

City of St. Paul Regular Meeting

Monday, May 20, 2019 7:00 PM

704 6th Street

St. Paul, NE 68873

Ralph Kezeor: Present
Brenda Klanecky: Present
Katie Kowalski: Present
Jerry Thompson: Present

1. Mayor Bergman calls meeting to order, with the "Pledge of Allegiance" and the "Open Meeting Statement"
2. Submittal of Requests for Future Agenda Items
3. Reserve Time to Speak on an Agenda Item
4. Mayor Bergman opens the public hearing regarding an amendment to the Elevator (E-1) Zoning District regulations.
5. Ms. Kelli Bacon, Certified Local Government (CLG) Program Coordinator will give a presentation on the NE State Historic Preservation program. Invitations were extended to the Howard County Historical Board, the Baseball Museum Board, St. Paul Chamber of Commerce and the Howard County Commissioners. (20 minutes)
 - a. Approve adopting an ordinance at the next regular meeting.
6. Discuss - Approve / Deny The County Cage (Kersten Kucera) #122840 Special Designated Liquor application at 614 Howard Avenue on Saturday, June 8, 2019 from 4:00 p.m. to 1:00 a.m. regarding a supper following a golf tournament.
 - a. Approve / Deny The County Cage (Kersten Kucera - 614 Howard Avenue) #122840 Special Designated Liquor application for Saturday, June 15, 2019 from 3:00 p.m. to 1:00 a.m. regarding a wedding reception at the St. Paul Civic Center (423 Howard Avenue).
7. Discuss - Approve / Deny the American Legion Post #119 acquiring City of St. Paul Lots One (1) and Two (2), Block 64, Original Town and vacating the alley of Block 64 regarding a new American Legion building project.
8. Discuss - Approve / Deny the Treasurer's Report of April 2019 and the Planning Commission minutes of Tuesday, May 14, 2019
9. Mayor Bergman opens the public comment period to discuss an amendment to the Elevator (E-1) Zoning District regulations to allow storage units as accessory building. It was noted that the existing storage units within the zoning district do not comply with the current setback

requirements for the allowable uses.

a. Mayor Bergman closes the public comment period

b. Discuss - Introduce Ordinance 1004, amending Article 5, Section 5.11.03 of the St. Paul Zoning Ordinance to allow storage units as a permitted accessory use and structure in the Elevator (E-1) Zoning District; to repeal any ordinance, or part of any ordinance, in conflict with this ordinance; and to provide for the effective date (June 13, 2019) of this ordinance. The St. Paul Planning Commission approved the Elevator Zoning amendment on Monday, April 29, 2019.

***Introduce, with no second

***Waive three (3) readings, with second and roll call

***Final Passage, with second and roll call

10. **NOTE: Approve Resolution 2019-04 in the event that the City of St. Paul desires to proceed with the 2019 Community Development Block Grant (CDBG) regarding the Downtown Revitalization Phase II grant application.**

Discuss - Approve / Deny Resolution 2019-04; whereas the City of St. Paul is requesting the assistance from the South Central Economic Development District (SCEDD), with a Community Development Block Grant (CDBG) application regarding the Downtown Revitalization Phase II project.

11. Discuss - Approve / Deny amending the City of St. Paul Americans with Disabilities Act (ADA) Section 504 Plan to include Telecommunications Relay Service (TRS) provided by the Nebraska Relay Service (NRS). TRS is a free telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals.

12. Discuss - Approve / Deny the City of St. Paul 2019 Fire Department billing rates; there is no rate change from 2018.

13. Discuss - Approve / Deny completing the cement floor (34 ft. by 104 ft.) in the quonset building at the City north yards (954 13th Avenue). The building is insured for \$70,000 per Utility Superintendent Ed Thompson.

14. Discuss - Approve / Deny City Clerk Beck and Payroll Clerk Lori Royle attending the League of Municipalities 2019 Accounting & Finance Conference on Wednesday, June 12, 2019 through Friday, June 14, 2019 in Lincoln, NE.

15. Utility Superintendent Helzer updates

16. Chief of Police Paczosa updates a. Nuisance & Incident Report

17. Council member updates
18. Mayor Bergman updates
19. Public Comment Period - restricted to items on the agenda
20. Public Announcements
21. Reminder: A special City Council meeting is scheduled for Wednesday, May 29, 2019 at 5:00 p.m. regarding reviewing the IBEW 1597 Union contract, due to the approaching renewal date. Notice of meeting has been posted in four (4) places.
22. Closed Session: The City of St. Paul reserves the right to go into Closed Session when it is clearly necessary to protect the public interest or for the prevention of needless injury to the reputation of an individual; or pending litigation
23. Mayor Bergman adjourns City Council meeting.
24. Informational Items:
 - a. City Receipts of April 2019
 - b. City Clerk Beck visited with Ms. Marie Platek regarding the Special Designated Liquor application process regarding the St. Peter & Paul Life Center events.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Saint Paul, Nebraska will hold a public hearing on the 20th day of May, 2019 at 7:00 P.M. in City Hall, 704 6th Street, Saint Paul, Nebraska. The purpose of the public hearing will be to discuss a proposed amendment to the regulations for the Elevator (E-1) Zoning District. All parties in interest and citizens shall have an opportunity to be heard at the public hearing.

Connie Jo Beck, City Clerk
City of St. Paul
704 6th Street
St. Paul, NE 68873
(308) 754-4483

Certificate of Publication

STATE OF NEBRASKA, } ss. \$ 7.77
HOWARD COUNTY }

MICHAEL HAPP

being duly sworn, deposes and says she is the PUBLISHER

of THE PHONOGRAPH-HERALD a legal weekly newspaper under the Statutes of the State of Nebraska, published in Howard County, Nebraska, and of general circulation in said county, and that the annexed notice has been published in the regular and entire issue of every number of The Phonograph-Herald 1 consecutive weeks, the first publication thereof having been made on the 8th day of

May 20 19

[Signature]

Subscribed and sworn to before me this 8th day of May A.D., 2019

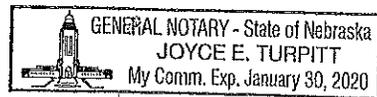
[Signature: Joyce E. Turpitt]

Notary Public

My Commission Expires _____

Printer's Bill:—To publication of above legal notice 25 lines 1 times \$ 7.77

NOTICE OF PUBLIC HEARING
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Connie Jo Beck,
City Clerk
City of St. Paul
704 6th Street
St. Paul, NE 68873
(308) 754-4483
ZNEZ



Certified Local Government Program

Frequently Asked Questions

- **What is the Certified Local Government Program?**

The Certified Local Government (CLG) Program is a federal program administered in Nebraska by the Nebraska State Historic Preservation Office (NeSHPO), a division of the History Nebraska. The goal of the program is to increase local preservation activities and link local governments with a national network of federal, state, and local organizations. CLGs are cities or counties that meet certain federal and state standards. CLG status entitles a local government to apply for yearly grants from the NeSHPO.

- **How can historic preservation and the CLG program help my community?**

Communities in Nebraska can use historic preservation principles to help maintain their identities and enrich their citizen's quality of life. Communities have discovered that historic preservation can also be an important economic development, neighborhood revitalization, and tourism tool. Managing change to preserve historic sites and encouraging suitable development are challenging tasks. The Certified Local Government Program (CLG) can be a powerful tool for local preservation efforts.

- **What are the benefits of being a CLG?**

Besides being eligible for grants, CLGs receive technical assistance and training from the NeSHPO. CLGs, in turn, provide local expertise about community preservation issues to the NeSHPO and proactively pursue preservation activities. The CLG program provides a framework within which a community may invest in existing historic assets in the context of the community's comprehensive plan.

- **What types of projects do CLGs perform?**

Eligible projects for CLG funding include: Historic property surveys, design guidelines, preservation planning activities, public outreach, publications, walking/driving tour brochures, workshops, lectures, local conferences, National Register of Historic Places nominations, and training for commission members and staff.

- **How does a local government become a CLG?**

Communities become a CLG when the NeSHPO and the National Park Service certifies that the local government has met all requirements for certification.

- **Whom should I contact for more information?**

Kelli Bacon, CLG Coordinator
Nebraska State Historic Preservation Office
kelli.bacon@nebraska.gov
(402) 471-4766

Certified Local Government Program

CLG Requirements

There are certain requirements that must be met in order for a local government to become and remain certified. The following conditions are necessary in order for a community to maintain its certified status and continue to be eligible for grants.

- **Preservation Ordinance**

The local government must enact and enforce local legislation for the designation and protection of historic properties. Most cities and towns in Nebraska can find sufficient authority to enact a historic preservation ordinance under provisions of Neb. Rev. Stat., Section 19-903 (Reissue 1977). The drafting and adoption of an historic preservation ordinance must be made by the governing body of the local government in consultation with its own legal counsel.

- **Historic Preservation Commission**

A CLG must maintain a historic preservation commission established by the preservation ordinance. The commission must have at least five members appointed by the chief elected official of the jurisdiction. Commission members must have a demonstrated interest, competence, or knowledge in historic preservation. Terms of office for commission members must be at least two years. Commissions must meet at regular intervals at least four times each year. All meetings must be publicly announced, open to the public, and have a previously advertised agenda. Minutes of each meeting must be made public and submitted to the NeSHPO.

- **Survey**

CLGs are required to maintain a system for the survey and inventory of historic properties within its jurisdiction. Most Nebraska communities have been surveyed as part of the Nebraska Historic Buildings Survey (NeHBS), but these surveys need to be updated periodically. The CLG should be aware of the status of its historic sites survey and make it a priority to keep the survey updated and accessible to the public.

- **Public Participation/Public Education**

The CLG must provide for public participation in the local historic preservation program. One of the top priorities of the CLG program is to provide historic preservation education to the local citizens of each CLG community. Each year, all CLGs should strive to sponsor at least one historic preservation workshop for the general public and complete an annual public education program.

- **Staff**

CLGs must employ or have access to a minimum of one professional staff position to carry out the duties and requirements delegated to the local government and to provide technical and advisory services to the commission and others. This does not have to be a newly created or full-time position.

Certified Local Government Program

Grant Information

Grant Amounts

Each year NeSHPO awards at least ten percent of its federal grant to CLGs for local preservation activities. In recent years, the total amount of available funding has been between \$80,000 and \$95,000, depending on Federal funding. The CLG program provides these small matching grants to local governments seeking to preserve historic properties. All grants are awarded on a competitive basis.

Eligible Activities

CLGs may use annual grant funds for a variety of projects including:

- Archeological, architectural, and historical surveys
- Preservation planning
- Preparation of National Register of Historic Places, local landmark, and tax incentive program nominations
- Programs for public education in historic preservation
- Workshops, lectures, and conferences
- Walking/driving tours and video productions
- Staff and commission training

Ineligible Activities

There are a few activities that CLG grants may not be used for, including:

- Repair, rehabilitation, reconstruction, moving, or acquisition of historic properties or sites
- Plans and specifications for individual properties
- Landscaping, lighting, or banners
- Conservation of collections and curatorial work
- Maintenance of historic properties or construction of new buildings
- Cash reserves, endowments, or revolving funds
- Fund-raising costs or other miscellaneous costs such as contingencies

Results

All CLG grant projects must result in a completed, tangible product or result. All grant activities must be completed in accordance with guidelines provided by the NeSHPO.

Match

CLG grants are reimbursable matching grants. Match can include volunteer or donated services or cash, staff and commission time, and donated personal property. The grant provides for a maximum of 60% of the project cost, while the local CLG provides at least 40% of the project cost.

Grant Timetable

When the Federal budget is determined, the NeSHPO will announce its CLG funding amount and distribute grant applications to all CLGs. Each CLG requesting funds must complete and submit an annual funding request and application by the deadline, usually April 1 of each year. Awards are typically announced by early May. The State CLG funding period is from June 1 through May 31. Questions about grants should be directed to Kelli Bacon, (402) 471-4766 or kelli.bacon@nebraska.gov.

**ESTABLISHING A LOCAL GOVERNMENT HISTORIC
PRESERVATION PROGRAM:**
An Introduction to Local Ordinances

For More Information Contact...

**History Nebraska
State Historic Preservation Office
1500 R St
Lincoln, NE 68508-1651
(402) 471-4787
nshs.hp@nebraska.gov**

**or visit the website
<https://history.nebraska.gov>**

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WHY HISTORIC PRESERVATION?

Communities and local governments across the state have embraced historic preservation as an economic and community development tool. It is a way to improve the quality of life and preserve a sense of place. Historic preservation is a way to reinvest in the past through our historic buildings, sites, structures, and even entire districts. Such an investment brings vitality to the state and its communities. It is also an important element of comprehensive planning, which guides communities into the future.

What is the importance of historic preservation to a community?

Each community has a stake in properties which are significant to its history and culture. So too, should it decide how the preservation of these properties may best be addressed. A local government can address preservation as part of its overall effort to foster and promote the wellbeing of the community. Historic preservation at the local level establishes a comprehensive effort aimed at preserving a community's historic and cultural properties. That comprehensive effort also injects an important element into the local comprehensive planning process, fostering needed and compatible economic growth and development, while preserving the community's historical and cultural values. The primary reason for local historic preservation efforts is to manage change.

Why establish a local preservation ordinance?

The basis for promoting effective local preservation is an ordinance. It is not designed to halt progress or stop the clock on development and growth. In fact, the preservation and rehabilitation of historically important buildings fosters development and growth by encouraging investment in older buildings, commercial districts, and older neighborhoods. An ordinance guides local efforts and sets policy for preserving places of local importance. It establishes a community's commitment to historic preservation and the benefits that come with preserving historic places.

What is a local preservation ordinance?

A local preservation ordinance establishes local government policy. A local historic preservation commission is established, which is composed of citizens having a stake in the community. The historic preservation commission provides interpretation for the ordinance and oversight in the duties and responsibilities it spells out. It addresses comprehensive planning, growth, and revitalization by identifying the community's historic places. Historic places important to the community are identified as local "landmarks" or "landmark districts." Typically, these are then subject to special zoning. Local governments may adopt a preservation ordinance that provides for design review of alterations or demolition of these properties. Guidelines for both the review of alterations and qualifications for local landmark designation are based on accepted preservation standards.

What are the benefits of a local ordinance?

Communities can invest in their historic places in the context of community development and pride in the past. Historic places are a legacy that can enhance the attractiveness, quality of life, and economic viability for its citizens. Integrating historic preservation into community priorities results in sound policies for both progress and preservation. These include:

- **Advancing historic preservation from grass roots to policy making.** Citizens care about the character of their community. Typically, citizens voice their concerns at the grassroots level. A preservation ordinance formalizes these concerns into actual policy.
- **Protection for historic places.** It is a frequent misconception that listing a property on the National Register of Historic Places will result in its long-term preservation. It is purely an honorary designation, which places no restriction on what a property owner can do to a historic property. Except in very limited circumstances, listing on the National Register provides historic properties no protection, although it does provide property owners with access to certain programs, such as tax benefits. Local landmark designation is one of the few means of providing for the protection of historic resources. By adopting a local preservation ordinance and designating local landmarks, proposed alterations can be reviewed and recommendations made. This process ensures that work is sensitive to historic landmarks. Adopting easy-to-understand preservation standards encourages owners to make the most feasible and sympathetic alterations to historic properties. The designation of local landmarks requires the consent of the property owner, or in the case of a landmark district, the majority of property owners.
- **Enhanced property values.** Historic designation of neighborhoods and commercial areas can help stabilize or increase property values. Increased property values protect the investment made by private property owners in their homes and businesses.
- **Maintaining the quality of historic districts.** Local landmark designation can attract people to downtowns and older neighborhoods where they recognize that design reviews will discourage improper changes to the area.
- **Local tax revenue.** Enhanced property values garner tax revenue to local governments. Improvement to one building commonly sparks the same in nearby buildings. This expands the tax base.
- **Investments.** By encouraging revitalization, a local preservation ordinance encourages investment in areas of cities that may have been long overlooked. As the position of downtown business districts, older neighborhoods, and a community's older building stock face change, historic preservation is a recognized tool to address that change. Local landmark designation can result in the return of vacant, substandard, or underutilized buildings to use through public and private investment.
- **"Main Street" revitalization.** Downtowns are the civic and commercial heart of Nebraska's communities, and their vitality is critical to the local economy. Historic preservation helps accomplish much needed development objectives. Some communities have organized "main street" revitalization programs, which emphasize sound local organization, promotion, design, and economic restructuring. These programs can work hand-in-hand with a local

preservation ordinance in revitalizing downtown districts.

- **Eligibility for tax benefits.** The Nebraska legislature has adopted legislation to create the “Valuation Incentive Program” (VIP). The program provides a property tax “hold” on the assessed value of historic properties that are rehabilitated. Local landmarks can qualify for these incentives under a certified local historic preservation program, and the local program allows for comment and input into both those properties that qualify and the quality of the rehabilitation. A federal investment tax credit is also available for rehabilitation of income-producing historic buildings. The federal investment tax credit encourages developers to invest in a community’s historic building stock. In Nebraska, this program has generated investment in hundreds of historic buildings, many historic districts, and has been responsible for the creation of a significant number of housing units. Innovative rehabilitation projects in Nebraska include the conversion of schools into elderly housing, mixed-use residential and retail developments, and the conversion of old, obsolete buildings to new uses. A local preservation program can promote these types of projects.
- **Public infrastructure.** By reusing existing buildings and infrastructure, fewer municipal dollars are spent on the construction of new roads, sewer and water lines and other utilities.
- **Rural development.** Many small communities face declines in both population and business. Historic preservation is a way to revitalize existing historic buildings and promote economic development. It capitalizes on existing assets.
- **Urban redevelopment.** Larger communities must address areas of their cities that are in decline, substandard, or blighted. These areas often include a substantial stock of older and historic buildings. By combining public tools that are available - including tax increment financing and historic rehabilitation tax benefits - creates a range of programs that can address these areas.
- **Learning about the past.** An important purpose of a local preservation program is to educate residents about historic preservation and create awareness and pride in a community’s history.
- **Increased tourism.** One of the main reasons people travel is to learn and enjoy the diversity of locales. “Heritage tourism” is a large and growing component of the travel industry. People seek out historic places, which serve as destinations or complement other attractions in the area, bringing increased tourism dollars to a community.
- **Planning.** Managing change and encouraging suitable growth is accomplished through comprehensive planning. Historic preservation issues should be understood and addressed at the local level and then integrated into the local planning and decision-making processes. A comprehensive plan and a strong emphasis on historic preservation provide a roadmap for community development and appropriate growth.
- **Local job creation.** When a building is rehabilitated, more local jobs are created in comparison to new construction and fewer dollars go to suppliers of materials outside the community.

- **Certified Local Government (CLG) status.** Adopting a local preservation ordinance and appointing a historic preservation commission qualifies a local government to apply to History Nebraska for designation as a federally-certified local historic preservation program. A local preservation program is linked in a network of federal and state preservation programs. A CLG has direct access to state and federal preservation programs and technical assistance from History Nebraska. A CLG can also apply for competitive matching grant funds for local projects.

HOW TO BECOME A CERTIFIED LOCAL GOVERNMENT (CLG)

The Certified Local Government (CLG) program is federally sponsored by the National Park Service and administered in Nebraska by the History Nebraska. CLG status makes local governments linked to technical assistance and training from the History Nebraska. It also entitles them to apply for annual federal matching grants. Among eligible activities are the survey and evaluation of a community's important historic places and local landmark designation, develop design guidelines to encourage appropriate alterations to buildings, increase public outreach through publications or workshops, participate in preservation education, and advance comprehensive planning to guide local government policy.

While the National Park Service establishes the minimum requirements for participation in the CLG program, Nebraska has shaped the program to the particular needs of its communities. To meet the minimum requirements for certification a local government must:

- Enforce appropriate legislation for the designation and protection of historic properties.
- Establish and maintain a qualified historic preservation commission.
- Maintain a system for identifying historic properties.
- Provide for public participation in the local historic preservation program.
- Satisfactorily perform other responsibilities delegated to it by the State Historic Preservation Officer (SHPO) by mutual, written agreement.

Local legislation. A local government must enact a preservation ordinance and establish and enforce a process for the designation and protection of historic properties, usually referred to as local "landmarks" or "landmark districts." Once designated, historic properties undergo a design review for alterations or demolition.

Local historic preservation commission. The preservation ordinance must provide for a qualified historic preservation commission. A historic preservation commission provides interpretation for the ordinance and oversight in the duties and responsibilities set forth in the ordinance.

Surveys. Surveying and inventorying a community's historic places is the basis for all preservation activities. The CLG program funds projects that investigate and identify properties of historical or cultural merit. This information is crucial to sound preservation planning. By identifying properties, efforts can be made to encourage their preservation and increase public awareness of their values. This can result in local landmark designations or listing in the National Register of Historic Places.

Public participation. One important purpose of a CLG program is to educate citizens about historic preservation and create awareness of a community's historic places. CLG funds can be used to develop brochures and walking tours, programs in school systems, newsletters, conferences, and other ways to increase public awareness.

Other delegated responsibilities. As negotiated between the SHPO and CLG, a local government may assume other roles. A CLG may propose the qualification of properties for federal tax incentives. A CLG may participate in the designation of qualified buildings and the review of proposed work under the Nebraska Valuation Incentive Program. A CLG may also take part in the research and preparation of National Register nominations.

History Nebraska has promulgated procedures for qualifying for this status ("Nebraska Certified Local Government Procedures").

SAMPLE ORDINANCE WITH ANNOTATIONS

While each preservation program should be unique and tailored to the needs of an individual community, the basic building block is the historic preservation ordinance. This section includes a sample ordinance with annotations that will guide a community into adopting an ordinance and to meet criteria for qualifying for Certified Local Government status.

Participation in the Certified Local Government programs requires the local government to enact and enforce appropriate state or local legislation for the designation and protection of historic properties with provisions for the following:

- A statement of purpose consistent with state enabling legislation.
- Establishment of an historic preservation commission including powers and duties, membership, and terms of appointment.
- Definition of actions that merit review by the historic preservation commission.
- Authorizes the local historic preservation commission the power to designate local historic districts and individual landmarks and to recommend such designation to the local governing body.
- Assigns a staff member to serve as director of the commission, without right to vote.
- Gives the commission authority to review and make recommendations upon all actions requiring building or demolition permits, including procedures for review concerning alteration, demolition, relocation and/or new construction of any structure within a locally designated historic district, or those which may be individually designated as local landmarks.
- Contains the specific time limits within which the commission and an applicant shall act for findings pertaining to decisions made.
- Provisions for enforcing decisions and the right of appeal.
- A process for appeals.
- A provision for economic hardship.

History Nebraska will provide technical assistance in the drafting of an ordinance. However, the drafting and adoption of an historic preservation ordinance must be made by the governing body of the local government in consultation with its own legal counsel.

**LOCAL HISTORIC PRESERVATION
ORDINANCES: An Abstract of Nebraska Enabling
Legislation**

The following is an abstract of Nebraska statutes that may apply to local land use regulation as it relates to the adoption of an historic preservation ordinance. It is not, however, presented as a comprehensive study of Nebraska statutes and enabling legislation. The determination regarding whether sufficient authority exists, and the drafting and adoption of an historic preservation ordinance or regulation, must be made by the governing body of the local government in consultation with its own legal counsel. History Nebraska cannot render an opinion regarding the authority of cities, villages, or counties to enact local ordinances.

FIRST AND SECOND CLASS CITIES, VILLAGES First and second class cities and villages may find sufficient authority to enact historic preservation ordinances or regulations under Neb. Rev. Stat., Section 19-903 (Reissue 1977). A city or village may exercise such powers and adopt zoning regulations only after the municipal legislative body has appointed a planning commission and adopted a comprehensive development plan (Neb. Rev. Stat., Section 19-901, Reissue 1977). Zoning regulations and restrictions authorized by Sections 19-901 to 19-915 must be made in accordance with the comprehensive development plan. The comprehensive plan and its zoning regulations must be designed "to preserve, protect, and enhance historic buildings, places and districts" (Neb. Rev. Stat., Section 19-903, Reissue 1977).

COUNTIES A county may adopt zoning regulations that are consistent with a comprehensive development plan designed for such specific purposes as "preserving, protecting, and enhancing historic buildings, places, and districts" (Neb. Rev. Stat., Section 23-114.03, Reissue 1977). The comprehensive plan must include "surveys of structures and sites determined to be of historic, cultural, archeological, or architectural significance or value...taking into account...the preservation of sites of historic, cultural, archeological, and architectural significance or value" (Neb. Rev. Stat., Section 23-174.05, Reissue 1977).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF _____, NEBRASKA ESTABLISHING A HISTORIC PRESERVATION COMMISSION; PROCEDURES FOR DESIGNATION OF LANDMARKS AND LANDMARK DISTRICTS; PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS TO DESIGNATED LANDMARK PROPERTIES; AND TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF _____, NEBRASKA:

SECTION 1
FINDINGS

It is hereby declared a matter of the general welfare of the people of the City of ____ to preserve, protect and enhance historic buildings, places, and districts. The preservation of properties of historical and cultural significance located within the City contribute to the prosperity, civic pride, and educational values for the people; that the economic, cultural, historical, and aesthetic interests of the City cannot be maintained or enhanced by disregarding the heritage of the City; and that the people of the City have an interest in the maintenance, preservation, demolition, or other actions regarding such historical and cultural assets.

A local ordinance may be applied to any political subdivision of the state, such as a city, county, or village. This sample ordinance has been written for a city. What constitutes the “general welfare” of the citizens of a community? Where does a local government get authority to enact a preservation ordinance? This type of statement sets forth the local government’s reasons for enacting the ordinance, and ties this ordinance to state governmental authority and enabling legislation. This section includes the verbiage that is consistent with Section 19-903 of Nebraska Statutes: “general welfare” and regulations designed to “preserve, protect, and enhance historic buildings, places, and districts.” A community must always look at its comprehensive plan to ensure consistency with its stated guidelines for historic preservation. From a legal standpoint, if a local government can demonstrate that the ordinance is consistent with enabling legislation and a local comprehensive plan, the more likely it will be to survive legal scrutiny.

SECTION 2
PURPOSE

Upon these findings, the purpose of this Ordinance shall be to:

- 1. Effect and accomplish the protection, enhancement, and perpetuation of properties that reflect elements of the City’s historical and cultural significance;**
- 2. Safeguard the City’s historical and cultural heritage, as reflected in such properties;**
- 3. Promote revitalization, enhancement of property values, and economic development by the preservation of historic and cultural properties;**

1. Foster civic pride in the heritage of the past;
2. Stabilize or improve the economic vitality and values of historic and cultural properties;
3. Enhance the City's attraction to residents, tourists, and visitors;
4. Stimulate revitalization of the business district and neighborhoods;
5. Promote the use of historic properties for the education, pleasure, and general welfare of the people of the City;
6. Promote and encourage continued utilization and stewardship of historic properties; and
7. Enhance and accomplish goals of comprehensive community planning.

What are the broad statements that the preservation ordinance hopes to address? What does the community hope to accomplish by the ordinance? Is it growth management, community decline, tourism, downtown business revitalization, conservation of housing stock in older neighborhoods or others? The clear articulation of community goals is an important first step in drafting an ordinance. The ordinance, however, must apply to the entire community rather than one district. Every ordinance includes a purpose statement. Perhaps the most important thing to consider in drafting the purpose statement is that each community is unique and an ordinance that is copied from another community or this sample may not always address the same goals. A city, small village, or county will all have different needs.

SECTION 3 **DEFINITIONS**

The following words and phrases below shall be the controlling definitions: Alteration: Any act or process that changes one or more of the exterior architectural features of any landmark or property within a landmark district, exclusive of interior renovation or remodeling. Alteration includes demolition of a landmark or property within a landmark district or new construction within a landmark district. Certificate of Appropriateness. A certificate from the Historic Preservation Commission approving plans for the alteration of the exterior features of a historic property, demolition, or new construction within a landmark district. Commission. The Historic Preservation Commission created under this Ordinance. Director. The staff member appointed to serve the Historic Preservation Commission. Secretary of the Interior's "Standards for Rehabilitation." Ten standards promulgated by the U.S. Department of the Interior to guide alterations to a landmark or property within a landmark district. Secretary of the Interior's "Standards for Identification and Registration." Criteria and procedures for the designation of historic properties promulgated by the U.S. Department of the Interior, National Park Service. Design Guidelines: Design criteria for alterations that include the application of the Secretary of the Interior's "Standards for Rehabilitation." Landmark. Any single building, site, structure, object, or improvement which has special historical or cultural significance to the City, state, or nation, or an integrated group of same on a single lot or parcel that has been designated as such, pursuant to the provisions of this Ordinance.

Landmark District. An area or section of the City containing a significant number of buildings, sites, structures, objects, or improvements which, considered as a whole, possess historical or cultural significance to the City, state, or nation pursuant to the provisions of this Ordinance. **Owner.** The owner of record. A fee simple owner or owner's authorized agent, a corporation which owns real estate, partnership owning real estate, limited liability corporation, or other device constituting ownership of real estate. **Property.** A building, site, structure, object, or improvement designated or proposed for designation as a landmark or within a landmark district. **National Register of Historic Places.** The nation's official list of properties worthy of preservation. Properties so designated have local, state, or national significance. The National Register is maintained by the U.S. Department of the Interior, National Park Service. **Compatible.** Assessment of the general design and character of a proposed alteration to a landmark or property within a landmark district, consistent with the "Secretary of Interior's Standards for Rehabilitation or design guidelines.

Ensure consistency of terminology throughout the ordinance. This may avoid legal challenges if the terminology is charged with being vague and arbitrary.

SECTION 4 HISTORIC PRESERVATION COMMISSION

There is hereby created the Historic Preservation Commission of the City of _____.

1. The Commission shall be composed of not less than five (5) voting members and no more than (X) members, all of whom must have a demonstrated interest or expertise in historic preservation. All members shall reside within the corporate limits of the City.
2. A majority shall be professionals in the fields of archeology, historic archeology, architectural history, architecture, and history. All such appointments are to the extent that these professionals are available in the City.
3. The members of the Commission shall be appointed by the Mayor, subject to confirmation by the City Council. The Commission may recommend to the Mayor members to be appointed to the Commission.
4. Initially, (X) members of the Commission shall be appointed for a one (1) year term, (X) members shall be appointed for a two (2) year term, and (X) members shall be appointed for a three (3) year term. The term of service shall be (X) consecutive years. No member shall serve more than (X) successive terms.
5. In the event of a vacancy occurring in the membership of the Commission for any reason, an appointment shall be made to fill the vacancy in the same manner as the original appointments for the unexpired term.
6. The members of the Commission shall serve without compensation.
7. The Commission shall establish its own rules of procedure.
8. A simple majority of the total number of appointed Commission members shall constitute a quorum for the transaction of business.
9. A simple majority of affirmative votes shall be required for final action on any matter sent before the Commission.

