

Mayor Edna B. DeVries
Deputy Mayor Sabrena Combs
Council Member Julie Berberich
Council Member Richard W. Best
Council Member Steve Carrington
Council Member Brian Daniels
Council Member Jill Valerius

City Attorney Michael Gatti
City Manager John Moosey

City of Palmer, Alaska
Regular City Council Meeting
July 27, 2021, at 7:00 PM
City Council Chambers
231 W. Evergreen Avenue, Palmer
www.palmerak.org

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF AGENDA

1. Consent Agenda
 - a. Introduction and Setting a Public Hearing to July 27, 2021, for **Ordinance No. 21-015:** Amending Palmer Municipal Code Sections 2.45.030(H) and 2.61.020(J) to Move Parks Maintenance to Community Development..... Page 3
2. Approval of Minutes of Previous Minutes
 - a. June 22, 2021, Special Meeting MinutesPage 7
 - b. June 22, 2021, Regular Meeting Minutes Page 9
 - c. July 6, 2021, Special Meeting Minutes Page 13

E. COMMUNICATION AND APPEARANCE REQUESTS

1. Presentation from Palmer Museum and Visitor Information Center Director Sam Dinges

F. REPORTS

1. City Manager's Report
2. Mayor's Report
3. City Attorney's Report

G. AUDIENCE PARTICIPATION

H. PUBLIC HEARINGS

1. **Ordinance No 21-014:** Amending the Zoning Map to Revise the Zoning Designation of Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High DensityPage 15
2. **Resolution No. 21-025:** Accepting and Appropriating an American Rescue Plan Grant offer from the Federal Aviation Administration in an amount of \$32,000.00 by way of the Airport Rescue Plan Act of 2021 for additional assistance to airports during the COVID-19 public health emergency and Authorizing the City Manager to Execute the Grant When Offered.....Page 47

I. EXECUTIVE SESSION

- 1. Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity and Matter which by Law, Municipal Charter, or Ordinances are Required to be Confidential – Potential Litigation Attorney Client Communication: State of Alaska City of Palmer Dispatch Agreement (note: action may be taken by the council following the executive session)

J. NEW BUSINESS

- 1. **Resolution No. 21-026:** A Resolution Stating an Opposition to a Proposed Sales Tax Initiative for Infrastructure Projects Initiated by the Matanuska-Susitna Borough..... Page 79
- 2. **Action Memorandum No. 21-045:** Recommendation to the City Council for the City Clerk Interim Appointment..... Page 83

K. RECORD OF ITEMS PLACED ON THE TABLE

L. AUDIENCE PARTICIPATION

M. COUNCIL COMMENTS

N. ADJOURNMENT

Tentative Future Palmer City Council Meetings

| Meeting Date | Meeting Type | Time | Notes |
|--------------|--------------|------|------------------------|
| Aug 10 | Special | 6 pm | Joint BED |
| Aug 10 | Regular | 7 pm | |
| Aug 24 | Regular | 7 pm | |
| Sep 14 | Regular | 7 pm | |
| Sep 28 | Regular | 7 pm | |
| Oct 11 | Special | 6 pm | Election Certification |
| Oct 12 | Special | 6 pm | Budget |
| Oct 12 | Regular | 7 pm | |
| Oct 26 | Special | 6 pm | Budget |
| Oct 26 | Regular | 7 pm | |

**City of Palmer
Ordinance No. 21-015**

Subject: Amending Palmer Municipal Code Sections 2.45.030(H) and 2.61.020(J) to Move Parks Maintenance to Community Development

Agenda of: July 27, 2021 - Introduction

Council Action: **Adopted** **Amended:** _____
 Defeated

Originator Information:

Originator: John Moosey, City Manager

Department Review:

| Route to: | Department Director: | Signature: | Date: |
|-----------|-----------------------|------------|-------|
| _____ | Community Development | _____ | _____ |
| _____ | Finance | _____ | _____ |
| _____ | Fire | _____ | _____ |
| _____ | Police | _____ | _____ |
| _____ | Public Works | _____ | _____ |

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (√):

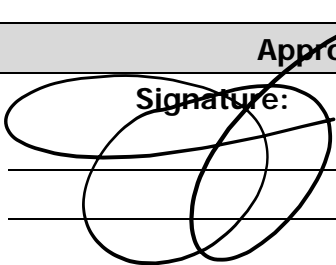
- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Approved for Presentation By:

| | Signature: | Remarks: |
|---------------|-------------------------------------------------------------------------------------|----------|
| City Manager |  | _____ |
| City Attorney | _____ | _____ |
| City Clerk | _____ | _____ |

Attachment(s):

1. Ordinance No. 21-015

Summary Statement/Background:

At the June 22, 2021, meeting City Council passed unanimously Resolution 21-023. This resolution amended the pay plan to change the Arena Manager to the Parks and Facilities Manager. This position will be responsible for the day-to-day operation of the ice arena, manager of parks, trails and facilities and provide staff support to the Parks Recreational Advisory Board. This position will unify the conceptualization, implementation, operation and the maintenance of parks, trails, and facilities, providing the community with a more comprehensive and efficient operation of parks and facilities in Palmer.

Palmer Municipal Code Chapter 2 outlines duties for the departments within the city. This is a housekeeping ordinance to reflect maintenance of parks and facilities to be placed under the authority of the community development department, in effect creating a comprehensive parks and recreational division.

The transfer of park maintenance will occur in the spring of 2022 so not to disrupt current park maintenance operations and to allow the Parks and Facility Manager to focus their efforts on the ice rink start up for 2021-2022.

Administration's Recommendation:

Adopt Ordinance No. 21-015 to amend Palmer Municipal Code to place maintenance of parks under community development.

LEGISLATIVE HISTORY

Introduced by:

Date:

Public Hearing:

Action:

Vote:

Yes:

No:

| | |
|--|--|
| | |
|--|--|

CITY OF PALMER, ALASKA

Ordinance No. 21-015

An Ordinance of the Palmer City Council Amending Palmer Municipal Code Sections 2.45.030(H) and 2.61.020(J) to Move Parks Maintenance to Community Development

WHEREAS, the City Council approved an amendment to the employee pay plan to change the Arena Manager to the Parks and Facility Manager to a level 9; and

WHEREAS, the purpose of the amendment was to create a comprehensive parks department to oversee the Parks Recreational Advisory Board, and to add maintenance under the Parks and Facility Manger; and

WHEREAS, park planning, implementation and maintenance is an important quality of life element of the City of Palmer.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council hereby amends the Palmer Municipal Code Title 2 to reflect the desired organizational changes.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 2.45.030 H is hereby amended to read as follows (new language is underlined and deleted language is stricken):

2.45 Department of Community Development

2.45.030 Duties

H. Development, maintenance and operation of parks and recreational facilities including:

1. MTA Events Center
2. Palmer municipal golf course

Section 4. Palmer Municipal Code Section 2.61.020 is hereby amended to read as follows (new language is underlined and deleted language is stricken):

2.61.020 Duties

The duties of the department of public works shall include supervision and responsibility of:

- A. The city water utility;
- B. The city sewer utility;
- C. Road Maintenance;
- D. Capital facilities;
- E. Utility permits;
- F. Solid waste collection;
- G. Driveway permits;
- H. Maintenance, custodial services, repair, minor construction, renovation and upkeep of all rolling stock and buildings;
- I. Airport maintenance; and
- ~~J. Park maintenance; and~~
- K J. Other duties as assigned by the city manager.

