

MINUTE RECORD

SPECIAL BOARD MEETING
VILLAGE BOARD OF TRUSTEES
AUGUST 27, 2020 7:00 PM

The special meeting of the Chairman and Board of Trustees of the Village of Shelton, Nebraska, was convened in open and public session in the Community Room of the Shelton Municipal Building at 219 "C" Street in Shelton, Nebraska, on August 27, 2020. Chairman Roe called the meeting to order at 7:00 P.M. at which time he informed the public of the posting of the Open Meeting Act on the bulletin board in the back of the room and led the audience in the Pledge of Allegiance. He then directed the Village Clerk to call roll which reflected the following: Present: Trustees: Roe, Doremus and Oberg. Absent: Keslar.

Notice of this meeting was given in advance thereof by posting at 11:05 am on August 25, 2020 in five (5) public places in the Village of Shelton, Nebraska, as follows: Larry's Market, Shelton Clipper, Post Office, Cornerstone Bank, and Village Office, all as shown by the Certificate of Posting attached to these minutes. Notice of this meeting was simultaneously given to the Chairman and all members of the Village Board of Trustees and a copy of their acknowledgement of receipt of notice of the meeting and the agenda are attached to these minutes. Availability of the agenda was communicated in the advanced notice and in the notice of this meeting to the Village Board of Trustees.

All proceedings shown were taken while the convened meeting was open to the attendance of the public.

TRUSTEE KESLAR ARRIVED AT 7:02 PM.

2. FILL VACANCY ON THE BOARD OF TRUSTEES. Chairman Roe then appointed Tammy Reutzel to fill the vacancy on the Board of Trustees.

3. CLERK ADMINISTERS OATH OF OFFICE TO NEW BOARD MEMBER. Village Clerk Doremus then administered the Oath of Office to Trustee Reutzel.

4. RESOLUTION TO ACCEPT ECONOMIC DEVELOPMENT PLAN AND PLACE ON THE BALLOT WITH LB 840 SALES TAX QUESTIONS. Bobbi Pettit with Five Rule Rural Planning explained to the board that due to some inconsistencies in the wording of the Resolutions which were pasted at the last meeting, it was necessary consider new resolutions to replace them. After discussion, Chairman Roe indicated it was time to consider Resolution No. 20-08-27.

RESOLUTION NO. 20-08-27:

A RESOLUTION OF THE VILLAGE OF SHELTON, NEBRASKA TO ADOPT THE ECONOMIC DEVELOPMENT PLAN FOR THE VILLAGE OF SHELTON ECONOMIC DEVELOPMENT PROGRAM AND TO PROVIDE FOR THE BALLOT LANGUAGE PERTAINING TO THE SAME, PURSUANT TO THE NEBRASKA LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT.

WHEREAS, the voters of Nebraska at the General Election held in November, 1990 approved an amendment to the Nebraska Constitution to authorize the Nebraska Legislature to pass enabling legislation granting cities and villages the power to use local sources of revenue for economic and industrial projects or programs subject to local voter approval; and

WHEREAS, the Nebraska Legislature authorized cities and villages through passage of LB 840 during 1991, which was entitled the Local Option Municipal Economic Development Act (the "Act"), to collect and appropriate local option sales tax revenues for economic development programs; and

WHEREAS, the Act provides an opportunity for the citizens of the Village of Shelton, Nebraska community to influence their economic future; and

MINUTE RECORD

AUGUST 27, 2020
- PAGE 2 -

WHEREAS, to help ensure the success of that economic future, the Village of Shelton has proposed, pursuant to the Act, a viable economic development plan for the Village of Shelton, which is hereby considered for adoption; and

WHEREAS, this economic development plan, if adopted, calls for the use of Local Option Sales Tax proceeds for projects or programs providing direct or indirect financial assistance to a qualifying business and payment of related costs and expenses as allowed under the Act; and

WHEREAS, having completed the proposed plan, and having held a public hearing at which said plan was presented for public comment and discussion, the Village is now prepared to adopt the proposed plan and any amendments by this resolution, pursuant to the Act;

WHEREAS, the Village proposes the language provided herein for the ballot question, composed of the question on adoption of the Economic Development Program and the question on adoption of a sales and use tax in the amount of one and one-half percent (1½%), as such language will appear on the ballot;

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF SHELTON, BUFFALO COUNTY, NEBRASKA

Section 1 The proposed Economic Development Plan for the Village of Shelton, Nebraska, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby adopted. A copy of said Economic Development Plan and this resolution shall be filed with the Village Clerk, who shall make it available for public review at the Village Office during regular business hours thereof.

