

**BOARD OF COUNTY COMMISSIONERS, SARPY COUNTY, NEBRASKA**

**RESOLUTION ACKNOWLEDGING ASSIGNMENT AND APPROVING THE  
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONTRACT  
AMENDMENT REQUEST FORM AND AUTHORIZING CHAIRMAN TO SIGN SAME**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Sarpy County entered into a Memorandum of Understanding (MOU) with Sergeant's Pet Care Products, Inc., a Nevada corporation (Sergeant's-Nevada) and the State of Nebraska, Department of Economic Development (Dept. of Economic Development) (Rsln. No 2011-366) to distribute Community Development Block Grant (CDBG) funds to Sergeant's in order to create and maintain jobs for low-to-moderate income person(s). Additionally, on March 27, 2012, Sarpy County and the Dept. of Economic Development entered into Community Development Block Grant (CDBG) Contract No. 11-ED-004 at Rsln. No. 2012-97. Further, Sarpy County and Sergeant's-Nevada entered into a Loan Agreement and related documents on July 10, 2012 via Rsln. No. 2012-225 with terms consistent with said MOU; and,

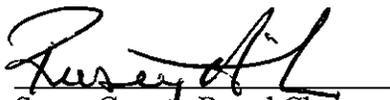
WHEREAS, Perrigo Company, a Michigan corporation (Perrigo) recently purchased Sergeant's-Nevada who assigned all of its rights and obligations under the Loan Agreement to Perrigo. Sergeant's Pet Care Products, Inc., a Michigan corporation is a wholly owned subsidiary of Perrigo Company. Two letters were provided which document the assignment and fulfill the requirements of Sections 1.03 and 7.05 of the Loan Agreement, copies of said letters are attached hereto.

WHEREAS, in order to account for the assignment described above, the CDBG Contract No. 11-ED-004 with the Dept. of Economic Development must be amended.

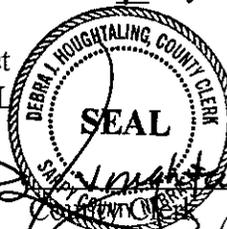
NOW THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT this Board acknowledges the assignment of all rights and obligations under the Loan Agreement and related documents from Sergeant's Pet Care Products, Inc., a Nevada corporation to the wholly owned subsidiary of Perrigo Company, Sergeant's Pet Care Products, Inc., a Michigan corporation.

BE IT FURTHER RESOLVED THAT the CDBG Contract Amendment Request Form is hereby approved and the Chairman and the Clerk are hereby authorized to sign the document and such other documents as may be necessary to accomplish its purpose.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 4<sup>th</sup> day of December, 2012.

  
Sarpy County Board Chairman

Attest  
SEAL



# Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE  
PAPILLION, NE 68046-2895  
593-4155

[www.sarpy.com](http://www.sarpy.com)

ADMINISTRATOR Mark Wayne

DEPUTY ADMINISTRATOR Scott Bovick

FISCAL ADMIN./PURCHASING AGT. Brian Hanson



## COMMISSIONERS

Rusty Hike District 1  
Jim Thompson District 2  
Tom Richards District 3  
Jim Nekuda District 4  
Jim Warren District 5

## MEMO

December 4, 2012

TO: Sarpy County Board of Commissioners

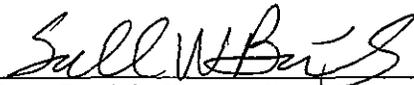
FROM: Scott Bovick, Deputy County Administrator

RE: Resolution to approve CDBG Contract Amendment with Nebraska Department of Economic Development (DED) for Sergeant's Pet Care Products Project

This past summer Sergeant's Pet Care was purchased by a new company, Perrigo Company, based in Michigan. The company will continue to operate as Sergeant's Pet Care with the same management, operations, location, and business line and will assume all the obligations of the grant.

However, because of the sale the company is now considered a corporation based in Michigan. Therefore, DED is requiring Sarpy County to submit an amendment to the CDBG grant contract along with a letter from the County Board Chair explaining the County's interest in proceeding with the grant project.

Please feel free to contact me if you have any questions. Thank you.

  
Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling  
Mark Wayne  
Nicole O'Keefe  
Grant Anderson  
Brian Hanson

## CDBG CONTRACT AMENDMENT REQUEST FORM

This form must be completed and submitted to the Nebraska Department of Economic Development when making a contract amendment request. All attachments identified under the applicable amendment type must be submitted along with this form.

CDBG Grant # 11-ED-004 CDBG Grantee Sarpy County

DED Program Representative Dave Honz

Person Completing this form Name Grant Anderson

Contact Number (402) 444-6866, ext. 222

Email ganderson1@mapacog.org

**Complete the sections for each type of amendment requested and submit this form, along with the required attachments, to the Department.**

**Extension of Contract End Date**

Original Contract End Date \_\_\_\_\_

Current Contract End Date including any previously approved extensions \_\_\_\_\_

Proposed Contract End Date \_\_\_\_\_

Required Attachments

Attachment 1: A letter from the Chief Elected Official stating the following:

1. Certification that the local governing body has approved the extension;
2. Identification and reasons for the proposed amendment; including
  - a. Changes to the nature of the project requiring the amendment;
  - b. Steps being taken to avoid any future amendment requests for the same reasons.
3. If additional local matching funds are required as a result of this extension, certification that such funds are available.

Attachment 2: A revised implementation schedule showing when major milestones will be completed for each activity.