Section 5. Effective Date. Ordinance No. 21-015 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2021.

Edna B. DeVries, Mayor

_____, Acting City Clerk

A. CALL TO ORDER

A special meeting of the Palmer City Council was held on June 22, 2021, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 6:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

| | |
|-----------------------------------------------|---------------------------------------------|
| Edna DeVries, Mayor | Sabrena Combs, Deputy Mayor |
| Julie Berberich | Brian Daniels |
| Richard W. Best (participated telephonically) | Jill Valerius (participated telephonically) |
| Steve Carrington | |

Staff in attendance were the following:

| | |
|------------------------------------------------------------|---------------------------------|
| John Moosey, City Manager | Kimberly Green, Human Resources |
| Norma I. Alley, MMC, City Clerk | Kara Johnson, Deputy City Clerk |
| Michael Gatti, City Attorney (participated telephonically) | |

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

Main Motion: To Approve the Agenda

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Daniels |
| Vote: | Unanimous |
| Action: | Motion Carried |

E. AUDIENCE PARTICIPATION

Mr. Dicky Hudgins spoke against the COVID-19 vaccine.

Ms. Chris Tyree spoke against the COVID-19 vaccine.

Ms. Jackie Goforth spoke against the COVID-19 vaccine.

F. NEW BUSINESS

1. Committee of the Whole for Discussion Regarding City Clerk Recruitment (note: action may be taken following the committee of the whole)

Main Motion: To Enter Into Committee of the Whole

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Berberich |
| Vote: | Unanimous |
| Action: | Motion Carried |

The Council entered into a Committee of the Whole at 6:12 p.m.

Topics addressed in the Committee of the Whole included:

- Incoming City Clerk salary;
- Job posting closing date;
- Advertising;
- The need to hire a recruiter for the position; and
- Relocation reimbursement.

The Mayor adjourned from Committee of the Whole at 6:44 p.m. and reconvened the special meeting.

Upon exiting the Committee of the Whole and reconvened the Special Meeting, the following motions were made:

Main Motion: To Extend the Open Application Date for the City Clerk Position to July 7, 2021 and to Give Human Resources a Budget of \$2,000.00 for Advertising

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Berberich |
| Vote: | Unanimous |
| Action: | Motion Carried |

G. EXECUTIVE SESSION

1. Subjects That Tend to Prejudice the Reputation and Character of Any Person – City Clerk Recruitment (Note: All city clerk candidates may be discussed during the executive session. Personnel action regarding the City Clerk Candidates may be taken following the executive session)

Mayor DeVries stated the Executive Session was not needed at this time.

H. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk Alley reported no Items Placed on the Table (see official meeting packet for items placed on the table).

I. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 6:45 p.m.

Approved this ____ day of _____, 2021.

Kara Johnson, Acting City Clerk

Edna B. DeVries, Mayor

A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on June 22, 2021, at 7:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 7:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

| | |
|-----------------------------------------------|---------------------------------------------|
| Edna DeVries, Mayor | Sabrena Combs, Deputy Mayor |
| Julie Berberich | Brian Daniels |
| Richard W. Best (participated telephonically) | Jill Valerius (participated telephonically) |
| Steve Carrington | |

Staff in attendance were the following:

| | |
|---------------------------------|------------------------------------------------------------|
| John Moosey, City Manager | Michael Gatti, City Attorney (participated telephonically) |
| Norma I. Alley, MMC, City Clerk | Kara Johnson, Deputy City Clerk |

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

Council Member Best joined the meeting at 7:02 p.m.

D. APPROVAL OF AGENDA

1. Consent Agenda
 - a. Introduction and Setting a Public Hearing for July 13, 2021, for **Ordinance No. 21-010:** Amending Palmer Municipal Code Chapter 17.86 Allowing Accessory Dwelling Units in the Commercial Limited and Commercial General Districts and Elimination of Lot Size Requirements Within the Central Business
 - b. Introduction and Setting a Public Hearing for July 13, 2021, for **Ordinance No. 21-011:** Amending Palmer Municipal Code Section 3.16.050 Pertaining to the Removal of Sales Tax Exemptions at the Warren "Bud" Woods Palmer Municipal Airport
 - c. Introduction and Setting a Public Hearing for July 13, 2021, for **Ordinance No. 21-012:** Amending Palmer Municipal Code Chapter 12.08 Pertaining to the Fuel Flowage Fee for the Warren "Bud" Woods Palmer Municipal Airport
 - d. **Resolution No. 21-022:** Appointing Election Officials for the City of Palmer Regular Election on Tuesday, October 5, 2021

Main Motion: To Approve the Agenda and Consent Agenda

| | |
|--------------|-----------------------|
| Moved by: | Combs |
| Seconded by: | Daniels |
| Vote: | 6 Yes/1 Absent (Best) |
| Action: | Motion Carried |

Council Member Best joined the meeting at 7:02 p.m.

E. COMMUNICATIONS AND APPEARANCES REQUEST

- 1. Presentation of a Proclamation to Palmer High School Baseball Team in Recognition of Wining the State Championship

Mayor DeVries presented a proclamation to Palmer High School Baseball Team in recognition of winning the State Championship. Coach Dave Combs accepted the proclamation on behalf of the team.

- 2. Presentation from Scottish Highland Games Coordinator Jeni McDaniel Regarding the Scottish Highland Games

Ms. Jeni McDaniel highlighted Scottish Highland Games events, which are to be held on June 26 - 27, 2021, at the Alaska State Fairgrounds and presented the Council with a flyer of the event.

F. REPORTS

- 1. City Manager’s Report

City Manager Moosey reported on upcoming events, upcoming legislation, and state COVID-19 funding for the community.

- 2. City Clerk’s Report
a. Accept City Clerk Resignation

City Clerk Alley reported regarding the city of Palmer’s Service, special meeting scheduled for July 6, and the appeal process of variances and applicants.

Main Motion: To Accept City Clerk Alley’s Resignation with Many Regrets and Thanks

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Best |
| Vote: | Unanimous |
| Action: | Motion Carried |

- 3. Mayor’s Report
a. Palmer Pride Awards Nominations

Mayor DeVries spoke on the cancelation of the 40th Anniversary of Sister City, Soroma, Japan.

Council Member Best left the meeting at 7:46 p.m.

- 4. City Attorney’s Report

None.

Council Member Best joined the meeting at 7:49 p.m.

G. AUDIENCE PARTICIPATION

Mr. Ron Huskstep spoke against the legality of city-wide bingles currency.