1. **The Commission shall meet at least quarterly at such times and places as it may determine, or upon the call of the Chair.**
2. **The Commission shall elect four (4) officers, each to serve for the full duration of his or her term of appointment to the Commission: Chair, Vice-Chair, Secretary, and Treasurer. The Chair shall preside at meetings, call special meetings, issue public statements for the Commission, and in general assume the duties of directing the activities of the Commission. The Vice-Chair shall act in the place of the Chair in the event of the latter's absence. The Secretary shall keep a complete and current agenda, minutes of each meeting, and be responsible for publication and distribution of minutes, proceedings, and reports. The Treasurer shall be responsible for financial reports.**
3. **The Commission shall adopt guidelines and such standards and procedures not inconsistent with the provisions of this Ordinance as it may deem necessary to further the purposes herein stated.**

What are other considerations for a commission? All must be residents of the corporate limits of a local government's jurisdiction. All members must have a demonstrated interest in historic preservation. Membership includes a provision for the majority of members to be professionals in fields closely related to historic preservation. The professional disciplines that are generally recognized include archeology, architecture, architectural history, history, and historic archeology. Other disciplines may include conservation, cultural anthropology, curation, engineering, folklore, landscape architecture, historic preservation, planning, urban design, geography, or anthropology. An ordinance may want to identify other professional and citizen members, such as a realtor, attorney, a building tradesman, educator, member or officer of a local historical organization, or the owner of a local landmark or property within a landmark district. One reason for requiring professional qualifications is to ensure that the members have the necessary technical expertise to adequately review matters before the commission. This can avoid the perception that a decision made by the commission wasn't based on professional merits. A preservation commission typically includes five to as many as fifteen members; an odd number helps prevent tie votes. Terms are staggered to ensure that experienced members will always be serving, and that turnover of the commission will not happen at one time. Communities will want to consider setting a maximum limit on the number of consecutive terms on the commission to allow other qualified persons to serve and avoid the perception of being a closed body. This sample identifies three-year terms. Duties should be assigned to chosen officers. These include the typical officers of any board: chair, vice-chair, secretary, and treasurer. The role(s) normally undertaken by the secretary and/or treasurer can also be held by the city staff appointed to the commission. Members of a local historic preservation are typically appointed by the mayor and confirmed by the city council. By adoption of - and rigidly following - guidelines, standards, and procedures protect the ordinance and its administration from a claim of being arbitrary.

SECTION 5
DIRECTOR; DUTIES

The Mayor shall assign a City staff member as the Director of the Commission, without the right to vote. In addition, the Director, for and on behalf of the Commission and with the approval and direction of the Commission, shall:

1. Work in conjunction with the City Clerk or other City official to keep complete and accurate records and accounting for all funds, grants, income, and expenditures of every nature of the Commission. All funds shall be placed with the City of ____ in a specially designated account;
2. Be the custodian of records, conduct official correspondence and generally supervise the clerical and technical work of the Commission as required to administer this Ordinance.
3. Prepare annual reports and other such reports that may be required;
4. Assure that public notices are posted and advertised, agendas are kept current and available for public inspection, and open meetings are conducted;
5. Provide for (X) days public notice of a meeting prior to such meeting;
6. Submit to the City Council for public hearing and approval, actions by the Commission; and
7. Make recommendations and do such other acts pursuant to this Ordinance as the Commission may require.

Why staff a commission? A commission is a function of local government. All ordinances should require a city staff person to assist the operations of the commission and ensure that legal requirements are met. In larger communities, a staff person is a hired professional, housed in city government. In smaller local governments this may not be feasible. A city planner, city manager, city clerk, or building inspector may serve in this capacity.

SECTION 6
POWERS AND DUTIES

The Commission shall establish and provide for the following duties:

1. Conduct an ongoing survey to identify historic and cultural properties and their eligibility as local landmarks and landmark districts;
2. Identify and designate local landmarks and landmark districts;
3. Adopt criteria and procedures for the survey, evaluation, and designation of local historic landmarks and districts which are consistent with the Secretary of the Interior's "Standards for Identification and Registration;"
4. Keep a register of all historic properties that have been designated as local landmarks and landmark districts;
5. Comment on properties nominated to the National Register of Historic Places and cause to be processed nominations of properties potentially eligible for listing in the National Register;
6. Advise owners of the benefits of historic preservation and rehabilitation and the value to protect and enhance properties of historical and cultural value;
7. Consult with and receive input from the Planning Commission, civic groups, public agencies, and citizens interested in historic preservation;

8. **Solicit gifts, contributions, and grants to be made to the City for the purpose of historic preservation; Disseminate information to the public concerning properties worthy of preservation and preservation in general;**
9. **Inform and educate citizens concerning properties which have historical or cultural value;**
10. **Call upon City staff members as well as other experts for technical advice;**
11. **Testify before all boards and commissions on matters of this Ordinance;**
12. **Present landmarks and landmark districts to the Planning Commission to determine if such designation is consistent with the comprehensive plan;**
13. **Act in an advisory role to other officials and departments of local government regarding the preservation of properties having historical or cultural value;**
14. **Hold public hearings and review applications for alterations to landmarks or properties within landmark districts;**
15. **Adopt the Secretary of the Interior's "Standards for Rehabilitation" and any design guidelines for the review of landmarks or properties within landmark districts that are consistent with the "Standards for Rehabilitation;"**
16. **Review proposed zoning amendments, applications for special use permits, or variances that affect proposed or designated landmarks and landmark districts;**
17. **Periodically review the City's zoning ordinances and recommend to the Planning Commission and the City Council any of the same that are appropriate for the protection and preservation of landmarks or landmark districts; and**
18. **Cooperate with History Nebraska in matters of proposed certification of this Ordinance and related duties and requirements.**

What are the primary duties of a commission? Just as every ordinance should be unique, there are variances in the powers and duties of a local historic preservation commission. These are the most common. They should always include the conduct of comprehensive surveys to identify historical and cultural properties and those that may qualify as local landmarks or landmark districts, and encouraging public participation and public education. Why conduct a comprehensive survey? The most effective preservation ordinances are supported by thorough, methodical, and ongoing surveys of a community's historic and cultural resources. Surveys provide information for a variety of local government purposes. They are the key element in making preservation planning complementary with development goals. They enable planning decisions to be made against a preservation background. They are useful in identifying properties that are consistent with the purpose of the ordinance. Ideally surveys should precede an active program to designate landmarks and landmark districts. By conducting a systematic survey and comparing resources within a community helps counter any argument that the act of designating a landmark or landmark district is arbitrary and capricious. Adoption of the Secretary of the Interior's "Standards for Identification and Registration" ensures that accepted preservation standards are applied. Adoption of the Secretary of the Interior's "Standards for Rehabilitation" ensures that uniform and accepted preservation standards are applied to the review of alterations to landmarks or properties within landmark districts. Local design guidelines may also be adopted for individual properties or local districts, but care should be taken to ensure consistency with the Secretary of the Interior's "Standards for Rehabilitation." This will help avoid the perception or challenge that the ordinance is arbitrary and capricious. Why maximize public participation and public education? Among other things, they create recognition of the importance of historic and cultural properties, create support from local government officials, and add to the education and awareness of the history and culture of the community. The local planning

commission is identified in the ordinance as one body presented with the actions and recommendations of the preservation commission in the designation of landmarks and landmark districts and zoning. The planning commission makes recommendations to the City Council. The provision for cooperation with History Nebraska is to allow for "Certified Local Government" status.

SECTION 7
LANDMARKS; LANDMARK DISTRICTS; REQUIREMENTS

A landmark or landmark district must meet one or more of the following criterion:

- 1. Be associated with important events that have contributed significantly to the broad patterns of history or culture, or the site of an historic event, or exemplifies the cultural, historical, political, economic, educational, social, aesthetic, or importance to the community.**
- 2. Be associated with the life of a person significant in the past.**
- 3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.**
- 4. Archeological significance if a site has yielded or is likely to yield important information regarding history or prehistory. A landmark or landmark district shall possess integrity of design, location, setting, feeling, association, materials, and workmanship. In the case of a landmark district, provisions shall be made to define an accurate boundary, identify properties that contribute to the historical significance of the district, and those because of age or integrity do not contribute. A property shall be eligible if it is fifty (50) years of age or older, unless exceptional significance can be demonstrated.**

What types of historic and cultural resources should be protected? Clear criterion for the designation of landmarks and landmark districts are an essential feature of a preservation ordinance. These are the four that are most common and are taken from the criterion used for the National Register of Historic Places, meeting the Secretary of the Interior's "Standards for Registration." The term "integrity" means that if a property has been altered dramatically or its setting has been lost, it is probably not a good candidate for landmark designation. The provision for "contributing" and "not contributing" are important considerations. However, a noncontributing building may still be given considerations for such things as appropriateness of alterations, demolition, or replacement with new construction.

SECTION 8
PROCEDURES FOR DESIGNATING LANDMARKS; LANDMARK DISTRICTS

There is hereby established the provision for the designation of local landmarks and landmark districts.

- 1. A landmark or landmark district may be proposed by the Commission, City Council, Planning Commission, or upon petition of any person, group of persons, owners, residents, or other interested parties. Any such proposal shall be filed with the Director upon forms prescribed by him or her, and shall include all data required by the Commission. Applications shall require a description and statement of the significance of the landmark or landmark district to justify its proposed designation.**

2. **The recommendation of the Commission for approval of a proposed landmark or landmark district shall state the applicable criteria for such designation.**
3. **Each proposal of a landmark or landmark district shall be considered by the Commission at a public hearing.**
4. **Notice of the time, place and purpose of the public hearing to be held upon the nomination of a landmark or landmark district shall be given by the Commission in the official newspaper of the City not less than (X) days prior to the date of the hearing and by mail to the owners of all property included in the proposed designation, using for that purpose the names and addresses of the last-known owners as shown by the county real property tax records. Failure to send notice by mail to any such property owner where the address of the owner is not so recorded shall not invalidate any proceedings in connection with the proposed designation. The Commission may also give such other notice or conduct a public meeting as may be deemed desirable and practicable.**
5. **A record of the pertinent information presented at the hearing upon a proposed landmark or landmark district shall be made and maintained as a permanent public record.**
6. **The Commission may approve, disapprove, or modify the proposal of a landmark or a landmark district and shall notify the applicant of the action taken within (X) days of the referral thereof to the Commission.**
7. **Designation of a landmark shall not be proposed at the objection of an owner. Designation of a landmark district shall not be proposed if the owners of fifty-one (51%) percent of the front footage of the real property in the proposed landmark district object, not to include any public right-of-way located in such district.**

Applications must include a description and statement of significance. The description will include factors of "integrity" and delineation of "contributing" and "noncontributing." The statement of significance must include the criteria for designation that is applied to the property. Refer to Section 7.

SECTION 9 **OVERLAY DISTRICT; ZONING OF LANDMARK DISTRICTS**

A landmark or landmark district shall constitute a zoning overlay district for historic preservation purposes and shall be included as such on the official land use or zoning map. This zoning shall be in addition to the existing underlying land use zoning. Zoning amendments, applications for special use permits, or variances shall be considered to assist in the preservation, use, or rehabilitation of designated properties.

This section deals with such actions under the comprehensive plan and the planning commission's authority to directly apply the comprehensive plan and zoning. An ordinance must be consistent with a local comprehensive plan under state statues 19-901 to 19-915. This gives the authority to zone. Failure to do so may place the ordinance or the conduct under the ordinance into legal scrutiny. A community may consider potential benefits associated with designation, such as modification of parking requirements in connection with an application involving a landmark or property within a landmark district, other non-conforming uses for existing zoning, or variances that assist in accomplishing the preservation of a property.

SECTION 10

TRANSMITTAL TO; RECOMMENDATIONS BY PLANNING COMMISSION

Pursuant to the provisions of this Ordinance, and the procedures set forth herein, the Commission shall transmit the proposal, along with the Commission's recommendations thereon, for the designation of a landmark or landmark district to the Planning Commission within (X) days after consideration. This Section shall require comment by the Planning Commission to consider the degree of conformity or nonconformity with the comprehensive development plan of the City.

The proposal, along with recommendations by both the Commission and the Planning Commission thereon, for the designation of a landmark or landmark district shall then be transmitted to the City Council within (X) days after consideration.

Comment by the planning commission is limited to conformance or nonconformance with the comprehensive plan.

SECTION 11

CONSIDERATION BY; ACTION BY COUNCIL

Pursuant to the provisions of this Ordinance, and the procedures set forth herein, the City Council shall, by ordinance, designate a landmark or a landmark district.

1. The City Council shall take into consideration the recommendation of the Commission and Planning Commission and shall further give consideration to the economic consequences to the City and the affected Owner.
2. Within (X) days after final adoption of the ordinance designating the property as a landmark or landmark district, the Director shall send a copy of such ordinance and a letter outlining the basis of such designation and the obligations and restrictions which result from such designation to the owner of record of each landmark so designated or each property within a designated landmark district by registered or certified mail.

Designation of a landmark or landmark district is made by ordinance.

SECTION 12

**PROCEDURES AND CRITERIA FOR ACTIONS SUBJECT TO REVIEW;
CERTIFICATE OF APPROPRIATENESS**

No person shall carry out or cause to carry out alteration of a landmark or property within a landmark district for which a building or demolition permit is required except as provided by this Section. Actions shall be subject to the controls, standards, and procedures set forth in this Section. For the purposes of this Section, alteration includes any act or process that changes, obstructs, or is incompatible with the historic character of a landmark or property within a landmark district; changes to one or more of the exterior architectural features of a historic property upon any landmark or property within a landmark district, exclusive of interior renovation or remodeling; demolition or partial demolition of a landmark or property within a landmark district; changes to noncontributing properties within a landmark district; new

construction within a landmark district; or additions to properties. Such actions shall be deemed to require a Certificate of Appropriateness. The Commission's decision to approve, approve with modification(s), or deny an application for a Certificate of Appropriateness shall include the following criteria:

1. Any alteration of an existing landmark shall be compatible with its historic character and meet the Secretary of the Interior's "Standards for Rehabilitation" or other such design guidelines as may have been adopted;
2. Any alteration of a property within a landmark district shall be compatible with its historic character and that of such district and meet the Secretary of the Interior's "Standards for Rehabilitation" or other such design guidelines as may have been adopted; or
3. New construction shall be compatible with the landmark district in which it is located.

Procedures and conditions for obtaining a Certificate of Appropriateness shall be:

1. Prior to commencement of work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the Commission on forms available at the Director's office.
2. All applications shall be immediately forwarded to the Commission.
3. All plans, projects, proposals, evaluations, specifications, sketches, and other information necessary for the review of the Commission shall be made available to the Commission by the Owner or appropriate department of the City, along with a copy of the application for the building or demolition permit.
4. The Commission shall hold a public hearing on applications for a Certificate of Appropriateness.
5. The determination by the Commission on an application for a Certificate of Appropriateness, or report of any action taken, shall be forwarded to the Director for action not later than (X) days after receipt of the application by the Commission.
6. The Commission, in considering the appropriateness of any work shall consider, among other things, the purposes of this Section; the historic and architectural value and significance of the landmark or property within a landmark district; the integrity of design, location, setting, feeling, association, materials, and workmanship of the property in question or its appurtenant structures; new additions or new construction, including appurtenant structures, signs, and fences; the relationship of such features to similar features of other properties within a landmark district; or a property's relationship to the public right-of-way.
7. If, after considering the application for a Certificate of Appropriateness required by this Section, the Commission shall determine if the proposed alterations are consistent with the criteria for historic preservation established by this Section.
8. The Commission shall recommend to the Director the issuance of the Certificate of Appropriateness, Certificate of Appropriateness with modifications, or no certificate if the Commission finds that the application does not meet one or more of the criteria of this Section. The Commission's decision must be accompanied by written findings of fact.
9. If no certificate is issued, the Owner and the Commission shall enter into negotiations to develop a plan whereby modifications in the application will enable the Commission to issue a Certificate of Appropriateness under the criteria listed above.
10. If negotiations result in no resolution, the applicant may appeal to the Council. If economic hardship is contended, Section 14 shall be applied.

11. The determination by the Commission on an application for a Certificate of Appropriateness, or report of any action taken, shall be forwarded to the Director for appropriate action not later than (X) days after receipt of the application by the Commission.
12. A Certificate of Appropriateness must be presented to the building official prior to any building or demolition permit being issued.
13. Notwithstanding any other provision of law, the Director shall not permit any work except as pursuant to a Certificate of Appropriateness issued by the Commission.
14. No change shall be made in the application for a building or demolition permit after issuance of a certificate by the Commission without the resubmittal to the Commission and approval in the same manner as provided above.
15. The Commission may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this Ordinance.

From a technical standpoint, the procedural considerations in reviewing applications for certificates of appropriateness are quite similar to those for designating landmarks or landmark districts. Basically, the owner must be given an opportunity to be heard, present his or her case, and rebut an opposing argument. The main procedural elements that should be included in any local preservation ordinance include: the applicability of the review process and criteria (i.e. types of projects); the basic process (i.e. initiation and timing); contents of an application; the criteria or source of criteria to be applied (i.e. the Secretary of the Interior's "Standards for Rehabilitation"); and any specific powers (i.e. conditional permit approval) deemed appropriate for the certification process. Actions of this section are not taken to the planning commission. Actions of this section are only taken to the city council upon appeal.

SECTION 13 HAZARDOUS STRUCTURES

The Commission shall issue a Certificate of Appropriateness for razing a landmark or property within a landmark district if City codes determine that the landmark or property within a landmark district poses a hazard to human health and safety. However, no owner shall by deliberate acts or deliberate neglect allow a landmark or property within a landmark district to become hazardous to human health and safety with the intent of avoiding this Section. In such cases, the owner shall be subject to Section 15.

A deliberate act of neglect is often termed "demolition by neglect."

SECTION 14 _ECONOMIC HARDSHIP

The Commission shall, in the administration and enforcement of the provisions of this Ordinance, take into account all economic factors presented to it. The Commission shall recognize the necessity of weighing potential economic detriments against preservation objectives and shall strive to affect a fair balance in all instances. A determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the

application of the standards and regulations of this Ordinance deprives the applicant of all reasonable economic use or return on the subject property.

The Commission shall apply the following standards and make findings concerning economic hardship:

1. If the applicant was notified of pending landmark designation subsequent to acquisition;
2. The current level of economic return on the property, if any;
3. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received;
4. The infeasibility of alternative uses that can earn a reasonable economic return for the property; and
5. Availability of economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

The ordinance should include a procedure for allowing a property owner to make a case that, in some situations, enforcement of the ordinance will cause unusual and extreme economic hardship. The lack of a provision for economic hardship may result in a constitutional challenge of a “taking.”

SECTION 15 **ENFORCEMENT; PENALTIES**

Whoever violates or fails to comply with any of the provisions of this Ordinance for which no penalty is otherwise provided, shall be fined not more than (X) dollars. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs and continues to occur.

Generally, the penalty is a misdemeanor.

SECTION 16 **APPEALS**

Any person aggrieved by a decision of the Commission relating to a Certificate of Appropriateness may appeal to the City Council. Such appeal may be initiated by filing a petition to appeal, specifying the grounds therefore, with the Director within (X) days of the date of the decision of the Commission that is being appealed. The City Council shall hold a public hearing on the appeal and may by majority vote of its members reverse or modify any decision of the Commission.

SECTION 17 **APPLICATION TO PUBLIC PROPERTY**

Unless otherwise exempted, all properties owned by the City shall be subject to the provisions of this Ordinance.

All visible modifications or additions to public areas near a landmark or within a landmark district, including street furniture, lighting fixtures, and paving materials shall be subject to review by the Commission.

SECTION 18
PASSAGE AND EFFECT.

All ordinances, resolutions and orders, or parts thereof, in conflict herewith, shall be and the same are hereby repealed. This Ordinance shall be in full force and take effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 200_.

Mayor _____

ATTEST: _____
City Clerk

**NEBRASKA
CERTIFIED LOCAL GOVERNMENT
PROCEDURES**

2013 REVISION



**NEBRASKA STATE HISTORICAL SOCIETY
STATE HISTORIC PRESERVATION OFFICE**

P.O. Box 82554

Lincoln, NE 68501

(402) 471- 4787

hpnshs@nebraskahistory.org

Nebraska's original Certified Local Government (CLG) procedures were approved by the National Park Service in 1985, with revisions and updates in 1995 and 2002.

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INTRODUCTION

Since 1966, when Congress passed the National Historic Preservation Act, federal preservation policy has operated as a partnership between the federal government and the states. Each state has subsequently established a program headed by a State Historic Preservation Officer. In Nebraska, the state program is administered by the Nebraska State Historical Society. The director/CEO is appointed by the Governor to serve as Nebraska's State Historic Preservation Officer (SHPO). The federal agency that administers the provisions of this act is the U.S. Department of the Interior, National Park Service (NPS).

The success of that working partnership prompted Congress to expand the concept to provide for participation by local governments. The National Historic Preservation Act of 1966, as amended in 1980, provides the legal basis for this federal-state-local preservation partnership. The Certified Local Government (CLG) program implements this participation. The act directs the SHPO and the NPS to certify local governments who wish to participate and specifies requirements that a local government must meet in order to participate. Regulations found in 36 CFR Part 61 provide the requirements for the certification of local government programs.

The purposes of the CLG program are:

- (1) To ensure the broadest possible participation of local governments in the national historic preservation program while maintaining standards consistent with the National Historic Preservation Act and the Secretary of the Interior's Standards for Archeology and Historic Preservation;
- (2) To enrich, develop, and help maintain local historic preservation programs in cooperation and coordination with the SHPO; and
- (3) To provide financial and technical assistance to further these purposes.

This document provides the mechanism by which local governments can participate in the CLG program in Nebraska under federal regulations. Local governments seeking an approved local program should consult with the Nebraska State Historical Society to assure that the local government's proposed legislation and its program are consistent with these procedures.

DEFINITIONS

The following definitions apply throughout this document:

Certified Local Government (CLG): any local government whose local historic preservation program has been certified according to the requirements set forth in these procedures.

Chief elected official: elected head of a local government, such as mayor, council president in city council-manager government, village president, county executive, chair of county board, or chair of town board, as appropriate.

Historic Preservation Fund (HPF): program of matching grants-in-aid to the States for historic preservation programs, as authorized by Section 101(e)(1) of the National Historic Preservation Act.

Historic preservation commission (HPC): a board, council, commission or other similar body established under state or local legislation.

Local government: a city, village, county, township, municipality, or any other general-purpose political subdivision in Nebraska.

National Park Service (NPS): bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

National Register of Historic Places (NRHP): national list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act. The NRHP is outlined at 36 CFR Part 60.

National Register Criteria for Evaluation: Criteria for evaluating a property for its eligibility for listing in the National Register of Historic Places. Found at 36 CFR Part 60.

Historic Preservation Fund (HPF) Grants Manual: manual that sets forth NPS administrative policies, procedures, and guidelines for HPF grants-in-aid that serves as a basic reference for those who are engaged in the administrative and financial management of HPF grants. The Nebraska State Historical Society's Grants and Contracts Manual (Appendix VIII) provides interpretation for Federal funding received by subgrantees and contractors.

National Historic Preservation Act of 1966, as amended (the Act): 16 USC 470, amended through 1992, as of this writing. It is the federal legislation that authorizes the CLG program and other preservation programs.

Nebraska State Historical Society (NSHS): state agency that houses the State Historic Preservation Office.

Nebraska State Historic Preservation Office (SHPO): division of the Nebraska State Historical Society that administers the historic preservation program for the state of Nebraska.

Secretary: Secretary of the United States Department of the Interior.

Secretary of the Interior's Standards for the Treatment of Historic Properties (The Standards): series of standards about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The Standards offer four distinct approaches to the treatment of historic properties—preservation, rehabilitation, restoration, and reconstruction, with Guidelines for each. The Standards for the Treatment of Historic Properties are regulatory for all grant-in-aid projects assisted through the federal Historic Preservation Fund. The Standards for Rehabilitation must be followed for all state and federal tax incentive programs.

State Historic Preservation Officer (SHPO): official within each state designated and appointed by the Governor to administer the state historic preservation program. In Nebraska, this position is vested in the Director/CEO of the Nebraska State Historical Society.

Subgrantee: agency, institution, organization, or individual to which Federal funds are passed through the State. Subgrantees are accountable to the State for use of funds provided. For purposes of these procedures, a CLG is a subgrantee of the State.

**SECTION 1:
REQUIREMENTS FOR CERTIFIED LOCAL GOVERNMENTS**

The National Historic Preservation Act Amendments of 1980 contain five broad standards, all of which must be met by the local government seeking certification. In order to become a CLG, a local government must:

- A. Enforce appropriate state or local legislation for the designation and protection of historic properties;
- B. Establish an adequate and qualified historic preservation commission defined by local ordinance;
- C. Maintain a system for the survey and inventory of historic properties;
- D. Provide for adequate public participation in the historic preservation program; and
- E. Satisfactorily perform responsibilities delegated to it by the State Historic Preservation Officer (SHPO) by mutual, written agreement.

A. LOCAL LEGISLATION

The local government must enact and enforce appropriate state and local legislation for the designation and protection of historic properties. Legislation shall include:

- 1. A statement of purpose.
- 2. Establishment of an historic preservation commission including powers and duties, membership, and terms of appointment.
- 3. Definition of actions that merit review by the historic preservation commission.
- 4. Authorization of the local historic preservation commission to designate local historic districts and individual landmarks and to recommend such designation to the local governing body.
- 5. Authorization of the commission to review and make recommendations upon all actions requiring building or demolition permits, including procedures for review concerning alteration, demolition, relocation and/or new construction of any structure within a locally designated historic district, or those which may be individually designated as local landmarks. All reviews must adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 6. Specific time limits within which the commission and an applicant shall act for findings pertaining to decisions made.
- 7. Provisions for enforcing decisions and the right of appeal.
- 8. A process for appeals.
- 9. A provision for economic hardship.

The Nebraska State Historical Society will provide technical assistance in the drafting of an ordinance. However, the drafting and adoption of an historic preservation ordinance must be made by the governing body of the local government in consultation with its own legal counsel.

B. LOCAL HISTORIC PRESERVATION COMMISSION

A stated purpose of a local ordinance shall be that the local government has made provisions for an adequate and qualified historic preservation commission, as follows:

1. Members are appointed by the chief elected official of the jurisdiction and confirmed by the ruling body.
2. The Commission shall have at least five (5) members composed of professional and lay members, all of whom must have a demonstrated interest, competence, or knowledge in historic preservation. All must be residents of the corporate limits of a local government's jurisdiction.
3. Terms of office of commission members shall be at least three (3) years. Terms shall be staggered. Vacancies will be filled as quickly as circumstances permit, including expired terms. A term limitation is recommended. The SHPO shall be provided with resumes of new appointments, and current appointments upon certification.
4. In order to appropriately evaluate actions by the commission, a condition must be met to provide professional qualification standards of members. A majority of professionals is required, unless otherwise allowed in consultation with the SHPO. Professional disciplines include archeology, architecture, architectural history, history, historic archeology, planning, landscape architecture, building science and construction, and engineering.
 - a. The SHPO recognizes that it may be difficult for many communities to meet this requirement. Therefore, provided that the commission is otherwise adequate and qualified to carry out the responsibilities delegated to it, the SHPO may certify a local government without the minimum number or type of disciplines established. The local government must demonstrate that it has made a reasonable and good faith effort to fill these positions, or that an alternative composition of the commission best meets the needs of the commission and of the local government. With SHPO approval, other disciplines may include, but are not limited to, Nebraska or American history or geography education, zoning, real estate, Main Street, tourism, or involvement in a local historic preservation or historical organization.
 - b. When a discipline is not represented in the commission membership, the commission shall be required to seek expertise in the appropriate area when considering National Register of Historic Places nominations and other actions, such as design review, that will impact properties that are normally evaluated by a professional in the discipline(s). This can be accomplished through consulting services in the related fields(s), obtaining expertise through an educational institution, or by other means. Consultation with the SHPO will identify the most appropriate methods.
5. Commission members shall maintain a working knowledge of federal, state, and local historic preservation programs. For this purpose, the SHPO shall make provisions for providing orientation materials, technical assistance, and information through staff visits, training sessions, procedural manuals, articles, publications, and other appropriate means. At least one Commission representative shall attend at least one informational or educational meeting each year pertaining to the work and function of the Commission or to historic preservation. All staff and commission members are encouraged to attend

- programs related to historic preservation and/or duties of local preservation commissions.
6. The commission should adopt rules of procedure or by-laws that shall be made available to the public. Included in the rules of procedure may be sections that cover attendance requirements, term limits, and conflicts of interest situations unless those matters are already covered by other city ordinances.
 7. The ordinance shall provide for, or the commission shall adopt, a clearly defined process and criteria for local landmark designations. That criterion should be in keeping with The Standards.
 8. Minutes shall be kept of each meeting, including the reasons for making decisions, and made available for public inspection. A copy of the minutes shall be provided to the SHPO at the same time that copies are made available to the public.
 9. The commission shall act in an advisory role to other officials and departments of local government regarding the planning of development projects that affect locally designated properties. Additionally, the commission shall be involved in the preservation of historic properties within the community that are not subject to design review, as necessary.
 10. The commission shall act as a liaison on behalf of the CLG to individuals and organizations within its jurisdiction concerned with historic preservation.
 11. Commission meetings shall be held at regular intervals at least quarterly, but as often as necessary to complete a workload in a timely fashion. Special meetings may be held as needed. Adequate public notice must be provided prior to any meeting. All decisions by the commission shall be made in a public forum in which interested persons are allowed to make comments. Applicants shall be given written notification of pending and final decisions of the commission. All meetings of the commission shall be open to the public. All commission meetings shall adhere to the Nebraska Open Meetings Law, LB898.
 12. All commission reviews on contributing properties within a locally designated historic district, or those which may be individually designated as local landmarks, must adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties. For purposes of CLG participation in state or Federal tax incentive programs, the CLG must apply the Standards for Rehabilitation. In the event the CLG and SHPO disagree in the interpretation of the Standards, the SHPO shall prevail.
 13. Duties will be assigned to chosen officers. These include: chair, vice-chair, secretary, and treasurer. The city staff appointed to the commission can also hold the role normally undertaken by the secretary and/or treasurer.
 14. All responsibilities and duties assigned to local commissions shall be carried out in coordination with those assigned to the SHPO in federal regulations, 36 CFR Part 61.4(b), or to applicable state historic preservation law.
 15. The commission must have access to a staff position to carry out the duties and requirements delegated to the local government and to provide technical advisory services to the commission and others. Staff shall serve as the CLG's primary contact with the SHPO in all program activities, duties, and requirements of the CLG. In communities of the metropolitan and primary class, a staff person shall be a hired professional, housed in city government. In smaller local political subdivisions, this may not be feasible; therefore, an existing professional such as a city planner, city manager, city or county clerk, or building inspector may be assigned to these duties.
 16. An annual report of the activities of the commission shall be submitted to the SHPO, due

no later than March 31 of each year. Other reporting cycles may be established under funding agreements with the SHPO.

