be made for persons with disabilities and non-English speaking individuals provided that 3 day notice is received by the City of Scottsbluff.

/s/ Kimberley Wright  
City Clerk  
City of Scottsbluff

Published in the Star-Herald  
Scottsbluff, NE  
11. September 17, 2019

# OWNER-OCCUPIED HOUSING REHABILITATION PRE-APPLICATION

DATE: \_\_\_\_\_

Applicant: _____			SSN: _____		
First	Middle	Last			
Date of Birth: _____			Home Phone #: (____) _____		
Month	Day	Year			
			Work Phone #: (____) _____		
<input type="checkbox"/> 62 Years or Older <input type="checkbox"/> Female Head of Household <input type="checkbox"/> Disabled			Cell Phone #: (____) _____		
Co-Applicant: _____			SSN: _____		
First	Middle	Last			
Date of Birth: _____			Work Phone #: (____) _____		
Month	Day	Year			
			Cell Phone #: (____) _____		
<input type="checkbox"/> 62 Years or Older <input type="checkbox"/> Female Head of Household <input type="checkbox"/> Disabled					
Street Address: _____ Home is <input type="checkbox"/> in City Limits <input type="checkbox"/> Rural					
Mailing Address: _____					
City, State, Zip: _____ County: _____					

1. If you are interested in applying for a low-interest loan/forgivable loan in order to rehabilitate or improve your home, please fill out the following questions. Please refer to the income guideline table below to estimate whether, within the last twelve months, the total income, including Social Security, of all members of your family was above or below the dollar figure shown for your family size. Please circle either ABOVE or BELOW in the column that represents your household size. (An unrelated person living in your household should be considered a separate, one-person family.) Please mark the response that is most applicable.

**Circle number in row 1 below that represents how many people live in your household. Then, circle either ABOVE or BELOW, within that column to represent your household *gross* income:**

1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
ABOVE	ABOVE	ABOVE	ABOVE	ABOVE	ABOVE	ABOVE	ABOVE
\$39,200	\$44,800	\$50,400	\$56,000	\$60,500	\$65,000	\$69,450	\$73,950
BELOW	BELOW	BELOW	BELOW	BELOW	BELOW	BELOW	BELOW

Income Thresholds Effective 4-24-19

Please complete the back side of this pre-application also.

2. Homeowner pays 50% or more of income on housing costs (includes mortgage, taxes, insurance & utilities): ☐ Yes ☐ No
3. Home size in sq. feet: ☐ < 1000 ☐ 1000–2000 ☐ 2000+ ☐ Unknown
4. Number of Bedrooms: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5+
5. Number of bathrooms: ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4+
6. Extent to which home is in need of repair: ☐ Severe ☐ Major ☐ Moderate ☐ Minimal
7. Is your home in need of any improvements to make it handicap accessible? ☐ Yes ☐ No

If yes, please describe: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Please list the major deficiencies of your property that you wish to repair:

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_

9. Information for Government Monitoring Purposes

The following information is requested by the Federal Government for certain types of loans related to a dwelling in order to monitor the lender's compliance with equal credit opportunity, fair housing and home mortgage disclosure laws. You are not required to furnish this information, but are encouraged to do so. The law provides that a lender may not discriminate on the basis of this information, whether you choose to furnish it. ***If you furnish the information, please provide both ethnicity and race.*** For race, you may check more than one designation. If you do not furnish ethnicity, race, or sex, under Federal regulations, this lender is required to note the information on the basis of visual observation or surname. If you do not wish to furnish the information, please check the box below. (Lender must review the above material to assure that the disclosures satisfy all requirements to which the lender is subject under applicable state law for the particular type of loan applied for.)

BORROWER	CO-BORROWER
<input type="checkbox"/> I do not wish to furnish this information	<input type="checkbox"/> I do not wish to furnish this information
<b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	<b>Ethnicity:</b> <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino
<b>Race:</b> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Other Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native & White <input type="checkbox"/> Asian & White <input type="checkbox"/> Black/African American & White <input type="checkbox"/> American Indian/Alaskan Native & Black African American <input type="checkbox"/> Other Multi-Racial	<b>Race:</b> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Other Pacific Islander <input type="checkbox"/> American Indian/Alaskan Native & White <input type="checkbox"/> Asian & White <input type="checkbox"/> Black/African American & White <input type="checkbox"/> American Indian/Alaskan Native & Black African American <input type="checkbox"/> Other Multi-Racial
<b>Sex:</b> <input type="checkbox"/> Female <input type="checkbox"/> Male	<b>Sex:</b> <input type="checkbox"/> Female <input type="checkbox"/> Male

09/23/2019

Nebraska Department of Economic Development  
Community and Rural Development Division  
P.O. Box 94666  
Lincoln, NE 68509-4666

To Whom It May Concern:

The City of Scottsbluff has been a dues paying member in good standing with the Panhandle Area Development District for many Years and are therefore eligible for PADD services.