Ms. Chris Tyree spoke against the COVID-19 vaccine.

Mr. Erik Anderson spoke on the process of requesting city variances.

Ms. Cindy Hudgins spoke on the conflict of city event planning in downtown on July 17.

Mr. Mike Chmielewski spoke on the passing Fire Chief Contini and his contributions to the community.

Ms. Jackie Goforth spoke on the effects of COVID-19.

H. UNFINISHED BUSINESS

1. **Ordinance No. 21-008:** Amending Palmer Municipal Code Chapter 8.20 Regarding Garbage Collection and Disposal (Pending Motion)

Primary Amendment #1: To Approve the Amendments Proposed by City Attorney Gatti

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Best |
| Vote: | Unanimous |
| Action: | Motion Carried |

Vote on Motion: To Approve Ordinance No. 21-008 as Amended

| | |
|---------|----------------|
| Vote: | Unanimous |
| Action: | Motion Carried |

I. NEW BUSINESS

1. **Resolution No. 21-023:** Amending the 2021 City of Palmer Employee Pay Plan

Main Motion: To Approve Resolution No. 21-023

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Valerius |
| Vote: | Unanimous |
| Action: | Motion Carried |

2. **Action Memorandum No. 21-039:** Directing the City Manager to Notify the State of Alaska of the City Council's Statement of Non-Objection for the Renewal of Liquor License No. 3767 for the HumDingers Gourmet Pizza Located at 173 S. Valley Way

Main Motion: To Approve Action Memorandum No. 21-039

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Valerius |
| Vote: | Unanimous |
| Action: | Motion Carried |

3. **Action Memorandum No. 21-040:** Directing the City Manager to Notify the State of Alaska of the City Council's Statement of Non-Objection for the Renewal of Liquor License No. 5854 for the Bleeding Heart Brewery Located at 562 S. Denali Street

Main Motion: To Approve Action Memorandum No. 21-040

| | |
|--------------|----------------|
| Moved by: | Carrington |
| Seconded by: | Berberich |
| Vote: | Unanimous |
| Action: | Motion Carried |

J. EXECUTIVE SESSION

1. Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity and Matter which by Law, Municipal Charter, or Ordinances are Required to be Confidential – Potential Litigation Attorney Client Communication: State of Alaska City of Palmer

Dispatch Agreement (note: action may be taken by the council following the executive session)

City Manager Moosey stated Executive Session was not needed at this time.

K. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk Alley reported written testimony from Mr. Erik Anderson and proposed amendments to Ordinance No. 21-008 were Items Placed on the Table (see official meeting packet for items placed on the table).

L. AUDIENCE PARTICIPATION

Mr. Erik Anderson spoke on the effects ATV riding within city limits.

Mr. Mike Chmielewski spoke on the effects ATV riding within city limits.

M. COUNCIL COMMENTS

No direction given to staff for legislation to placed on a future agenda.

N. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 8:24 p.m.

Approved this ____ day of _____, 2021.

_____, City Clerk

Edna B. DeVries, Mayor

A. CALL TO ORDER

A special meeting of the Palmer City Council was held on July 6, 2021, at 6:00 p.m. in the Council Chambers, Palmer, Alaska. Mayor DeVries called the meeting to order at 6:00 p.m.

B. ROLL CALL

Comprising a quorum of the Council, the following were present:

Edna DeVries, Mayor
Julie Berberich
Richard W. Best
Steve Carrington

Sabrena Combs, Deputy Mayor
Brian Daniels
Jill Valerius

Staff in attendance were the following:

John Moosey, City Manager
Norma I. Alley, MMC, City Clerk

Michael Gatti, City Attorney (participated telephonically)

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

Main Motion: To Approve the Agenda

| | |
|--------------|----------|
| Moved by: | Combs |
| Seconded by: | Valerius |

Primary Amendment #1: To Add a City Manager Report Between Item F. and Item G.

| | |
|--------------|----------------|
| Moved by: | DeVries |
| Seconded by: | Combs |
| Vote: | Unanimous |
| Action: | Motion Carried |

Vote on Main Motion: To Approve the Agenda, as Amended

| | |
|---------|----------------|
| Vote: | Unanimous |
| Action: | Motion Carried |

E. NEW BUSINESS

1. **Resolution No. 21-024:** Accepting the Coronavirus State and Local Fiscal Recovery Funds Award to Non-Entitlement Units of Local Governments (NEUs) from the Alaska Department of Commerce, Community and Economic Development

Main Motion: To Approve Resolution No. 21-024

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Berberich |
| Vote: | Unanimous |
| Action: | Motion Carried |

2. **Action Memorandum No. 21-041:** Authorizing the City Manager to Negotiate and Execute a Contract with Roger Hickel Contracting for General Construction of Two Secondary Clarifiers and Associated Equipment as Part of Phase II of Required Facilities Upgrades at the Palmer, Wastewater Treatment Plant, in an Amount Not to Exceed \$7,196,000.00

Main Motion: To Approve Action Memorandum No. 21-041

| | |
|--------------|----------------|
| Moved by: | Combs |
| Seconded by: | Berberich |
| Vote: | Unanimous |
| Action: | Motion Carried |

F. AUDIENCE PARTICIPATION

Mr. Erik Anderson testified regarding the Cedar Park variance approval process stating it was flawed and protocols were not followed per Palmer Municipal Code Section 13.16.040 and end of Palmer Municipal Code Title 16. He stated he was conceding to appealing and expressed to the disapproval of the process followed. He expressed concern for Action Memorandum No. 21-041 and the approval of the contract.

Ms. Jaqueline Goforth testified regarding the USPS mail process regarding the ballot mail out process.

G. CITY MANAGER REPORT

City Manager John Moosey reported the deadline for applying is July 7, eight applications had been received to date, two out of state applicants had clerk experience, estimated timing for the next person to start would be September, and the city needed to hire someone to assist with the election.

H. RECORD OF ITEMS PLACED ON THE TABLE

None.

I. ADJOURNMENT

With no further business before the Council, the meeting adjourned at 6:19 p.m.

Approved this ____ day of _____, 2021.