17. Each CLG is encouraged to submit the Government Performance and Results Act (GPRA) report to NPS and SHPO each year by the date specified by the NPS, which is typically January or February.

C. SURVEY/INVENTORY SYSTEMS

A stated purpose of a local ordinance shall be that the Certified Local Government maintains a system for the survey and inventory of historic properties.

1. The CLG shall adopt, initiate, or continue an ongoing process for survey and inventory of historic resources approved by the SHPO and consistent with appropriate state and local planning processes.
2. The survey and findings produced will be in a format that such systems and the data they produce can be readily integrated into statewide comprehensive planning processes.
3. Surveys shall follow the Secretary of the Interior's Standards for Identification and conclude in a report containing objectives, area surveyed, research design, methods used, results, and recommendations.
4. An inventory, at a minimum, shall include information about properties listed on the National Register of Historic Places, those that have been determined to meet the *National Register Criteria for Evaluation*, properties designated as local landmarks or local landmark districts, and properties which, following evaluation, have potential as landmarks and landmark districts.
5. All inventory material shall be securely maintained and shall be accessible to the public. Location data on properties that may be sensitive to vandalism, theft, or trespass, such as rural or archeological properties, may be restricted in accordance with state and federal law.
6. All inventory material shall be updated on a regular basis to reflect changes, alterations, and demolitions.
7. All surveys shall utilize guidelines and procedures adopted by the SHPO. Duplicate materials from all survey efforts conducted by the local government shall be provided to the SHPO.

D. PUBLIC PARTICIPATION

A stated purpose of a local ordinance shall be that the Certified Local Government ensures the following:

1. Conducts open meetings and public hearings with published notices and minutes.
2. Shall provide for adequate public participation in relation to all responsibilities that are delegated to the CLG, including the process of nominating properties to the National Register of Historic Places.
3. Organization or sponsorship of public programs, development of educational and public outreach materials on historic preservation, or participation in other programs for organizations and school systems are encouraged.

E. OTHER RESPONSIBILITIES

The CLG shall satisfactorily perform the responsibilities delegated to it. The local government, however, may assume additional responsibilities only as agreed to with the SHPO. Such responsibilities shall be by mutual agreement and stated in the certification agreement.

1. A CLG may prepare federal tax incentive Part I Historic Preservation Certification Applications for properties within the jurisdiction of the CLG and submit applications to the SHPO for review and comment. Prior to the submission of a Part I Application, a preliminary determination of National Register eligibility shall be made by the CLG in consultation with the SHPO.
2. A CLG may participate in the designation of qualified buildings and the review of proposed work, as authorized by the Nebraska Valuation Incentive Program, to the extent that it has met conditions for participation.
3. A CLG may be responsible for the research and preparation of National Register nominations.
4. A CLG may participate in other programs/activities authorized by specific state legislation that are consistent with these procedures.

SECTION 2:

CLG PARTICIPATION IN THE NATIONAL REGISTER NOMINATION PROCESS

The CLG historic preservation commission shall review and comment on all nominations to the National Register of Historic Places within its jurisdiction. General procedures for nominating properties to the National Register are detailed in federal regulations, 36 CFR Part 60. The CLG program establishes a relationship between a CLG, the SHPO, and the Nebraska State Historic Preservation Board when nominating a property to the National Register. It does not delegate to CLGs the authority to nominate properties directly to the National Register. The following details the shared role of CLGs and the SHPO in the nomination process.

- A. A CLG shall respond to all requests for nominations within its jurisdiction. If a request comes directly to the SHPO, the SHPO shall either forward the request to the CLG, and notify the person requesting the nomination of this procedure or process the request and notify the CLG of the recommendation.
- B. Upon receipt of any inquiry, the CLG will request any additional information necessary or, if information exists in its survey, make a preliminary determination of National Register eligibility using *National Register Criteria for Evaluation*. The CLG will then forward its findings to the SHPO with a copy to the property owner. The SHPO shall review the CLG findings, and forward its opinion regarding National Register eligibility, in writing, to the owner with a copy to the CLG.
- C. If a property is determined to be eligible for the National Register by the SHPO, the SHPO will request an applicant or owner to prepare a National Register of Historic Places registration form. Research and preparation of National Register nominations by the SHPO is optional and may be delegated to the CLG.
- D. Before a property within the jurisdiction of a CLG may be nominated to the National Register by the State, the SHPO will notify the chief elected local official and the commission in accordance with 36 CFR 61 and 36 CFR 60. The SHPO will notify the chief elected local official and the commission at least 60, but no more than 120 calendar days prior to State Review Board consideration. These notification procedures must be implemented as soon as a local government is certified, and apply to all nominations within the jurisdiction of the CLG, for which the State has not begun official owner notification procedures as of the date of certification, except as noted below.

Exceptions.

- 1) The CLG notification procedures do not apply when a nomination is processed by or through a CLG that provides its recommendation and report to the SHPO with the nomination package.
 - 2) CLG notification procedures do not apply where a Federal agency nominates a property under its ownership or control. Federal agencies should, however, be encouraged by the SHPO to coordinate their nominations with CLGs.
- E. After providing a reasonable opportunity for public comment, the commission shall prepare a report as to whether or not, in its opinion, the property meets the National Register criteria. Within 60 calendar days of notice from the SHPO, the chief elected local official shall transmit the report of the commission, along with his/her recommendation, to the SHPO. Joint transmittal by the CLG of the nomination and the CLG report and recommendation will

facilitate SHPO review and eliminate the need for separate notification and 60-day review by the CLG.

- F. If the SHPO does not receive the report and recommendation within 60 days, he/she shall continue the nomination process. Consistency with the purposes of the Act, and ensuring that National Register decisions take into account local concerns, require that CLGs participate in the National Register nomination process to the maximum extent feasible.
- G. Any report and recommendation made by the CLG shall be included with any nomination submitted by the State to the Keeper of the National Register. The State may expedite the CLG's participation in the nomination process, including shortening the 60-day commenting period, with the concurrence of the CLG as long as owner notification procedures, 36 CFR 60, and 36 CFR 61 have been met.
 - 1) Where the State and the CLG agree to expedite CLG participation with respect to a particular nomination, the State must keep records that contain the following information: name of the CLG; name of the property; a statement from the CLG declaring that the CLG agrees with the State to expedite the process; date of concurrence; signatures of the chief elected local official and the chairperson of the commission; and description of the public participation opportunities that have been provided.
 - 2) Where the State and the CLG agree programmatically to expedite concurrence on all nominations, or in nominations of particular types or groups of properties, the State must obtain and keep records that contain the following information: name of the CLG; a statement of applicability to all nominations or nominations of specified types or groups of properties; a statement from the CLG declaring that the CLG agrees with the SHPO to expedite the process; date of agreement; description of the public participation opportunities that will be provided; and signatures of the chief elected local official, the chairperson of the commission, and the SHPO or designee.
- H. If either or both the commission and the local chief elected official recommend that the property is eligible for nomination, the SHPO will present the nomination to the State Review Board in accordance with the procedures in 36 CFR 60 and 36 CFR 61. If both the commission and the chief elected local official recommend that the property not be nominated, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101(c)(2) of the Act and 36 CFR 60. The SHPO will notify the commission, the property owner (and/or applicant) and the chief elected official when a property within the CLG's jurisdiction is listed on the National Register.
- I. The commission shall be responsible for providing oversight and monitoring of properties and historic districts listed on the National Register. The commission is responsible for recommending, in writing to the SHPO, removal from the National Register of any district or property that has lost its historic integrity because of demolition or alteration.
- J. Under no circumstance will listing on the National Register of Historic Places automatically invoke local landmark designation.

**SECTION 3:
PROCESS FOR CERTIFYING LOCAL GOVERNMENTS**

The chief elected official of the appropriate local governing body shall request certification from the SHPO. The request shall include:

- A. A copy of the local historic preservation ordinance for which approval is being requested.
- B. A list, including the common addresses and common written boundary descriptions of all individual properties and historic districts designated or proposed to be designated under the ordinance; a description and statement of historical significance for all designated individual properties and historic districts, which includes representative photographic views and a map indicating the location of individual landmarks and historic districts.
- C. Resumes for each member of the commission, including credentials or expertise in fields related to historic preservation.
- D. Resume for professional staff that the local government has accessed or employed.
- E. A copy of the local historic preservation plan, if available, or a statement describing the local preservation program, including survey, designation, and protection activities.

The SHPO shall respond to the chief elected official within thirty (30) days of receipt of an adequately documented written request for certification. If the SHPO determines the local government fulfills the requirements for certification, the SHPO shall prepare a written Certification Agreement that lists the specific responsibilities of the local government when certified, to be signed by the chief elected official and the SHPO. The SHPO shall forward to the National Park Service (NPS) a copy of the approved Certification Request, Certification checklist, and Certification Agreement. The NPS shall provide written concurrence of certification within fifteen (15) working days. Date of certification is the date of the NPS letter of concurrence. If the NPS does not take exception to the approval within fifteen (15) working days, the local government shall be regarded as certified.

Should the SHPO find that certification cannot be supported, the SHPO shall provide written notification to the local government outlining the reasons for denying certification. If the local government addresses the reasons for certification denial to the satisfaction of the SHPO, the local government may reapply in accordance with this section without prejudice and without time constraint.

**SECTION 4:
PROCESS FOR MONITORING CERTIFIED LOCAL GOVERNMENTS**

The SHPO will conduct periodic monitoring of CLGs to assure compliance with required standards. Once certified, a local government remains so unless the revocation process outlined in Section 5 is completed.

- A. Each CLG must perform the responsibilities delegated to it in conformance with these procedures.
- B. Each CLG shall submit an annual report, due no later than March 31. Additional items, such as new or revised resumes of commission members and meeting minutes, shall be submitted with the report as necessary. The annual report shall follow the outline and guidance found in Appendix I of these procedures.
- C. Each CLG may submit the Government Performance and Results Act (GPRA) report to NPS and SHPO each year by the date specified by the NPS. SHPO reserves the right to combine these reports if deemed appropriate.
- D. The SHPO shall conduct annual monitoring of each CLG to assure that each is fulfilling its responsibilities and that the performance of these responsibilities is adequate. For this purpose, the SHPO shall review the annual report and meeting minutes.
- E. The SHPO shall evaluate the performance of CLGs at least once every four (4) years for the following:
 - 1. Enforcement of appropriate state or local legislation for the designation and protection of historic properties;
 - 2. Maintenance of an adequate and qualified historic preservation commission defined by local ordinance;
 - 3. Maintenance of a system for the survey and inventory of historic properties;
 - 4. Provision for adequate public participation in the historic preservation program;
 - 5. Process of reviewing alterations, new construction, or demolition requests, including adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties;
 - 6. Review of proposed nominations to the National Register of Historic Places;
 - 7. Educational activities or programs conducted;
 - 8. Fiscal management that adheres to all requirements of the current Nebraska Grants and Contracts Manual and audit requirements;
 - 9. Consistency of program activities and coordination with the Nebraska State Historic Preservation Plan; and
 - 10. Performance of responsibilities delegated to it by the State Historic Preservation Officer (SHPO) by mutual, written agreement.
- F. In the case that a CLG has received HPF funds for the period concurrent to the reporting year, the CLG shall also submit the following:
 - 1. A mid-year Progress Report, indicating progress on the work items approved in the application for funding, discussion of follow-up required to accomplish remaining phases, and any other special conditions or circumstances related to the project. The due date is specified in the grant agreement.

2. A Final Report, indicating all actual accomplishments during the funding period and a discussion of any follow-up required to accomplish remaining phases. The due date is specified in the grant agreement.
3. If an audit is required, records of the administration of funds allocated from the SHPO to the CLG, types and quality of work performed, performance in administering the grant, and conformance to the grant agreement. This information shall be submitted within the earlier of 30 days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit.

**SECTION 5:
PROCESS FOR REVOKING CERTIFICATION OF LOCAL GOVERNMENTS**

If, through documentation consistent with the requirements of these procedures, the SHPO determines that the performance of a CLG is deficient, the SHPO shall recommend steps that may be taken to improve its performance. Inadequate performance may relate to such things as failure to enforce the provisions of the local ordinance, failure to keep the commission adequately appointed, improper use of funds, inadequate grants administration, or failure to conduct requirements of certification in Section 1. If reason is found for revocation, the process will be as follows.

- A. If the SHPO determines that a CLG's performance does not meet the performance standards specified in the Certification Agreement, the SHPO will notify the CLG, in writing, ways to improve performance.
- B. The CLG shall have a period of at least thirty (30) days, but no more than one hundred eighty (180) days, to implement improvements acceptable to the SHPO.
- C. If the SHPO determines that sufficient improvement has occurred, the SHPO will notify the CLG in writing.
- D. If, within a maximum of one hundred eighty (180) days, the SHPO determines that sufficient improvement has not occurred, the SHPO will specify to the CLG what programmatic deficiencies remain, and request that remaining deficiencies be rectified. If within thirty (30) days the CLG does not respond with a plan to rectify remaining deficiencies to the satisfaction of the SHPO, the SHPO will recommend to the National Park Service that CLG status be revoked, citing specific reasons for the recommendation.
- E. When CLG status is revoked, the SHPO shall suspend and terminate any financial assistance, and will conduct a closeout review of any grants received from the SHPO.

Notwithstanding any procedures within this Section, any CLG may, upon written request to the SHPO, initiate voluntary revocation.

**SECTION 6:
TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS**

A portion of the funds that the state receives from the Historic Preservation Fund (HPF) is transferred annually to CLGs. The SHPO distributes funds to the maximum number of eligible CLGs. To the extent of funding requests received, the award of funds shall include a factor that no CLG receives a disproportionate share of the CLG funds.

- A. The State will ensure that at least ten (10) percent of its share of the HPF shall be transferred annually to CLGs meeting minimum requirements of these Procedures.
 - 1. All grants are awarded on a matching basis for funding of specific projects or activities meeting federal program standards. Matching requirements shall be 60 percent (federal) and 40 percent (local). The SHPO reserves the right to change or waive the matching share amount in instances of disaster or special needs.
 - 2. CLGs receiving HPF grants from the SHPO shall be considered subgrantees of the state.
- B. The use of federal funds will be governed by all current guidelines and restrictions imposed by the National Park Service, in particular the National Historic Preservation Act and the Secretary of the Interior's Standards for Archeology and Historic Preservation. The SHPO shall insure that these will be clearly stated and included in the written grant agreement. This agreement will also stipulate that CLG funds will be used for activities eligible for HPF assistance as referenced in the HPF Grants Manual.
- C. The intent of funding is to distribute CLG funds in a manner that will result in tangible products. The SHPO will seek to insure that distribution of CLG funds increases the opportunities to leverage additional monies for historic preservation efforts. Funding is provided for project-based activities. The intent is to use HPF assistance to augment rather than replace existing local commitment to historic preservation activities, such as operations. These requirements cannot be waived.
- D. The CLG shall take into consideration the established *Nebraska State Historic Preservation Plan*.
- E. The SHPO is not required to award funds to all governments that are eligible to receive funds. Past performance shall be taken into account. This may include failure to follow through on projects, failure of projects to result in a measurable product, failure to submit reports, or failure to perform under financial or other requirements of federal funding. Local governments in process of revocation shall not be eligible to receive funds.
- F. In order to be eligible for grant funding, the local government shall have an adequate and auditable financial management system that:
 - 1. Meets federal standards of the Office of Management and Budget (OMB) Circular A-133 or as addressed in the current annual grant agreement between the SHPO and the NPS. A copy of audits shall be submitted to the SHPO in a timely manner as pursuant to said OMB Circulars.
 - 2. Meets all requirements of the Historic Preservation Fund Grants Manual and the Nebraska State Historical Society's Grants and Contracts Manual.

**SECTION 7:
PROCESS FOR APPLICATION AND ALLOCATION OF CERTIFIED LOCAL
GOVERNMENT SHARE**

At the earliest possible date following confirmation of federal apportionment to the state, the SHPO will issue a *Notice of Funding Availability* to each CLG. The notice will include:

1. The total amount of Nebraska's HPF apportionment and an approximate dollar amount of funds to be awarded to CLGs;
 2. General conditions regarding eligibility for funds and annual state priorities for funding;
 3. Instructions on how to apply for funding and deadline for application submission; and
 4. Special conditions to current year funding (if any).
- A. Each CLG requesting funds must submit a completed *Nebraska Certified Local Government Funding Request & Application* with appropriate attachments by the deadline. The application shall be endorsed by a resolution of the local historic preservation commission, which shall be submitted with the application.
- B. All applications must be complete and developed in the prescribed format. An application must address one or more of the duties and responsibilities delegated to the CLG in Section 1 of these procedures. Proposals must be well defined and have potential to accomplish and further local, state, and federal priorities.
- C. Grants will be awarded competitively.
- D. Applications will reflect any special conditions or stipulations mandated by the United States Congress, National Park Service, or SHPO regarding the use of HPF funds (if any).
- E. Applications will be evaluated using the evaluation and selection criteria below. The relative importance of each factor is indicated by the number of points possible for each. These may be revised by the SHPO or in consultation with all CLGs in any given year.
1. Addresses goals, objectives or strategies of the *Nebraska State Historic Preservation Plan* (20 points)
 2. Potential public benefit, potential to increase local awareness, and increase the capability and effectiveness of the local program (30 points)
 3. Addresses local priorities (30 points)
 4. Adequacy of budget, realistic ability to complete the project(s) within the given timeline, and past performance (20 points)
 5. Any special conditions or stipulations established by the SHPO or the National Park Service (ranking to be determined)

SHPO staff representing expertise in related program areas and grant assistance shall review and rank all applications. The SHPO shall make selections based on stated criteria. All CLGs shall be notified of the ranking and approval of their application. If not selected for funding, the CLG shall be informed of the ranking and comments generated from the review process. The SHPO shall supply and require a written agreement for funding with all CLGs receiving funds specifying general conditions regarding the use of federal funds, the performance period, funding amount and matching share, and the stated scope of work. Amendments to the scope of work shall be reviewed on a case-by-case basis. Any amendment must be submitted 30 days before commencing work.

**APPENDIX I:
GUIDELINES FOR ANNUAL CLG REPORTS**

GUIDELINES FOR ANNUAL CLG REPORTS

Each CLG shall submit an annual report of commission activities during the previous calendar year. Please submit completed reports by March 31 to:

Nebraska State Historical Society
State Historic Preservation Office
P.O. Box 82554
Lincoln, NE 68501-2554

On a separate sheet, please address each of the following items.

Ordinance and Commission

1. Were amendments made to the local ordinance? If so, please describe the changes and attach a copy of the amendment.
2. How many meetings did the commission hold during the previous calendar year? What were the dates of the meetings?
3. Did the commission/staff send meeting minutes to the SHPO in a timely manner? If not, please attach.
4. List all current commission members. Identify those members that meet professional qualification standards.
5. Were there any new commission members this year? If so, please provide a resume.
6. Did the CLG maintain a full commission membership? If not, please explain.
7. Did the CLG maintain the professional composition of the commission? If not, please explain.
8. Did any commission members attend informational or educational meetings pertaining to historic preservation as it relates to CLG program activities, duties and requirements? If yes, please list the commission member(s), program(s) attended, date(s), and location(s).

Staff

1. Who within city government provides staffing to the commission? Please list name and title.
2. What are the duties and responsibilities of this person?
3. Did any staff members attend informational or educational meetings pertaining to historic preservation as it relates to CLG program activities, duties and requirements? If yes, please list the commission member(s), program(s) attended, date(s), and location(s).

Survey/Evaluation

1. Did the commission/staff conduct any survey activities? If yes, list the number of contributing or individual properties added to the local government's survey and inventory. Include any updated surveys/inventories.

Local Landmark Designation/National Register of Historic Places

1. How many properties were locally landmarked? Please list.
2. How many requests did the CLG receive for National Register nominations and/or technical assistance from property owners or their representative? Please list the type of request and name of properties.
3. Did the commission/staff prepare any National Register nominations? If yes, please list the name of each.
4. Did the commission/staff review or act upon any National Register nominations from other sources?
5. Did the commission/staff prepare any "Part 1" applications for tax certification? If yes, please list.

Planning

1. Did the commission/staff develop or initiate any local plans including comprehensive planning elements, preservation plans, zoning regulations, etc? If yes, please describe.
2. Did the commission/staff consult the Nebraska State Historic Preservation Plan in the development of these planning activities? Please describe.

Public Participation/Public Education

1. Did the commission/staff conduct or initiate any educational projects, programs, publications, or activities? If yes, please list and describe.

Other activities

1. Did the commission/staff forward any "Valuation Incentive Program" applications to the SHPO? If yes, list each property.
2. Did the commission/staff review and comment on any federal undertakings? If yes, list how many and identify which type of program (CDBG, USDA, etc.).
3. Did the commission/staff review any financial or other incentives to property owners for conformance to historic preservation standards? If yes, please list and explain.
4. Did the commission/staff review any cases of design review or demolition? If yes, please list and explain.

**APPENDIX II:
APPLICATION AND GRANT SCHEDULE**

APPLICATION AND GRANT SCHEDULE

The following dates are approximate and outline one grant cycle. All grant periods are twelve calendar months in length, beginning June 1 and ending May 31.

Date	Event	Event
October 1 st	Federal Fiscal Year Begins	Announcement of State's HPF Appropriation
November		
December		
January		
February	SHPO issues Notice of Funding Availability	
March 31 st	Annual Report Due	
April	Grant Application Due	SHPO review of grant applications
May	Grant applications approved	CLG Signs Grant Agreement
June 1 st		Grant Period Begins
July		
August		
September		
October 1 st	New Federal Fiscal Year Begins	
November	Mid-Year Progress Report Due	
December		
January		
February		
March 31 st	Annual Report Due	
April		
May 31 st	Grant Period Ends	
June 30 th	Final Reimbursement Request Due	Final Project Report Due
July		
August		
September		

APPENDIX III:

**PROFESSIONAL QUALIFICATIONS FOR HISTORIC PRESERVATION
COMMISSION MEMBERS PARTICIPATING IN THE NATIONAL REGISTER
REVIEW PROCESS**

**PROFESSIONAL QUALIFICATIONS FOR HISTORIC PRESERVATION
COMMISSION MEMBERS PARTICIPATING IN THE NATIONAL REGISTER
REVIEW PROCESS**

In the following definitions, a year of full-time professional experience need not be a continuous year, but may be a discontinuous period of full-time or part-time work adding up to one year of full-time experience.

History: The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- 1) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
- 2) Substantial contribution through research and publication to the body of scholarly knowledge of history.

Archeology: The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

- 1) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
- 2) At least four months of supervised field and analytic experience in general North American archeology; and
- 3) Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of historic archeological resources.

Architectural History: The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

- 1) At least two years full-time experience in research, writing or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- 2) Substantial contribution through research and publication to the body of scholarly

knowledge in the field of American architectural history.

Architecture: The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a state license to practice architecture.

Historic Architecture: The minimum professional qualifications in historic architecture are a professional degree in architecture or state license to practice architecture, plus one of the following:

- 1) At least one year of full-time professional experience on historic preservation projects; or
- 2) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field. Such graduate study or experience shall include detailed investigations of historic structures, preparation of plans and specifications for preservation projects.

APPENDIX IV:

LOCAL HISTORIC PRESERVATION ORDINANCES
An Abstract of Nebraska Enabling Legislation

LOCAL HISTORIC PRESERVATION ORDINANCES

An Abstract of Nebraska Enabling Legislation

The following is an abstract of Nebraska statutes that may have applicability to local land use regulation as it relates to the adoption of an historic preservation ordinance. It is not, however, presented as a comprehensive study of Nebraska statutes and enabling legislation. The determination regarding whether sufficient authority exists, and the drafting and adoption of an historic preservation ordinance or regulation, must be made by the governing body of the local government in consultation with its own legal counsel.

INTRODUCTION

Specific statutory authority exists for cities of the metropolitan class. Cities of the primary, first and second-class, villages, and counties have no corresponding statutory authority, but can find sufficient authority to enact historic preservation ordinances or regulations within general zoning powers. In general, the exercising of zoning powers requires the adoption of and/or consistency with a comprehensive plan.

METROPOLITAN CLASS CITIES

Nebraska enabling legislation allows cities of the metropolitan class to create and establish, by ordinance, preservation districts and governing preservation commissions for purpose of "preserving buildings, lands, areas, or districts within any such city which are determined by the commission to possess particular historical, architectural, cultural, or educational value" (Neb. Rev. Stat., Section 14-2001, Reissue 1977). Although the statute delegates to the city council the authority to state, in ordinance, what powers the commission shall have, it specifically authorizes a metropolitan city to exercise its power of eminent domain for preservation purposes (Neb. Rev. Stat., Sections 14-2001 through 14-2004, Reissue 1977).

PRIMARY CLASS CITIES

Cities of the primary class can find authority to enact historic preservation ordinances or regulations at Neb. Rev. Stat., Section 15-902 (Reissue 1977). A city of the primary class may adopt zoning regulations "in accordance with a comprehensive plan" (Neb. Rev. Stat., Section 15-902, Reissue 1977). The comprehensive plan must include, among other things, "surveys of structures and sites determined to be of historic, cultural, archeological, or architectural significance or value...taking into account...the preservation of sites of historic, cultural, archeological, and architectural significance or value" (Neb. Rev. Stat., Section 15-1102, Reissue 1977).

FIRST AND SECOND CLASS CITIES, VILLAGES

First and second-class cities, as well as villages, can find sufficient authority to enact historic preservation ordinances or regulations at Neb. Rev. Stat., Section 19-903 (Reissue 1977). A city or village may exercise such powers and adopt zoning regulations only after the municipal legislative body has appointed a planning commission and adopted a comprehensive development plan (Neb. Rev. Stat., Section 19-901, Reissue 1977). Zoning regulations and restrictions authorized by Sections 19-901 to 19-915 must be made in accordance with the comprehensive development plan. The comprehensive plan and its zoning regulations must be designed "to preserve, protect, and enhance historic buildings, places and districts" (Neb. Rev. Stat., Sections 19-903, Reissue 1977).

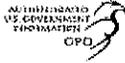
COUNTIES

A county may adopt zoning regulations that are consistent with a comprehensive development plan designed for such specific purposes as "preserving, protecting, and enhancing historic buildings, places, and districts" (Neb. Rev. Stat., Section 23.114.03, Reissue 1977). The comprehensive plan must include "surveys of structures and sites determined to be of historic, cultural, archeological, or architectural significance or value...taking into account...the preservation of sites of historic, cultural, archeological, and architectural significance or value" (Neb. Rev. Stat., Section 23-174.05, Reissue 1977).

FOR FURTHER INFORMATION

Many considerations are involved in determining the extent and scope of a local historic preservation ordinance. Although the State Historic Preservation Office cannot offer legal advice to local governments regarding the scope of their authority to enact historic preservation ordinances or regulations, the office can provide related information and technical assistance regarding historic preservation.

APPENDIX V:
CODE OF FEDERAL REGULATIONS
TITLE 36 PART 60
NATIONAL REGISTER OF HISTORIC PLACES



§§59.5-59.6

fishing and hunting license fees are excluded from these requirements.

§§59.5-59.6 [Reserved]

PART 60—NATIONAL REGISTER OF HISTORIC PLACES

Sec.

- 60.1 Authorization and expansion of the National Register.
- 60.2 Effects of listing under Federal law.
- 60.3 Definitions.
- 60.4 Criteria for evaluation.
- 60.5 Nomination forms and information collection.
- 60.6 Nominations by the State Historic Preservation Officer under approved State Historic Preservation programs.
- 60.7-60.8 [Reserved]
- 60.9 Nominations by Federal agencies.
- 60.10 Concurrent State and Federal nominations.
- 60.11 Requests for nominations.
- 60.12 Nomination appeals.
- 60.13 Publication in the FEDERAL REGISTER and other NPS notification.
- 60.14 Changes and revisions to properties listed in the National Register.
- 60.15 Removing properties from the National Register.

AUTHORITY: National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*, and E.O. 11593.

SOURCE: 46 FR 56187, Nov. 16, 1981, unless otherwise noted.

§60.1 Authorization and expansion of the National Register.

(a) The National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 *et seq.*, as amended, authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture. The regulations herein set forth the procedural requirements for listing properties on the National Register.

(b) Properties are added to the National Register through the following processes.

(1) Those Acts of Congress and Executive orders which create historic areas of the National Park System administered by the National Park Service, all or portions of which may be determined to be of historic significance consistent with the intent of Congress;

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(2) Properties declared by the Secretary of the Interior to be of national significance and designated as National Historic Landmarks;

(3) Nominations prepared under approved State Historic Preservation Programs, submitted by the State Historic Preservation Officer and approved by the NPS;

(4) Nominations from any person or local government (only if such property is located in a State with no approved State Historic Preservation Program) approved by the NPS and;

(5) Nominations of Federal properties prepared by Federal agencies, submitted by the Federal Preservation Officer and approved by NPS.

§60.2 Effects of listing under Federal law.

The National Register is an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing of private property on the National Register does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

(a) The National Register was designed to be and is administered as a planning tool. Federal agencies undertaking a project having an effect on a listed or eligible property must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment pursuant to section 106 of the National Historic Preservation Act of 1966, as amended. The Council has adopted procedures concerning, *inter alia*, their commenting responsibility in 36 CFR part 800. Having complied with this procedural requirement the Federal agency may adopt any course of action it believes is appropriate. While the Advisory Council comments must be taken into account and integrated into the decisionmaking process, program decisions rest with the agency implementing the undertaking.

(b) Listing in the National Register also makes property owners eligible to be considered for Federal grants-in-aid for historic preservation.

