

Sidney, Nebraska, June 25, 2018 A Fair Housing City

A special meeting for the purpose of consideration of a special election with the Mayor and Council of the City of Sidney, Nebraska, was convened in open & public session at 7:30 A.M. on June 25, 2018 in the Council Room of the Municipal Building, 1115 13<sup>th</sup> Avenue, Sidney, Nebraska. Present were: Mayor Arterburn and Council Members: Gaston, Gallaway, Utley & Olsen. Others present: City Manager Sadler, City Clerk Anthony, City Attorney Leef and Economic Development Director Melissa Norgard. Notice of the meeting was given in advance thereof by Notice of the meeting was given in advance thereof by publication in *The Sidney Sun Telegraph*, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the members of the City Council and a copy of their acknowledgment of receipt of notice is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the City Council.

Mayor Arterburn informed the public of the Open Meetings Act.

Melissa Norgard, Economic Development Director, presented a resolution for the proposal of a special election for the Sidney Economic Development Plan Revised - 2018. Said plan creates a revolving loan fund with emphasis on job creation and/or retention compliance and provides authority to issue bonds. The proposed special election would be conducted by the Cheyenne County Clerk on August 14, 2018 through a mail in ballot. All registered voters within the political subdivision shall receive an official ballot at the address appearing on the voter registration register the same day they are mailed. The election shall be in the manner required by law for elections of cities of the First Class. **The proposed Plan proposes no new property tax and no increase in sales tax to support the program.** Discussion was held with the Council and their questions were answered satisfactorily. The main and most important conclusions from the discussion was **"More jobs is the only way we can help ourselves" AND no new property tax and no increase in sales tax to support the program.**

Utley moved, Gaston seconded "That RESOLUTION NO. 20180604 be passed and adopted as corrected." Roll call vote: Yeas: All council members present.

#### RESOLUTION NO. 20180604

WHEREAS, a plan entitled the "Sidney Economic Development Plan Revised - 2018" has been prepared, which plan complies with the statutory requirements for such an economic development plan and, after proper public notice, a public hearing at which said plan was presented has been held to receive public comment and discussion.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sidney hereby adopts the "Sidney Economic Development Plan Revised - 2018," which is incorporated in this Resolution of Adoption by this reference and which:

- a. Creates a revolving loan fund which will be administered as follows:
  - i. A qualifying business must submit an application and other documents as set out in the Plan which will be considered for recommendation by the  
  
Economic Development Director with input from a Citizen Advisory Committee, final approval or denial to be made by the City Council.
  - ii. The criteria for determining necessity and appropriateness for participation by a qualifying business will be job creation or retention as set out in the Sidney Economic Development Plan Revised - 2018.
  - iii. Loan repayment must be within ten (10) years for purchase of fixed assets and five (5) years for other asset categories.
  - iv. The Economic Development Director or contracted program administrator, together with current City staff, will administer the program.
  - v. The loan fund will be invested as provided by Section 77-2341 R.R.S. Nebraska and will be audited annually in conjunction with the annual City audit. Job creation and/or retention compliance will be monitored and verified by the Director of Economic Development or contracted program administrator, if any.

- b. Provides that program funds may also be used for public works improvements when tied to job creation or retention and to purchase real estate or options which tracts will be selected based on intended use and compliance with zoning and the Community Development Plan and will be secured by Mortgage, Deed of Trust or other financial security if transferred as part of a loan package. Proceeds from the sale of such land may be used for additional land purchases.
- c. Provides that program funds may be used to pay for the other listed eligible activities in the Plan, including technical assistance, job training, recruitment, promotion and tourism.
- d. Provides authority to issue bonds pursuant to the Act.

IT IS FURTHER RESOLVED by the City Council of the City of Sidney that a special election be conducted by the Cheyenne County Clerk on August 14, 2018 by submitting the question of adoption of the Economic Development Program as set out in the "Sidney Economic Development Plan Revised - 2018" authorizing the use of Three Hundred Thousand Dollars each year for a period of ten years from October 1, 2018 through September 30, 2028 to be funded from the previously adopted City Sales and Use Tax, as well as any grants, donations, or state and federal funds received by the city subject to any restrictions of the grantor, donor or state and federal laws. **The Plan proposes no new property tax and no increase in sales tax to support the program.**

IT IS FURTHER RESOLVED that the following question in the form shown below shall be submitted to the qualified electors of the City of Sidney, Nebraska for their approval or disapproval at the election on August 14, 2018:

Shall the City of Sidney establish an economic development program by appropriating annually from local sources of revenue only, namely the presently existing sales and use tax, the amount of \$300,000.00 each year for ten (10) years as well as any grants, donations, or state and federal funds received by the city subject to any restrictions of the grantor, donor or state and federal law?

Yes (for the Program)

No (against the Program)

Electors desiring to vote in favor of the question shall blacken the oval completely preceding the words "YES" (for the Program).

Electors desiring to vote against the question shall blacken the oval completely preceding the words "NO" (against the Program).