_____, City Clerk

Edna B. DeVries, Mayor

**City of Palmer
Ordinance No. 21-014**

Subject: Amending the Zoning Map to Revise the Zoning Designation of Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High Density Residential


Agenda of: July 13, 2021 - Introduction

Council Action: **Adopted** **Amended:** _____
 Defeated

Originator Information:

Originator: Brad Hanson, Community Development Director

Department Review:

| Route to: | Department Director: | Signature: | Date: |
|--------------|-----------------------|------------------------------------------------------------------------------------|----------------------|
| <u> ✓ </u> | Community Development |  | <u>June 22, 2021</u> |
| _____ | Finance | _____ | _____ |
| _____ | Fire | _____ | _____ |
| _____ | Police | _____ | _____ |
| _____ | Public Works | _____ | _____ |

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____



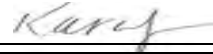
- This legislation (✓):
- Creates revenue in the amount of: \$ _____
 - Creates expenditure in the amount of: \$ _____
 - Creates a saving in the amount of: \$ _____
 - Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Approved for Presentation By:

| | Signature: | Remarks: |
|---------------|-------------------------------------------------------------------------------------------------------|----------|
| City Manager |  | _____ |
| City Attorney |  | _____ |
| City Clerk |  Acting City Clerk | _____ |

Attachment(s):

1. Ordinance No. 21-014
2. Planning and Zoning Commission Resolution No. 21-004 with Findings of Facts
3. Planning and Zoning Commission Minutes for June 17, 2021 (Draft Copy)
4. Staff Report
5. Public Notice and Vicinity Map for Council Public Hearing of July 13, 2021
6. Zoning Map Amendment Application
7. Public Comments Received for City Council Public Hearing

Summary Statement/Background:

On June 1, 2021, Martin Moffat, The Alaska Life LLC initiated a zoning map amendment to re-zone Lot 200, Block 1, Felton Add Subdivision, from R-3 to R-4. The property was a legal nonconforming structure/use and had three structures containing a total of 11 dwelling units. Structures one and two (MSB building information) were added to the lot in 2002 and contained a four-plex and a tri-plex. The original building was known as 'The Felton House' and was built in 1939. The structure contained 4 units but was torn down by the owner due to its age and the necessary modifications needed to make the building safe and habitable.

The current zoning designation of R-3 for this lot permits only medium density residential uses up to eight units. An R-4, High Density Residential district would allow for more than eight dwelling units on individual lots, limited by the lot size. The owners are requesting a zone change to allow additional dwelling units to be built on the property, in order to conform to current Palmer Municipal Code.

Ordinance No. 21-014 will re-zone Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High Density Residential allowing additional dwelling units on the property.

Administration's Recommendation:

Adopt Ordinance No. 21-014

LEGISLATIVE HISTORY

Introduced by: City Manager

Date: July 13, 2021

Public Hearing:

Action:

Vote:

Yes:

No:

| | |
|--|--|
| | |
|--|--|

CITY OF PALMER, ALASKA

Ordinance No. 21-014

An Ordinance of the Palmer City Council Enacting the Zoning Map to Revise the Zoning Designation of Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High Density Residential

WHEREAS, Martin Moffat, The Alaska Life LLC initiated a zoning map amendment application received on June 1, 2021 to re-zone Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High Density Residential; and

WHEREAS, the Commission duly gave required notices, held its required public hearing on June 17, 2021, made a written report of its decision as to such need, justification and effect of the change of zoning in Commission Resolution 21-004, and voted 6 in favor and 0 opposed to recommend that such amendment to the zoning map be approved; and

WHEREAS, the Planning and Zoning Commission (Commission) adopted findings of fact in Resolution No. 21-004 as to the need, justification and effect to the zoning map amendment on June 17, 2021; and

WHEREAS, the City Council duly gave required notices, held its required public hearing on this date, and has duly considered the request to re-zone the property from R-3, Medium Density Residential to R-4, High Density Residential, all evidence and testimony presented including any comments of the persons attending the public hearing, the findings of fact set forth in Planning and Zoning Commission Resolution No. 21-004, and the recommendation of the Commission.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

Section 3. The City of Palmer Zoning Districts Map dated November 2017 is hereby amended to revise the zoning designation of Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High Density Residential

Section 4. Effective Date. Ordinance No. 21-014 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this _____ day of _____, 2021.

Edna B. DeVries, Mayor

_____, Acting City Clerk

PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 21-004

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION RECOMMENDING CITY COUNCIL APPROVE A ZONING MAP AMENDMENT FOR LOT 200, BLOCK 1, FELTON SUBDIVISION TO BE REZONED FROM R-3, MEDIUM DENSITY RESIDENTIAL TO R-4, HIGH DENSITY RESIDENTIAL, LOCATED WITHIN SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA

WHEREAS, Kyle & Nicole Moffat, Martin & Nikki Moffatt, The Alaska Life LLC, have initiated a zoning map amendment application to change the zoning designation for Lot 200, Block 1, Felton Add subdivision from R-3, Medium Density Residential to R-4, High Density Residential; and

WHEREAS, a request for a zoning map amendment must be reviewed by the Planning and Zoning Commission and a recommendation reflecting the findings of the Commission must be forwarded to the City Council; and

WHEREAS, on June 1, 2021 162 public hearing notices were mailed to property owners within 1,200' of the site in accordance with 17.80.030. Notification of the public hearing was published in the Frontiersman on June 11, 2021. A total of 2 written comments were received in response, with 0 in favor of, 0 opposed and 2 no objections; and

WHEREAS, Goal 1 of Chapter 6, Land Use, from the Palmer Comprehensive Plan promotes growth guided to make Palmer an increasingly attractive place to live, work, invest and visit; and

WHEREAS, Goal 5 encourages the development of high quality buildings that reflects Palmer's historical character; and

WHEREAS, Goal 6 of Chapter 6 supports improvements to the downtown area to help insure Palmer's traditional downtown is lively, attractive, and inviting for residents and visitors;

The following facts support a finding that this zone change is in accordance with the Zoning Code, Title 17, and the Comprehensive Plan:

Fact 1:

- a) The proposed change would support the objectives and goals of the City's Comprehensive Plan by encouraging attractive development that will improve the neighborhood and increase the availability of higher density housing near downtown.
- b) This new building will reflect Palmer's character and historical setting with high quality architecture while maintaining the traditional appeal of Palmer.
- c) The proposed change will provide more accommodations in the downtown area as well as encourage spending for visitors and tourists.

Fact 2:

- a) The property for the proposed rezone is contiguous to R-3 zoning on the East side, CL Commercial Limited on the West side as well as CG Commercial General to the North and South lines of the lot.
- b) Among the other comparable land use in the subject area are residential neighborhoods as well as other small businesses such as retail and gift shops. Many restaurants and dining establishments are within walking distance from the property, convenient for visitors of Palmer while staying at this location.
- c) PMC 17.27.060 establishes a minimum lot size for dwelling units, that would make the development compatible with surrounding properties.

Fact 3:

- a) This property is a triple frontage lot and has access on Dogwood, South Colony Way and South Bonanza, allowing adequate flow of traffic along with incoming and outgoing visitors.
- b) Utilities are available to serve the proposed use of property as High Density Residential, current water and sewer are set in place and will support the proposed structure.
- c) The proposed change is from R-3, Medium Density Residential to R-4, High Density Residential; there would be little to no impact on public schools since the proposed change would be for short term lodging. The nearest public school is .7 miles from the property.

Fact 4:

- a) The changed conditions affecting the subject parcel will be the reconstruction of a previous structure that has recently been removed. The continued development of the surrounding housing units supports the proposed change to R-4.
- b) The surrounding zoning districts consist of R-3, Commercial General and Commercial Limited, and have had no recent significant condition changes to the area. The recent amendments to the Central Business District allows for flexibility for downtown parking as well as opportunities for economic development and more compatible use of land.