(c) If a property is listed in the National Register, certain provisions of the Tax Reform Act of 1976 as amended by the Revenue Act of 1978 and the Tax Treatment Extension Act of 1980 may apply. These provisions encourage the preservation of depreciable historic structures by allowing favorable tax treatments for rehabilitation, and discourage destruction of historic buildings by eliminating certain otherwise available Federal tax provisions both for demolition of historic structures and for new construction on the site of demolished historic buildings. Owners of historic buildings may benefit from the investment tax credit provisions of the Revenue Act of 1978. The Economic Recovery Tax Act of 1981 generally replaces the rehabilitation tax incentives under these laws beginning January 1, 1982 with a 25% investment tax credit for rehabilitations of historic commercial, industrial and residential buildings. This can be combined with a 15-year cost recovery period for the adjusted basis of the historic building. Historic buildings with certified rehabilitations receive additional tax savings by their exemption from any requirement to reduce the basis of the building by the amount of the credit. The denial of accelerated depreciation for a building built on the site of a demolished historic building is repealed effective January 1, 1982. The Tax Treatment Extension Act of 1980 includes provisions regarding charitable contributions for conservation purposes of partial interests in historically important land areas or structures.

(d) If a property contains surface coal resources and is listed in the National Register, certain provisions of the Surface Mining and Control Act of 1977 require consideration of a property's historic values in the determination on issuance of a surface coal mining permit.

§ 60.3 Definitions.

(a) *Building.* A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

Examples

Molly Brown House (Denver, CO)
Meek Mansion and Carriage House (Hayward, CA)
Huron County Courthouse and Jail (Norwalk, OH)
Farristosh Plantation (Durham vicinity, NC)

(b) *Chief elected local official.* Chief elected local official means the mayor, county judge, county executive or otherwise titled chief elected administrative official who is the elected head of the local political jurisdiction in which the property is located.

(c) *Determination of eligibility.* A determination of eligibility is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register. A determination of eligibility does not make the property eligible for such benefits as grants, loans, or tax incentives that have listing on the National Register as a prerequisite.

(d) *District.* A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Examples

Georgetown Historic District (Washington, DC)
Martin Luther King Historic District (Atlanta, GA)
Durango-Silverton Narrow-Gauge Railroad (right-of-way between Durango and Silverton, CO)

(e) *Federal Preservation Officer.* The Federal Preservation Officer is the official designated by the head of each Federal agency responsible for coordinating that agency's activities under the National Historic Preservation Act of 1966, as amended, and Executive Order 11593 including nominating properties under that agency's ownership or control to the National Register.

(f) *Keeper of the National Register of Historic Places.* The Keeper is the individual who has been delegated the authority by NPS to list properties and determine their eligibility for the National Register. The Keeper may further delegate this authority as he or she deems appropriate.

(g) *Multiple Resource Format submission.* A Multiple Resource Format submission for nominating properties to the National Register is one which includes all or a defined portion of the cultural resources identified in a specified geographical area.

(h) *National Park Service (NPS).* The National Park Service is the bureau of the Department of Interior to which the Secretary of Interior has delegated the authority and responsibility for administering the National Register program.

(i) *National Register Nomination Form.* National Register Nomination Form means (1) National Register Nomination Form NPS 10-900, with accompanying continuation sheets (where necessary) Form NPS 10-900a, maps and photographs or (2) for Federal nominations, Form No. 10-306, with continuation sheets (where necessary) Form No. 10-300A, maps and photographs. Such nomination forms must be "adequately documented" and "technically and professionally correct and sufficient." To meet these requirements the forms and accompanying maps and photographs must be completed in accord with requirements and guidance in the NPS publication, "How to Complete National Register Forms" and other NPS technical publications on this subject. Descriptions and statements of significance must be prepared in accord with standards generally accepted by academic historians, architectural historians and archeologists. The nomination form is a legal document and reference for historical, architectural, and archeological data upon which the protections for listed and eligible properties are founded. The nominating authority certifies that the nomination is adequately documented and technically and professionally correct and sufficient upon nomination.

(j) *Object.* An object is a material thing of functional, aesthetic, cultural,

historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Examples

Delta Queen Steamboat (Cincinnati, OH)
Adams Memorial (Rock Creek Cemetery, Washington, DC)
Sumpter Valley Gold Dredge (Sumpter, OR)

(k) *Owner or owners.* The term owner or owners means those individuals, partnerships, corporations or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature.

(l) *Site.* A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

Examples

Cabin Creek Battlefield (Pensacola vicinity, OK)
Mound Cemetery Mound (Chester vicinity, OH)
Mud Springs Pony Express Station Site (Dalton vicinity, NE)

(m) *State Historic Preservation Officer.* The State Historic Preservation Officer is the person who has been designated by the Governor or chief executive or by State statute in each State to administer the State Historic Preservation Program, including identifying and nominating eligible properties to the National Register and otherwise administering applications for listing historic properties in the National Register.

(n) *State Historic Preservation Program.* The State Historic Preservation Program is the program established by each State and approved by the Secretary of Interior for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended, and related laws and regulations. Such program shall be approved by the Secretary before the State may nominate properties to the National Register. Any State Historic

Preservation Program in effect under prior authority of law before December 12, 1980, shall be treated as an approved program until the Secretary approves a program submitted by the State for purposes of the Amendments or December 12, 1983, unless the Secretary chooses to rescind such approval because of program deficiencies.

(c) *State Review Board.* The State Review Board is a body whose members represent the professional fields of American history, architectural history, historic architecture, prehistoric and historic archeology, and other professional disciplines and may include citizen members. In States with approved State historic preservation programs the State Review Board reviews and approves National Register nominations concerning whether or not they meet the criteria for evaluation prior to their submittal to the NPS.

(p) *Structure.* A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Examples

Swanton Covered Railroad Bridge (Swanton vicinity, VT)
Old Point Loma Lighthouse (San Diego, CA)
North Point Water Tower (Milwaukee, WI)
Reber Radio Telescope (Green Bay vicinity, WI)

(q) *Thematic Group Format submission.* A Thematic Group Format submission for nominating properties to the National Register is one which includes a finite group of resources related to one another in a clearly distinguishable way. They may be related to a single historic person, event, or developmental force; of one building type or use, or designed by a single architect; of a single archeological site form, or related to a particular set of archeological research problems.

(r) *To nominate.* To nominate is to propose that a district, site, building, structure, or object be listed in the National Register of Historic Places by preparing a nomination form, with accompanying maps and photographs which adequately document the property and are technically and professionally correct and sufficient.

§ 60.4 Criteria for evaluation.

The criteria applied to evaluate properties (other than areas of the National Park System and National Historic Landmarks) for the National Register are listed below. These criteria are worded in a manner to provide for a wide diversity of resources. The following criteria shall be used in evaluating properties for nomination to the National Register, by NPS in reviewing nominations, and for evaluating National Register eligibility of properties. Guidance in applying the criteria is further discussed in the "How To" publications, Standards & Guidelines sheets and Keeper's opinions of the National Register. Such materials are available upon request.

National Register criteria for evaluation. The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is

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the surviving structure most importantly associated with a historic person or event; or

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

This exception is described further in NPS "How To" #2, entitled "How to Evaluate and Nominate Potential National Register Properties That Have Achieved Significance Within the Last 50 Years" which is available from the National Register of Historic Places Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

§ 60.5 Nomination forms and information collection.

(a) All nominations to the National Register are to be made on standard National Register forms. These forms are provided upon request to the State Historic Preservation Officer, participating Federal agencies and others by the NPS. For archival reasons, no other forms, photocopied or otherwise, will be accepted.

(b) The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0018. The information is being collected as part of the nomination of properties to the National Register. This information will be used to evaluate the eligibility of properties for inclusion in the National Register under established criteria. The obligation to respond is required to obtain a benefit.

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§ 60.6 Nominations by the State Historic Preservation Officer under approved State Historic Preservation programs.

(a) The State Historic Preservation Officer is responsible for identifying and nominating eligible properties to the National Register. Nomination forms are prepared under the supervision of the State Historic Preservation Officer. The State Historic Preservation Officer establishes statewide priorities for preparation and submission of nominations for all properties meeting National Register criteria for evaluation within the State. All nominations from the State shall be submitted in accord with the State priorities, which shall be consistent with an approved State historic preservation plan.

(b) The State shall consult with local authorities in the nomination process. The State provides notice of the intent to nominate a property and solicits written comments especially on the significance of the property and whether or not it meets the National Register criteria for evaluation. The State notice also gives owners of private property an opportunity to concur in or object to listing. The notice is carried out as specified in the subsections below.

(c) As part of the nomination process, each State is required to notify in writing the property owner(s), except as specified in paragraph (d) of this section, of the State's intent to bring the nomination before the State Review Board. The list of owners shall be obtained from either official land recordation records or tax records, whichever is more appropriate, within 90 days prior to the notification of intent to nominate. If in any State the land recordation or tax records is not the most appropriate list from which to obtain owners that State shall notify the Keeper in writing and request approval that an alternative source of owners may be used.

The State is responsible for notifying only those owners whose names appear on the list consulted. Where there is more than one owner on the list, each separate owner shall be notified. The State shall send the written notification at least 30 but not more than 75

days before the State Review Board meeting. Required notices may vary in some details of wording as the States prefer, but the content of notices must be approved by the National Register. The notice shall give the owner(s) at least 30 but not more than 75 days to submit written comments and concur in or object in writing to the nomination of such property. At least 30 but not more than 75 days before the State Review Board meeting, the States are also required to notify by the above mentioned National Register approved notice the applicable chief elected official of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located. The National Register nomination shall be on file with the State Historic Preservation Program during the comment period and a copy made available by mail when requested by the public, or made available at a location of reasonable access to all affected property owners, such as a local library courthouse, or other public place, prior to the State Review Board meeting so that written comments regarding the nomination can be prepared.

(d) For a nomination with more than 50 property owners, each State is required to notify in writing at least 30 but not more than 75 days in advance of the State Review Board meeting the chief elected local officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property or district is located. The State shall provide general notice to property owners concerning the State's intent to nominate. The general notice shall be published at least 30 days but not more than 75 days before the State Review Board meeting and provide an opportunity for the submission of written comments and provide the owners of private property or a majority of such owners for districts an opportunity to concur in or object in writing to the nomination. Such general notice must be published in one or more local newspapers of general circulation in the area of the nomination. The content of the notices shall be approved by the National Register. If such general notice is used to notify the property owners for a nomination containing more than 50 owners, it is

suggested that a public information meeting be held in the immediate area prior to the State Review Board meeting. If the State wishes to individually notify all property owners, it may do so, pursuant to procedures specified in subsection 60.5(c), in which case, the State need not publish a general notice.

(e) For Multiple Resource and Thematic Group Format submission, each district, site, building, structure and object included in the submission is treated as a separate nomination for the purpose of notification and to provide owners of private property the opportunity to concur in or object in writing to the nomination in accord with this section.

(f) The commenting period following notifications can be waived only when all property owners and the chief elected local official have advised the State in writing that they agree to the waiver.

(g) Upon notification, any owner or owners of a private property who wish to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. In nominations with multiple ownership of a single private property or of districts, the property will not be listed if a majority of the owners object to listing. Upon receipt of notarized objections respecting a district or single private property with multiple owners, it is the responsibility of the State Historic Preservation Officer to ascertain whether a majority of owners of private property have objected. If an owner whose name did not appear on the list certifies in a written notarized statement that the party is the sole or partial owner of a nominated private property such owner shall be counted by the State Historic Preservation Officer in determining whether a majority of owners has objected. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

(h) If a property has been submitted to and approved by the State Review Board for inclusion in the National Register prior to the effective date of this section, the State Historic Preservation Officer need not resubmit the property to the State Review Board; but before submitting the nomination to the NPS shall afford owners of private property the opportunity to concur in or object to the property's inclusion in the Register pursuant to applicable notification procedures described above.

(i) [Reserved]

(j) Completed nomination forms or the documentation proposed for submission on the nomination forms and comments concerning the significance of a property and its eligibility for the National Register are submitted to the State Review Board. The State Review Board shall review the nomination forms or documentation proposed for submission on the nomination forms and any comments concerning the property's significance and eligibility for the National Register. The State Review Board shall determine whether or not the property meets the National Register criteria for evaluation and make a recommendation to the State Historic Preservation Officer to approve or disapprove the nomination.

(k) Nominations approved by the State Review Board and comments received are then reviewed by the State Historic Preservation Officer and if he or she finds the nominations to be adequately documented and technically, professionally, and procedurally correct and sufficient and in conformance with National Register criteria for evaluation, the nominations are submitted to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240. All comments received by a State and notarized statements of objection to listing are submitted with a nomination.

(l) If the State Historic Preservation Officer and the State Review Board disagree on whether a property meets the National Register criteria for evaluation, the State Historic Preservation Officer, if he or she chooses, may submit the nomination with his or her

opinion concerning whether or not the property meets the criteria for evaluation and the opinion of the State Review Board to the Keeper of the National Register for a final decision on the listing of the property. The opinion of the State Review Board may be the minutes of the Review Board meeting. The State Historic Preservation Officer shall submit such disputed nominations if so requested within 45 days of the State Review Board meeting by the State Review Board or the chief elected local official of the local, county or municipal political subdivision in which the property is located but need not otherwise do so. Such nominations will be substantively reviewed by the Keeper.

(m) The State Historic Preservation Officer shall also submit to the Keeper nominations if so requested under the appeals process in §60.12.

(n) If the owner of a private property or the majority of such owners for a district or single property with multiple owners have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility pursuant to subsection (s) of this section.

(o) The State Historic Preservation Officer signs block 12 of the nomination form if in his or her opinion the property meets the National Register criteria for evaluation. The State Historic Preservation Officer's signature in block 12 certifies that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient;

(4) In the opinion of the State Historic Preservation Officer, the property meets the National Register criteria for evaluation.

(p) When a State Historic Preservation Officer submits a nomination form for a property that he or she does not believe meets the National Register

criteria for evaluation, the State Historic Preservation Officer signs a continuation sheet, Form NPS 10-900a explaining his/her opinions on the eligibility of the property and certifying that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient.

(q) Notice will be provided in the FEDERAL REGISTER that the nominated property is being considered for listing in the National Register of Historic Places as specified in § 60.13.

(r) Nominations will be included in the National Register within 45 days of receipt by the Keeper or designee unless the Keeper disapproves a nomination, an appeal is filed, or the owner of private property (or the majority of such owners for a district or single property with multiple owners) objects by notarized statements received by the Keeper prior to listing. Nominations which are technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanation as to why the property does not meet the National Register criteria for evaluation.

(s) If the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected to the nomination by notarized statement prior to listing, the Keeper shall review the nomination and make a determination of eligibility within 45 days of receipt, unless an appeal is filed. The Keeper shall list such properties determined eligible in the National Register upon receipt of notarized statements from the owner(s) of private property that the owner(s) no longer object to listing.

(t) Any person or organization which supports or opposes the nomination of a property by a State Historic Preservation Officer may petition the Keeper during the nomination process either to accept or reject a nomination. The petitioner must state the grounds of the petition and request in writing

that the Keeper substantively review the nomination. Such petitions received by the Keeper prior to the listing of a property in the National Register or a determination of its eligibility where the private owners object to listing will be considered by the Keeper and the nomination will be substantively reviewed.

(u) State Historic Preservation Officers are required to inform the property owners and the chief elected local official when properties are listed in the National Register. In the case of a nomination where there are more than 50 property owners, they may be notified of the entry in the National Register by the same general notice stated in § 60.6(d). States which notify all property owners individually of entries in the National Register need not publish a general notice.

(v) In the case of nominations where the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected and the Keeper has determined the nomination eligible for the National Register, the State Historic Preservation Officer shall notify the appropriate chief elected local official and the owner(s) of such property of this determination. The general notice may be used for properties with more than 50 owners as described in § 60.6(d) or the State Historic Preservation Officer may notify the owners individually.

(w) If subsequent to nomination a State makes major revisions to a nomination or renominates a property rejected by the Keeper, the State Historic Preservation Officer shall notify the affected property owner(s) and the chief elected local official of the revisions or renomination in the same manner as the original notification for the nomination, but need not resubmit the nomination to the State Review Board. Comments received and notarized statements of objection must be forwarded to the Keeper along with the revisions or renomination. The State Historic Preservation Officer also certifies by the resubmittal that the affected property owner(s) and the chief elected local official have been renotified. "Major revisions" as used herein

means revisions of boundaries or important substantive revisions to the nomination which could be expected to change the ultimate outcome as to whether or not the property is listed in the National Register by the Keeper.

(x) Notwithstanding any provision hereof to the contrary, the State Historic Preservation Officer in the nomination notification process or otherwise need not make available to any person or entity (except a Federal agency planning a project, the property owner, the chief elected local official of the political jurisdiction in which the property is located, and the local historic preservation commission for certified local governments) specific information relating to the location of properties proposed to be nominated to, or listed in, the National Register if he or she determines that the disclosure of specific information would create a risk of destruction or harm to such properties.

(y) With regard to property under Federal ownership or control, completed nomination forms shall be submitted to the Federal Preservation Officer for review and comment. The Federal Preservation Officer, may approve the nomination and forward it to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

[46 FR 56187, Nov. 16, 1981, as amended at 48 FR 46398, Oct. 12, 1983]

§§60.7-60.8 [Reserved]

§60.9 Nominations by Federal agencies.

(a) The National Historic Preservation Act of 1966, as amended, requires that, with the advice of the Secretary and in cooperation with the State Historic Preservation Officer of the State involved, each Federal agency shall establish a program to locate, inventory and nominate to the Secretary all properties under the agency's ownership or control that appear to qualify for inclusion on the National Register. Section 2(a) of Executive Order 11593 provides that Federal agencies shall locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under

their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places. Additional responsibilities of Federal agencies are detailed in the National Historic Preservation Act of 1966, as amended, Executive Order 11593, the National Environmental Policy Act of 1969, the Archeological and Historic Preservation Act of 1974, and procedures developed pursuant to these authorities, and other related legislation.

(b) Nomination forms are prepared under the supervision of the Federal Preservation Officer designated by the head of a Federal agency to fulfill agency responsibilities under the National Historic Preservation Act of 1966, as amended.

(c) Completed nominations are submitted to the appropriate State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register. The chief elected local officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located are notified and given 45 days in which to comment. The State Historic Preservation Officer signs block 12 of the nomination form with his/her recommendation.

(d) After receiving the comments of the State Historic Preservation Officer, and chief elected local official, or if there has been no response within 45 days, the Federal Preservation Officer may approve the nomination and forward it to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240. The Federal Preservation Officer signs block 12 of the nomination form if in his or her opinion the property meets the National Register criteria for evaluation. The Federal Preservation Officer's signature in block 12 certifies that:

- (1) All procedural requirements have been met;
- (2) The nomination form is adequately documented;
- (3) The nomination form is technically and professionally correct and sufficient;

(4) In the opinion of the Federal Preservation Officer, the property meets the National Register criteria for evaluation.

(e) When a Federal Preservation Officer submits a nomination form for a property that he or she does not believe meets the National Register criteria for evaluation, the Federal Preservation Officer signs a continuation sheet Form NPS 10-900a explaining his/her opinions on the eligibility of the property and certifying that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient.

(f) The comments of the State Historic Preservation Officer and chief local official are appended to the nomination, or, if there are no comments from the State Historic Preservation Officer an explanation is attached. Concurrent nominations (see § 60.10) cannot be submitted, however, until the nomination has been considered by the State in accord with Sec. 60.6, supra. Comments received by the State concerning concurrent nominations and notarized statements of objection must be submitted with the nomination.

(g) Notice will be provided in the FEDERAL REGISTER that the nominated property is being considered for listing in the National Register of Historic Places in accord with § 60.13.

(h) Nominations will be included in the National Register within 45 days of receipt by the Keeper or designee unless the Keeper disapproves such nomination or an appeal is filed. Nominations which are technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanation as to why the property does not meet the National Register criteria for evaluation.

(i) Any person or organization which supports or opposes the nomination of a property by a Federal Preservation Officer may petition the Keeper during the nomination process either to ac-

cept or reject a nomination. The petitioner must state the grounds of the petition and request in writing that the Keeper substantively review the nomination. Such petition received by the Keeper prior to the listing of a property in the National Register or a determination of its eligibility where the private owner(s) object to listing will be considered by the Keeper and the nomination will be substantively reviewed.

§ 60.10 Concurrent State and Federal nominations.

(a) State Historic Preservation Officers and Federal Preservation Officers are encouraged to cooperate in locating, inventorying, evaluating, and nominating all properties possessing historical, architectural, archeological, or cultural value. Federal agencies may nominate properties where a portion of the property is not under Federal ownership or control.

(b) When a portion of the area included in a Federal nomination is not located on land under the ownership or control of the Federal agency, but is an integral part of the cultural resource, the completed nomination form shall be sent to the State Historic Preservation Officer for notification to property owners, to give owners of private property an opportunity to concur in or object to the nomination, to solicit written comments and for submission to the State Review Board pursuant to the procedures in § 60.6.

(c) If the State Historic Preservation Officer and the State Review Board agree that the nomination meets the National Register criteria for evaluation, the nomination is signed by the State Historic Preservation Officer and returned to the Federal agency initiating the nomination. If the State Historic Preservation Officer and the State Review Board disagree, the nomination shall be returned to the Federal agency with the opinions of the State Historic Preservation Officer and the State Review Board concerning the adequacy of the nomination and whether or not the property meets the criteria for evaluation. The opinion of the State Review Board may be the minutes of the State Review Board meeting. The State Historic Preservation

Officer's signed opinion and comments shall confirm to the Federal agency that the State nomination procedures have been fulfilled including notification requirements. Any comments received by the State shall be included with the letter as shall any notarized statements objecting to the listing of private property.

(d) If the owner of any privately owned property, (or a majority of the owners of such properties within a district or single property with multiple owners) objects to such inclusion by notarized statement(s) the Federal Historic Preservation Officer shall submit the nomination to the Keeper for review and a determination of eligibility. Comments, opinions, and notarized statements of objection shall be submitted with the nomination.

(e) The State Historic Preservation Officer shall notify the non-Federal owners when a concurrent nomination is listed or determined eligible for the National Register as required in § 60.6.

§ 60.11 Requests for nominations.

(a) The State Historic Preservation Officer or Federal Preservation Officer as appropriate shall respond in writing within 60 days to any person or organization submitting a completed National Register nomination form or requesting consideration for any previously prepared nomination form on record with the State or Federal agency. The response shall provide a technical opinion concerning whether or not the property is adequately documented and appears to meet the National Register criteria for evaluation in § 60.4. If the nomination form is determined to be inadequately documented, the nominating authority shall provide the applicant with an explanation of the reasons for that determination.

(b) If the nomination form does not appear to be adequately documented, upon receiving notification, it shall be the responsibility of the applicant to provide necessary additional documentation.

(c) If the nomination form appears to be adequately documented and if the property appears to meet the National Register criteria for evaluation, the State Historic Preservation Officer

shall comply with the notification requirements in § 60.6 and schedule the property for presentation at the earliest possible State Review Board meeting. Scheduling shall be consistent with the State's established priorities for processing nominations. If the nomination form is adequately documented, but the property does not appear to meet National Register criteria for evaluation, the State Historic Preservation Officer need not process the nomination, unless so requested by the Keeper pursuant to § 60.12.

(d) The State Historic Preservation Officer's response shall advise the applicant of the property's position in accord with the State's priorities for processing nominations and of the approximate date the applicant can expect its consideration by the State Review Board. The State Historic Preservation Officer shall also provide notice to the applicant of the time and place of the Review Board meeting at least 30 but not more than 75 days before the meeting, as well as complying with the notification requirements in § 60.6.

(e) Upon action on a nomination by the State Review Board, the State Historic Preservation Officer shall, within 90 days, submit the nomination to the National Park Service, or, if the State Historic Preservation Officer does not consider the property eligible for the National Register, so advise the applicant within 45 days.

(f) If the applicant substantially revises a nomination form as a result of comments by the State or Federal agency, it may be treated by the State Historic Preservation Officer or Federal Preservation Officer as a new submittal and reprocessed in accord with the requirements in this section.

(g) The Federal Preservation Officer shall request the comments of the State Historic Preservation Officer and notify the applicant in writing within 90 days of receipt of an adequately documented nomination form as to whether the Federal agency will nominate the property. The Federal Preservation Officer shall submit an adequately documented nomination to the National Park Service unless in his or her opinion the property is not eligible for the National Register.

[18 FR 46308, Oct. 12, 1983]

National Park Service, Interior

§ 60.13

§ 60.12 Nomination appeals.

(a) Any person or local government may appeal to the Keeper the failure or refusal of a nominating authority to nominate a property that the person or local government considers to meet the National Register criteria for evaluation upon decision of a nominating authority to not nominate a property for any reason when requested pursuant to § 60.11, or upon failure of a State Historic Preservation Officer to nominate a property recommended by the State Review Board. (This action differs from the procedure for appeals during the review of a nomination by the National Park Service where an individual or organization may "petition the Keeper during the nomination process," as specified in §§ 60.6(t) and 60.9(i). Upon receipt of such petition the normal 45-day review period will be extended for 30 days beyond the date of the petition to allow the petitioner to provide additional documentation for review.)

(b) Such appeal shall include a copy of the nomination form and documentation previously submitted to the State Historic Preservation Officer or Federal Preservation Officer, an explanation of why the applicant is submitting the appeal in accord with this section and shall include pertinent correspondence from the State Historic Preservation Officer or Federal Preservation Officer.

(c) The Keeper will respond to the appellant and the State Historic Preservation Officer or Federal Preservation Officer with a written explanation either denying or sustaining the appeal within 45 days of receipt. If the appeal is sustained, the Keeper will:

(1) Request the State Historic Preservation Officer or Federal Preservation Officer to submit the nomination to the Keeper within 15 days if the nomination has completed the procedural requirements for nomination as described in §§ 60.6 or 60.9 except that concurrence of the State Review Board, State Historic Preservation Officer or Federal Preservation Officer is not required; or

(2) If the nomination has not completed these procedural requirements, request the State Historic Preservation Officer or Federal Preservation Officer to promptly process the nomination

pursuant to §§ 60.6 or 60.9 and submit the nomination to the Keeper without delay.

(d) State Historic Preservation Officers and Federal Preservation Officers shall process and submit such nominations if so requested by the Keeper pursuant to this section. The Secretary reserves the right to list properties in the National Register or determine properties eligible for such listing on his own motion when necessary to assist in the preservation of historic resources and after notifying the owner and appropriate parties and allowing for a 30-day comment period.

(e) No person shall be considered to have exhausted administrative remedies with respect to failure to nominate a property to the National Register until he or she has complied with procedures set forth in this section. The decision of the Keeper is the final administrative action on such appeals.

[18 FR 46308, Oct. 12, 1983]

§ 60.13 Publication in the Federal Register and other NPS notification.

(a) When a nomination is received, NPS will publish notice in the FEDERAL REGISTER that the property is being considered for listing in the National Register. A 15-day commenting period from date of publication will be provided. When necessary to assist in the preservation of historic properties this 15-day period may be shortened or waived.

(b) NPS shall notify the appropriate State Historic Preservation Officer, Federal Preservation Officer, person or local government when there is no approved State program of the listing of the property in the National Register and will publish notice of the listing in the FEDERAL REGISTER.

(c) In nominations where the owner of any privately owned property (or a majority of the owners of such properties within a district or single property with multiple owners) has objected and the Keeper has determined the nomination eligible for the National Register, NPS shall notify the State Historic Preservation Officer, the Federal Preservation Officer (for Federal or concurrent nominations), the person or local government where there is no approved State Historic

Preservation Program and the Advisory Council on Historic Preservation. NPS will publish notice of the determination of eligibility in the FEDERAL REGISTER.

§ 60.14 Changes and revisions to properties listed in the National Register.

(a) *Boundary changes.* (1) A boundary alteration shall be considered as a new property nomination. All forms, criteria and procedures used in nominating a property to the National Register must be used. In the case of boundary enlargements only those owners in the newly nominated as yet unlisted area need be notified and will be counted in determining whether a majority of private owners object to listing. In the case of a diminution of a boundary, owners shall be notified as specified in § 60.15 concerning removing properties from the National Register. A professionally justified recommendation by the State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program shall be presented to NPS. During this process, the property is not taken off the National Register. If the Keeper or his or her designee finds the recommendation in accordance with the National Register criteria for evaluation, the change will be accepted. If the boundary change is not accepted, the old boundaries will remain. Boundary revisions may be appealed as provided for in §§ 60.12 and 60.15.

(2) Four justifications exist for altering a boundary: Professional error in the initial nomination, loss of historic integrity, recognition of additional significance, additional research documenting that a larger or smaller area should be listed. No enlargement of a boundary should be recommended unless the additional area possesses previously unrecognized significance in American history, architecture, archeology, engineering or culture. No diminution of a boundary should be recommended unless the properties being removed do not meet the National Register criteria for evaluation. Any proposal to alter a boundary has to be documented in detail including

photographing the historic resources falling between the existing boundary and the other proposed boundary.

(b) *Relocating properties listed in the National Register.* (1) Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

(2) If it is proposed that a property listed in the National Register be moved and the State Historic Preservation Officer, Federal agency for a property under Federal ownership or control, or person or local government where there is no approved State Historic Preservation Program, wishes the property to remain in the National Register during and after the move, the State Historic Preservation Officer or Federal Preservation Officer having ownership or control or person or local government where there is no approved State Historic Preservation Program, shall submit documentation to NPS prior to the move. The documentation shall discuss:

- (i) The reasons for the move;
- (ii) The effect on the property's historical integrity;
- (iii) The new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical or archeological significance that would be adversely affected by the intrusion of the property; and
- (iv) Photographs showing the proposed location.

(3) Any such proposal with respect to the new location shall follow the required notification procedures, shall be approved by the State Review Board if it is a State nomination and shall continue to follow normal review procedures. The Keeper shall also follow the required notification procedures for nominations. The Keeper shall respond to a properly documented request within 45 days of receipt from the State Historic Preservation Officer or Federal Preservation Officer, or within 90 days of receipt from a person or local government where there is no approved State Historic Preservation Program, concerning whether or not the move is

approved. Once the property is moved, the State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program shall submit to the Keeper for review:

- (i) A letter notifying him or her of the date the property was moved;
- (ii) Photographs of the property on its new site; and
- (iii) Revised maps, including a U.S.G.S. map,
- (iv) Acreage, and
- (v) Verbal boundary description.