**Decrease in proposed accomplishments**

Original Proposed Accomplishments \_\_\_\_\_ Current Proposed Accomplishments \_\_\_\_\_

Required Attachments

Attachment 1: A letter from the Chief Elected Official stating the following:

1. Certification that the local governing body has approved the decrease in proposed accomplishments;
2. Identification and reasons for the proposed amendment; including
  - a. Changes to the nature of the project requiring the amendment;
  - b. Steps being taken to avoid any future amendment requests for the same reasons.
3. If additional local matching funds are required as a result of this decrease, certification that such funds are available.

Attachment 2: A revised implementation schedule showing when major milestones will be completed for each activity.

**Amendment to Housing Program Guidelines**

Required Attachments

Attachment 1: Letter from the Chief Elected Official stating the following:

1. Certification that the local governing body has approved the amendment to the housing program guidelines;
2. Identification and reasons for the proposed amendment;
3. If additional local matching funds are required as a result of this amendment, certification that such funds are available.

Attachment 2: If the housing program guidelines amendment will affect major milestones, a revised implementation schedule showing when major milestones will be completed for each activity.

Attachment 3: A complete copy of the proposed revised housing program guidelines.

Budget Amendment

Original Contract Budget Approved

Activity Name	Activity Number	CDBG Funds	Other Funds	Total Funds
<b>Total</b>				

Proposed Budget After Amendment

Activity Name	Activity Number	CDBG Funds	Other Funds	Total Funds
<b>Total</b>				

Attachment 1: Letter from the Chief Elected Official including:

1. Certification that the local governing body has approved the budget amendment;
2. Identification and reasons for the proposed budget amendment; including
  - a. Changes to the nature of the project requiring the amendment;
  - b. Steps being taken to avoid any future amendment requests for the same reasons.
3. If additional local matching funds are required as a result of this amendment, certification that such funds are available.
4. If the amendment includes a new activity, certification that the activity meets the national objective.

Attachment 2: Minutes from the public hearing held on the proposed amendment (required if reallocating more than 10% of the total original grant amount).

Attachment 3: If the budget amendment will affect major milestones, a revised implementation schedule showing when major milestones will be completed for each activity.

Attachment 4: Certification of re-evaluation of the environmental assessment (this form is included in the CDBG Administration Manual Chapter 6: Environmental Review).

DED Use Only	
Date amendment request received	
Date amendment approved/denied	

# Sarpy County Board of Commissioners

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## COMMISSIONERS

Rusty Hike District 1  
Jim Thompson District 2  
Tom Richards District 3  
Jim Nekuda District 4  
Jim Warren District 5

December 4, 2012

Dave Honz  
Nebraska Department of Economic Development  
301 Centennial Mall South  
P.O. Box 94666  
Lincoln, NE 68509-4666

RE: Sarpy County Economic Development Project – CDBG #11-ED-004 Request for Contract Amendment

Dear Mr. Honz:

The intent of this letter is to provide an update of the CDBG grant and related loan between Sarpy County and Sergeant's Pet Care Products, Inc. ("Sergeant's"). Sarpy County is requesting a CDBG contract amendment due to the sale of Sergeant's and subsequent transfer of loan obligations and assets.

On September 12, 2012 Sergeant's was purchased by Perrigo Company ("Perrigo") of Allegan, Michigan. A letter dated September 26, 2012 from Sergeant's to Sarpy County provided written notice that all assets of Sergeant's would be sold to Perrigo, including the loan agreement and all related agreements. Perrigo will assume the mentioned agreements by a wholly owned subsidiary, Sergeant's Pet Care Products, Inc., a Michigan corporation. The location and management of Sergeant's will remain unchanged. All project activities, including low- and moderate-income job creation, will continue as stated in the CDBG contract.

It is the intention of both Sarpy County and Sergeant's to continue the loan as previously agreed; Metropolitan Area Planning Agency ("MAPA"), the Certified Administrator, will continue to monitor the project. Enclosed with this letter is a CDBG Contract Amendment Request Form, executed loan documents, and a signed resolution by the Sarpy County Board of Commissioners approving the amendment and recognizing Sergeant's state of incorporation, changed from Nevada to Michigan. Also enclosed is the Notice of Asset Sale letter dated September 26, 2012.

If you have any questions regarding the status of this project or the contract amendment request, please contact Scott Bovick, Deputy County Administrator, at (402) 593-1583. You may also contact Grant Anderson, MAPA, at (402) 444-6866 ext. 222.

Sincerely,

Rusty Hike, Chairperson  
Sarpy County Board of Commissioners

Cc: Deb Houghtaling, Brian Hanson, Mark Wayne, Nicole O'Keefe, Scott Bovick



November 27, 2012

County of Sarpy County, Nebraska  
Attn: Nicole O'keefe  
1210 Golden Gate drive  
Papillion, NE 68046

RE: Loan Agreement

**Sergeant's**

10077 South 134th Street  
Omaha, Nebraska 68138  
T: 402.938.7000  
F: 402.938.7091  
www.sergeants.com

Nicole:

Notice is hereby given that, effective October 1, 2012; substantially all of the assets of Sergeant's Pet Care Products, Inc., a Nevada Corporation (Sergeant's), were sold to Perrigo Company, a Michigan Company, pursuant to an Asset Purchase Agreement dated September 12, 2012.

Sergeant's has assigned all of its right and obligations under the certain Loan Agreement dated July 19, 2012 between Sergeant's and Sarpy County, Nebraska (the "Agreement") to Sergeant's Pet Care Products, Inc., a Michigan corporation and wholly owned subsidiary of Perrigo Company. Sergeant's Pet Care Products, Inc., a Michigan corporation has assumed all of Sergeant's obligations under the Agreement effective October 1, 2012.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kelly N. Pleas, Attorney  
Sergeant's Pet Care Products, Inc.,  
a Michigan corporation