Fact 5:

- a) The proposed change does not grant the owner any special privilege as the property in question is contiguous to existing residential zoning and commercial development.
- b) The proposed change is consistent with the public welfare by continuing to permit the current use of this property to be developed for commercial activity for the benefit of Palmer residents and visitors.

NOW, THEREFORE, BE IT RESOLVED that the Palmer Planning and Zoning Commission does hereby recommend the City Council approve the Zoning Map Amendment for Lot 200, Block 1, Felton Add subdivision from R-3, Medium Density Residential to R-4, High Density Residential.

Passed by the Planning and Zoning Commission of the City of Palmer, Alaska, this 17th day of June, 2021.

Casey Peterson, Chairman

Nichole Degner
Planning & Code Compliance Technician

A. CALL TO ORDER:

The regular meeting of the Planning and Zoning Commission was called to order by Chair Peterson at 7:00 p.m.

B. ROLL CALL:

Constituting a quorum, present in person were Commissioners:

Casey Peterson, Chair
Josh Tudor, Vice Chair
Linda Combs
Lisbeth Jackson
Pamela Melin
Sabrina Shelton

Absence(s) excused without objection:

Kristy Thom Bernier

Also present were:

Brad Hanson, Community Development Director
Nichole Degner, Community Development Specialist
Pam Whitehead, Recording Secretary (via teleconference)

C. PLEDGE OF ALLEGIANCE: The Pledge was performed.

D. APPROVAL OF AGENDA:

The agenda was approved as presented by all members present.

[Shelton, Melin, Jackson, Combs, Tudor, Peterson: *Absent*: Thom Bernier]

E. MINUTES OF PREVIOUS MEETINGS:

1. The minutes of the **May 20, 2021 Regular Meeting** were unanimously approved as presented by all members present.

[Shelton, Melin, Jackson, Combs, Tudor, Peterson: *Absent*: Thom Bernier]

F. REPORTS: None.

G. AUDIENCE PARTICIPATION: None.

H. PUBLIC HEARINGS:

1. **Resolution No. 21-004:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Lot 200, Block 1, Felton Addition Subdivision to be Rezoned from R-3, Medium Density Residential to R-4, High Density Residential, Located within Section 33, Township 18 North, Range 2 East, Seward Meridian, Alaska.

Chair Peterson inquired if there were any *ex parte* communications related to Resolution 21-004. None were disclosed.

Staff Report: Director Hanson reported general and background information on the requested rezone, including site information, parcel size, existing zoning, surrounding land uses, particular considerations, code requirements, and findings of fact. Public notice and publishing requirements pursuant to code have been met. A total of 2 written comments were received – 0 in favor, 0 opposed, 2 no objection. The applicants are: Kyle & Nicole Moffat, Martin & Nikki Moffat, The Alaska Life LLC.

Findings of Fact: Pursuant to PMC 17.80.036.C, the Commission shall give consideration as to what effect the proposed change would have on public health, safety, welfare and convenience, and or a map amendment show whether:

Fact 1: The proposed change is in accordance with the borough and city Comprehensive plans.

Staff Finding:

- Goal 1 of Chapter 6, Land Use, from the Palmer Comprehensive Plan promotes growth guided to make Palmer an increasingly attractive place to live, work, invest and visit.
- Goal 5 encourages the development of high-quality buildings that reflect Palmer’s historical character.
- Goal 6 of Chapter 6 supports improvements to the downtown area to help ensure Palmer’s traditional downtown in lively, attractive and inviting for residents and visitors.

Staff finds the following facts in support:

- a) The proposed change would support the goals and objectives of the City’s Comprehensive Plan by encouraging attractive development that will improve the neighborhood and increase the availability of higher density housing near downtown.
- b) This new building will reflect Palmer’s character and historical setting with high quality architecture while maintain the traditional appeal of Palmer.
- c) The proposed change will provide more accommodations in the downtown area as will as encourage spending for visitors and tourists.

Fact 2: The proposed change is compatible with surrounding zoning districts and established land use pattern.

Staff Finding:

- a) The property for the proposed rezone is contiguous to R-3 zoning on the East side, CL Commercial Limited on the West side as well as CG Commercial General to the North and South lines of the lot.
- b) Among the other comparable land use in the subject area are residential neighborhoods as well as other small businesses such as retail and gift shops. Many restaurants and dining establishments are within walking distance from the property, convenient for visitors of Palmer while staying at this location.
- c) PMC 17.27.060 establishes a minimum lot size for dwelling units, that would make the development compatible with surrounding properties.

Fact 3: Public facilities such as schools, utilities and streets are adequate to support the proposed change.

Staff Finding:

- a) This property is a triple frontage lot and has access on Dogwood, South Colony Way and South Bonanza, allowing adequate flow of traffic along with incoming and outgoing visitors.
- b) Utilities are available to serve the proposed use of property as High Density Residential, current water and sewer are set in place and will support the proposed structure.
- c) The proposed change is from R-3, Medium Density Residential to R-4, High Density Residential; there

would be little to no impact on public schools since the proposed change would be for short term lodging. The nearest public school is .7 miles from the property.

Fact 4: Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change.

Staff Finding:

- a) The changed conditions affecting the subject parcel will be the reconstruction of a previous structure that has recently been removed. The continued development of the surrounding housing units supports the proposed change to R-4.
- b) The surrounding zoning districts consist of R-3, Commercial General and Commercial Limited, and have had no recent significant condition changes to the area. The recent amendments to the Central Business District allows for flexibility for downtown parking as well as opportunities for economic development and more compatible use of land.

Fact 5: The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).

Staff Finding:

- a) The proposed change does not grant the owner any special privilege as the property in question is contiguous to existing residential zoning and commercial development.
- b) The proposed change is consistent with the public welfare by continuing to permit the current use of this property to be developed for commercial activity for the benefit of Palmer residents and visitors.

Staff Recommendation: (Resolution 21-004)

Based on the information provided, staff recommends approval of the requested rezone. Staff also finds the requested rezone to be in conformance with the Palmer Comprehensive Plan. If, following the Public Hearing, the Commission finds the applicant's proposal conforms to the Palmer Comprehensive Plan and Zoning Code provisions, then staff recommends that the Commission approve the rezone request and forward to the City Council with a recommendation for approval.

Public Hearing: (Resolution 21-004)

Chair Peterson opened the hearing for public testimony at 7:15 p.m.

Applicants' Presentation:

Martin Moffat, on behalf of the Moffat family and Alaska Life, LLC

- Testified in support of the rezoning request;
- Spoke to the history of the property (previously referred to as "The Felton House" or "Palmer House") and described the renovations that have taken place since they purchased the property in 2018 to bring it up to code and still preserve some of its historical nature.

There being no others coming forward to speak, Chair Peterson closed the hearing for public testimony at 7:17 p.m.

The Commission reviewed and unanimously approved Findings of Fact 1-5 as proposed by staff in support of Resolution 21-004 by roll call vote of the commissioners present.

