

MINUTE RECORD

REGULAR BOARD MEETING
VILLAGE BOARD OF TRUSTEES
JULY 9, 2020 7:00 PM

The regular 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 July 9, 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 and Cline.

Notice of this meeting was given in advance thereof by posting at 10:45 am on July 6, 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.

7:00 PM PUBLIC HEARING RE: WORKFORCE HOUSING INCENTIVE PLAN. Chairman Roe adjourned the Board of Trustees meeting and called to order the Public Hearing. Kelsey Knehans with the Economic Development Council of Buffalo County explained to the Trustees and public that Legislative Bill 496 was passed in 2018 to amend the Nebraska Community Development Law. This now allowed TIF financing for actual construction costs for new workforce housing and rehabilitation costs exceeding 50% of assessed valuation on residential workforce housing units. She went on to explain the definition of the workforce housing and indicated that since Shelton and Buffalo County have both had housing studies done within the past two years, Shelton was in a position to adopt the Workforce Housing Incentive Plan.

After answering questions and having no further comments from the Public, Chairman Roe adjourned the Public Hearing and called the Board of Trustees meeting back to order at 7:05 pm with a roll call reflecting the following: Present: Roe, Doremus and Oberg. Absent: Keslar and Cline

2. WORKFORCE HOUSING INCENTIVE PLAN. The Community Development Agency, after having their own Public Hearing on the subject recommended to the Board of Trustees to adopt the Workforce Housing Incentive Plan as presented. After discussion, Chairman Roe indicated it was now time to consider Resolution No. 20-07-09:

RESOLUTION NO. 20-07-09:

**WORKFORCE HOUSING INCENTIVE PLAN FOR THE
VILLAGE OF SHELTON, NEBRASKA
PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW**

WHEREAS, the 2018 Nebraska Legislature passed Legislative Bill 496 (the "Bill") which amended the Nebraska Community Development Law (the "Act"). The Bill was signed by the Governor in May of 2018. Before the Bill was passed, TIF was generally limited to pay costs of site purchase, utility extension, public infrastructure, sidewalks, planning and certain rehabilitation expenditures. The Bill, among other items, provided that tax increment financing (TIF) may be used for the actual construction of new workforce housing and rehabilitation costs exceeding 50% of assessed valuation on residential workforce housing units.

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WHEREAS, prior to utilizing TIF for workforce housing, the Village must (a) receive a housing study within the last 24 months and (b) hold a hearing on an incentive plan for the use of TIF for workforce housing.

WHEREAS, “workforce housing” means:

(a) Housing that meets the needs of today's working families; (b) Housing that is attractive to new residents considering relocation to a rural community; (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;(d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and (e) Upper-story housing. §18-2103 (32) R.R.S.

WHEREAS, “rural community” means any municipality in a county with a population of fewer than one hundred thousand inhabitants as determined by the most recent federal decennial census. The Buffalo County 2010 Census indicates a population of 46,102. §18-2103 (30) R.R.S.

WHEREAS, in 2018, the Village of Shelton (the “Village”) received a housing study entitled “Village of Shelton Housing Study Lite 2018 by South Central Economic Development District” (the “Study”). The Study determined that:

Shelton is facing a clear workforce housing crisis. There is a deficit of 131 houses at the \$150,000 to \$299,999 range. This means that those who are looking for workforce housing will not be able to find it in Shelton. Also, the Village of Shelton set housing goals based on the results from their housing study: 1. Protect and preserve existing residential areas. 2. Actively pursue affordable and workforce housing programs available from federal, state and local agencies and/or departments. 3. Develop single family and multi-family housing.

Separately, Miller & Associates Consulting Engineers, P.C. conducted a Buffalo County Housing Market Study in 2020 that identified the objectives of: Objective 1 Produce and preserve a sufficient supply of affordable rental housing to meet future needs. Objective 2 Produce and preserve a sufficient supply of affordable owner-occupied housing to meet future needs. Objective 3 Ensure low- and moderate-income families and individuals have access to quality, affordable housing and affordable workforce housing. Leverage County programs by incentivizing landlords and developers to provide housing for families and individuals with housing barriers. Objective 4 Enable Buffalo County residents to age in the County with access to housing options.

WHEREAS, the law requires that a workforce housing incentive plan be necessary to prevent the spread of blight and substandard conditions within the Village, promote additional safe and suitable housing for individuals and families employed in the Village, and will not result in the unjust enrichment of any individual or company.