Sincerely,



Jeff Kelley  
Executive Director  
Panhandle Area Development District  
1620 Broadway, Suite A-10  
Scottsbluff, NE 69361



## CHAPTER 12

### NUISANCES

#### (a) MISCELLANEOUS PROVISIONS

##### Section

<u>12-1-1</u>	<u>Definitions.</u>
<u>12-1-2</u>	<u>Nuisance; defined.</u>
<u>12-1-3</u>	<u>Nuisances; illustrative enumeration.</u>
<u>12-1-4</u>	Repealed.
<u>12-1-5</u>	Repealed.
<u>12-1-6</u>	Repealed.
<u>12-1-7</u>	Repealed.
<u>12-1-8</u>	<u>Right of entry.</u>

#### (b) ABATEMENT PROCEDURES

<u>12-1-9</u>	<u>Notice to Remove.</u>
<u>12-1-10</u>	<u>Emergency.</u>

#### (c) SPECIAL PROVISIONS RELATING TO JUNK

<u>12-1-11</u>	<u>Value determination.</u>
<u>12-1-12</u>	<u>Value not exceeding \$50.00.</u>
<u>12-1-13</u>	<u>Value exceeding \$50.00; scope of sections.</u>
<u>12-1-14</u>	<u>Inquiry; notice.</u>
<u>12-1-15</u>	<u>Claim; information.</u>
<u>12-1-16</u>	<u>Determination; expenses; payment; release.</u>
<u>12-1-17</u>	<u>Sale; notice.</u>
<u>12-1-18</u>	<u>Sale; proceeds.</u>
<u>12-1-19</u>	<u>Liability.</u>

#### (d) VIOLATIONS

<u>12-1-20</u>	<u>Violation; penalty.</u>
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#### Nebraska Statutes

For statutory provisions authorizing cities to declare and abate nuisances, see R.R.S. §§ 16-230, 18-1720.

#### (a) GENERAL PROVISIONS

##### 12-1-1. Definitions.

As used in this chapter, the following terms shall have the following definitions unless the context

clearly indicates otherwise.

(1) Litter shall include, but not be limited to:

- (a) trash, rubbish as defined in Chapter 19, solid waste as defined in Chapter 19, refuse, garbage as defined Chapter 19, paper, plastic, rags, and ashes;
- (b) wood, plaster, cement, brick, sheetrock, or stone building rubble;
- (c) lawn trimmings, dead leaves, tree and shrubbery trimmings, provided however that these things shall not be considered litter if they are in the process of being composted;
- (d) offal and dead animals.

(2) Weeds shall include, but not be limited to, bindweed (*convolvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canadian thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rahmnus* sp.) (toun), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*), and other worthless vegetation commonly regarded as weeds.

(3) The term "junk," includes scrap metal, parts for machinery, appliances or vehicles, any machine or vehicle which is not in operating condition or which has lost its identity, character, utility or serviceability as such through deterioration, dismantling or the ravages of time, or which has been cast off, discarded or thrown away or left as waste or wreckage. The term does not include:

- (a) solid waste as defined in Chapter 19, or
- (b) abandoned vehicles as defined in Chapter 22.
- (c) refrigerators kept outside of a building, if each door of the refrigerator is secured by a hasp and lock as provided elsewhere in this Chapter. (Ord. 3452, 1995)

#### **12-1-2. Nuisance; defined.**

For the purpose of this chapter, a nuisance exists when a person fails to perform a duty within the city limits of the City of Scottsbluff, or permits any condition or thing to exist within the city limits of the City of Scottsbluff, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health or safety of others; or
- (b) Offends decency; or
- (c) Is offensive to the senses; or
- (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, alley, highway, sidewalk, stream, ditch or drainage; or
- (e) In any way renders other persons insecure in life or the use of property;
- (d) Essentially interferes with the quiet enjoyment of life and property, or tends to depreciate the value of the property of others.