Chair Peterson called for the motion:

Main Motion: For approval of Resolution No. 21-004, recommending City Council approve a Zoning Map Amendment for Lot 200, Block 1, Felton Addition Subdivision to be Rezoned from R-3, Medium Density Residential to R-4, High Density Residential, to include adoption of Findings of Fact 1-5 as stated by staff in support of Resolution 21-004 and as reviewed by the Commission.

| | |
|--------------|------------------------------------------|
| Moved by: | Combs |
| Seconded by: | Tudor |
| Vote: | Unanimous (<i>Absent:</i> Thom Bernier) |
| Action: | Motion Carried. |

Chair Peterson called a short recess at 7:25 p.m.; meeting resumed at 7:27 p.m.

I. UNFINISHED BUSINESS:

1. Committee of the Whole: Discussion of IM 21-016 regarding Palmer Municipal Code Chapter 17.59 T Transitional District (note: action may be taken by the Commission following the committee of the whole)

Main Motion: To enter Committee of the Whole for open and ease of discussion regarding IM 21-016.

| | |
|--------------|------------------------------------------|
| Moved by: | Shelton |
| Seconded by: | Combs |
| Vote: | Unanimous (<i>Absent:</i> Thom Bernier) |
| Action: | Motion Carried. |

[The Commission entered Committee of the Whole at 7:28 p.m.; exited at 9:03 p.m.]

Director Hanson provided an update from the previous meeting noting the City Council at its June 8 meeting directed staff to prepare a proposed plan for the preparation of an annexation petition. P&Z will play a large role in assisting staff in preparation of the plan by analyzing the study areas, review of land use maps for continuity of land uses, consider any Title 17 policy considerations, land use text amendments, setback considerations, and determine whether there are certain parts of annexed areas where land use regulations may not apply.

Committee of the Whole discussion included:

- Review and open discussion of the study area maps and the purpose of the T zone as it relates to annexation;
- Review of the T Transitional District language and commissioner suggestions for revisions;
- Discussion regarding permitted, prohibited, and conditional uses;
- Director Hanson will do further research and revise pursuant to the suggestions.

[The Commission exited Committee of the Whole at 9:03 p.m.]

J. NEW BUSINESS:

1. Committee of the Whole: Discussion of IM 21-018 regarding Palmer Municipal Code Chapter 17.60 General District Regulations (note: action may be taken by the Commission following the committee of the whole)

Main Motion: To enter Committee of the Whole for open and ease of discussion regarding IM 21-018.

| | |
|--------------|-------------------------------------------|
| Moved by: | Jackson |
| Seconded by: | Combs |
| Vote: | Unanimous (<i>Absent</i> : Thom Bernier) |
| Action: | Motion Carried |

[The Commission entered Committee of the Whole at 9:04 p.m.; exited at 9:39 p.m.]

Director Hanson reported this is further review of Title 17, explaining the General District Regulations are part of the code that applies to all zoning districts, generally. The Commission is to review PMC 17.60 General Regulations and provide comments where necessary should further action be requested.

Committee of the Whole discussion included:

- Review and open discussion of PMC 17.60 General District Regulations for suggestions on revisions;
- Suggestion for clarification purposes to include Definitions of all terms used in the different zones districts.
- Suggestion to clarify 17.60.050, Projections into required yards, paragraph F. regarding enclosed porch or arctic entry;
- Suggestion to clarify 17.60.070, Fences and walls, paragraph A.

[The Commission exited Committee of the Whole at 9:39 p.m.]

K. PLAT REVIEWS: None.

L. PUBLIC COMMENTS: None.

M. COMMISSIONER COMMENTS:

Commissioner Shelton advised she will be out of state for the next meeting.

Chair Peterson thanked Director Hanson and his staff for all the help answering questions and concerns.

Director Hanson emphasized if any of the Commission has questions or concerns to not hesitate to call and let staff know, that it will facilitate getting to a faster end result.

N. ADJOURNMENT:

There being no further business, the meeting adjourned without objection at 9:40 p.m.

APPROVED by the Planning and Zoning Commission this 15th day of July, 2021.

Casey Peterson, Chair

Brad Hanson, Community Development Director



Community Development Zone Change Application Staff Report to Commission

PART I. GENERAL INFORMATION

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--|
| Location: | Lot 200, Block 1, Felton Addition Subdivision | |
| Site Address: | 380 South Colony Way, Palmer Alaska 99645 | |
| Request: | To re-zone the Lot from R-3, Medium Density Residential to R-4, High Density Residential District | |
| Applicant(s) & Owner: | Kyle & Nicole Moffat, Martin & Nikki Moffat, The Alaska Life LLC | |
| Public Hearing Date: | June 17, 2021 | |
| Notification Requirements: | In accordance with 17.80.030 | |
| On June 1, 2021, 162 public hearing notices were mailed to property owners within 1,200' of the site. Notification of the public hearing was published in the Frontiersman on June 11, 2021. A total of 2 written comments were received in response, with 0 in favor of, 0 opposed and 2 with no objection. | | |

PART II. BACKGROUND

Site Information:

Lot 200, Block 1, Felton Addition Subdivision is a triple frontage lot that has access from Dogwood, South Colony Way and South Bonanza. The Lot is located between Lot 100, Felton Add, which is zoned R-3, Medium Density Residential and Tract 1-A, Block 1, ARRC #1, which is zoned CL, Commercial Limited.

The structure recently removed from the lot was previously known as 'The Felton House' and was originally built in 1939. Due to the age of the building and the modifications necessary to make the building safe and habitable, the building was demolished in hopes of recreating a replica of the previous historical building.

In 2002 two additional buildings were added to the lot. They included a 4-plex and a tri-plex, which were legal in an R-2 district at the time.

In 2005 Lots 100 and 200 of Block 1 were rezoned from R-2, Low Density Residential to R-3, Medium Density Residential. The rezone in 2005 was initiated by the City of Palmer. It was a result of the enactment of R-3 and R-4 zoning districts to title 17 and affected the entire city. At the time of the rezone, it would have been considered a legal nonconforming structure/use because of the total of 11 dwellings units on the lot.

Parcel Size:

Lot size is 0.65 acres, 28,314 square feet.

Existing Zoning:

R-3, Medium Density Residential

Surrounding Land Uses:

| | Zoning | Land use for surrounding areas |
|-------|---------------|----------------------------------------------------|
| North | R-3 | Medium density residential |
| East | R-3 | Single family |
| South | CG | Family First Treasures, thrift & consignment store |
| West | CL | Small businesses, insurance, and law offices |



Considerations:

The intent of the **R-3**, Medium Density Residential District is to establish residential areas with a combination of multiple-family structures consisting of eight or fewer dwelling units, and single-family residences with a medium population density. The intent of the **R-4**, High Density Residential District is for residential areas with a combination of multiple-family structures and single-family residences with a high population density.

- The property is currently considered a legal non-conforming structure and use because of 11 dwelling units in an R-3 zoning district.
- The structure previously known as 'The Felton House' was recently demolished by the owner.
- The petitioner's intention is to rebuild the structure in compliance to current code requirements, while preserving the familiar historical charm of the development.
- Total allowable dwelling units in an R-4 is 10 because of the lot size requirements in 17.27.060.