Description of the Economic Development Program:

- (a) Description of Terms, Conditions and Goals: The goals of the Plan are to provide jobs above the average wage paid to employees in the city of Sidney, Nebraska, by encouraging and assisting local businesses to retain jobs presently existing and to expand both as regards job creation and capital investment and to recruit new businesses which will create new jobs and expand the tax base. Success will be measured by the number of jobs created and retained, the total dollars invested in buildings and equipment and the growth in the total valuation in the City of Sidney. Funds allocated from the existing Local Option Municipal Sales and Use Tax previously adopted will be loaned to qualifying businesses which include those that derive their principal source of income from (1) manufacturing; (2) research and development; (3) processing, storage, transport or sale of goods or commodities in interstate commerce; (4) sale of services in interstate commerce; (5) headquarters facilities relating to eligible activities; (6) telecommunication activities, including services providing advanced telecommunications capabilities; (7) tourism-related capital projects; or (8) retail trade on a low interest and/or forgivable loan with grantee match requirements based on job creation or job retention criteria or for public works improvements or purchase of real estate tied to job retention or creation and/or job training, commercial/industrial recruitment or tourism.
- (b) Duration of Program: The length of time the Revised Program shall be in existence shall be from October 1, 2018 through September 30, 2028 (ten years).

- (c) Years for Collection of Funds: Each of the fiscal years 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024, 2024-2025, 2025-2026, 2026-2027 and 2027-2028.
- (d) Source of Funds: The source of funds for the Program shall be Three Hundred Thousand Dollars annually from the previously adopted City Sales and Use Tax as well as any grants, donations, or state and federal funds received by the city subject to any restrictions of the grantor, donor or state and federal laws.
- (e) Total Amount to be Collected: The total amount to be collected from local sales tax revenue shall be \$300,000.00 each year for ten years being in total \$3,000,000.00 and estimated grants, donations, or state and federal funds of \$3,700,000.00 each year.
- (f) Program Targeting: Of the amount collected annually, \$200,000.00 will be allocated in the City zoning jurisdiction and as provided in the Plan to the Revolving Loan Program for low interest and performance-based loans targeting job creation and retention and eligible activities as set out above. \$50,000.00 will be directed to qualifying businesses and eligible activities in the Downtown Business District and \$50,000.00 in the Northside District. All grants, donations or state and federal funds will be allocated to the program for low interest loans and performance-based grants focused on job creation of well-paying jobs.
- (g) Bonding: The City will issue bonds pursuant to the Local Economic Development Act to provide funds for economic development activities including infrastructure relating to economic development.

IT IS FURTHER RESOLVED that the election shall be conducted by the Cheyenne County Clerk through a mail in ballot with election date of August 14, 2018. All registered voters within the political subdivision shall receive an official ballot at the address appearing on the voter registration register the same day they are mailed. The ballots shall be mailed by nonforwardable first-class mail not sooner than July 23, 2018 and not later than August 3, 2018. All official ballots shall be marked by the registered voter and seals in the identification envelope supplied with the ballot, sign the identification envelope and comply with the instructions provided with the ballot. The ballot may be returned to the county clerk by mailing it or by personally delivering it to the office of the county clerk. The deadline for receipt of the ballot is 5 p.m. on August 14, 2018. The election shall be in the manner required by law for elections of cities of the First Class.

IT IS FURTHER RESOLVED that all notices required by law shall be published in the *Sidney Sun-Telegraph*, a legal newspaper of general circulation in the City and by posting as provided by law. The notices shall be in substantially the following form:

NOTICE IS GIVEN that on August 14, 2018 a special election through a mail in ballot, a City special election will be held which there will be submitted to the electors of the municipality for their approval or rejection of the following question:

(text of question and description from Page 2 through item (g) of this Resolution to be inserted into the notice).

The ballots shall be mailed by nonforwardable first-class mail not sooner than July 23, 2018 and not later than August 3, 2018. All official ballots shall be marked by the registered voter and seals in the identification envelope supplied with the ballot, sign the identification envelope and comply with the instructions provided with the ballot. The ballot may be returned to the county clerk by mailing it or by personally delivering it to the office of the county clerk. The deadline for receipt of the ballot is 5 p.m. on August 14, 2018. Copies of the question may be obtained from the Office of the Sidney City Clerk at the Administration Building, 1115 - 13<sup>th</sup> Avenue, Sidney, Nebraska 69162.

IT IS FURTHER RESOLVED that the Sidney Economic Development Plan Revised - 2018 be filed with the City Clerk and a certified copy of this Resolution adopting the Economic Development Plan and Program be filed by the City Clerk with the Cheyenne County Clerk.

PASSED AND APPROVED this 25<sup>th</sup> day of June 2018.

Council adjourned at 7:55 a.m.

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/s/ JOE ARTERBURN, MAYOR

ATTEST:

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/s/ G.F. ANTHONY, CITY CLERK