The Keeper shall respond to a properly documented submittal within 45 days of receipt with the final decision on whether the property will remain in the National Register. If the Keeper approves the move, the property will remain in the National Register during and after the move unless the integrity of the property is in some unforeseen manner destroyed. If the Keeper does not approve the move, the property will be automatically deleted from the National Register when moved. In cases of properties removed from the National Register, if the State, Federal agency, or person or local government where there is no approved State Historic Preservation Program has neglected to obtain prior approval for the move or has evidence that previously unrecognized significance exists, or has accrued, the State, Federal agency, person or local government may resubmit a nomination for the property.

(4) In the event that a property is moved, deletion from the National Register will be automatic unless the above procedures are followed prior to the move. If the property has already been moved, it is the responsibility of the State, Federal agency or person or local government which nominated the property to notify the National Park Service. Assuming that the State, Federal agency or person or local government wishes to have the structure reentered in the National Register, it must be nominated again on new forms which should discuss:

- (i) The reasons for the move;
- (ii) The effect on the property's historical integrity, and
- (iii) The new setting and general environment, including evidence that the

new site does not possess historical or archeological significance that would be adversely affected by intrusion of the property.

In addition, new photographs, acreage, verbal boundary description and a U.S.G.S. map showing the structure at its new location must be sent along with the revised nomination. Any such nomination submitted by a State must be approved by the State Review Board.

(5) Properties moved in a manner consistent with the comments of the Advisory Council on Historic Preservation, in accord with its procedures (36 CFR part 800), are granted as exception to §60.12(h). Moving of properties in accord with the Advisory Council's procedures should be dealt with individually in each memorandum of agreement. In such cases, the State Historic Preservation Officer or the Federal Preservation Officer, for properties under Federal ownership or control, shall notify the Keeper of the new location after the move including new documentation as described above.

§ 60.15 Removing properties from the National Register.

(a) Grounds for removing properties from the National Register are as follows:

(1) The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;

(2) Additional information shows that the property does not meet the National Register criteria for evaluation;

(3) Error in professional judgment as to whether the property meets the criteria for evaluation; or

(4) Prejudicial procedural error in the nomination or listing process. Properties removed from the National Register for procedural error shall be reconsidered for listing by the Keeper after correction of the error or errors by the State Historic Preservation Officer, Federal Preservation Officer, person or local government which originally nominated the property, or by

the Keeper, as appropriate. The procedures set forth for nominations shall be followed in such reconsiderations. Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the FEDERAL REGISTER.

(b) Properties listed in the National Register prior to December 13, 1980, may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section.

(c) Any person or organization may petition in writing for removal of a property from the National Register by setting forth the reasons the property should be removed on the grounds established in paragraph (a) of this section. With respect to nominations determined eligible for the National Register because the owners of private property object to listing, anyone may petition for reconsideration of whether or not the property meets the criteria for evaluation using these procedures. Petitions for removal are submitted to the Keeper by the State Historic Preservation Officer for State nominations, the Federal Preservation Officer for Federal nominations, and directly to the Keeper from persons or local governments where there is no approved State Historic Preservation Program.

(d) Petitions submitted by persons or local governments where there is no approved State Historic Preservation Program shall include a list of the owner(s). In such cases the Keeper shall notify the affected owner(s) and the chief elected local official and give them an opportunity to comment. For approved State programs, the State Historic Preservation Officer shall notify the affected owner(s) and chief elected local official and give them an opportunity to comment prior to submitting a petition for removal. The Federal Preservation Officer shall notify and obtain the comments of the appropriate State Historic Preservation Officer prior to forwarding an appeal to NPS. All comments and opinions shall be submitted with the petition.

(e) The State Historic Preservation Officer or Federal Preservation Officer shall respond in writing within 45 days of receipt to petitions for removal of property from the National Register. The response shall advise the petitioner of the State Historic Preservation Officer's or Federal Preservation Officer's views on the petition.

(f) A petitioner desiring to pursue his removal request must notify the State Historic Preservation Officer or the Federal Preservation Officer in writing within 45 days of receipt of the written views on the petition.

(g) The State Historic Preservation Officer may elect to have a property considered for removal according to the State's nomination procedures unless the petition is on procedural grounds and shall schedule it for consideration by the State Review Board as quickly as all notification requirements can be completed following procedures outlined in § 60.6, or the State Historic Preservation Officer may elect to forward the petition for removal to the Keeper with his or her comments without State Review Board consideration.

(h) Within 15 days after receipt of the petitioner's notification of intent to pursue his removal request, the State Historic Preservation Officer shall notify the petitioner in writing either that the State Review Board will consider the petition on a specified date or that the petition will be forwarded to the Keeper after notification requirements have been completed. The State Historic Preservation Officer shall forward the petitions to the Keeper for review within 15 days after notification requirements or Review Board consideration, if applicable, have been completed.

(i) Within 15 days after receipt of the petitioner notification of intent to pursue his petition, the Federal Preservation Officer shall forward the petition with his or her comments and those of the State Historic Preservation Officer to the Keeper.

(j) The Keeper shall respond to a petition for removal within 45 days of receipt, except where the Keeper must notify the owners and the chief elected local official. In such cases the Keeper shall respond within 90 days of receipt.

The Keeper shall notify the petitioner and the applicable State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program, of his decision. The State Historic Preservation Officer or Federal Preservation Officer transmitting the petition shall notify the petitioner, the owner(s), and the chief elected local official in writing of the decision. The Keeper will provide such notice for petitions from persons or local governments where there is no approved State Historic Preservation Program. The general notice may be used for properties with more than 50 owners. If the general notice is used it shall be published in one or more newspapers with general circulation in the area of the nomination.

(k) The Keeper may remove a property from the National Register on his own motion on the grounds established in paragraph (a) of this section, except for those properties listed in the National Register prior to December 13, 1980, which may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section. In such cases, the Keeper will notify the nominating authority, the affected owner(s) and the applicable chief elected local official and provide them an opportunity to comment. Upon removal, the Keeper will notify the nominating authority of the basis for the removal. The State Historic Preservation Officer, Federal Preservation Officer, or person or local government which nominated the property shall notify the owner(s) and the chief elected local official of the removal.

(l) No person shall be considered to have exhausted administrative remedies with respect to removal of a property from the National Register until the Keeper has denied a petition for removal pursuant to this section.

PART 61—PROCEDURES FOR STATE, TRIBAL, AND LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAMS

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61.9 Grants to tribal programs. [Reserved]
61.10 Waiver.
61.11 Information collection.

AUTHORITY: 16 U.S.C. 470 *et seq.*

SOURCE: 61 FR 11742, Mar. 9, 1999, unless otherwise noted.

§ 61.1 Authorization.

The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*):

(a) Requires the Secretary of the Interior (Secretary) to promulgate regulations for:

(1) Approving and overseeing State historic preservation programs;

(2) Certifying local governments to carry out the purposes of the Act;

(3) Ensuring that applicable State Historic Preservation Officers (SHPOs) allocate to certified local governments (CLGs) a share of grants that the SHPOs receive under the Act; and

(4) Assisting Indian tribes in preserving their particular "historic properties" (as defined by the Act);

(b) Directs the Secretary to administer a program of grants-in-aid to States and Indian tribes for historic preservation projects and programs that the Secretary has approved; and

(c) Requires the Secretary to make available information concerning professional standards, methods, and techniques for the preservation of "historic properties" (as defined by the Act) and the administration of historic preservation programs.

§ 61.2 Definitions.

As used in this part:

(a) All terms that the National Historic Preservation Act of 1966, as amended, defines have the same meaning in the regulations in this part that the statute provides; see especially sections 101(a)(1)(A), 101(b), 101(c)(4), 108, and 301.

(b) *Act* means the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 *et seq.*).

(c) *Chief elected local official* means the elected head of a local government.

APPENDIX VI:

CODE OF FEDERAL REGULATIONS

TITLE 36 PART 61

**PROCEDURES FOR APPROVED STATE AND LOCAL
GOVERNMENT HISTORIC PRESERVATION PROGRAMS**

National Park Service, Interior

§ 61.2

The Keeper shall notify the petitioner and the applicable State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program, of his decision. The State Historic Preservation Officer or Federal Preservation Officer transmitting the petition shall notify the petitioner, the owner(s), and the chief elected local official in writing of the decision. The Keeper will provide such notice for petitions from persons or local governments where there is no approved State Historic Preservation Program. The general notice may be used for properties with more than 50 owners. If the general notice is used it shall be published in one or more newspapers with general circulation in the area of the nomination.

(k) The Keeper may remove a property from the National Register on his own motion on the grounds established in paragraph (a) of this section, except for those properties listed in the National Register prior to December 13, 1980, which may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section. In such cases, the Keeper will notify the nominating authority, the affected owner(s) and the applicable chief elected local official and provide them an opportunity to comment. Upon removal, the Keeper will notify the nominating authority of the basis for the removal. The State Historic Preservation Officer, Federal Preservation Officer, or person or local government which nominated the property shall notify the owner(s) and the chief elected local official of the removal.

(l) No person shall be considered to have exhausted administrative remedies with respect to removal of a property from the National Register until the Keeper has denied a petition for removal pursuant to this section.

PART 61—PROCEDURES FOR STATE, TRIBAL, AND LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAMS

- Sec.
61.1 Authorization.
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- 61.4 State programs.
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61.7 Subgrants to certified local governments.
61.8 Tribal programs. [Reserved]
61.9 Grants to tribal programs. [Reserved]
61.10 Waiver.
61.11 Information collection.

AUTHORITY: 16 U.S.C. 470 *et seq.*
SOURCE: 61 FR 11712, Mar. 9, 1996, unless otherwise noted.

§ 61.1 Authorization.

The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*):

- (a) Requires the Secretary of the Interior (Secretary) to promulgate regulations for:
- (1) Approving and overseeing State historic preservation programs;
 - (2) Certifying local governments to carry out the purposes of the Act;
 - (3) Ensuring that applicable State Historic Preservation Officers (SHPOs) allocate to certified local governments (CLGs) a share of grants that the SHPOs receive under the Act; and
 - (4) Assisting Indian tribes in preserving their particular "historic properties" (as defined by the Act);
- (b) Directs the Secretary to administer a program of grants-in-aid to States and Indian tribes for historic preservation projects and programs that the Secretary has approved; and
- (c) Requires the Secretary to make available information concerning professional standards, methods, and techniques for the preservation of "historic properties" (as defined by the Act) and the administration of historic preservation programs.

§ 61.2 Definitions.

- As used in this part:
- (a) All terms that the National Historic Preservation Act of 1966, as amended, defines have the same meaning in the regulations in this part that the statute provides; see especially sections 101(a)(1)(A), 101(b), 101(c)(4), 108, and 301.
- (b) *Act* means the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 *et seq.*).
- (c) *Chief elected local official* means the elected head of a local government.

§ 61.3

(d) *The Secretary's Standards* means only the "Standards" portions and not the "Guidelines" portions of "the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation." The Secretary's Standards provide broad national principles of archeological and historic preservation practices and methods. "The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" also contains "the Secretary's Guidelines" which provide broad national guidance on how to apply "the Secretary's Standards."

(e) *State historic preservation program* or *State program* means a State government organization or program meeting the requirements that section 101(b) of the Act specifies.

§ 61.3 Implementation of this part.

(a) *National Park Service policy of management by exception.* The National Park Service (NPS) will administer the regulations in this part in such a way (and where feasible) as to:

(1) Limit the use of direct Federal management review procedures to high risk situations, to new programs, or to activities that are appropriate for the Federal Government to oversee;

(2) Presume that State, tribal, and local government historic preservation officials manage their programs in an accountable way unless situations indicate the contrary; and

(3) Rely to the maximum extent feasible on State, tribal, and local government systems of financial and program management that meet Federal standards. At the discretion of the Secretary, each State, tribal, and local government may substitute its own fiscal audit and management systems for the Secretary's comparable fiscal audit and management requirements, so long as the State, tribal, or local government system establishes and maintains accounting standards substantially similar to Federal standards and provides for independent peer review.

(b) *The Secretary's Standards.* NPS will use the Secretary's Standards as technical performance standards for matters covered by this part. NPS may also use as technical performance standards (for matters covered by this part) additional guidance that NPS

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identifies and provides from time to time after appropriate consultation and notice.

(c) Each State historic preservation program staff member, State Historic Preservation Review Board (Review Board) member, and certified local government (CLG) historic preservation review commission (Commission) member whom the Secretary has approved as meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" will retain that status, regardless of subsequent revisions to those Standards, until such time as that individual no longer works in that program, or serves on that Review Board, or serves on that Commission with which that individual was affiliated as of the date of that individual's approval.

(d) You may obtain publications and other information mentioned in this part by contacting: Heritage Preservation Services, National Center for Cultural Resource Stewardship and Partnership Programs, National Park Service, 1849 C Street NW (NC Suite 200), Washington, D.C. 20240 or via the National Park Service Home Page for cultural programs at <http://www.cr.nps.gov>.

§ 61.4 State programs.

(a) For a State to participate in the program that this part describes, the Governor must appoint and designate a State Historic Preservation Officer (SHPO) to administer the State historic preservation program.

(b) It is the responsibility of the SHPO to carry out the duties and activities that section 101 (b)(3) of the Act describes. In performing those duties and activities:

(1) The SHPO must carry out a historic preservation planning process that includes the development and implementation of a comprehensive statewide historic preservation plan that provides guidance for effective decision making about historic property preservation throughout the State.

(2) The SHPO, in addition to surveying and maintaining inventories of historic properties, may also obtain:

(i) Comparative data valuable in determining the National Register eligibility of properties;

(ii) Information on properties that may become eligible for the National Register of Historic Places with the passage of time; and/or

(iii) Information on the absence of historic properties for use in planning for public and private development projects.

(3) The SHPO must provide for adequate public participation in the State historic preservation program as a whole.

(i) As part of the process of recommending a property to the National Register, the SHPO must comply with the consultation and notification procedures contained in 36 CFR part 60.

(ii) The SHPO may authorize other persons or entities to fulfill the notice requirements in 36 CFR part 60 pursuant to the Secretary's written guidance.

(iii) The SHPO also may authorize the historic preservation review commission (Commission) of a certified local government (CLG) to act in place of the State Historic Preservation Review Board (Review Board) for the purpose of considering National Register nominations within its jurisdiction, provided that the Commission both meets the professional qualifications required for the Review Board when considering such nominations and otherwise follows the Secretary's written guidance.

(iv) In accordance with the Secretary's written guidance and with the consent of both the property owners in a nomination and the chief elected local official, the Review Board (or the Commission acting in its place) may consider the nomination without a face-to-face meeting.

(4) The SHPO may carry out all or any part of his or her responsibilities by contract or cooperative agreement with any qualified nonprofit organization, educational institution, or otherwise pursuant to State law. However, the SHPO may not delegate the responsibility for compliance with the Act or with grant assistance terms and conditions.

(c) The Secretary will consider individual SHPO proposals for programs that, for a specified period, include fewer duties than those section 101(b)(3) of the Act specifies, if a dif-

ferent approach would better serve an appropriate balance of historic property, customer or constituent, and historic preservation needs.

(d) *Procedures for review and approval of State historic preservation programs.*

(1) In accordance with the Act, the Secretary will evaluate each State program for consistency with the Act periodically, but not less often than every four years. If the Secretary determines that it meets the program requirements of paragraphs (a), (b), (e) and (f) of this section, he or she will approve the State program as set forth in this section.

(2) The Secretary may use on-site and/or off-site inquiries to perform such evaluation. The Secretary will provide the SHPO with a timely report containing written findings and analyses that highlight the strengths and weaknesses of the State program.

(3) *Approval method.* (i) If the Secretary determines that a State program is consistent with the Act, the report will include notice that the State program's approved status continues.

(ii) If the Secretary determines that a State program has major aspects not consistent with the Act, the report will include notice of deficiencies along with required actions for correcting them. Unless circumstances warrant immediate action, the Secretary will provide a specified period to allow the SHPO either to correct the deficiencies or to present for Secretarial approval a justifiable plan and timetable for correcting the deficiencies. During this period, the SHPO has the opportunity to request that the Secretary reconsider any findings and required actions.

(iii) The Secretary will provide timely notice of continued approved State program status to a SHPO successfully resolving deficiencies. Once the Secretary renews a State program's approved status, he or she generally will not review the program until the next regular evaluation period. However, if the Secretary deems it necessary, he or she may conduct a review more often.

(iv) The Secretary will provide timely notice of the revocation of a program's approved status to any SHPO whose program has deficiencies that warrant immediate action or that remain uncorrected after the expiration

of the period specified pursuant to paragraph (d)(3)(ii) of this section. The Secretary will then initiate financial suspension and other actions in accordance with the Act, applicable regulatory requirements, and related guidance that the National Park Service issues.

(e) The SHPO must appoint or employ a professionally qualified staff.

(1) Except as approved pursuant to paragraph (e)(2) of this section, the staff must include at a minimum, one individual meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" for history, one individual meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" for historic or prehistoric archeology, and one individual meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" for architectural history. "The Secretary's (Historic Preservation) Professional Qualifications Standards" and related guidance are part of the larger "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation." The SHPO may determine that additional professional staff members representing the required or other disciplines are necessary to administer the State program in accordance with the Act.

(2) The Secretary will consider proposals from a SHPO for a minimum required staff composition that differs from the requirement that paragraph (e)(1) of this section specifies, if the proposal addresses better an appropriate balance of historic property, customer or constituent, and historic preservation needs in that State.

(3) When a staff position that paragraph (e)(1) of this section requires becomes vacant, the SHPO must fill the vacancy in a timely manner. In the interim, the SHPO must ensure that appropriately qualified individuals address technical matters. A vacancy in a required position that persists for more than six months is cause for review, comment, and appropriate action by the Secretary.

(f) Unless State law provides for a different method of appointment, the SHPO must appoint an adequate and

qualified State historic preservation Review Board (Review Board).

(1) All Review Board members must have demonstrated competence, interest, or knowledge in historic preservation. A majority of Review Board members must meet "the Secretary of the Interior's (Historic Preservation) Professional Qualifications Standards" which are part of the larger "Secretary's Standards and Guidelines for Archeology and Historic Preservation." The members meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" must include at a minimum, one individual meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" for history, one individual meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" for prehistoric archeology or historic archeology, and one individual meeting "the Secretary's (Historic Preservation) Professional Qualifications Standards" for architectural history. One person may meet the Standards for more than one required discipline. The other Review Board members, if any, who comprise the majority that meets "the Secretary's (Historic Preservation) Professional Qualifications Standards" may represent, subject to the SHPO's selection, any of the disciplines that those "Standards" describe.

(2) The Secretary will consider proposals from a SHPO for a minimum required Review Board composition that differs from the requirement that paragraph (f)(1) of this section specifies, if the proposal addresses better an appropriate balance of historic property, customer or constituent, and historic preservation needs in that State.

(3) When a required Review Board position becomes vacant, the SHPO must fill the vacancy in a timely manner. In the interim, the SHPO must ensure that the Review Board has access to advice from appropriately qualified individuals. A lapse of more than one year in filling the vacancy is cause for review, comment, and appropriate action by the Secretary.

(4) The Review Board must meet as often as is necessary to complete its work in a timely fashion but no less often than once a year.

(5) The Review Board must adopt written procedures governing its operations consistent with the provisions of this section and related guidance that the National Park Service issues.

(6) Review Board responsibilities include, but are not limited to, the following:

(i) Providing advice to the SHPO on the full range of Historic Preservation Fund-supported activities, that section 101 (b)(3) of the Act describes;

(ii) Reviewing and making recommendations on National Register nomination proposals;

(iii) Participating in the review of appeals to National Register nominations; and

(iv) Performing such other duties as may be appropriate.

§61.5 Grants to State programs.

(a) Each State with an approved State program is eligible for grants-in-aid from the Historic Preservation Fund (HPF).

(b) The National Park Service (NPS) will administer HPF matching grants-in-aid in accordance with the Act, OMB Circular A-133 and 43 CFR part 12, and related guidance that NPS issues. Failure by a State program to meet these requirements is cause for comment and appropriate action by the Secretary.

§61.6 Certified local government programs.

(a) Each approved State program must provide a mechanism for certification (by the State Historic Preservation Officer and the Secretary) of local governments to carry out the purposes of the Act.

(b) Each State Historic Preservation Officer (SHPO) must follow procedures that the Secretary approves for the certification of local governments. Each SHPO also must follow procedures for removal of certified local government (CLG) status for cause. A SHPO must submit any proposed amendment to its procedures to the Secretary for approval. The Secretary will act on each proposal in a timely fashion generally within 45 days of receipt.

(c) When a SHPO approves a local government certification request in accordance with the State program's Na-

tional Park Service (NPS)-approved certification process, the SHPO must prepare a written certification agreement between the SHPO and the local government. The certification agreement must list the specific responsibilities of the local government when certified. The SHPO must submit to the Secretary the written certification agreement and any additional information as is necessary for the Secretary to certify the local government pursuant to the Act and this part. If the Secretary does not disapprove the proposed certification within 15 working days of receipt, the Secretary has certified the local government.

(d) Beyond the minimum responsibilities set out in the Act for all CLGs, the SHPO may make additional delegations of responsibility to individual CLGs. However, these delegations may not include the SHPO's overall responsibility derived from the Act or where law or regulation specifies.

(e) The SHPO must ensure that each local government satisfies the following minimum requirements as conditions for certification. Each CLG must:

(1) Enforce appropriate State or local legislation for the designation and protection of historic properties. The State procedures must define what constitutes appropriate legislation, as long as:

(i) Designation provisions in such legislation include the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of the local government;

(ii) Protection provisions in such legislation include a local review process under State or local law for proposed demolitions of, changes to, or other action that may affect historic properties as paragraph (e)(1)(i) of this section describes; and

(iii) The legislation otherwise is consistent with the Act.

(2) Establish by State or local law and maintain an adequate and qualified historic preservation review commission (Commission). All Commission members must have a demonstrated interest, competence, or knowledge in

historic preservation. Unless State or local legislation provides for a different method of appointment, the chief elected local official must appoint all Commission members.

(1) The State procedures must encourage certified local governments to include individuals who meet "the Secretary's (Historic Preservation) Professional Qualifications Standards" among the membership of the Commission, to the extent that such individuals are available in the community.

(ii) The State procedures may specify the minimum number of Commission members who must meet "the Secretary's (Historic Preservation) Professional Qualifications Standards." The State procedures may also specify which, if any, disciplines the Commission's membership must include from among those disciplines that the Standards describe. Membership requirements set by the State procedures for Commissions must be cognizant of the needs and functions of Commissions in the State and subject to the availability of such professionals in the community concerned.

(iii) Provided that the Commission is otherwise adequate and qualified to carry out the responsibilities delegated to it, the SHPO may certify a local government without the minimum number or types of disciplines established in State procedures, if the local government can demonstrate that it has made a reasonable effort to fill those positions, or that an alternative composition of the Commission best meets the needs of the Commission and of the local government.

(iv) The SHPO must make available to each Commission orientation materials and training designed to provide a working knowledge of the roles and operations of Federal, State, and local historic preservation programs, and historic preservation in general.

(3) Maintain a system for the survey and inventory of historic properties. The SHPO must ensure that such systems and the data that they produce are capable of integration into and are compatible with statewide inventories and (when and as appropriate) with State and local planning processes.

(4) Provide for adequate public participation in the local historic preser-

vation program as a whole. The SHPO must provide each CLG with appropriate guidance on mechanisms to ensure adequate public participation in the local historic preservation program including the process for evaluating properties for nomination to the National Register of Historic Places.

(5) Satisfactorily perform the responsibilities delegated to it under the Act. The SHPO must monitor and evaluate the performance of each CLG according to written standards and procedures that the SHPO establishes. If a SHPO's evaluation of a CLG's performance indicates that such performance is inadequate, the SHPO must suggest in writing ways to improve performance. If, after a period of time that the SHPO stipulates, the SHPO determines that the CLG has not improved its performance sufficiently, the SHPO may recommend that the Secretary decertify the local government. If the Secretary does not object within 30 working days of receipt, the Secretary has approved the decertification.

(f) Effects of certification include:

(1) Inclusion in the process of nominating properties to the National Register of Historic Places in accordance with sections 101 (c)(2)(A) and (c)(2)(B) of the Act. The SHPO may delegate to a CLG any of the responsibilities of the SHPO and the Review Board in processing National Register nominations as specified in 36 CFR part 60 (see also § 61.4(b)(3)), except for the authority to nominate properties directly to the National Register. A CLG may make nominations directly to NPS only when the State does not have an approved program pursuant to § 61.4.

(2) Eligibility to apply for a portion of the State's annual Historic Preservation Fund (HPF) grant award. Each State must transfer at least 10 percent of its annual HPF grant award to CLGs for historic preservation projects and programs in accordance with the Act and as § 61.7 specifies.

(g) The District of Columbia is exempt from the requirements of this section because there are no subordinated local governments in the District. If any other jurisdiction that section 301(2) of the Act defines as a State believes that its political subdivisions lack authorities similar to those of

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§ 61.11

local governments in other States, and hence cannot satisfy the requirements for local government certification, it may apply to the Secretary for exemption from the requirements of this section.

(i) *Procedures for direct certification by the Secretary where there is no approved State program pursuant to § 61.4.* To the extent feasible, the Secretary will ensure that there is consistency and continuity in the CLG program of a State that does not have an approved State program.

(1) Where there is no approved State program, a local government wishing to become certified must apply directly to the Secretary.

(2) The application must demonstrate that the local government meets the specifications for certification set forth in paragraph (e) of this section.

(3) The Secretary will review certification applications under this paragraph (h) and take action in a timely fashion generally within 90 days of receipt.

§ 61.7 Subgrants to certified local governments.

(a) Each SHPO must transfer at least 10 percent of its annual Historic Preservation Fund (HPF) grant award to CLGs as subgrants for historic preservation projects and programs in accordance with the Act. In any year that the annual HPF State grant appropriation exceeds \$65,000,000, SHPOs must transfer one half of the amount over \$65,000,000 to CLGs according to procedures that the Secretary will establish.

(b) Each CLG is eligible to receive funds from the 10 percent (or greater) CLG share of the State's total annual HPF grant award. However, the SHPO need not award funds to all CLGs.

(c) Each SHPO must maintain and follow a procedure that the Secretary approves for the use and distribution of funds from the State's annual HPF grant award to CLGs to ensure that no CLG receives a disproportionate share of the allocation. The procedure will provide a clear basis for the funding decisions. The SHPO must submit any proposed amendment to its procedure to the Secretary for approval. The Secretary will respond to such a proposal

in a timely fashion generally within 45 days of receipt.

(d) Each SHPO must notify annually each CLG of its opportunity to apply for HPF funding as well as what is entailed in the application and project selection process.

(e) Each CLG receiving an HPF grant award from the CLG share is a subgrantee of the State. The SHPO must ensure that each CLG adheres to all applicable grant conditions and government-wide and program specific requirements that the National Park Service issues. The SHPO may require specific uses of funds subgranted to CLGs. CLGs may not apply subgranted HPF monies as matching share for any other Federal grant.

(f) Where there is no approved State program pursuant to § 61.4, the Secretary will determine the method for allocating funds to CLGs in that State in accordance with the procedures set forth for the State in this section. To the extent feasible, the Secretary will ensure consistency and continuity in the funding allocation policy of the CLG program for a State that does not have an approved historic preservation program.

§ 61.8 Tribal programs. [Reserved]

§ 61.9 Grants to tribal programs. [Reserved]

§ 61.10 Waiver.

The Secretary may waive any of the requirements of the rules in this part that are not mandated by statute or by other applicable regulations if the Secretary finds, in writing, that the historic preservation program would benefit from such waiver and the waiver would not compromise the purposes, conditions, and requirements of the National Historic Preservation Act of 1966, as amended.

§ 61.11 Information collection.

(a) The Office of Management and Budget (OMB) under 44 U.S.C. 3507 *et seq.*, has approved the collection of information contained in this part. OMB has assigned clearance number 1024-0038 to this collection of information. The National Park Service (NPS) collects this information as part of the process for reviewing the procedures

and programs of State and local governments participating in the national historic preservation program and the Historic Preservation Fund grant program. NPS will use the information to evaluate those programs and procedures for consistency with the National Historic Preservation Act of 1966, as amended, and compliance with government-wide grant requirements. The obligation to respond is required to obtain a benefit under these programs. Note that a Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. NPS provides no assurance of confidentiality to respondents with the exception of locational information concerning some properties that government historic preservation property inventories include. Pursuant to section 304 of the National Historic Preservation Act of 1966, as amended, NPS tightly controls release of information when such release could have the potential of damaging those qualities which make a property historic.

(b) We estimate the public reporting burden for the collection of this information to average 14.66 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Ms. Diane M. Cooke, Information Collection Officer, National Park Service, 1849 C Street NW, Washington, D.C. 20240 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior (1024-0038), Washington, D.C. 20503.

PART 62—NATIONAL NATURAL LANDMARKS PROGRAM

- Sec.
- 62.1 Purpose.
- 62.2 Definitions.
- 62.3 Effects of designation.

- 62.4 Natural landmark designation and recognition process.
- 62.5 Natural landmark criteria.
- 62.6 Natural landmark monitoring.
- 62.7 Natural landmark modifications.
- 62.8 Natural landmark designation removal.
- 62.9 General provisions.

AUTHORITY: 16 U.S.C. 1a-5, 461 *et seq.*, 463, 1903.

SOURCE: 61 FR 23717, May 12, 1996, unless otherwise noted.

§ 62.1 Purpose

The procedures in this part set forth the processes and criteria for the identification, evaluation, designation and monitoring of national natural landmarks.

(a) The National Natural Landmarks Program focuses attention on areas of exceptional natural value to the nation as a whole rather than to one particular State or locality. The program recognizes areas preserved by Federal, State and local agencies as well as private organizations and individuals and encourages the owners of national natural landmarks to voluntarily observe preservation precepts.

(b) The National Natural Landmarks Program identifies and preserves natural areas that best illustrate the biological and geological character of the United States, enhances the scientific and educational values of preserved areas, strengthens public appreciation of natural history, and fosters a greater concern for the conservation of the nation's natural heritage.

§ 62.2 Definitions.

The following definitions apply to this part:

National Natural Landmark is an area designated by the Secretary of the Interior as being of national significance to the United States because it is an outstanding example(s) of major biological and geological features found within the boundaries of the United States or its Territories or on the Outer Continental Shelf.