#### **12-1-3. Nuisances; illustrative enumeration.**

The maintaining, using, placing, depositing leaving or permitting to be or remain on public or private property within the city limits of the City of Scottsbluff of any of the following items, conditions or actions is hereby declared to be and to constitute a nuisance; however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive;

- (a) Any condition which promotes harborage for rats, mice, snakes and other vermin.
- (b) Any building or other structure which is in such a dilapidated condition that it is unfit



for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard in the vicinity where it is located.

(c) All disagreeable or obnoxious gases, odors and/or fumes, as well as the conditions, substances or other causes which give rise to the emission or generation of such gases, odors and/or fumes.

(d) The dressed or undressed carcasses of fish, animals or fowl, wild game or domestic, not disposed of, processed, or removed from the general public view.

(e) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(f) Any building, structure or location wherein or upon which any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(g) Any accumulation of stagnant water permitted or maintained on any lot or property.

(h) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

(i) Any method of human excreta disposal which does not conform to the provisions of this chapter, state law or city ordinances, rule or regulation.

(j) Leaking or defective water pipes, sewer pipes, hydrants, cisterns, wells, gutters, drains, rain spouts or seepage in or about any structure used for human occupancy or the surrounding earth.

(k) Any abandoned or open wells, cisterns or cellars.

(l) The discharge of any filthy or offensive water, swill, liquid or waste from any commercial establishment into or on any street, alley, sidewalk, gutter, vacant lot, stream or river.

(m) The keeping or maintaining of any hives or boxes used or occupied or for the purpose of housing or occupation by bees within the city limits, except as hereinafter provided. The keeping of bees shall not be prohibited in agricultural zones, provided no box or hive containing bees permitted to fly at large shall be kept within one hundred (100) feet of any dwelling except the dwelling of the owner of such bees, or within fifty (50) feet of any exterior boundary within which the box or hive is kept.

(n) The parking or storage of any vehicle or machine or parts thereof in violation of any municipal code, state statute or federal law.

(o) Any building or structure including the ground on which it sits that is used for the unlawful manufacture, cultivation, growth, production, processing, sale, possession, or storage of any controlled substance as defined in R.R.S., chapter 28, article 4.

(p) Any excavation exposed so as to catch and hold water, filth or any refuse matter.

(q) Leaving any refrigerator, or any cabinet enclosing apparatus for the cooling or freezing of perishable articles or substances outside of a building unless the doors of every compartment of such refrigerator or cabinet are removed. Provided, however, that such doors need not be removed if each door is secured by a hasp and lock.

(r) Permitting, allowing, or maintaining any growth of twelve (12) inches or more in height of weeds or grasses on any lot or tract of land within the City, or permitting such lot or tract of land or the adjoining streets and alleys to become covered or overgrown with weeds, or littering or causing litter to be deposited or remain thereon except in proper receptacles.

(s) Placing or accumulating junk. It shall not be unlawful to:

(1) keep or store junk inside a building;

(2) keep or store junk in a junkyard as defined in section Chapter 25, Article 22, which junkyard is in a location permitted under Chapter 25;

- (3) accumulate or permit junk to remain on a lot or other tract of land owned or occupied by the person accumulating the junk or permitting it to remain, for a period not to exceed ten (10) days, for the sole purpose of preparation for removal from the premises;
- (4) hold not more than two (2) damaged or inoperable automobiles for purposes of restoration if such automobiles are concealed by an automobile cover and situated in a rear or side yard (except a side yard abutting a street) of a lot or tract on which is situated a residence.

(t) Every other act or thing done, made, permitted, allowed or continued on any property, whether public or private, detrimental to the health or likely to injure any of the inhabitants of the city. (Ord. 3884, 2005)

**12-1-4 through 12-1-7. Repealed.**

**12-1-8. Right of entry.**

For the purpose of administering and enforcing the provisions of this Chapter, any police officer, the Planning and Building Official and any other City employee designated by the City Manager shall have the right to enter any premises in the City at any reasonable time. (Ord. 3452, 1995)

**(b) ABATEMENT PROCEDURES**

**12-1-9. Notice to remove.**

If any nuisance as defined in this Municipal Code shall exist anywhere subject to this Chapter, the City Manager or his designee may give notice to abate and remove such notice to each owner or owner's duly authorized agent and to the occupant, if any, of the property where the nuisance is located. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The notice shall contain:

- a. An order to abate the nuisance within a stated time.
- b. A statement that the party may request a hearing before the City Manager within five days after receiving the notice.
- c. The location of the nuisance, if the same is stationary.
- d. A description of what constitutes the nuisance.
- e. A statement of acts necessary to abate the nuisance.
- f. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city shall abate such nuisance and assess the cost thereof against such person.