NOW, THEREFORE, be it resolved by the Chairman and Board of Trustees of the Village of Shelton, Nebraska, that:

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1. It has received a housing study which is current within twenty-four months of the date of this Resolution;
2. It has prepared an incentive plan for construction of housing in the municipality of Shelton, Nebraska, targeted to house existing or new workers “(the Workforce Housing Incentive Plan”);
3. This Workforce Housing Incentive Plan shall be effective for the Village of Shelton, Nebraska, until modified pursuant to the Act.
4. This Workforce Housing Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the municipality, promote additional safe and suitable housing for individuals and families employed in the municipality, and will not result in the unjust enrichment of any individual or company.
5. TIF for workforce housing for each project is to be implemented pursuant to a redevelopment plan recommended by the Shelton Community Development Agency (CDA), and approved after hearing by the Shelton Board of Trustees pursuant to the Act.
 - The Village of Shelton, Nebraska Blight and Substandard Study and General Redevelopment Plan dated 2018 identified:
 - 1. Establish community and economic development programs to promote population growth.
 - Diversifying the economic base will create new job opportunities and will provide a broader selection of services. New employees will require both rental and owner-occupied housing, educational, and safety services while retiring citizens will also require more housing options.
 - 2. Acquire, rehabilitate, and/or demolish vacant commercial and residential properties.
 - Eliminate inadequate structures and opening up properties for redevelopment will allow the Village of Shelton to address the demand for new housing while using the pre-existing street and utility system.
 - 3. Invest in infrastructure and other public improvements that will encourage private investment and ease the burden on developers working to improve the Shelton Redevelopment area and the Village of Shelton.
 - Tax Increment Financing (TIF) could be utilized as a local redevelopment tool that will enable the Village of Shelton to share in the financial burden associated with redevelopment and expansion of residential and commercial uses.
6. This Workforce Housing Incentive Plan is intended to incent development of workforce housing that supports current and prospective employees of local and area businesses and public service corporations. **IT IS NOT INTENDED AND WILL NOT BE USED TO CONSTRUCT HIGHER END HOMES OR CUSTOM-BUILT HOMES.**
7. All redevelopment contracts between the CDA and a redeveloper providing TIF benefits for workforce housing will be negotiated on a case by case basis with TIF incentives to be determined by the CDA, and approved by the Board of Trustees, in amounts required to accomplish the goal of incenting the development of safe and decent workforce housing in the Village of Shelton. The CDA shall document and shall only agree to provide TIF benefits to a redeveloper seeking TIF for workforce housing after a determination is made by the CDA that the project is consistent with the requirements of the Community Development Law, as amended from time to time, the applicable redevelopment plan and this Workforce Housing Incentive Plan, as well after a determination is made that the project will not result in the unjust enrichment of any individual or company. In each redevelopment contract for workforce housing, the CDA shall set standards appropriate for each workforce housing development project related to residence or apartment size, construction standards, costs and rental rates.

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After further discussion, it was moved by Trustee Doremus, with a second from Trustee Oberg to approve and adopt Resolution No. 20-07-09 as presented. Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

3. **CONSENT AGENDA.** The consent agenda was presented as follows:
 - A. WAIVE READING AND APPROVE MINUTES OF REGULAR MEETING OF JUNE 11, 2020
 - B. ACCEPT FINANCIAL REPORT
 - C. RATIFY ACTION TAKEN AT MEETINGS HELD APRIL 9, 2020, MAY 14, 2020, JUNE 1, 2020, JUNE 11, 2020 BY VIDEO OR TELEPHONE CONFERENCING BASED ON GOVERNOR'S EXECUTIVE ORDERS WAIVING CERTAIN PROVISIONS OF THE OPEN MEETING ACT, WHICH EXPIRED JUNE 30, 2020.

It was then moved by Trustee Oberg, with a second from Trustee Roe to approve the consent agenda as presented. Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

4. **REPORTS.** Oral and written reports were received from Administrative Clerk Doremus and Utility Superintendent Sell. Oral reports were given by Police Chief Clark, Fire Chief Wiehn and Village Attorney Truell.

5. **NUISANCE COMPLAINT REGARDING 104 C STREET.** Police Chief Clark reported that work was being done on the building and it was the consent of the Trustees that as long as the work continued the property would no longer be considered a nuisance property.

6. **PURCHASE OF NEW AMBULANCE AND RESCUE TRUCK.** Jason Wiehn and JD Gangwish presented the board with some figures as to what money was available and the cost of these two vehicles. The cost of the Ambulance was specked out with a stretcher and 2 lifePacs to come to \$300,745. It was estimated that the rescue truck would be around \$195,000. There was discussion with regards to possibly buying the truck and chasey separately under a state bid and then adding the skids and boxes to it. That was something the fire department would look into. Andrew Forney with D.A. Davidson & Co. also addressed the board regarding Public Safety Tax Anticipation Bonds to help finance the purchase of the vehicles. These bonds would be issued either for 15 or 20 years and would be financed through an additional .05 property tax levy. After discussion, it was moved by Trustee Doremus to have D.A. Davidson & Co. proceed with the steps for the issuance of the Public Safety Bonds. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

7. **NEW PLAYGROUND EQUIPMENT.** Village Clerk Doremus reported with the budgeted funds and the Lion Club's fund raising the village now was in a position to get the new playground equipment ordered this fall and installed next spring. She has been working with two different companies, each had submitted two different layouts. After much discussion it was moved by Trustee Doremus to purchase the Burke equipment with the option #1 layout. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

10. **APPOINTMENT OF ADHOC HOUSING COMMITTEE.** Chairman Roe proceeded to appoint the Board of Trustees to act as the Ad Hoc Housing Committee. Trustee Doremus then moved to adjourn the Board of Trustees meeting in order to hold an Ad Hoc Housing Committee meeting. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried and the meeting was adjourned at 8:00 pm.