Section 2 The Economic Development Program shall be presented to the voters of the Village of Shelton for approval at the general election, to be held on November 3, 2020.

Section 3 The following question shall be submitted to the registered voters of the Village of Shelton:

"Shall the Village of Shelton, NE establish an Economic Development Program as described herein by appropriating annually two-thirds (2/3) of the Village one and one-half percent (1½%) sales tax?"

_____ YES
_____ NO

The terms, conditions, and goals of the Economic Development Program are as follows:

- a. Length of Time the Program Will Be in Existence: The program will be in existence for twenty (20) years for the period of on or about April 1, 2021 to on or about April 1, 2041.
- b. Source and Years Within Which Funds From Local Sources of Revenue Are To Be Collected: Collection of the funds for the Economic Development Program shall be two-thirds (2/3) of the one and one-half percent 1½% sales and use tax to be collected for a ten-year period beginning on or about April 1, 2021 and continuing until on or about April 1, 2031.
- c. Total Amount To Be Collected For the Program From Local Sources of Revenue: The total amount to be collected from local sources of revenue for the length of the Economic Development Program is estimated to be a minimum of \$39,277 the first year and \$67,333 each year thereafter. The total amount to be collected for the Economic Development Program is estimated to be at least \$712,600.
- d. Additional Funds To Be Sought From Other Non-Village Sources and Bonds: Additional funds from other non-village sources may be

MINUTE RECORD

AUGUST 27, 2020

- PAGE 3 -

sought beyond those derived from local sources of revenue. The Village shall have the ability to issue bonds to provide funds to carry out the economic development program. Additional funds from other non-village sources, such as federal, state, and private grants, will be sought beyond those derived from local sources of revenue.

- e. Goals of the Economic Development Program: The goals of the Economic Development Program are to assist existing businesses and to create jobs through new or expanded business and housing development.

"Shall the Village of Shelton, NE impose a sales and use tax in the amount of one and one-half percent (1½%) upon the same transactions within the Village of Shelton on which the State of Nebraska is authorized to impose a tax, for a ten (10) year period beginning on or about April 1, 2021 and ending on or about April 1, 2031, with the proceeds of two-thirds (2/3) of the one and one-half percent (1½%) sales tax to be used for the purpose of financing the Shelton, Nebraska Economic Development Program established under the Shelton Economic Development Plan pursuant to the Nebraska Local Option Municipal Economic Development Act, and with the balance of the proceeds to fund general Village obligations for street improvements and infrastructure developments to include drainage and sidewalks, estimated to be approximately \$33,000 annually?"

_____ YES (for the sales tax)

_____ NO (against the sales tax)

Section 4 The Village Clerk is hereby directed to file a certified copy of this resolution with the Buffalo County Clerk not later September 1 of the year of the general election.

Section 5 All resolutions or parts of resolutions in conflict herewith are hereby repealed.

It was then moved by Trustee Doremus, with a second from Trustee Oberg to approve and adopt Resolution No. 20-08-27 as presented. Ayes: Roe, Oberg, Reutzel, Doremus and Keslar. Nays: None. Absent: None. Motion Carried.

5. RESOLUTION TO PLACE SALES TAX ON THE BALLET FOR USE OF VILLAGE'S ½ PRECENT. Chairman Roe then indicated it was time to consider Resolution No. 20-08-27A.

RESOLUTION NO. 20-08-27A:

A RESOLUTION OF THE VILLAGE OF SHELTON, NEBRASKA TO SUBMIT TO THE VOTERS OF THE VILLAGE THE QUESTION OF IMPOSING A SALES AND USE TAX OF ONE AND ONE-HALF PERCENT (1½%), PURSUANT TO THE NEBRASKA LOCAL OPTION REVENUE ACT.