Within five days after receipt of such notice, if the owner or occupant of the land does not request a hearing with the City Manager or fails to comply with the order to abate and remove the nuisance, the City Manager or his designee may cause the City to remove the nuisance. Within five days after receipt of such notice the owner or occupant may make a written request for a hearing before the City Manager. Such a request shall suspend the notice to abate and remove unless an emergency was declared as provided in this Chapter. At such hearing the City Manager may order the nuisance abated and removed within such time as the City Manager shall determine. If the nuisance is not

abated and removed within the time specified by the City Manager, the City Manager or his designee may cause the City to remove the nuisance. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the City may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys. Any junk which is removed under the provisions of this section shall be impounded and shall be valued as provided elsewhere in this Chapter. The remedy provided in this section shall be cumulative with any other remedy provided in this Municipal Code, or otherwise available at law or in equity. (Ord. 3799, 2004)

#### **12-1-10. Emergency.**

If the City Manager or his designee shall determine that a particular nuisance as defined in this Municipal Code is so unsafe, or is unsafe in a respect such that a delay in removal thereof would result in undue danger or other hazard to persons or property, he or she may declare in writing that there exists an emergency requiring that this nuisance be removed immediately and order the appropriate city employees to remove the nuisance. The costs and expenses of such removal may be assessed as provided in this Chapter. Any junk which is removed under the provisions of this section shall be impounded and shall be valued as provided in this Chapter. The remedy provided in this section shall be cumulative with any other remedy provided in this Municipal Code, or otherwise available at law or in equity. (Ord. 3452, 1995)

### **(c) SPECIAL PROVISIONS RELATING TO JUNK**

#### **12-1-11. Value determination.**

(a) The City Manager or his designee, after removing and impounding junk as provided elsewhere in this Chapter, shall determine whether the fair market value of the junk exceeds the sum of fifty dollars (\$50.00). For purposes of such valuation process, articles shall be valued in the following sequence:

- (1) each particular article which may have a value in excess of fifty dollars (\$50.00);
- (2) each set, partial or complete, of components of a particular type of machinery, appliance or equipment which may have a value in excess of fifty dollars (\$50.00); and
- (3) each aggregate of articles that are identical or substantially similar to each other in character, which may have a value in excess of fifty dollars (\$50.00).

(b) After such part of the valuation process has been completed:

- (1) those particular articles, sets or aggregates finally determined to have a fair market value in excess of fifty dollars (\$50.00) shall be deemed to constitute junk having a market value in excess of fifty dollars (\$50.00); and
- (2) those finally determined not to have such a fair market value, together with any other articles or materials not valued to that point, shall be again valued and, if all of these in the aggregate shall be determined to have a fair market value in excess of fifty dollars (\$50.00), then such articles and materials collectively shall be deemed to constitute junk having a fair market value in excess of fifty dollars (\$50.00); otherwise, such articles and materials shall be deemed collectively not to be junk



having such value. (Ord. 3452, 1995)

**12-1-12. Value not exceeding \$50.00.**

If the City Manager or his designee shall certify that the fair market value of certain junk valued in accordance with this Chapter does not exceed the sum of fifty dollars (\$50.00), title to such junk shall immediately vest in the City, and the City, in the discretion the City Manager, may retain and use, sell at private sale or public auction, or otherwise dispose of such junk. If such junk is sold, the proceeds of sale shall be retained by the City and deposited in the General Fund. (Ord. 3452, 1995)

**12-1-13. Value exceeding \$50.00; scope of sections.**

All the subsequent sections of this Chapter pertaining to junk apply to junk, and only to junk, which the City Manager or his designee shall have determined in accordance with this Chapter to have a fair market value in excess of fifty dollars (\$50.00). (Ord. 3452, 1995)

**12-1-14. Inquiry; notice.**

The City Manager or his or her designee shall make inquiry concerning ownership of, and possessory or any other legal interests in, the impounded junk, unless he already shall be duly informed in regard thereto. He then shall give notice by certified mail addressed to the person or persons who are or appear or claim to be the owner(s) of, or to have a possessory or other interest in the junk. The notice should state if junk is not claimed as provided this Chapter, by a date to be specified in the notice, which shall be not less than thirty (30) days after the notice was mailed, the junk may be sold by the City Manager or his designee at public auction after that date, and a part or the whole of the proceeds may be retained by the City. (Ord. 3452, 1995)