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The Board of Trustees meeting was called back to order at 8:05 pm with the roll call reflecting as follows: Present: Roe, Doremus and Oberg. Absent: Keslar and Cline

11. REVIEW AD HOC HOUSING COMMITTEE'S RECOMMENDATIONS AND APPROVAL OF HOUSING REHAB APPLICATIONS. After the review of the three applications for the Housing rehab funds and the recommendations of the Ad Hock Housing Committee to approve such applications, it was moved by Trustee Doremus to accept the recommendations and approve the applications. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

8. BALLFIELD LIGHTS/BLEACHERS. Chairman Roe informed the board that the school had contacted him and were asking to borrow our bleachers for the football season. After discussion it was the general consensus of the board to allow them to borrow them and that Utility Superintendent Sell would oversee the transportation of them between the park and football field.

Utility Superintendent Sell reported to the board that some of the wiring and boxes for the Ballfield lights were needing some updates and repairs. After discussion and due to safety reasons, the board directed him to proceed with what was needed to do the repairs and updates.

9. PURCHASE OR REPAIR ADA DOOR AT LIBRARY. Utility Superintendent Sell reported that the ADA door at the library is not working. Since it is a "Stanley" door, he has someone from the company coming the next day to look at it and hopefully they can repair it rather than having to replace it.

12. APPROVE PAYMENT TO CDS INSPECTIONS & BEYOND FOR THE OOR REHAB GRANT ADMINISTRATIVE SERVICES TO DATE. After discussion, it was moved by Trustee Doremus, with a second from Trustee Oberg to approve invoice # OOR - A02 in the amount of \$975 for payment to CDS Inspections & Beyond. Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

13. APPROVE REQUEST FOR NAHTF FUNDS RELATING TO THE OOR REHAB GRANT. After discussion it was moved by Trustee Oberg, with a second from Trustee Doremus to approve the request for these funds. Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

14. CHANGE ORDER AND PAY REQUEST FROM MIDLAND CONTRACTING, INC. A Change Order for an additional valve in the amount of \$11,500 was presented along with a pay request from Midland Contracting, Inc. After some discussion, Chairman Roe indicated it was time to consider Resolution No. 20-07-09A.

RESOLUTION NO. 20-07-09A:

BE IT RESOLVED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF SHELTON, NEBRASKA:

1. Engineers for the Village of Shelton, Miller & Associates, have delivered to the Village, Change Order No. 1 for an increase of an 8" Inserta Valve for the Water System Improvement Project and the Village Board of Trustees hereby accepts the said Change Order.

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2. Midland's Contracting, Inc. has theretofore delivered to the Village their invoice consisting of services and materials as of June 18, 2020 for the Water System Improvement Project and the invoice set out below is hereby approved, and the Governing Board finds services have been received by the Village and work has been performed and claims therefore are hereby allowed as follows:

MIDLAND'S CONTRACTING, INC	
Completed & Stored to date	\$308,355.75
Less 10% retainage	(30,835.58)
Less prior payments	(240,480.67)
	<hr/>
Total claim	\$ 37,039.51

3. That the Village Clerk be, and hereby is, authorized and directed to issue and deliver payment in the amount of \$37,039.51 to Midland's Contracting of Kearney, Nebraska within ten days from the date thereof for the work performed as set forth and approved.

It was then moved by Trustee Oberg, with a second from Trustee Doremus to approve and adopt Resolution No. 20-07-09A as presented. Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

15. INVOICES FROM MILLER & ASSOCIATES REGARDING THE WATER IMPROVEMENT PROJECT. After discussion relating to the GIS mapping system and other engineering services, it was moved by Trustee Doremus to approve Invoices #0541 and #0544 as presented. This received a second from Trustee Oberg with the vote as follows: Ayes: Roe, Doremus and Oberg. Nays: None. Absent: Keslar and Cline. Motion Carried.

16. EMPLOYEE EVALUATIONS. The board then met with each department head to evaluate job performances and address any concerns either the board or employee had regarding their department.

17. CLAIMS. After review, it was moved by Trustee Doremus, seconded by Trustee Oberg to pay the claims as presented. Ayes: Roe, Oberg and Doremus. Nays: None. Absent: Keslar and Cline. Motion Carried.

18. ADJOURNMENT. All agenda items having been considered, Trustee Oberg with a second from Trustee Doremus moved to adjourn the meeting. AYES: Roe, Doremus and Oberg. NAYS: None. ABSENT: Keslar and Cline. Whereupon, the Chairman declared the motion carried and the meeting duly adjourned at 9:05 P.M.

RESPECTFULLY SUBMITTED

BONNIE DOREMUS, MMC
VILLAGE CLERK

APPROVED:

WILLIAM C. ROE
CHAIRMAN

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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 regular meeting held on JULY 9, 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 published in the Shelton Clipper on July 2, 2020 and posted by Assistant Clerk/Treasurer Lisa Smith on July 6, 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 13th day of July, 2020.

BONNIE DOREMUS, MMC
VILLAGE CLERK