Code Requirements:

In the R-4 High Density Residential District, the required minimum lot width is 60 feet and the required minimum lot area is 8,400 square feet. The total square footage of the proposed rezone property is 28,314 square feet.

PART III. FINDINGS OF FACT

(PMC 17.80.036.C) The report of the Commission shall give consideration as to what effect the proposed change would have on public health, safety, welfare and convenience, and for a map amendment show whether:

Fact 1) *The proposed change is in accordance with the borough and city comprehensive plans;*

Applicant's response:

The reconstruction of this building would be mutually beneficial for the applicant and the City of Palmer due to the fact that it satisfies the summary of goals found in Chapter 6 of the City of Palmer's comprehensive plan. The plans for this building and the remaining two buildings, on top of the efforts already done, would make Palmer an increasingly attractive place to live, work, invest and visit. This building would help maintain high quality residential neighborhoods and also promote development of new commercial endeavors through the means of erecting an extremely high quality building, along with continued rehabilitation of the other buildings which house the 11 doors on the property.

Staff finding:

- Goal 1 of Chapter 6, Land Use, from the Palmer Comprehensive Plan promotes growth guided to make Palmer an increasingly attractive place to live, work, invest and visit.
- Goal 5 encourages the development of high-quality buildings that reflects Palmer's historical character.
- Goal 6 of Chapter 6 supports improvements to the downtown area to help ensure Palmer's traditional downtown is lively, attractive, and inviting for residents and visitors.

Staff finds the following facts in support:

- a) The proposed change would support the goals and objectives of the City's Comprehensive Plan by encouraging attractive development that will improve the neighborhood and increase the availability of higher density housing near downtown.
- b) This new building will reflect Palmer's character and historical setting with high quality architecture while maintaining the traditional appeal of Palmer.
- c) The proposed change will provide more accommodations in the downtown area as well as encourage spending for visitors and tourists.

Fact 2) *The proposed change is compatible with surrounding zoning districts and the established land use pattern;*

Applicant's response:

Since the property in question has had 11 doors on it for two decades, it is safe to say that there would be more change to not have the 11 doors and also not have a building in place that is largely the same size/structure/shape that has been there since 1935. The proposed change will, in essence, allow no change to the property because we are simply rebuilding what was once there.

Staff finding:

- a) The property for the proposed rezone is contiguous to R-3 zoning on the East side, CL Commercial Limited on the West side as well as CG Commercial General to the North and South lines of the lot.
- b) Among the other comparable land use in the subject area are residential neighborhoods as well as other small businesses such as retail and gift shops. Many restaurants and dining establishments are within walking distance from the property, convenient for visitors of Palmer while staying at this location.
- c) PMC 17.27.060 establishes a minimum lot size for dwelling units, that would make the development compatible with surrounding properties.

Fact 3) *Public facilities such as schools, utilities and streets are adequate to support the proposed change;*

Applicant's response:

Yes, since the previous question states that there are no real changes to the property should this building be erected, no change of utilities, schools, streets or otherwise would be effected.

Staff finding:

- a) This property is a triple frontage lot and has access on Dogwood, South Colony Way and South Bonanza, allowing adequate flow of traffic along with incoming and outgoing visitors.
- b) Utilities are available to serve the proposed use of property as High Density Residential, current water and sewer are set in place and will support the proposed structure.
- c) The proposed change is from R-3, Medium Density Residential to R-4, High Density Residential; there would be little to no impact on public schools since the proposed change would be for short term lodging. The nearest public school is .7 miles from the property.

Fact 4) *Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change;*

Applicant's response:

Yes. As already stated, this property has already been functioning in this area and the surrounding neighborhood for nearly two decades.

Staff finds:

- a) The changed conditions affecting the subject parcel will be the reconstruction of a previous structure that has recently been removed. The continued development of the surrounding housing units supports the proposed change to R-4.
- b) The surrounding zoning districts consist of R-3, Commercial General and Commercial Limited, and have had no recent significant condition changes to the area. The recent amendments to the Central Business District allows for flexibility for downtown parking as well as opportunities for economic development and more compatible use of land.

Fact 5) The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).

Applicant's response:

The proposed change was extremely welcome to the public as we have communicated to the Palmer residents via social media that we are recreating the Felton House with something like-in-kind that will be new, modern, and safe.

The residents gave a tremendous outpouring of positive encouragement and comments in light of the historic building being removed. Along with dozens of residents, several of the City Council members thanked us on social media or liked the fact that we are continuing to beautify the downtown area and invest heavily in Palmer.

This change, though it will not be a change to anyone but the people who know the code for Palmer, will not grant the owners special privilege other than allowing us to rebuild what was already on this property and what is known to the public as a historical part of our town.

I'll also add that a constantly reoccurring theme in our reviews from our guests at Colony Suites is the proximity of our property to walk to shops and restaurants in the downtown Palmer area. Just a glance at the first 15 reviews of the 205 reviews we have on Airbnb clearly indicates that our property attracts visitors to the business district of Palmer.

<https://www.airbnb.com/preformance/quality/overall/reviews>

Staff finds:

- a) The proposed change does not grant the owner any special privilege as the property in question is contiguous to existing residential zoning and commercial development.
- b) The proposed change is consistent with the public welfare by continuing to permit the current use of this property to be developed for commercial activity for the benefit of Palmer residents and visitors.

PART III. STAFF RECOMMENDATION

Based on the information provided by the applicant and comments received from the public, staff recommends approval of the requested rezone. Staff also finds the request to rezone Lot 200, Block 1, Felton Addition from R-3, Medium Density Residential to R-4, High Density Residential, is consistent with, and in conformance with the Palmer Comprehensive Plan.

If following the Public Hearing, Commission finds that the applicant's proposal conforms to the Palmer Comprehensive Plan and Zoning Code provisions, then staff recommends that the Commission approve this request for rezoning Lot 200, Block 1, Felton Addition subdivision from R-3, Medium Density Residential to R-4 High Density Residential and forward a recommendation for approval to the City Council.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Brad Hanson
Director

Dusten Voehl
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Fax: 907-745-5443
www.palmerak.org

June 1, 2021

Dear Property Owner:

The Palmer Planning and Zoning Commission will consider a Zoning Map Amendment Application for Lot 200, Block 1, Felton Add Subdivision, initiated by Kyle & Nicole Moffat, Martin & Nikki Moffat, The Alaska Life LLC. The property is located at 380 South Colony Way, Palmer, Alaska.

The property is zoned R-3, Medium Density Residential. The request is to rezone the property to R-4, High Density Residential District. The map on the reverse side of this notice indicates the location of the subject property. For additional information on the R-4 District, please refer to Palmer Municipal Code Chapter 17.27 - R-4 High Density Residential District, located online at: www.palmerak.org.