**12-1-15. Claim; information.**

Any person claiming the junk, or a part thereof, shall file with the City Manager or his designee, before the junk shall have been sold by the City Manager or his designee, a written claim, on a form to be supplied by the City Manager or his designee, wherein is stated the alleged ownership or possessory or other interest of the claimant in the junk, and a demand for its release to the claimant. The City Manager or his designee, whether or not such a claim is filed, shall inform whoever claims the junk, or makes inquiry, concerning the circumstances upon which were based the removal and impoundment of the junk, and the amount of expense of removal, impoundment and storage of the junk, the cost of postage on, and publication of, notices mailed as provided in this Chapter, and the expense of the advertising, if any, of a proposed sale of the junk. (Ord. 3452, 1995)

**12-1-16. Determination; expenses; payment; release.**

If the City Manager or his designee shall determine the claimant to be the owner of the junk, or to have an interest in the junk entitling him to the possession thereof upon compliance with the requirements of this section, the City Manager or his designee shall release the junk to the claimant upon payment by the claimant to the City Clerk of the expenses referred to in section 12-1-15, as determined by the City Manager or his designee; otherwise, the City Manager or his designee shall deny the claim. The City Manager or his designee shall enter in writing his determinations in this regard and, upon request of the claimant, shall supply to the claimant a copy thereof. (Ord. 3451, 1995)

**12-1-17. Sale; notice.**

If no claim to the junk shall have been filed with the City Manager or his designee as provided in this Chapter within thirty days after a notice was mailed in accordance with this Chapter or if such a claim was filed and by the City Manager or his or her designee denied as provided in this Chapter, the City Manager or his or her designee may cause a notice of a public auction of the junk to be published one time in a newspaper of general circulation within the City not less than ten (10) nor more than twenty (20) days prior to the auction. The notice shall state the time and place of the auction and list the junk to be sold. A copy of the published notice shall be mailed by the City Manager or his or her designee to each person who is or appears or claims to be the owner(s) of, or to have a possessory or other interest in the junk. (Ord. 3452, 1995)

**12-1-18. Sale; proceeds.**

If the junk has not been released to a claimant prior to the sale as provided in this Chapter, the City Manager or his or her designee shall sell the junk or cause it to be sold at public auction at the time and place and in the manner, if any, specified in the notice. The proceeds shall, by the City Manager or his or her designee, be delivered to the City Clerk, and shall be applied in reimbursement of the expense which was incurred by the City, as determined by the City Manager or his designee, in removing, impounding, storing and selling the junk (including all of the expenses referred to section 12-1-15, and the excess, if any, shall be held by the City Treasurer, without interest, for the benefit of the owner of the junk, or of anyone having a prior right thereto, for a period of two (2) years. If not claimed within such period, such excess shall be paid into the general fund of the City. (Ord. 3452, 1995)

**12-1-19. Liability.**

Neither the owner, lessee or occupant of the premises from which the junk was removed, or of premises which abutted a sidewalk, street or alley space, parking or other public place from which the junk was removed, nor the City, or any officer, employee or contractual agent thereof shall be liable to any person for loss or damage to any junk which occurs during its removal, impoundment, storage, or disposition by the City as provided in this Chapter. (Ord. 3452, 1995)

**(d) VIOLATIONS****12-1-20. Violation; penalty.**

It is a Class II violation to permit a nuisance to exist or continue in violation of this Chapter or of any notice served as provided in this Chapter. Each day on which a violation occurs shall constitute a separate and distinct offense. The provision defining each day as a separate offense shall not be applicable to nuisances described in Section 12-1-3(r). In addition, the sentencing court may order such person to reimburse the City for the fair and reasonable costs incurred by the City in removing the nuisance. (Ord. 3452, 1995)

Minutes from Public Hearing and passing of resolution.











# **City of Scottsbluff, Nebraska**

**Friday, September 27, 2019**

**Special Meeting**

## **Item 1**

**Council to consider and take action on a Resolution which would authorize the Mayor to sign an application for Community Development Block Grant Funds for Owner Occupied Housing Rehabilitation.**

**Staff Contact: City Council**

## RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of Scottsbluff, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City Of Scottsbluff, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$750,000.00 for Owner Occupied housing rehab within the city limits of Scottsbluff, NE to benefit LMI households; and,

NOW, THEREFORE, BE IT RESOLVED BY

City Council of City of Scottsbluff, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Scottsbluff and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Signed     Raymond Gonzales

Title       Mayor

Date       09/27/2019