National Registry of Natural Landmarks is the official listing of all designated national natural landmarks.

National significance describes an area that is one of the best examples of a biological community or geological feature within a natural region of the

APPENDIX VII:

**THE SECRETARY OF THE INTERIOR'S STANDARDS
FOR THE
TREATMENT OF HISTORIC PROPERTIES**

Note:

The entirety of the Secretary of the Interior's Standards and Guidelines for Archeology and
Historic Preservation may be found at the following address:

http://www.cr.nps.gov/local-law/arch_stnds_0.htm

**THE SECRETARY OF THE INTERIOR'S STANDARDS
FOR THE
TREATMENT OF HISTORIC PROPERTIES**

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

APPENDIX VIII:

**THE NEBRASKA STATE HISTORICAL SOCIETY'S
GRANTS AND CONTRACTS MANUAL**

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Kersten Kucera - The County Cage

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)
122840

Retail Liquor License Address or Non-Profit Business Address
614 Howard Ave

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 06/08/19
Event Date(s): Sat. _____
Event Start Time(s): 4pm _____
Event End Time(s): 1am _____

Alternate Date: _____

Alternate Location Building & Address: _____
The County Cage

Event Building Name: _____
614 Howard Ave
Event Street Address/City: _____

Indoor area to be licensed in length & width: _____ X _____

Outdoor area to be licensed in length & width: 55' X 60' (Diagram Form #109 must be attached)

Supper following golf tournament Estimate # of attendees: 100
Type of Event: _____

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Kersten Kucera Event Contact Phone Number: 308-750-0498

Event Contact Email: kerstenk94@gmail.com

*Signature Authorized Representative:  Printed Name Kersten Kucera

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

Identification will be checked, along with wristbands being utilized for underage drinking.

Local Governing Body completes below:

The local governing body for the City/Village of St. Paul **OR** County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

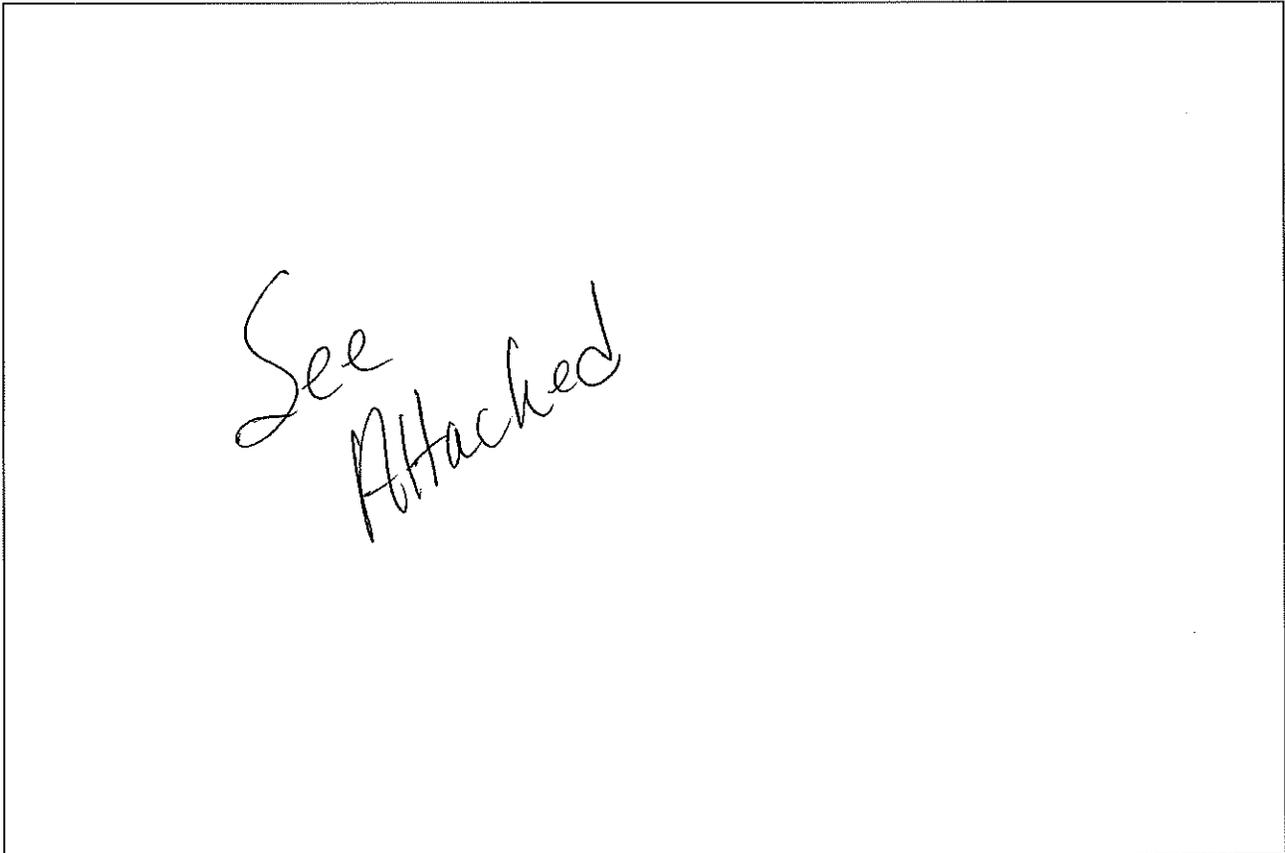
_____ 5-20-19
Local Governing Body Authorized Signature Date

OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED The County Code Security / st paul police dept.

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:



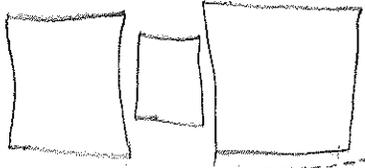
Indian Street

Coakman's

Coakman's

Fenced-in area

Hyers's



Basement

Home farm Market

Alley-way

Fee

Lozen

Antique store

The Cool

Embroidery place

By signing below these land owners give permission to Kersten Kucera - The County Cage to fence off and use their combined lots as a beer garden following a golf tournament hosted by The County Cage on June 8th 2019.

The Royal Coachmen Car Club - Don Sack

Sign: _____ Date: _____

verbal ok

Bob and Kandee Hymer

Sign: _____ Date: _____

verbal ok

Bryan Jensen's - Loren Studley

Sign: Loren Studley Date: 5-16-2019

We have a verbal ~~no~~ ok from Sack and Hymer, will get signature at later date

Caterers must have a valid Nebraska Liquor Control Commission license, including a Special Designated License (SDL). **MINORS ABSOLUTELY WILL NOT BE SERVED ALCOHOLIC BEVERAGES.** All caterers shall be solely and completely responsible for the liquor permit and any resulting violations.

The CITY OF ST. PAUL will assume NO responsibility for problems, legal or otherwise, which could result from consuming alcoholic beverages in the City Limits of the CITY OF ST. PAUL.

Insurance Requirements: Anyone serving liquor in the City Limits of the CITY OF ST. PAUL is required to have at least One Million Dollars (\$1,000,000.00) in general liability insurance. The CITY OF ST. PAUL must be listed as an Additional Insured. They must also have liquor liability insurance in an amount of at least \$100,000 per occurrence / \$300,000 aggregate. Proof of insurance must be provided prior to the City Council meeting for approval of the Special Designated License (SDL).

AGREEMENT OF ALCOHOL CATERER

EVENT: Supper following golf tournament DATE: June 8, 2019

The undersigned acknowledges that it will be the CATERER of alcoholic beverages in the City Limits of the CITY OF ST. PAUL.

1. CATERER shall follow all laws and rules regarding the provision of alcoholic beverages within the City Limits of the CITY OF ST. PAUL.
2. CATERER has a general liability insurance policy in effect in an amount not less than \$1,000,000.00. CATERER shall list the CITY OF ST. PAUL as an Additional Insured on said policy. CATERER also has a liquor liability policy in effect in an amount not less than \$100,000 per occurrence / \$300,000 aggregate. CATERER shall provide CITY proof of said insurance for catering alcohol in the City Limits of the CITY OF ST. PAUL.
3. All responsibilities for damages or problems, legal or otherwise, which might result from providing alcoholic beverages in the City Limits of the CITY OF ST. PAUL, shall be assumed by CATERER and CATERER agrees to hold the CITY harmless from any liability and indemnify the CITY OF ST. PAUL for any costs incurred arising from CATERER's services in the City Limits of the CITY OF ST. PAUL.
4. It is agreed that the terms of this agreement are contractual and not mere recitals and are binding upon the parties hereto, their successors, heirs, personal representatives, and assigns.
5. If any provision or paragraph of this agreement is unenforceable, the remaining provisions or paragraphs shall nevertheless be carried into effect.

CITY OF ST. PAUL, NEBRASKA

DATE: May 13, 2019

BY: [Signature]
City of St. Paul Designated Agent

CATERER NAME:

The County Cage

DATE: May 13, 2019

BY: [Signature]
Authorized Agent of Caterer

**Special Designated License
Local Recommendation (Form 200)**
Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Kersten Kucera - The County Cage

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

614 Howard Ave

Retail Liquor License Address or Non-Profit Business Address

122840

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 06/15/19

Event Date(s):

Event Start Time(s):

3pm

Event End Time(s):

1am

Alternate Date: N/A

Alternate Location Building & Address: N/A

Event Building Name: St Paul Civic Center

Event Street Address/City: 423 Howard Ave

Indoor area to be licensed in length & width: 61 X 99

Outdoor area to be licensed in length & width: ____ X ____ (Diagram Form #109 must be attached)

Type of Event: Wedding Reception Estimate # of attendees: 400

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Kersten Kucera Event Contact Phone Number: (308)750-0498

Event Contact Email: kerstenk94@gmail.com

*Signature Authorized Representative:  Printed Name Kersten Kucera

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

Identification will be checked,
along with wristbands being
utilized for underage drinking.

Local Governing Body completes below:

The local governing body for the City/Village of St. Paul OR County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

5-20-19
Date

MSP

Caterers must have a valid Nebraska Liquor Control Commission license, including a Special Designated License (SDL). **MINORS ABSOLUTELY WILL NOT BE SERVED ALCOHOLIC BEVERAGES.** All caterers shall be solely and completely responsible for the liquor permit and any resulting violations.

The City of St. Paul and the St. Paul Development Corporation will assume no responsibility for problems, legal or otherwise, which could result from consuming alcoholic beverages in the St. Paul Civic Center, or surrounding property.

Insurance Requirements: Anyone serving liquor at the St. Paul Civic Center is required to have at least One Million Dollars (\$1,000,000.00) in general liability insurance. The City of St. Paul must be listed as an Additional Insured. They must also have liquor liability insurance in an amount of at least \$100,000 per occurrence/\$300,000 aggregate. Proof of insurance must be provided prior to the City Council meeting for approval of the Special Designated License (SDL).

AGREEMENT OF ALCOHOL CATERER

EVENT: Wedding Reception DATE: 5-8-19

The undersigned acknowledges that it will be the CATERER of alcoholic beverages in the St. Paul Civic Center.

1. CATERER shall follow all laws and rules regarding the provision of alcoholic beverages in the St. Paul Civic Center.
2. CATERER has a general liability insurance policy in effect in an amount not less than \$1,000,000.00. CATERER shall list the CITY OF ST. PAUL as an Additional Insured on said policy. CATERER also has a liquor liability policy in effect in an amount not less than \$100,000 per occurrence/\$300,000 aggregate. CATERER shall provide CITY proof of said insurance for catering alcohol in the St. Paul Civic Center.
3. All responsibilities for damages or problems, legal or otherwise, which might result from providing alcoholic beverages in the St. Paul Civic Center, or surrounding property, shall be assumed by CATERER and CATERER agrees to hold the CITY AND ST. PAUL DEVELOPMENT CORPORATION harmless from any liability and indemnify the CITY AND ST. PAUL DEVELOPMENT CORPORATION for any costs incurred arising from CATERER's services at the St. Paul Civic Center.
4. It is agreed that the terms of this agreement are contractual and not mere recitals and are binding upon the parties hereto, their successors, heirs, personal representatives, and assigns.
5. If any provision or paragraph of this agreement is unenforceable, the remaining provisions or paragraphs shall nevertheless be carried into effect.

CITY OF ST. PAUL, NEBRASKA

DATE: 5-8-19

BY: [Signature]
City of St. Paul Designated Agent

CATERER NAME: The County Cage

DATE: 05-08-19

BY: [Signature]
Authorized Agent of Caterer



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/29/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Homestead Insurance	
Homestead Insurance		PHONE (A/C, No, Ext): 308-754-4488	FAX (A/C, No):
PO Box 365		E-MAIL ADDRESS:	
St. Paul NE 68873		INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED		INSURER A: Western World Insurance Company	13196
Kersten Kucera dba The Cage		INSURER B:	
614 Howard Avenue		INSURER C:	
Saint Paul NE 68873		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			NPP8505146	10/29/2018	10/29/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB OCCUR CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Commercial Property			NPP8505146	10/29/2018	10/29/2019	Building \$350,000 BPP \$70,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

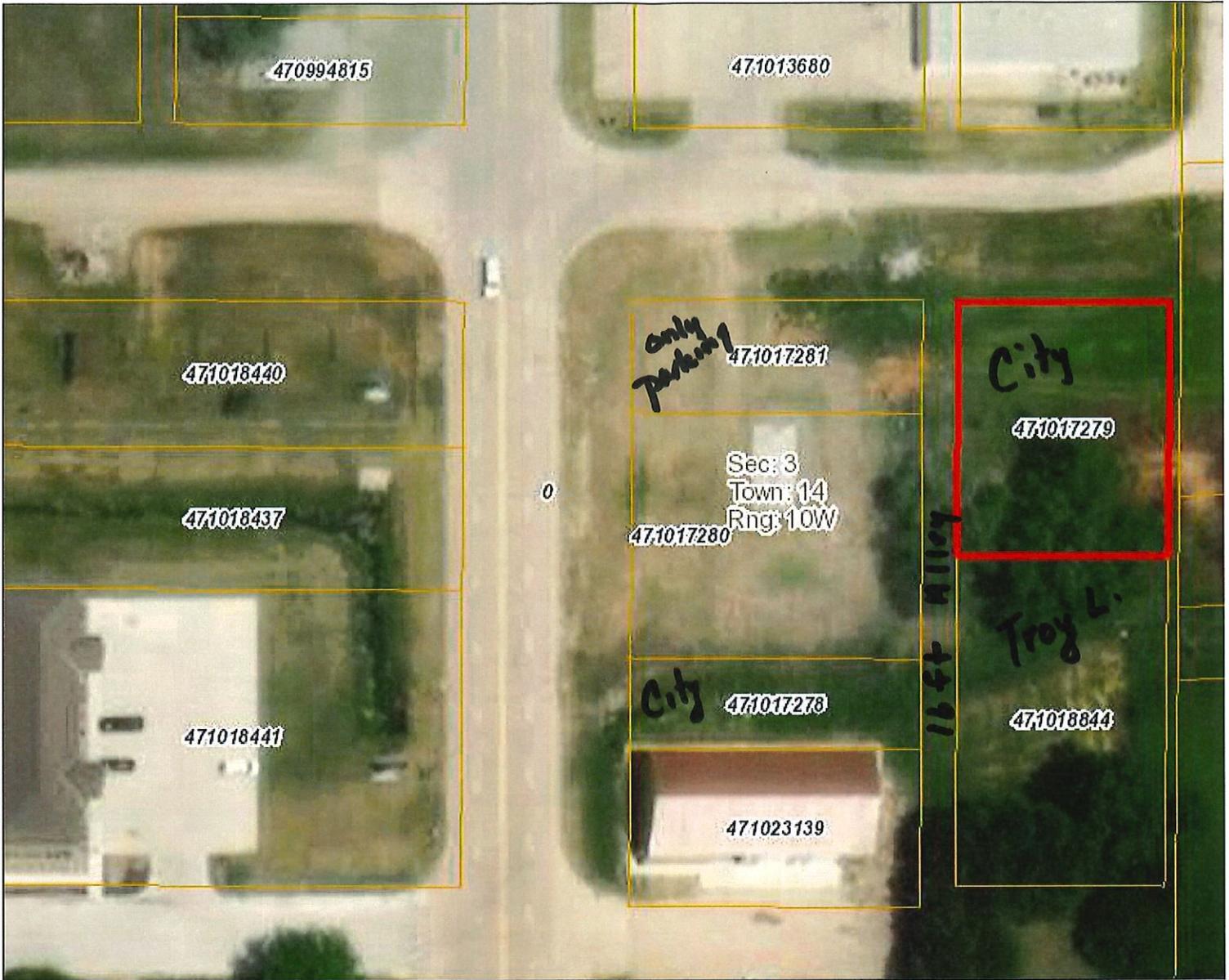
Certificate holder is listed as Mortgagee for P1 / B1 address listed below.

614 Howard Avenue
Saint Paul, NE 68873

CERTIFICATE HOLDER CANCELLATION

Clifzans Bank and Trust 721 7th Street Saint Paul NE 68873	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Koree A. Schroeder</i>
--	--

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May 8, 2019
13:53 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

* 16 ft. Alley

Treasurer's Report:

Account Number	Prev. Mth Total	Current Mth Total	Total
Homestead Bank	March 31, 2019	April 30, 2019	
Checking 100-027	\$ (630,205.60)	\$ 869,248.53	\$ 239,042.93
Sales Tax 300-277 <i>St mtr Veh / 25% Inf.</i>	\$ (68,066.69)	\$ 60,396.56	\$ (7,670.13) ✓
Civic Center 300-749	\$ (7,735.58)	\$ 9,078.11	\$ 1,342.53
City REDLG 301-465	\$ (70,105.08)	\$ 75,117.97	\$ 5,012.89
Water Trmt 504-189	\$ (1,497.33)	\$ 1,497.53	\$ 0.20
Keno 504-409	\$ (80,844.36)	\$ 81,811.31	\$ 966.95
Sales Tax 504420	\$ (132,671.08)	\$ 144,444.47	\$ 11,773.39
Pool 504-442	\$ (20,826.41)	\$ 20,831.89	\$ 5.48
Premium General 504-684	\$ (315,471.49)	\$ 325,022.53	\$ 9,551.04
General 504-805	\$ (28,159.33)	\$ 28,167.97	\$ 8.64
Sewer 504-849	\$ (27,025.91)	\$ 27,034.20	\$ 8.29
Police 504-860	\$ (54,226.31)	\$ 54,245.33	\$ 19.02
Senior Center 504-882	\$ (32,116.83)	\$ 32,126.69	\$ 9.86
Brick (Street) 504-915	\$ (2,019.04)	\$ 2,019.31	\$ 0.27
Library Maint. 504-970	\$ (40,240.59)	\$ 40,252.94	\$ 12.35
Light Sinking 504-981	\$ (17,208.39)	\$ 17,462.97	\$ 254.58
Fire Sinking 504-992	\$ (11,422.59)	\$ 11,425.59	\$ 3.00
EMT Sinking 505-003	\$ (29,814.20)	\$ 29,823.35	\$ 9.15
Street Sinking 505-014	\$ (38,942.27)	\$ 38,954.22	\$ 11.95
Park Sinking 505-025	\$ (73,276.58)	\$ 48,352.70	\$ (24,923.88) ✓
TIF Projects 505-036	\$ (940.69)	\$ 940.85	\$ 0.16
After School 505-146	\$ (3,169.47)	\$ 3,169.89	\$ 0.42
Civic Center Sink 505179	\$ (5,505.34)	\$ 5,506.31	\$ 0.97
Housing Grant 4178-0	\$ (390.49)	\$ 490.49	\$ 100.00
Cemetery Sinking 5413-1	\$ (14,915.46)	\$ 14,915.46	\$ -
Walk/Bike 5482-7	\$ (8,977.74)	\$ 8,977.74	\$ -
Light CD 3212195	\$ (40,822.47)	\$ 40,822.47	\$ -
Water CD 3212196	\$ (31,004.41)	\$ 31,004.41	\$ -
Sewer CD 3212197	\$ (36,171.82)	\$ 36,171.82	\$ -
Sewer CD 3212198	\$ (36,171.82)	\$ 36,171.82	\$ -
General CD 3212199	\$ (39,272.24)	\$ 39,272.24	\$ -
Fire CD 3212200	\$ (23,770.05)	\$ 23,770.05	\$ -
Ambulance CD 3212201	\$ (51,157.28)	\$ 51,157.28	\$ -
Park CD 3212202	\$ (41,339.21)	\$ 41,339.21	\$ -
General CD 3051705	\$ (216,587.37)	\$ 217,495.26	\$ 907.89
Sales Tax CD 3327564	\$ (78,213.49)	\$ 78,535.56	\$ 322.07
Light CD 3640996	\$ (43,234.21)	\$ 43,234.21	\$ -

Citizens Bank				
Consumer Deposit 102-415	\$ (47,277.50)	\$ 47,877.50	\$ 600.00	
Cafeteria 125 102-407	\$ (17,563.80)	\$ 17,537.43	\$ (26.37)	
Health Ded 102-482	\$ (87,148.45)	\$ 82,594.27	\$ (4,554.18)	✓
Cemetery Saving 753-122	\$ (16,294.02)	\$ 16,294.02	\$ -	
25% Infrastructure 102-342	\$ (220,006.86)	\$ 225,368.77	\$ 5,361.91	
Light ICS 103217	\$ (304,291.96)	\$ 304,942.88	\$ 650.92	
Water ICS 103225	\$ -	\$ -	\$ -	
Sewer ICS 103241	\$ (148,388.78)	\$ 148,706.21	\$ 317.43	
General ICS 103209	\$ (272,877.71)	\$ 273,461.41	\$ 583.70	
Building ICS 103233	\$ (46,836.88)	\$ 46,937.07	\$ 100.19	
Fire ICS 103268	\$ (52,969.94)	\$ 53,083.23	\$ 113.29	
Ambulance ICS 103276	\$ (128,649.33)	\$ 128,924.51	\$ 275.18	
Park ICS 103284 (Batting Cage)	\$ (68,664.14)	\$ 68,811.00	\$ 146.86	
Police ICS 103292	\$ (20,105.69)	\$ 20,148.69	\$ 43.00	
Keno ICS 103314	\$ (64,338.22)	\$ 64,475.85	\$ 137.63	
General TCD 109366	\$ (55,818.46)	\$ 55,818.46	\$ -	
General TCD 109367	\$ (55,808.39)	\$ 55,808.39	\$ -	
Heritage Bank				
UB ACH 411025	\$ (874,097.05)	\$ 693,610.07	\$ (180,486.98)	✓
Investors 4100744	\$ (257,877.24)	\$ 257,919.63	\$ 42.39	
Fire CD 1130256	\$ (53,685.87)	\$ 53,685.87	\$ -	
Water CD 1130257	\$ (59,054.49)	\$ 59,054.49	\$ -	
Ambulance CD 1130258	\$ (69,791.63)	\$ 69,791.63	\$ -	
General CD 1130259	\$ (149,343.83)	\$ 149,896.20	\$ 552.37	
Water CD 1130260	\$ (27,284.72)	\$ 27,385.64	\$ 100.92	
Light CD 1130261	\$ (136,423.63)	\$ 136,928.21	\$ 504.58	
CITY FUND TOTAL	\$ (5,588,117.81)	\$ 5,649,350.67	\$ 61,232.86	

Deposits and Checks printed for Month (held in statement folder)			
2018-2019			
Month / Year	Deposit Total	Check Total	Grand Total
October 31, 2018	\$ 450,148.91	\$ (478,765.10)	\$ (28,616.19)
November 30, 2018	\$ 346,651.06	\$ (381,872.93)	\$ (35,221.87)
December 31, 2018	\$ 406,785.65	\$ (482,289.47)	\$ (75,503.82)
January 31, 2019	\$ 463,437.50	\$ (361,610.01)	\$ 101,827.49
February 28, 2019	\$ 431,110.45	\$ (356,041.59)	\$ 75,068.86
March 31, 2019	\$ 441,032.74	\$ (497,911.28)	\$ (56,878.54)
April 30, 2019	\$ 436,406.35	\$ (381,133.73)	\$ 55,272.62
May 31, 2019			\$ -
June 30, 2019			\$ -
July 31, 2019			\$ -
August 31, 2019			\$ -
September 30, 2019			\$ -
Grand Total	\$ 2,975,572.66	\$ (2,939,624.11)	\$ 35,948.55
Deposit & Checks Monthly Total (Shared)			



The City of St. Paul, Nebraska

704 6th Street • St. Paul, NE 68873

Phone (308) 754-4483

As of April 30, 2019

Homestead Bank

Checking (NOW) 300-100-027.....	\$	869,248.53
City Sales Tax (Checking) 300-300-277.....		60,396.56
St. Paul Civic Center (MMDA) 300-300-749.....		9,078.11
City REDLG (Secure Plus) 300-301-465.....		75,117.97
Water Treatment Plant (Bond Reserve) (MMDA) 300-504-189.....		1,497.53
Keno (MMDA) 300-504-409.....		81,811.31
Sales Tax (P.I.) 300-504-420.....		144,444.47
Pool Construction (MMDA) 300-504-442.....		20,831.89
Premium Investment (P.I.) 300-504-684.....		325,022.53
General Equipment Sinking (MMDA) 300-504-805.....		28,167.97
Sewer Building & Equipment Fund (MMDA) 300-504-849.....		27,034.20
Police Equipment Fund (MMDA) 300-504-860.....		54,245.33
Senior Center Fund (MMDA) 300-504-882.....		32,126.69
Brick Account (MMDA) 300-504-915.....		2,019.31
Library Maintenance Reserve (MMDA) 300-504-970.....		40,252.94
Light Sinking Fund (MMDA) 300-504-981.....		17,462.97
Fire Sinking Fund (MMDA) 300-504-992.....		11,425.59
EMT Sinking Fund (MMDA) 300-505-003.....		29,823.35
Street Sinking Fund (MMDA) 300-504-014.....		38,954.22
Park Equipment Sinking Fund (MMDA) 300-505-025.....		48,352.70
TIF Projects (MMDA) 300-505-036.....		940.85
After School Program (MMDA) 300-505-146.....		3,169.89
Civic Center Sinking Fund (MMDA) 300-505-179.....		5,506.31
Housing Grant Repayment (Savings) 300041780.....		490.49
Cemetery Building Sinking Fund (Savings) 300054131.....		14,915.46
Walk/Bike Trail (Savings) 300054827.....		8,977.74
Light (TCD) 3212195 mat. 2/2/22.....		40,822.47
Water (TCD) 3212196 mat. 2/2/22.....		31,004.41
Sewer (TCD) 3212197 mat. 2/2/22.....		36,171.82
Sewer (TCD) 3212198 mat. 2/2/22.....		36,171.82
General (TCD) 3212199 mat. 2/2/22.....		39,272.24
Fire (TCD) 3212200 mat. 2/2/22.....		23,770.05
Ambulance (TCD) 3212201 mat 2/2/22.....		51,157.28
Park (TCD) 3212202 mat. 2/2/22.....		41,339.21
General (TCD) 3051705 mat. 4/10/22.....		217,495.26
Sales Tax (TCD) 3327564 mat. 4/4/22.....		78,535.56
Light (TCD) 3640996 mat. 5/15/22.....		43,234.21

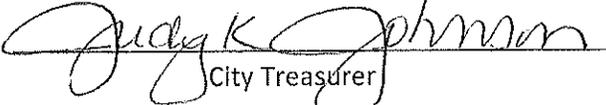
Citizens Bank & Trust

Consumer Deposit Fund (Checking) 102415.....	47,877.50
Cafeteria 125 (NOW) 102407.....	17,537.43
Health Deductible Account (NOW) 102482.....	82,594.27
Cemetery (Savings) 753122.....	16,294.02
Sales Tax Infrastructure (NOW) 102342.....	225,368.77
General (TCD) 109366.....	55,818.46
General (TCD)109367.....	55,808.39
Lights (ICS MMA) 103217.....	304,942.88
Water (ICS MMA) 103225.....	0.00
Sewer (ICS MMA) 103241.....	148,706.21
General (ICS MMA) 103209.....	273,461.41
Building (ICS MMA) 103233.....	46,937.07
Fire (ICS MMA) 103268.....	53,083.23
Ambulance (ICS MMA) 103276.....	128,924.51
Park (ICS MMA) 103284.....	68,811.00
Police (ICS MMA) 103292.....	20,148.69
Keno (ICS MMA) 103314.....	64,475.85

Heritage Bank

ACH Account (MMDA) 411025.....	693,610.07
Investors Account (P.I.) 4100744.....	257,919.63
Fire (TCD) 1130256 mat. 6/17/19.....	53,685.87
Water (TCD) 1130257 mat. 6/17/19.....	59,054.49
Ambulance (TCD) 1130258 mat. 6/17/19.....	69,791.63
General (TCD) 1130259 mat. 7/7/19.....	149,896.20
Water (TCD) 1130260 mat. 7/17/19.....	27,385.64
Light (TCD) 1130261 mat 7/17/19.....	136,928.21

Total City Funds.....\$ 5,649,350.67


City Treasurer

St. Paul Planning Commission
May 14, 2019
Meeting Minutes

A meeting of the St. Paul Planning Commission was convened in open and public session on the 14th day of May, 2019 at 12:00 p.m. (noon) in the City Council Chambers, 704 6th Street, St. Paul, Nebraska.

Chairman Chuck Schmid called the meeting to order at 12:00 p.m. (noon) with a statement regarding the Open Meeting Act, which is posted on the west wall of the City Council Chambers. The agenda was sent to the Commission members prior to the meeting and posted in four (4) public places. Commission members present: Chairman Chuck Schmid, Connie Becker, Arvilla Jacobs, Wilber Medbery, and Tony Walch. Also present Zoning Administrator Matt Helzer and Laura Berthelsen (minutes).

Commission member Walch moved to approve the April 29, 2019 meeting minutes. Commission member Medbery seconded the motion. Commission members Becker, Jacobs, Medbery, Schmid, and Walch voted aye, nays none. Motion carried 5/0.

Chairman Schmid presented the following zoning permits:

- 2019-23 Keenan Howell - Install fence at 209 7th Street
- 2019-24 Roger & Janet Svoboda (owner), Ashley Svoboda (renter) - Install fence at 213 7th Street
- 2019-25 Michael Rawlings - Demolition of trailer at 219 4th Street
- 2019-26 Jon & Tonya Rostvit - Construct shed and install fence at 1004 6th Street

Matt Helzer indicated that the owners on Zoning Permits 2019-23 and 2019-24 were neighbors, and that initially they intended to have a portion of the fence along the property line as a shared fence. One of the property owners is no longer agreeable to a shared fence on the property line, so each would need to place the fence on their own property.