WHEREAS, Neb. Rev. Stat. § 77-27,142 provides a village with authority to impose a sales and use tax upon the same transactions that are sourced under the provisions of Neb. Rev. Stat. §§ 77-2703.01 to 2703.04 within the incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time;

MINUTE RECORD

AUGUST 27, 2020

- PAGE 4 -

WHEREAS, the Village of Shelton (the "Village") does not currently have a sales and use tax in place, previously approved by the voters of the Village pursuant in part to Neb. Rev. Stat. § 77-27,142;

WHEREAS, Neb. Rev. Stat. § 77-27,142.01 provides that the Board of Trustees of any incorporated municipality may submit the question of imposing a sales and use tax previously authorized under Section 77-27,142;

WHEREAS, Neb. Rev. Stat. § 77-27,142.01 provides in relevant part that the question of imposing a sales and use tax shall be submitted to the voters at any general election if the governing body submits a certified copy of the resolution proposing modification to the county clerk within the time prior to a general election prescribed in Section 77-27,142.02;

WHEREAS, Neb. Rev. Stat. § 77-27,142.02 provides in relevant part that the authority provided in Section 77-27,142 to impose a sales and use tax shall not be exercised unless and until the question has been submitted at a general election held within the incorporated municipality, and that the officials of the incorporated municipality shall order the submission of the question by submitting a certified copy of the resolution proposing the tax to the county clerk no later than September 1 of the year of the general election;

WHEREAS, the Village Board of Trustees finds it expedient to submit to the voters of the Village the question of imposing a sales and use tax of one and one-half percent (1½%);

WHEREAS, the Village proposes the language provided herein for the ballot question, composed of the question on adoption of a sales and use tax in the amount of one and one-half percent (1½%), as such language will appear on the ballot;

NOW THEREFORE BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF SHELTON, BUFFALO COUNTY, NEBRASKA:

Section 1. The question of imposing a sales and use tax of one and one-half percent (1½%) shall be presented to the voters of the Village of Shelton for approval at the next general election, to be held on November 3, 2020.

Section 2. One-third (1/3) of revenues from the proposed one and one-half percent (1½%) sales and use tax will be used to fund general Village obligations for street improvements and infrastructure developments to include drainage and sidewalks.

Section 3. The proposed one and one-half percent (1½%) sales and use tax will terminate on or about April 1, 2031.

Section 4. The following question shall be submitted to the registered voters of the Village of Shelton:

"Shall the Village of Shelton, NE impose a sales and use tax in the amount of one and one-half percent (1½%) upon the same transactions within the Village Shelton on which the State of Nebraska is authorized to impose a tax, for a ten (10) year period beginning on or about April 1, 2021 and ending on or about April 1, 2031, with one-third (1/3) of the proceeds used to fund general Village obligations for street improvements and infrastructure developments to include drainage and sidewalks?"

_____ YES (for the sales tax)

_____ NO (against the sales tax)

Section 5. The Village Clerk is hereby directed to file a certified copy of this resolution with the Buffalo County Clerk not later than September 1 of the year of the general election.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

It was then moved by Trustee Keslar to approve and adopt Resolution No. 20-08-27A as presented. This received a second from Trustee Doremus with the vote as follows: Ayes: Roe, Oberg, Reutzel, Doremus and Keslar. Nays: None. Absent: None. Motion Carried.

MINUTE RECORD

AUGUST 27, 2020

- PAGE 5 -

6. ADJOURNMENT. All agenda items having been considered, Trustee Doremus with a second from Trustee Oberg moved to adjourn the meeting. **AYES:** Roe, Reutzler, Oberg, Doremus and Keslar. **NAYS:** None. **ABSENT:** None. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 7:12 P.M.

RESPECTFULLY SUBMITTED

BONNIE DOREMUS, MMC
VILLAGE CLERK

APPROVED:

WILLIAM C. ROE
CHAIRMAN

CERTIFICATION

I, the undersigned, Village Clerk for the Village of Shelton, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Chairman and Board of Trustees of the Village of Shelton at the special meeting held on AUGUST 27, 2020 at the Community Room, 219 "C" Street, Shelton, NE and that all the subjects included in the foregoing proceedings were contained in said agenda for at least twenty-four hours prior to said meeting; that said minutes from which the foregoing proceedings have been extracted were available for public inspection within ten working days of the meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; that the notice of the meeting was posted by Assistant Clerk/Treasurer Lisa Smith on August 25, 2020 in five public places in the Village of Shelton, as follows: Village Office, Cornerstone Bank, Shelton Clipper, Post Office, and Larry's Market.

Dated this 31st day of August 2020.

BONNIE DOREMUS, MMC
VILLAGE CLERK