Commission member Medbery moved to approve Zoning Permit applications 2019-23 through 2019-26. Commission member Becker seconded the motion. Commission members Becker, Jacobs, Medbery, Schmid, and Walch voted aye, nays none. Motion carried 5/0.

Chairman Schmid announced that the next St. Paul Planning & Zoning Commission meeting will be held on Tuesday, May 28, 2019 at 7:00 p.m.

Chairman Schmid adjourned the meeting at 12:17 p.m.

Sincerely,

Matthew T. Helzer
Zoning Administrator

Charles M. Schmid
Chairman

Laura Berthelsen
Planning Secretary

Zoning Classification R-2 Value \$ 1400.⁰⁰ PERMIT NUMBER 2019-23
FEE \$ 25 - CASH CHECK# _____

APPLICATION FOR A FENCE PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all requirement information is furnished.

Property Owner Keenan Howell Contractor himself

Address 209 7th St. Address _____

City, State, Zip Saint Paul NE 68873 Phone Number _____

Phone Number 402-741-2070 Cell Phone _____

Complete Legal Description of the Property Lot three (3), Block One hundred Six (106) St Paul Nebraska

Address of Fence Site 209 7th St. Size & kind: 6 foot Wood privacy

Replacement or new site New

Approximately when will construction Start Approval date Finish September

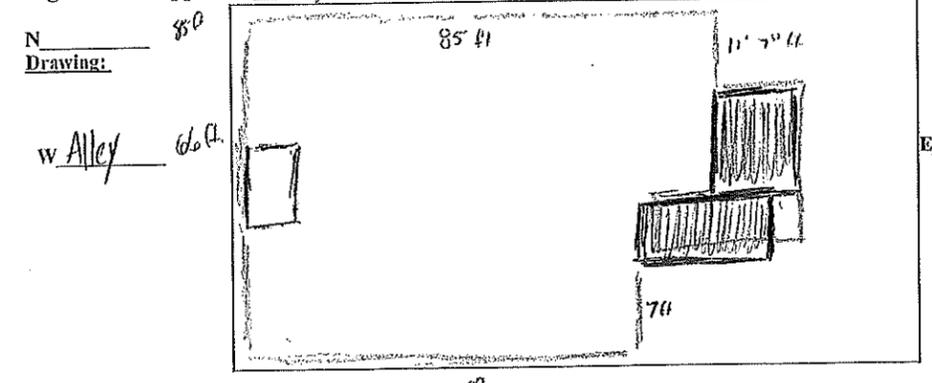
To Whom Should the Improvements be assessed? Keenan Howell

Contact Utility Superintendent at (308) 754-4483 regarding Inspection. Matt Helzer Date of visit 5-9-19
(Matt Helzer's signature)

Recommendations needed before approval: _____

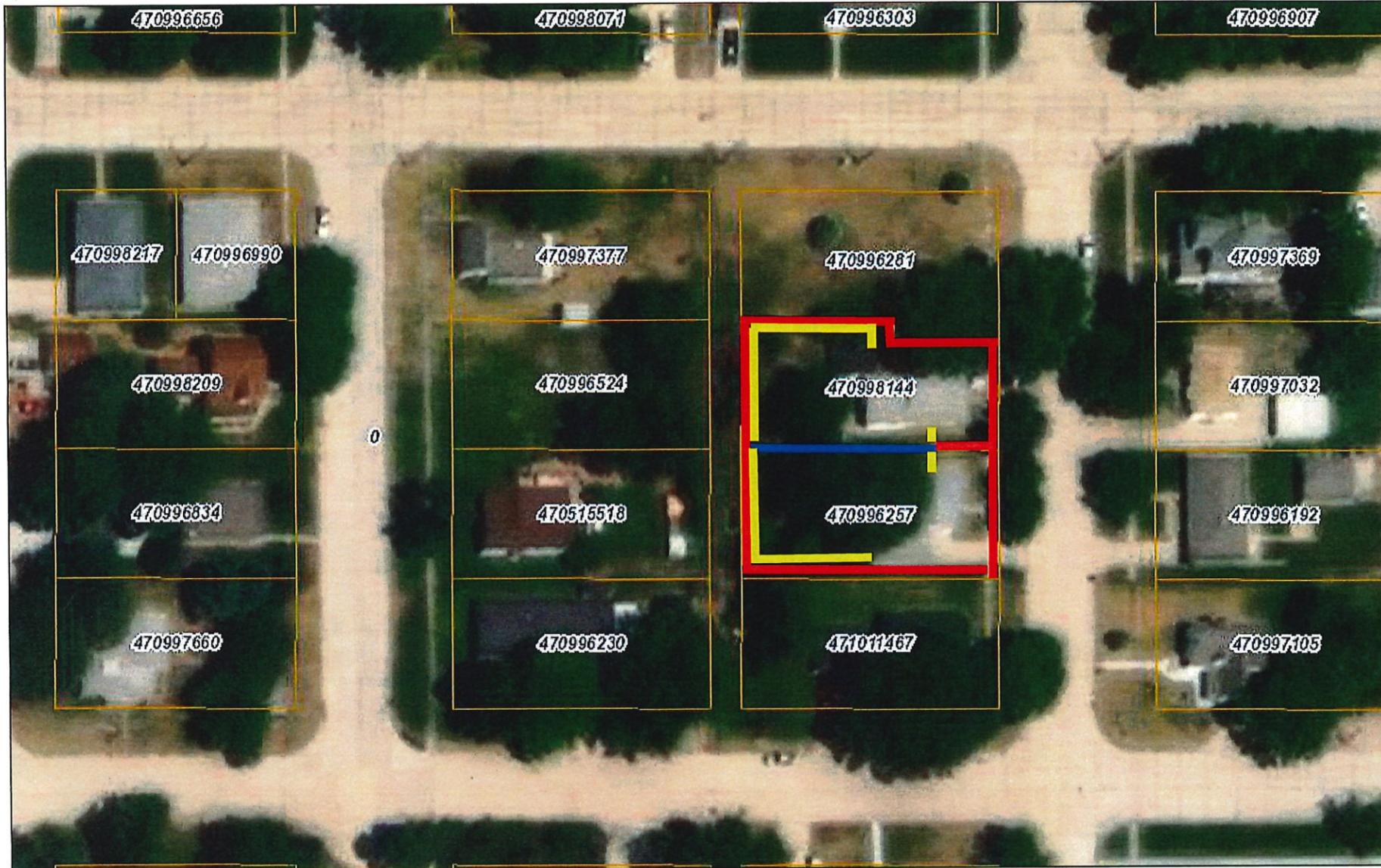
UST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING - CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date. The signature also indicates permission granted to the Zoning Administrator to inspect the demolition site in which this permit is granted at any time until completed.

Signature of Applicant [Signature] Date 5/1/19



For Office Use Only:
Permit is Approved _____ Denied _____ Date _____
Zoning Administrator

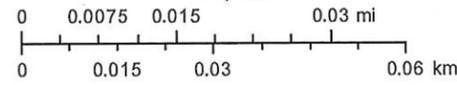
Reasons for Denial:



May 7, 2019
15:34 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:1,128



□ Parcels

Red line is property boundary.
Blue line is shared fence.
Yellow is individual fence.

OK to install shared fence on property line.
Ashley Stovall

Howard County
gWorks.

2019-23

Zoning Classification R-2 Value \$ 1500

PERMIT NUMBER 2019-24
FEE \$ 25.00 CASH CHECK# _____

APPLICATION FOR A FENCE PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all requirement information is furnished.

Property Owner Roger & Janet Svoboda Contractor _____
308-996-4447

Address 213 7th St. Address _____

City, State, Zip St. Paul NE 68873 Phone Number _____

Phone Number 308-750-4845 Cell Phone _____

Complete Legal Description of the Property all of lot 2 except 9' x 54' block 166 of

Address of Fence Site 213 7th Street Size & kind: privacy - 6' tall / St. Paul wood

Replacement or new site New

Approximately when will construction Start June Finish June / no later than July

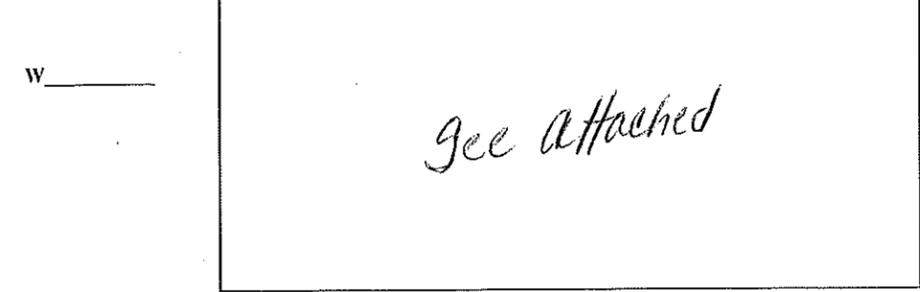
To Whom Should the Improvements be assessed? property

Contact Utility Superintendent at (308) 754-4483 regarding Inspection. Matt Helzer Date of visit 5-9-19
(Matt Helzer's signature)

Recommendations needed before approval: _____

UST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING - CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date. The signature also indicates permission granted to the Zoning Administrator to inspect the demolition site in which this permit is granted at any time until completed.

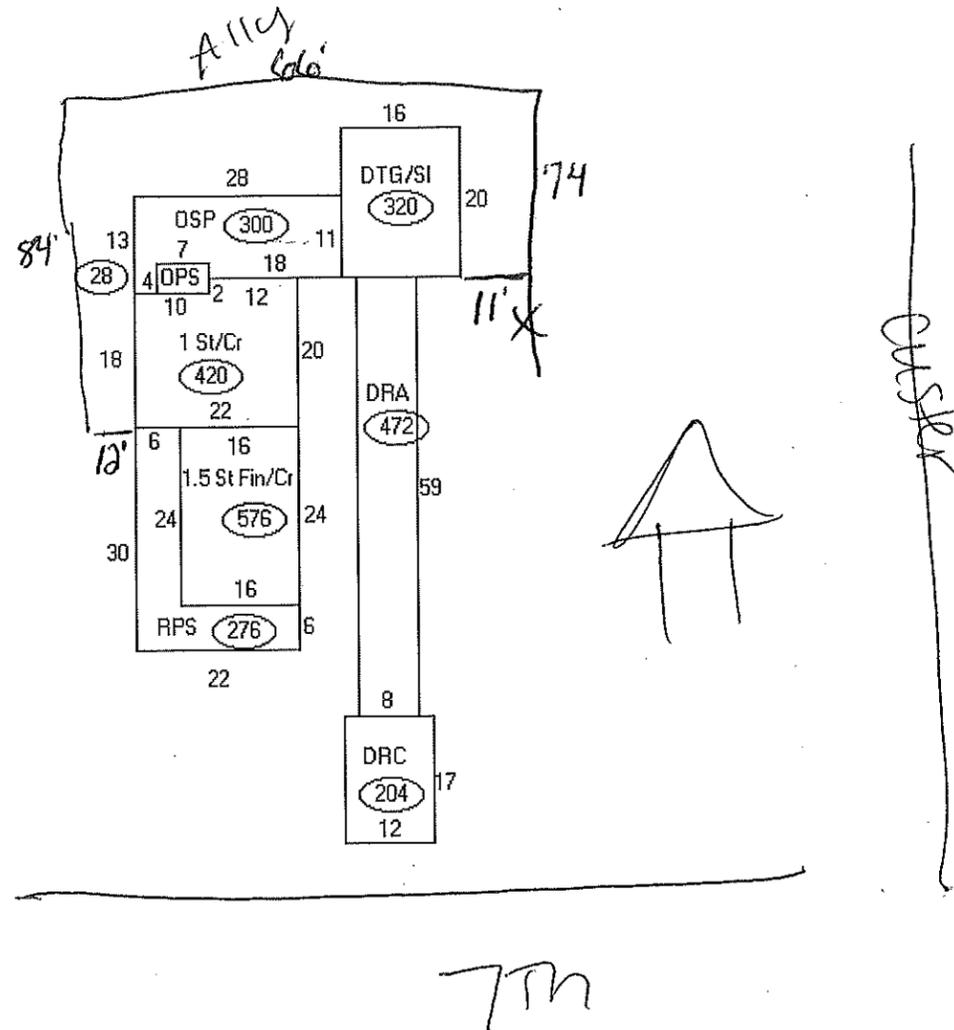
Signature of Applicant Ashley Svoboda Date 4-23-19



For Office Use Only:
Permit is Approved _____ Denied _____ Date _____
Zoning Administrator

Reasons for Denial:

2019-24

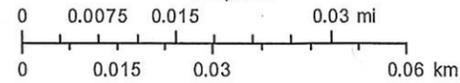




May 7, 2019
15:34 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:1,128



Parcels

Red line is property boundary.
Blue line is shared fence.
Yellow is individual fence.

OK to install shared fence on property line.

2019-24

Zoning Classification R-3 Value \$ _____

PERMIT NUMBER 2019-25
FEE \$ 10.00 CASH CHECK# _____ pd 5/9/19

APPLICATION FOR A DEMOLITION PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all requirement information is furnished.

Property Owner Michael Rawlings Contractor Self

Address 402 Custer St Address _____

City, State, Zip St. Paul Ne 68873 Phone Number _____

Phone Number 308 750-0096 Cell Phone _____

Complete Legal Description of the Property Lot 123 Block 109 OT St Paul

Address of Demolition Site 219 4th St.

Structure to be demolished Trailer

Approximately when will demolition Start 5-14-19 Finish 6-15-19

To Whom Should the Improvements be assessed? _____

Contact Utility Superintendent at (308) 754-4483 regarding Inspection. Matt Helzer Date of visit 5-9-19
(Matt Helzer's signature)

Recommendations needed before approval: _____

MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING – CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date.

The signature also indicates permission granted to the Zoning Administrator to inspect the demolition site in which this permit is granted at any time until completed.

Signature of Applicant Michael Rawlings Date 5-9-19

Treasurer certificate of approval to move or demolish the building is required to be attached.

For Office Use Only:

Permit is Approved _____ Denied _____ Date _____
Zoning Administrator

Reasons for Denial:

City of St. Paul Zoning Administrator
704 6th St, St. Paul, NE 68873
Phone 308-754-4483, E-mail: mhelzer@cityofstpaulne.org

TAX RECEIPT

JACKIE SYNOWSKI HOWARD COUNTY TREASURER

Parcel # 470997253 Roll Year 2018
Legal LOTS 1,2 & 3 BLOCK 109 OT ST PAUL

219 4TH ST
Tax Due 12/31/2018 TAX DISTRICT 1
Delinquent TAX RATE 1.912286
1st Half 05/01/2019 VALUE 25,347
2nd Half 09/04/2019

JSYNOWSKI CHECK
PAID BY: MIKE RAWLINGS

RAWLINGS/MICHAEL C & ELIZABETH A

402 CUSTER ST
ST PAUL NE 68873-2521

COMMENTS

Receipt No. 2018-0005087
Date of Payment: 05/01/2019
Type of Tax: REAL
Batch Total 5,453.39
Original Tax 462.78
Tax Before Credit 462.78
Homstead Credit 0.00
Late Filing Fee: 0.00

Receipt voided until final payment of any check or draft tendered.

Payment FULL
Installment 462.78
Interest 0.09
Advertising 0.00
Penalty 0.00

TOTAL COLLECTED 462.87

RECEIPT

2019-25

Zoning Classification R-2 Value \$ 500
Please call 811 before completing form

PERMIT NUMBER 2019-26
FEE \$ 25 CASH CHECK# 2859

APPLICATION FOR A RESIDENTIAL ZONING PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all requirement information is furnished.

Property Owner Jon & Tonya Rostvit Contractor myself

Address 1004 6th Street Address _____

City, State, Zip St. Paul, NE 68873 Phone Number _____

Phone Number 308-383-4240 Cell Phone _____

Complete Legal Description of the Property Lot 13 and Lot 14 Exc N 28' Block 6 OT St. Paul

Address of Construction Site 1004 6th St.
(If none, one must be registered with City of St. Paul) In the Flood plain NO ?

Proposed Structure Shed & Fence Dimension of Structure 10x12

Distance from ^{West} Front property line 37'

Rear Property Line ^{North} 7' ^{East} Side Property Line 45' ^{South} Second Side Line 41' Between other buildings (Min 10') 15' 13"

Is there a utility easement on either the back or side property? NO If so attach a copy of neighbor approval.

Approximately when will construction Start ASAP Finish _____

To Whom Should the Improvements be assessed? _____

Contact Utility Superintendent at (308) 754-4483 regarding Set-Back Inspection. Matt Helzer Date of visit 5-7-19
(Matt Helzer's signature)

Recommendations needed before approval: _____

(One Mile radius outside city limits) If the structure is a residence on less than 10 acres indicate the date this property was platted as a separate parcel _____ and the Name of the Lot Split or Subdivision, _____

For Office Use Only:

Is the proposed use permitted within this zoning district? ✓ YES _____ NO _____

Does the proposed use meet all the required setback distances? ✓ YES _____ NO _____

Is a conditional use required for the proposed use? _____ YES _____ ✓ NO _____

Has a Conditional Use Permit been issued for this proposed use? _____ YES _____ NO _____
If yes, when does it expire? _____

Site Plan Sketch:

North Street Name _____

Street Name

Street Name

W

E

See attached

South Street Name _____

Indicate, by drawing, the shape and dimensions of the land, shape and dimensions of all existing and proposed building and structures and the distances from the proposed building and structures to all lot lines (from road frontages, side and rear lot lines). Show the location of roads fronting the property. **MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING – CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. NEW HOMES MUST CALL ELECTRICAL INSPECTOR, Kim Farnstrom 308-728-7612**

The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. **This permit is valid for one (1) year from approval date and work must be started within the first 6 months.**

The signature also indicates permission granted to the Zoning Administrator to inspect the construction site in which this permit is granted at any time until construction is completed and a Certificate of Occupancy is issued.

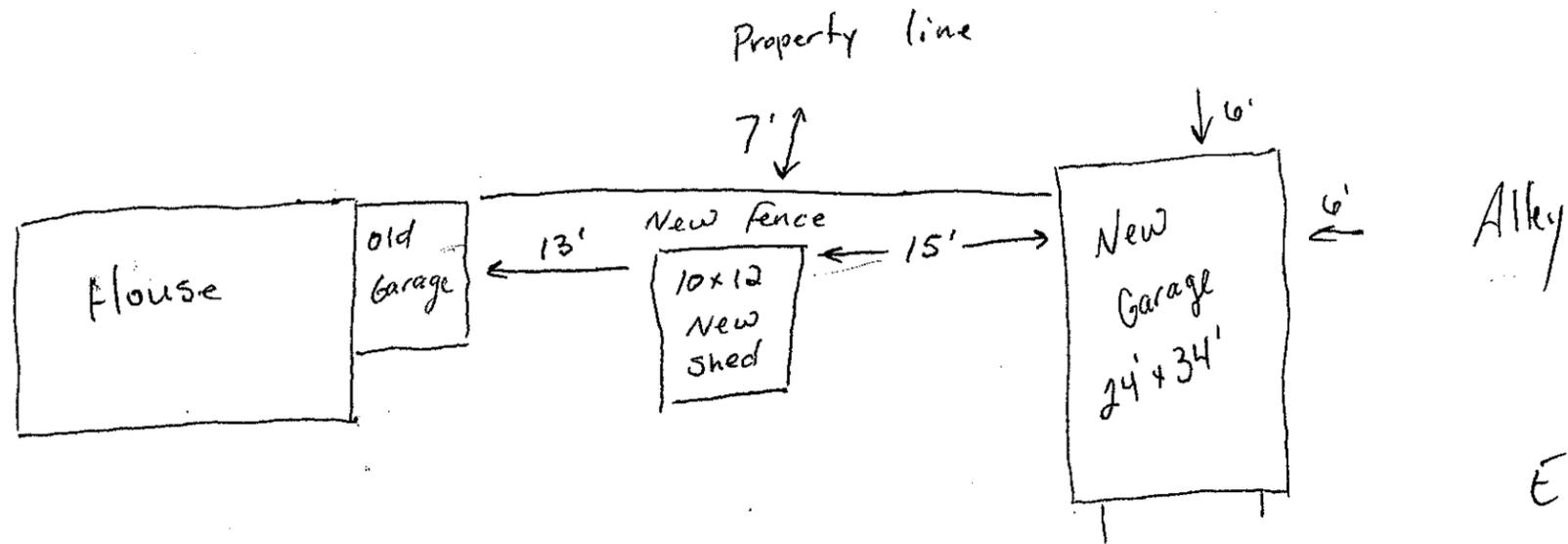
Signature of Applicant *Jon S. Roske* Date 5/6/19

For Office Use Only:

Permit is Approved _____ Denied _____ Date _____
Zoning Administrator

Reasons for Denial:

Jon & Tonya
Rostvit
1004 6th Street



W

5

2019-26

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Saint Paul, Nebraska will hold a public hearing on the 20th day of May, 2019 at 7:00 P.M. in City Hall, 704 6th Street, Saint Paul, Nebraska. The purpose of the public hearing will be to discuss a proposed amendment to the regulations for the Elevator (E-1) Zoning District. All parties in interest and citizens shall have an opportunity to be heard at the public hearing.

Connie Jo Beck, City Clerk
City of St. Paul
704 6th Street
St. Paul, NE 68873
(308) 754-4483

Certificate of Publication

STATE OF NEBRASKA, } ss. \$ 7.77
HOWARD COUNTY }

MICHAEL HAPP

being duly sworn, deposes and says she is the PUBLISHER

of THE PHONOGRAPH-HERALD a legal weekly newspaper under the Statutes of the State of Nebraska, published in Howard County, Nebraska, and of general circulation in said county, and that the annexed notice has been published in the regular and entire issue of every number of The Phonograph-Herald 1 consecutive weeks, the first publication thereof having been made on the 8th day of

May 20 19
[Signature]

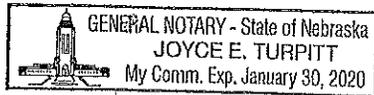
Subscribed and sworn to before me this 8th day of May A.D., 2019

[Signature: Joyce E. Turpitt]
Notary Public

My Commission Expires _____

Printer's Bill:—To publication of above legal notice 25 lines 1 times \$ 7.77

NOTICE OF PUBLIC HEARING
Notice is hereby given that the City Council of the City of Saint Paul, Nebraska will hold a public hearing on the 20th day of May, 2019 at 7:00 PM, in City Hall, 704 6th Street, Saint Paul, Nebraskas. The purpose of the public hearing will be to discuss a proposed amendment to the regulations for the Elevator (E-1) Zoning District. All parties in interest and citizens shall have an opportunity to be heard at the public hearing.
Connie Jo Beck,
City Clerk
City of St. Paul
704 6th Street
St. Paul, NE 68873
(308) 754-4483
ZNEZ



ORDINANCE NO. 1004

AN ORDINANCE TO THE CITY OF ST. PAUL, HOWARD COUNTY, NEBRASKA, TO AMEND ARTICLE 5, SECTION 5.11.03 OF THE ST. PAUL ZONING ORDINANCE TO ALLOW STORAGE UNITS AS A PERMITTED ACCESSORY USE AND STRUCTURE IN THE ELEVATOR (E-1) ZONING DISTRICT; TO REPEAL ANY ORDINANCE, OR PART OF ANY ORDINANCE, IN CONFLICT WITH THIS ORDINANCE; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of St. Paul, Nebraska:

SECTION 1: That Article 5, Section 5.11.03 within the Elevator (E-1) District of the St. Paul Zoning Ordinance is hereby amended to allow storage units as a permitted accessory use and structure.

SECTION 2. That all parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall become effective immediately upon and be in full force and effect (June 13, 2019) after its passage, adoption, and publication as provided by law.

PASSED AND APPROVED this 20th day of May, 2019.

CITY OF ST. PAUL, NEBRASKA

By: _____
Joel M. Bergman, Mayor

ATTEST:

Connie Jo Beck, City Clerk

RESOLUTION 2019-4

**REQUEST FOR THE SOUTH CENTRAL ECONOMIC DEVELOPMENT DISTRICT,
INC. TO ASSIST WITH A CDBG APPLICATION
FOR DOWNTOWN REVITALIZATION**

WHEREAS, St. Paul is within a member county of the South Central Economic Development District, Inc. (SCEDD); and

WHEREAS, the City of St. Paul would like to apply for a Community Development Block Grant (CDBG); and

WHEREAS, the City of St. Paul desires to have grant application assistance for this Community Development Block Grant conducted by SCEDD; and

WHEREAS, SCEDD provides this service for no fee to member counties of the South Central Economic Development District, Inc.

WHEREAS, the City of St. Paul agrees to accept full responsibility for following all grant guidelines and fulfilling all grant requirements and agrees to provide a local point of contact to work with SCEDD in the fulfillment of said services;

NOW THEREFORE, BE IT RESOLVED, that the City of St. Paul requests and authorizes SCEDD to provide grant application assistance for this Community Development Block Grant.

PASSED THIS 20th DAY OF May, 2019.

Joel Bergman, Mayor

Attest:

City Clerk Connie Jo Beck

Connie Beck

From: Lori Ferguson - South Central Economic Development District <LoriF@SCEDD.us>
Sent: Wednesday, May 8, 2019 3:11 PM
To: Connie Beck
Cc: Mike Feeken
Subject: Resolution for SCEDD Assistance
Attachments: RESOLUTION for SCEDD Grant Assistance.doc

Connie:

Attached is a resolution that I have prepared for consideration by the Council at the May 20th meeting. Per our conversation Monday evening, the resolution is being provided **in the event that the City wants to proceed with a 2019 CDBG Downtown Revitalization Phase II grant application**. Please review. If you have any questions, please feel free to contact me. Will you need a council agenda memo to accompany this or will the resolution be sufficient to place the issue on the agenda?

Lori Ferguson, Community Consultant
South Central Economic Development District, Inc.
401 East Avenue, 2nd Floor - PO Box 79 – Holdrege, NE 68949
Website: www.scedd.us
Phone 308.455.4770

TELECOMMUNICATIONS RELAY SERVICE

The City of St. Paul, Nebraska has a responsibility to make its programs, services, activities, and facilities accessible for individuals with disabilities in accordance with Section 504 and Title II of the Americans with Disabilities Act (ADA). One of the components of Title II focuses on removing barriers to effective communication. For persons who have hearing and speech disabilities, calling the City of St. Paul is easy using Telecommunications Relay Service (TRS) provided by www.nebraskarelay.com.

TRS is a free telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals.

A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device, or dials 711 from a telephone to call the TRS relay center, and gives a CA the number of the party that he or she wants to call (when calling Nebraska Relay, the main number is 800.833.7352). The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

If traveling out of state and making a call, there is no longer a need to learn the state's TRS provider's telephone number, just dial 711 from anywhere in the United States without having to remember a seven or ten-digit access number.

**CITY OF ST. PAUL
HOWARD COUNTY, NEBRASKA**

AMERICANS WITH DISABILITY PLAN

SECTION 504- REHABILITATION ACT OF 1973

AMERICANS WITH DISABILITIES ACT OF 1990

Updated May, 2019

POLICY STATEMENT

The City of St. Paul will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of St. Paul further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purposes, a disabled person is defined as any person who

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that "No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes "a disability" for "handicaps" and "disability" for "handicap".

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance".

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, "This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States."

28 CFR Part 35 (Judicial Administration) states that: "The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

49 CFR Part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR Part 28-140 (Employment) states that, "(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department," and "(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1614.101 (Equal Employment Opportunity in the Federal Government) states that: "It is the policy of the Government of the United States ... to provide equal opportunity in employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency."

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

ORGANIZATION

Matt Helzer, Utilities Superintendent, will serve as the City of St. Paul ADA and Section 504 Compliance Coordinator. The Utilities Superintendent will rely on other key members, including the Mayor and Council, Planning Commission, Street Superintendent, Olsson Consulting Engineers and City Attorney Jason M. White for assistance and support in the development, implementation, and monitoring of the City of St. Paul's Plan.

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

1. Serve as principal coordinator for ADA programs, policies, and procedures
2. Publicize the contact information of the designated ADA Coordinator
3. Monitor and ensure compliance with ADA/504 and identify shortcomings and develop remedies
4. Coordinate compliant procedures to ensure due process and provide prompt resolutions
5. Conduct annual reviews and prepare annual reports of accomplishments and problem areas
6. Coordinate and conduct training programs and provide assistance to employees
7. Identify, investigate, and eliminate ADA/504 discrimination when found to exist

SECTION 504/ ADA NOTICE TO PUBLIC

The City of St. Paul does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City of St. Paul also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator:

Name and Title: Matt Helzer, Utilities Superintendent
Phone Number: 308-754-4483
Office Address: 704 6th Street, St. Paul, NE 68873
Days/Hours Available: 8:00 a.m. to 4:00 p.m., Monday through Friday

SECTION 504/ADA SELF-EVALUATION

The City of St. Paul completed a self-evaluation on June 17, 2013.

SECTION 504/ADA TRANSITION PLAN

This is not applicable for the City of St. Paul.

COMPLAINT PROCEDURES

1. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than sixty (60) days after:
 - (a) The date of alleged act of discrimination; or
 - (b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the City of St. Paul may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

2. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an employee of the City of St. Paul, the person shall be interviewed by the ADA/504 Coordinator. If necessary, the ADA/504 Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the City of St. Paul's investigative procedures.

3. Within 15 calendar days, the ADA/504 Coordinator will acknowledge receipt of the allegation and inform the complainant of procedures to be followed.

4. Within 90 calendar days, the ADA/504 Coordinator will conduct an investigation of the allegation and will render a final decision for action in a report of findings. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings. The ADA/504 Coordinator will notify the complainant in writing of the final decision reached and will advise the complainant of his/her appeal rights.

REASONABLE ACCOMMODATION PROCEDURES

Title I of the ADA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

The City of St. Paul will make reasonable accommodations for the impairments of qualified individuals with disabilities, consistent with the qualifications required for the essential functions of a particular job, unless the accommodation would cause undue hardship to the City.

TELECOMMUNICATIONS RELAY SERVICE

The City of St. Paul, Nebraska has a responsibility to make its programs, services, activities, and facilities accessible for individuals with disabilities in accordance with Section 504 and Title II of the Americans with Disabilities Act (ADA). One of the components of Title II focuses on removing barriers to effective communication. For persons who have hearing and speech disabilities, calling the City of St. Paul is easy using Telecommunications Relay Service (TRS) provided by www.nebraskarelay.com.

TRS is a free telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals.

A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device, or dials 711 from a telephone to call the TRS relay center, and gives a CA the number of the party that he or she wants to call (when calling Nebraska Relay, the main number is 800.833.7352). The CA in turn places an outbound traditional voice call to that person. The CA then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

If traveling out of state and making a call, there is no longer a need to learn the state's TRS provider's telephone number, just dial 711 from anywhere in the United States without having to remember a seven or ten-digit access number.

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of St. Paul, desiring to avail itself of federal financial assistance from the US Department of Transportation hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The City of St. Paul further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

Amended this 20th Day of May, 2019 at St. Paul, Howard County, Nebraska

CITY OF ST. PAUL, NEBRASKA

Joel M. Bergman, Mayor

Attest:

Connie Jo Beck, City Clerk

(Plan Adopted April 15th, 2019)



The City of St. Paul, Nebraska

704 6th Street • St. Paul, NE 68873

Phone (308) 754-4483

Reapprove Fire Department Billing Rates

Date: May 20, 2019

To Whom It May Concern: (No Rate Change from Last Year)

This letter is to verify that the City Council has voted and the majority of the board has approved the Saint Paul Fire to bill for the services provided by the Fire Department with the use of apparatus and equipment owned by the City of Saint. Paul. The billing rates that may be charged is attached.

This approval is in accordance with Nebraska State Statute 35-901.

Date of approval: May 20, 2019

Signature: _____

Joel M. Bergman, Mayor



"This institution is an equal opportunity provider, and employer".



RATES THAT MAY BE CHARGED BY THE SAINT PAUL FIRE DEPARTMENT

A. Response vehicles: charges will be made to the closest ¼ hr. Charges include personnel costs. Mileage will be charged at \$8.00 per mile per vehicle.

- | | |
|----------------------------|---------------|
| 1. Pumper truck | \$500.00 / hr |
| 2. Tanker truck | \$350.00 / hr |
| 3. Grass Rig | \$150.00 / hr |
| 4. Aerial ladder truck | \$750.00 / hr |
| 5. Utility truck | \$200.00 / hr |
| 6. Hazardous Material Unit | \$250.00 / hr |

B. Equipment Charges:

- | | |
|-----------------------------|----------|
| 1. Jaws of Life | \$250.00 |
| 2. Power saw | \$ 75.00 |
| 3. Hydraulic jack / chisels | \$ 75.00 |
| 4. Cribbing Blocks | \$ 10.00 |
| 5. Winches | \$ 10.00 |
| 6. Air Bags | \$ 50.00 |
| 7. High Lift Jack | \$ 20.00 |
| 8. Brooms | \$ 10.00 |
| 9. Hand tools / shovels | \$ 10.00 |
| 10. Other | |
| _____ | \$_____ |
| _____ | \$_____ |

C. Supplies:

- | | |
|-----------------------|---------------------------|
| 1. Safety flares | \$ 10.00 |
| 2. Class A foam | \$ 95.00 per five gallons |
| 3. Class AFFF foam | \$165.00 per five gallons |
| 4. Absorbent Pads | \$ 15.00 each |
| 5. Absorbent material | \$ 15.00 per bag |
| 6. Salvage Covers | \$ 60.00 |
| 7. Floor Dry | \$ 10.00 |
| 8. Other: | |
| a. _____ | \$_____ |
| b. _____ | \$_____ |
| c. _____ | \$_____ |

Signature _____

Date: May 20, 2019

Joel M. Bergman, Mayor



Notification of Change
League Association of Risk Management
Property & Casualty Pool

Send To:
League Association of Risk Management
1919 South 40th Street Suite 212
Lincoln, NE 68508

Email: customerservice@larmpool.org

Phone: (402) 742-2600

Date of Request: _____

Fax: (402) 476-4089

Member: CITY OF ST PAUL
Attention: CONNIE JO BECK, CITY CLERK
Address: 704 6TH STREET
 ST PAUL, NEBRASKA 68873

Department: LIGHT DEPARTMENT
Contact: EDWARD THOMPSON / CONNIE JO BECK
Phone: 308-754-4483
Policy Num: _____

- | | | | |
|-------------------------------------|--|---|---|
| <input type="checkbox"/> AUTO (CN)* | <input type="checkbox"/> PROPERTY (RC)* | <input type="checkbox"/> Contents | <input type="checkbox"/> INLAND MARINE (ACV)* |
| <input type="checkbox"/> Liability | <input checked="" type="checkbox"/> Building | <input type="checkbox"/> Property in Open | <input type="checkbox"/> Cont. Equipment |
| <input type="checkbox"/> Comp. | - Construction Type: _____ | | <input type="checkbox"/> Misc. Equipment |
| <input type="checkbox"/> Coll. | - Square Footage: _____ | | <input type="checkbox"/> EPD (RC)* |
| | - Year Built: _____ | | <input type="checkbox"/> Radios |
| | | | <input type="checkbox"/> Fire Equipment |
| | | | <input type="checkbox"/> Camera Equip. |

LARM Schedule Number	(A) Add (D) Delete (O) Other	Eff. Date	AUTO Comp / Coll (X-Please)	COMPLETE DESCRIPTION Street Address or Auto Year/Make/Mode (Trucks – include gross weight)	Serial #	Dollar Value	Member Unit/ID Number	Dept.
7	Add	5/14/2019		Please add an ADDITIONAL \$20,000 to		\$20,000		Light
	Add			Quonset - Site #16, Building 7 will equal				
	Add			\$70,000 in coverage				
	Add							

*CN = Cost New (Purchase Price) *RC = Replacement Cost (Today's Cost New) *ACV = Actual Cash Value (Used Value)

COMMENTS: Please add \$20,000 additional coverage to the \$50,000 Quonset building to make it \$70,000

MEMBER SIGNATURE: *Connie Jo Beck*

MEMBER EMAIL: cjbeck@cityofstpaulne.org

Date Received: _____
 Invoice Date: _____

Date Returned to Member: _____
 Invoice #: _____

Endorsement #: _____
 By: _____



General Property Endorsement

Member Name: City of St. Paul
 Member #: 253
 Endorsement #: 1
 Effective Date: 10/01/2018
 Termination Date: 10/01/2019

In consideration of an additional contribution, it is hereby understood and agreed that the Property Coverage Document is amended as follows:

Property Coverage

Action:	Transaction Type:	Effective Date:	Description:	Contribution:
Added	Additional Property Item	10/2/2018	Additional PR: Building #: Classification: Contractor Equipment Description: 2018 Z93M Commercial Mower Value: 10,300.00 Merge Endorsement Changes	\$120.47
Added	Building	10/10/2018	Building: Quonset Site #: 16 Building #: 7 Combined TIV: \$50,000.00 Description: Quonset Merge Endorsement Changes	\$153.46
Deleted	Additional Property Item	10/2/2018	Additional PR: Building #: Classification: Contractor Equipment Description: 2008-820A Z-TRACK JOHN DEERE MOWER Value: 8,300.00 Merge Endorsement Changes	-\$97.08
Total Property Coverage Contribution:				\$176.85
Total Contribution - Property:				\$176.85



Statement of Values

City of St. Paul

Effective Date: 10/01/2018

Printed on: 08/28/2018

Location Description	Area	# of Flrs	Auto Spklr	Year Built	Year Reno	Con Code	Pro Class	Equip Break	FL	EQ	Blank Limit
3 - 2: 954 13th Ave T. PAUL, NE 68873 Electric Office/Garage ✓	4,206	1		1940		4	2	N	Y	N	Y
	Value			Valuation			Deductible				
Building	442,554			RC			\$500				
Personal Property	310,000			RC			\$500				
Total Location TIV	752,554										
6 - 3: 954 13th Ave T. PAUL, NE 68873 Storage/Garage ✓	5,400	1		1940	1980	2	2	N	Y	N	Y
	Value			Valuation			Deductible				
Building	250,234			RC			\$500				
Personal Property	34,000			RC			\$500				
Total Location TIV	284,234										
6 - 4: 954 13th Ave T. PAUL, NE 68873 Salt Box ✓	1,232	1				1	2	N	Y	N	Y
	Value			Valuation			Deductible				
Building	54,234			RC			\$500				
Total Location TIV	54,234										
6 - 5: 954 13th Ave T. PAUL, NE 68873 State Patrol Building ✓	1,561	1		1940		2	2	N	Y	N	Y
	Value			Valuation			Deductible				
Building	160,631			RC			\$500				
Total Location TIV	160,631										
6 - 6: 954 13th Ave T. PAUL, NE 68873 Tree (Christmas decorations contents) ✓	144	1				1	2	Y	Y	N	Y

2019 Municipal Accounting and Finance Conference

June 12 - 14, 2019

Graduate Hotel, Lincoln



League of Nebraska Municipalities

www.lnm.org P: 402-476-2829



2019 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

Graduate Hotel, Lincoln
June 12 - 14, 2019



Tentative Conference Program (subject to change)

Wednesday, June 12, 2019

- 12 pm Registration for Preconference Seminar
- 12:30–1:30 pm Lunch
- 1:30–4:30 pm **PRECONFERENCE SEMINAR: Labor Management Relations Update – Limit your liability with effective personnel management policies and practices.** This session will provide practical advice for conducting employee interviews, documenting disciplinary actions, preparing for an exit interview, etc.; learn about necessary provisions for updating an employee manual, including, the Family and Medical Leave Act (FMLA), and Fair Labor Standards Act (FLSA).

Thursday, June 13, 2019

- 7:30 am **Registration:** Visit Display Area
(coffee and rolls available)
- 8–9:15 am **Budget Update: Budget Forms, Lid Laws, LB 103 (2019) and Related Issues for FY 19-20**
Deann Haeffner, CPA, Assistant Deputy Auditor, Nebraska Auditor of Public Accounts' Office
Christy Abraham, Legal Counsel, LNM
- 9:15–9:30 am **Break:** Visit Display Area
- 9:30–10:45 am **Preventative Internal Controls Necessary to Safeguard Municipal Assets:** Lessons learned from recent reports by the Nebraska Auditor of Public Accounts' Office regarding Pilger, Harlan County, Alvo, Ithaca, Memphis and other examples.
Mary Avery, CFE, SAE Manager/Finance Manager, Nebraska Auditor of Public Accounts' Office
Craig Kubicek, CPA, CFE, Assistant Deputy, Nebraska Auditor of Public Accounts' Office
- 10:45–11 am **Break:** Visit Display Area
- 11 am–12:15 pm **League Legislative Report**
L. Lynn Rex, Executive Director, LNM
- 12:15–1:30 pm **Lunch and Welcome**
Geralyn Konruff, Treasurer, Chappell; Chair of the MAFC Committee
- 1:30–1:45 pm **Business Meeting**
- 1:45–2:45 pm **Concurrent Sessions:**
- A. LB 184 (2019):** Learn about new requirements when regulating wireless small cell providers and other high-tech applicants while protecting your taxpayers' investment in your municipality's right-of-way, poles and other infrastructure.
 - B. Accounting and Finance Policies and Procedures:** Learn about "best practices" regarding the creation and documentation of relevant policies and procedures; effective filing systems to comply with state laws governing the retention and disposal of public records (numeric and/or alphabetical filing by fund/department, zoning, permit, etc.)
(Session repeated at 3 pm)

2019 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

Graduate Hotel, Lincoln
June 12 - 14, 2019



Thursday, June 13, 2019 (con't.)

1:45–2:45 pm **Concurrent Sessions: (con't.)**

C. CORE TOPIC: Sales Tax Reporting Requirements

(Session repeated at 3 pm)

D. Drones: Be informed about requirements and effective application of drones in utility and law enforcement operations.

(Session repeated at 3 pm)

2:45–3 pm **Break:** Visit Display Area

3–4 pm **Concurrent Sessions:**

A. Agenda Preparation: Review requirements of the Open Meetings Act for agendas, including the specificity required when listing agenda items; adoption of procedural ordinances/resolutions on who is allowed to place and/or remove agenda items; and how to provide your city or village the most flexibility in deciding when to go into closed session.

B. Accounting and Finance Policies and Procedures: Learn about "best practices" regarding the creation and documentation of relevant policies and procedures; effective filing systems to comply with state laws governing the retention and disposal of public records (numeric and/or alphabetical filing by fund/department, zoning, permit, etc.)
(Repeat of 1:45 pm session)

C. CORE TOPIC: Sales Tax Reporting Requirements

(Repeat of 1:45 pm session)

D. Drones: Be informed about the requirements and effective application of drones in utility and law enforcement operations.

(Repeat of 1:45 pm session)

4–4:15 pm **Break:** Visit Display Area

4:15–5:15 pm **Concurrent Sessions:**

A. Budget 101 (Part I): Selecting and preparing information to present to your CPA for your municipal budget. This will not be a "highly structured" presentation; conference delegates can submit questions in advance or from the floor.

B. Discussion on How to Prepare Budgets and Related Issues for Clerks, Treasurers and Utility Finance Officers. This will not be a "highly structured" presentation; conference delegates can submit questions in advance or from the floor.

C. CORE TOPIC: Utility Issues Update: Everything you want and need to know about the "best practices," laws and regulations governing excavations.
(Session repeated Fri. at 11 am)

D. LB 424 (2019): Learn about the latest legislation to allow all municipalities the option of participating in a land bank to acquire vacant, abandoned or dilapidated properties to either renovate or demolish them for future use and growth, transforming neighborhoods and creating more affordable/workforce housing.

(Session repeated Fri. at 11 am)

Make plans to network, visit the display area and enjoy the many restaurants and activities in Lincoln.

2019 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

Graduate Hotel, Lincoln

June 12 - 14, 2019



Friday, June 14, 2019

8 am Visit Display Area
(coffee and rolls available)

8:30–9:30 am Concurrent Sessions:

- A. NEMA/FEMA Requirements and Documentation:** In order to receive funding following disasters like floods and tornados, it is critically important to know how and when to apply for funding and document expenditures.
(Session repeated at 9:45 am)
- B. LB 82 (2019):** Be informed about significant changes in municipal filing requirements and/or certifications regarding 1 and 6-year road plans with the Nebraska Department of Transportation and the Board of Public Roads Classifications and Standards; learn about new requirements, penalties and loss of funds for failure to comply.
(Session repeated at 9:45 am)
- C. CORE TOPIC: Tax Increment Financing (TIF) – Statutory Requirements and Mandate to File a "TIF Report"**
(Session repeated at 9:45 am)
- D. Risk Management – Protect Your City or Village From Cyber Attacks:** Cyber attacks on local governments have already happened in Nebraska; learn how to identify "phishing" emails, etc.

9:30–9:45 am Break: Visit Display Area

9:45–10:45 am Concurrent Sessions:

- A. NEMA/FEMA Requirements and Documentation:** In order to receive funding following disasters like floods and tornados, it is critically important to know how and when to apply for funding and document expenditures.
(Repeat of 8:30 am session)
- B. LB 82 (2019):** Be informed about significant changes in municipal filing requirements and/or certifications regarding 1 and 6-year road plans with the Nebraska Department of Transportation and the Board of Public Roads Classifications and Standards; learn about new requirements, penalties and loss of funds for failure to comply.
(Repeat of 8:30 am session)
- C. CORE TOPIC: Tax Increment Financing (TIF) – Statutory Requirements and Mandate to File a "TIF Report"**
(Repeat of 8:30 am session)
- D. Budget 101 (Part II): Definitions, Form Review and Practical Advice for Clerks and Treasurers.** How to complete the budget form which needs to be filed with the State Auditor; conference delegates can submit questions in advance or from the floor.

10:45-11 am Break: Visit Display Area

2019 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

Graduate Hotel, Lincoln
June 12 - 14, 2019



Friday, June 14, 2019 (con't.)

11 am–12 pm

Concurrent Sessions:

- A. CORE TOPIC: Utility Issues Update:** Everything you want and need to know about the "best practices," laws and regulations governing excavations.
(Repeat of Thurs. 4:15 pm session)
- B. LB 424 (2019):** Learn about the latest legislation to allow all municipalities the option of participating in a land bank to acquire vacant, abandoned or dilapidated properties to either renovate or demolish them for future use and growth, transforming neighborhoods and creating more affordable/workforce housing.
(Repeat of Thurs. 4:15 pm session)

12 pm

Adjournment – Have a safe trip home!

2019 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

Graduate Hotel, Lincoln
June 12 - 14, 2019



Delegate Registration

Municipality: _____

Name (as you want it to appear on name tag): _____

Title: _____ Spouse (if attending): _____

First League Conference? Yes _____ No _____

Check # _____ enclosed for \$ _____ (Advanced payment encouraged)

Billing address: _____

Phone: _____ Email: _____

	Through May 24	After May 24
Wednesday Preconference Seminar:	_____ \$95	_____ \$125
Thursday & Friday Conference: (Includes handbook; meals are extra) Per municipal official, League member	_____ \$325	_____ \$355

Conference Total: \$ _____

Meals: (not included in registration fee; indicate number needed by **May 24**)

Wednesday Luncheon _____ \$25

Thursday Luncheon _____ \$25

Meals Total: \$ _____

Grand Total: \$ _____

Conference Information

- ❖ Preregistration deadline is **May 24**. Registrations received after this date will incur higher registration costs.
- ❖ Advanced registrations not cancelled by **May 24** or "no shows" will be billed for any meal tickets reserved.
- ❖ If you need special accommodations or equipment at this conference, contact the League office by **May 24**.

Mail registration and payment to: League of Nebraska Municipalities, 1335 L Street, Lincoln, NE 68508, or fax 402-476-7052

2019 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

Graduate Hotel, Lincoln

June 12 - 14, 2019



Conference and Hotel Information

- ❖ All conference sessions will be held at the Graduate Hotel, 141 North 9th Street, Lincoln, Nebraska 68508.
- ❖ To make room reservations at the Graduate Hotel, call 1-402-475-4011 and specify you are with the League room block.
- ❖ The room rate at the is \$114 for a single/double room.
- ❖ The room block will be released **May 27**. Contact the hotel before that date to secure a reservation.
- ❖ Check-in time is 3 p.m.; check-out time is 11 a.m.
- ❖ If you want a written confirmation number, please request it when making your reservations.
- ❖ Preregistration deadline for delegates is **May 24**. Registrations received after this date will incur higher registration costs.
- ❖ Advance registrations not cancelled by **May 24** or "no shows" will be billed for reserved display tables and any meal tickets.
- ❖ If you need special accommodations or equipment at this conference, contact the League office by **May 24**.
- ❖ To meet printing schedules for the conference materials, sponsor fund or display table information must be returned by **May 24**.
- ❖ For your comfort, we recommend that you wear layered clothing, or bring a jacket, because heating and cooling conditions may vary.

CITY OF SAINT PAUL
704 6TH STREET
SAINT PAUL, NEBRASKA 68873

NOTICE OF TIME AND PLACE OF
SPECIAL MEETING

NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAINT PAUL, NEBRASKA, WILL BE HELD AT **5:00 P.M., WEDNESDAY, MAY 29, 2019** IN THE CITY COUNCIL CHAMBERS. THIS MEETING WILL BE OPEN TO THE PUBLIC. AN AGENDA FOR SUCH MEETING IS KEPT CONTINUALLY CURRENT AND IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE CITY CLERK AT THE CITY UTILITIES OFFICE. **THE PURPOSE OF THIS MEETING IS TO REVIEW THE IBEW 1597 UNION CONTRACT.** POSTED THIS 9TH DAY OF MAY, 2019.



CONNIE JO BECK
CITY CLERK/DEPUTY TREASURER

City of St. Paul
Receipts
April 2019

Date	From	Account	Description & Breakdown	Amount
4/1/2019	City Office	General	Tasty Taco's Mobile Food Fees	100.00
4/1/2019	City Office	Light	LARM - North yards fence damage	3,188.30
4/3/2019	Wisconsin Physician Services	Ambulance	HCCLAIMPMT	345.73
4/3/2019	City Office		Todd Wojtalewicz-Wellfield rent	5,406.00
4/5/2019	State of Nebraska		HHS N.F.O.C.	243.95
4/9/2019	City Office	Cemetery?	Desch Paine - Staking Jacobs	25.00
4/9/2019	NE Claims	?	?	0.63
4/10/2019	State of Nebraska	Streets	April 2019 Highway Allocation	30,557.16
4/10/2019	City Office	Sewer	Terry Kosmicki - Lagoon Rent	3,500.00
4/12/2019	Wisconsin Physician Services	Ambulance		1,459.93
4/15/2019	TMCRCDC5335	Ambulance	St. Paul Rescue Service	185.92
4/15/2019	City Office	General	Pig in a Bag - Mobile Food Fee	100.00
4/15/2019	Howard County Treasurer	V.P. Bond	Collections	13,252.87
4/15/2019	Howard County Treasurer		Collections	39,755.01
			General 9,226.43	
			Fire 1,674.62	
			Police 12,986.91	
			Cemetery 1,025.28	
			Pool 2,734.08	
			Park 3,075.85	
			Library 4,101.13	
			Senior Center 444.29	
			Civic Center 444.29	
			Street 4,042.13	
4/16/2019	City Office	Library	St. Paul Public School - Reimb.	6,935.45
4/16/2019	City Office	Water	LARM Disaster Relief Funds-Trash	500.00
4/18/2019	Bankers Fidelity	Ambulance	HCCLAIMPMT	102.37
4/19/2019	City Office	V.P. Bond	Tommy-Rene Printers - Paving As.	59.38
			Princ. 53.08, Int. 6.30	
4/19/2019	City Office	V.P. Bond	Goodenberger Assessments	65.00
			Water - Princ. 19.96, Int. 6.34	
			Sewer - Princ. 29.50, Int. 9.50	

No. 1092

HOMESIESD BANK

7:06 PM

2019

May, 10, 2019



City of St. Paul
Receipts
April 2019

4/23/2019	Wisconsin Physician Services	Ambulance	HCCLAIMPMT	1,034.49
4/30/2019	Wisconsin Physician Services	Ambulance	HCCLAIMPMT	1,039.86
4/30/2019	Homestead Bank	General	Interest on Checking for April	122.85
Other Accounts:				
4/1/2019	City Office - State of Nebraska - to Light 300-504-981 - North Yards Rent			250.00
4/2/2019	City Office - Arlene Meyer - Paving Assessment to P.I. 300-504-684			116.48
4/2/2019	City Office - E. Anderson payment to P.I. 300-504-684 Princ. 656.00, Int. 370.67			1,026.67
4/2/2019	City Office - U-Betcha Auto payment to Sales Tax 300-504-420 Princ. 1067.40, Int. 82.77			1,150.17
4/2/2019	City Office - L & M. Enterprises payment to Sales Tax 300-504-420 Princ: 1707.96, Int. 225.06			1,933.02
4/2/2019	City Office- Augy's Fitness payment to Sales Tax 300-504-420 Princ. 608.64, Int. 106.02			714.66
4/3/2019	City Office - Howard County Foundation - Batting Cage Improvements to Park 300-505-025			20,000.00
4/9/2019	City Office - O Gerber Paving Assessment to P.I. 300-504-684 Princ. 281.00, Int. 167.27			448.27
4/9/2019	City Office - Howard County Medical Center to REDLG 300-301-465			5,000.00
4/9/2019	City Office - Matt Retzlaff - Paving Assessment to P.I. 300-504-684 Princ. 830.00, Int. 484.89			1,314.89
4/10/2019	City Office - Northrup's payment to Sales Tax 300-504-420 Princ. 201.35, Int. 32.65, Penalty \$20			254.00
4/10/2019	City Office - Kay Meyer to P.I. 300-504-684 Princ. 1582.00, 918.54			2,500.54
4/10/2019	City Office - S Squared Ent. Payment to P.I. 300-504-684 Princ. 358.00, Int. 208.45			566.45
4/15/2019	City Office - St. Paul Grocery - Paving Assess. To P.I. 300-504-684 Princ. 693.64, Int. 306.36			1,000.00
4/15/2019	City Office - Mark Starkey Assessments to 300-504-684 Water - Princ. 45.51, Int. 7.15			105.32
	Sewer - Princ. 45.51, Int. 7.15			
4/15/2019	Connie transferred \$250,000 from Heritage 411025 to checking 300-100-027			
4/15/2019	City Office - Chris Meyer - Paving Assessment to P.I. 300-504-684 Princ. 854.00, Int. 490.10			1,344.10
4/15/2019	City Office - Escape Tanning payment to Sales Tax 300-504-420 Princ. 182.08, Int. 17.92			200.00
4/15/2019	City Office - Vlasek/Martinsen Paving Assessment to P.I. 300-504-684 Princ. 154.00, Int. 92.40			246.40
4/15/2019	Howard County Treas. - TIF Excess - Prairie Falls #8659 Homestead Alloc. To TIF 300-505-036			108.92
	City Office - Creative Hands payment to Sales Tax 300-504-420 Princ.			
4/16/2019	City Office - County Cage to Sales Tax 300-504-420. Princ. 416.28, Int. 158.72			575.00
4/17/2019	Connie transferred \$197.39 from TIF 300-505-036 to checking 300-100-027 for MAD - Dalton			
	Meadows TIF Share to Assessments Water 73.04, Sewer 63.17 & st sw (st) 61.18			
4/16/2019	City Office - K. Hymer to Sales Tax 300-504-420 Princ. 266.36, Int. 83.64			350.00
4/22/2019	State of NE - Februray City Sales Tax to Sales Tax 300-504-420			23,630.98

2
 1
 109
 No. 109
 Other Accounts:
 4/15/2019
 HOMESTEAD BANK
 2:06 PM
 2019
 May, 10, 2019

City of St. Paul

Receipts

April 2019

4/22/2019	Connie transferred \$2,365.34 from Sales Tax deposit above to checking 300-100-027 for streets		
4/22/2019	City Office - St. Paul Keno LLC to Keno 300-504-409		4,114.55
4/22/2019	City Office - Secure Storage payment to P.I. 300-504-684 Princ. 82.18, Int. 17.82		100.00
4/23/2019	City Office -Bed Head Coffe Co LLC- Payment to Sales Tax 300-504-420 Princ. 178.50, Int. 56.51		235.19
4/26/2019	City Office - Dora Johnson Paving Assessment to P.I. 300-504-684 Princ. 79.00, Int. 35.10		114.10
4/26/2019	City Office - Jack Meinecke Paving Assessment to P.I. 300-504-684 Princ. 330.00, Int. 197.25		527.25
4/30/2019	City Office - Housing Grant Savings 300041780 for month		100.00
4/30/2019	Homestead Bank - Interest on City Sales Tax Checking 300-300-277		11.62
4/30/2019	Homestead Bank - Interest on St. Paul Civic Center Checking 300-300-749		0.35
4/30/2019	Homestead Bank - Interest on City REDLG 300-301-465		12.89
4/30/2019	Homestead Bank - Interest onWater MMDA 300-504-189		0.20
4/30/2019	Homestead Bank - Interest on Keno MMDA 300-504-409		28.40
4/30/2019	Homestead Bank - Interest on Sales Tax P.I. 300-504-420		59.80
4/30/2019	Homestead Bank - Interest on Pool Construction MMDA 300-504-442		5.48
4/30/2019	Homestead Bank - Interest on Premium Investment 300-504-684		140.57
4/30/2019	Homestead Bank - Interest on General Equipment Sinking MMDA 300-504-805		8.64
4/30/2019	Homestead Bank - Interest on Sewer & Building Equipment Fund MMDA 300-504-849		8.29
4/30/2019	Homestead Bank - Interest on Police Equipment Fund MMDA 300-504-860		19.02
4/30/2019	Homestead Bank - Interest on Senior Center Fund MMDA 300-504-882		9.86
4/30/2019	Homestead Bank - Interest on Brick Account MMDA 300-504-915		0.27
4/30/2019	Homestead Bank - Interest on Library Maintenance Reserve MMDA 300-504-970		12.35
4/30/2019	Homestead Bank - Interest on Light Sinking Fund MMDA 300-504-981		4.58
4/30/2019	Homestead Bank - Interest on Fire Sinking Fund MMDA 300-504-992		3.00
4/30/2019	Homestead Bank - Interest on EMT Sinking Fund MMDA 300-505-003		9.15
4/30/2019	Homestead Bank - Interest on Street Sinking Fund MMDA 300-505-014		11.95
4/30/2019	Homestead Bank - Interest on Park Equipment Sinking Fund MMDA 300-505-025		16.49
4/30/2019	Homestead Bank - Interest on TIF Projects MMDA 300-505-036		0.16
4/30/2019	Homestead Bank - Interest on After School MMDA 300-505-146		0.42
4/30/2019	Homestead Bank - Interest on Civic Center Sinking Fund MMDA 300-505-179		0.97
4/24/2019	Homestead Bank - Interest on Sales Tax TCD #3327564		322.07
4/10/2019	Homestead Bank - Interest on General TCD #3051705		907.89
4/30/2019	Citizens Bank & Trust - Interest on Cafeteria 125 102407		2.42
4/30/2019	Citizens Bank & Trust - Interest on Health Deductible 102482		11.05

City of St. Paul

Receipts

April 2019

4/30/2019	Citizens Bank & Trust - Interest on Sales Tax Infrastructure 102342	45.50
4/30/2019	Citizens Bank & Trust - Interest on Light ICS MMA 103217	650.92
4/30/2019	Citizens Bank & Trust - Interest on Sewer ICS MMA 103241	317.43
4/30/2019	Citizens Bank & Trust - Interest on General ICS MMA 103209	583.70
4/30/2019	Citizens Bank & Trust - Interest on Building Sinking ICS MMA 103233	100.19
4/30/2019	Citizens Bank & Trust - Interest on Firemen ICS MMA 103268	113.29
4/30/2019	Citizens Bank & Trust - Interest on Ambulance ICS MMA 103276	275.18
4/30/2019	Citizens Bank & Trust - Interest on Park ICS MMA 103824	146.86
4/30/2019	Citizens Bank & Trust - Interest on Police ICS MMA 103292	43.00
4/30/2019	Citizens Bank & Trust - Interest on Keno ICS MMA 103314	137.63
4/30/2019	Heritage Bank - Interest on ACH MMDA 411025	221.55
4/30/2019	Heritage Bank - Interest on Investors P.I. 4100744	42.39
4/30/2019	Heritage Bank - Interest on General TCD 1130259	552.37
4/30/2019	Heritage Bank - Interest on Water TCD 1130260	100.92
4/30/2019	Heritage Bank - Interest on Light TCD 1130261	504.58