The Commission will hold a Public Hearing to consider this application and to allow for public comments as well. The meeting will be held on June 17, 2021 at 7:00 p.m., in the City Council Chambers located at 231 West Evergreen Avenue, Palmer, Alaska.

If you wish to comment on this issue, you may do so by attending the public hearing or by providing written comments to the Planning and Zoning Commission by **June 9, 2021**. Written comments may be mailed to Department of Community Development, 645 E. Cope Industrial Way, Palmer, Alaska, faxed to (907) 745-5443 or emailed to me at: ndegner@palmerak.org.

Sincerely,

Nichole Degner, Community Development Specialist

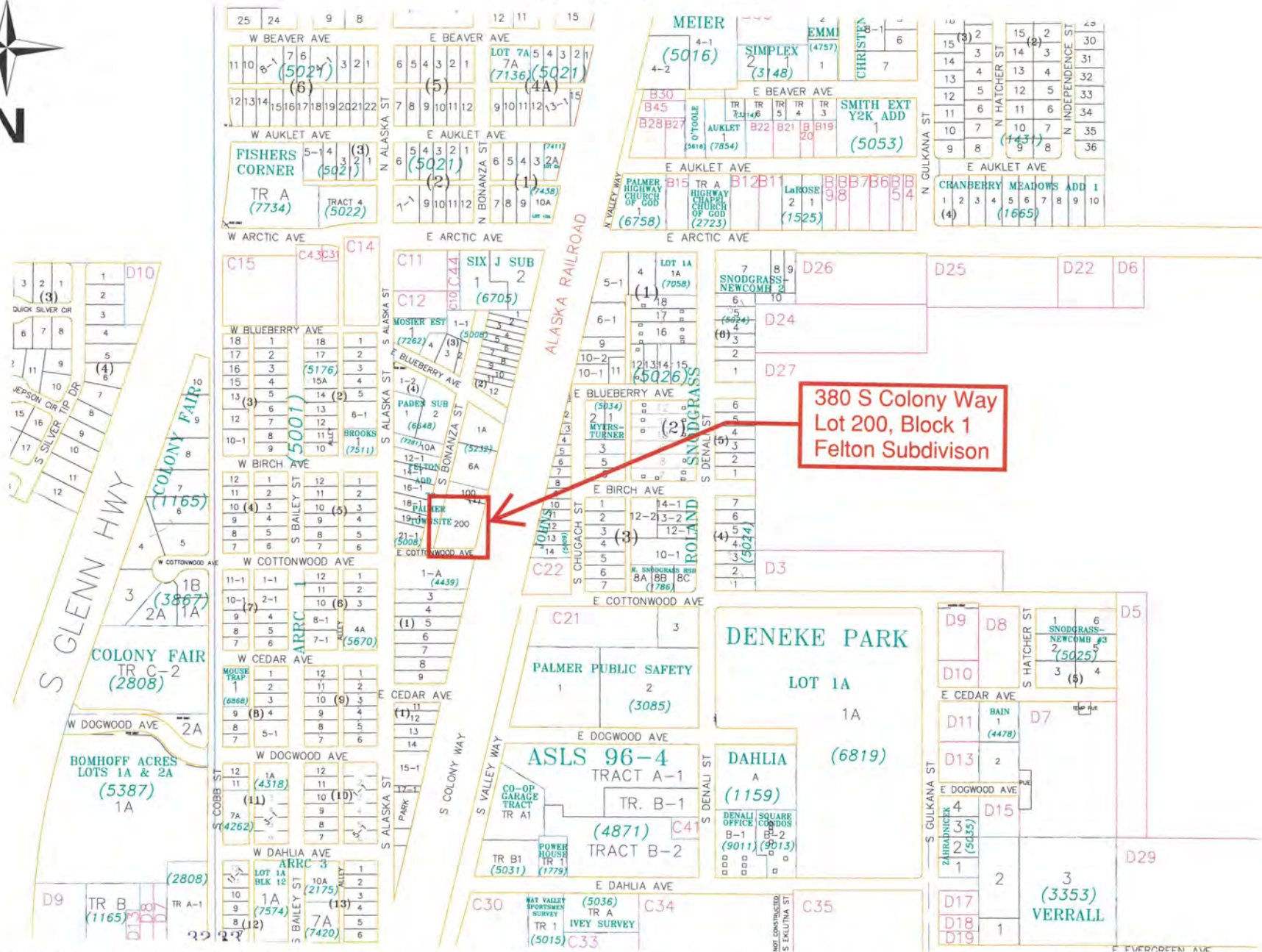


For the following reason, I am (please circle) (in favor of), (NOT in favor of), (have no objection to) the issuance of the proposed re-zone from R-1 to R-4.

Name: _____

Address: _____

VICINITY MAP



Request for Rezone from R-3, Medium Family Residential District to R-4, High Density Residential District for Lot 200, Block 1, Felton Add Subdivision located at 380 S. Colony Way in Palmer, Alaska.



City of Palmer
Department of Community Development

645 E. Cope Industrial Way, Palmer, Alaska 99645

Telephone: 907-745-3709 • Fax: 907-745-5443

www.palmerak.org

Zoning Map Amendment Application

Applicant: SEE ATTACHED

Legal Description of Properties covered by this application (use additional sheets if necessary):

Requested District Change (i.e., from - to): _____

Reason for request: _____

Please provide a written narrative explaining the following:

1. Is the proposed change in accordance with the borough and city comprehensive plan?

2. How is the proposed change compatible with surrounding zoning districts and the established land use pattern?

Zoning Map Amendment Application

Applicant: Kyle and Nicole Moffat, Martin and Nikki Moffat, The Alaska Life LLC

Legal Description: 380 S Colony Way, Palmer AK 99645 (Felton Add Palmer Townsite B1 200)

Requested change: R-3 to R-4

Reason for request:

This property was the original location of what many residents knew as 'The Felton House' which was erected in the mid 1930's. Then in 2000 and 2002, two additional buildings were erected on this property. The first building was a Tri-plex, and the second a Four-plex, totaling 11 separate doors at this location.

The applicant purchased this property in August of 2018 and has worked toward rehabilitating what was a very depressed property into a very popular destination for short term rentals. Seven out of the 11 units are fully renovated and new, and the last project was to restore and renovate the original building. Significant efforts were made to save the building and also the historical value of this slice of Palmer's rich history.

After much time and effort was spent to preserve and restore the building, it was determined via the city engineer, several contract individuals, and an architect that it would have likely required too many modifications to bring the building up to code, or even be safe.

The decision was made to remove the building and reconstruct a modern and safe building, which will materially look similar, in its place that would serve as a new landmark for the original Felton

House. This property has had 11 doors on it for nearly 20 years and we would like to reconstruct the building to bring the property back to the state that it had been in for the last two decades.

1) Is the proposed change in accordance with the borough and city comprehensive plan?

The reconstruction of this building would be mutually beneficial for the applicant and the City of Palmer due to the fact that it satisfies the summary of goals found in Chapter 6 of the city of Palmer's comprehensive plan. The plans for this building and the remaining two buildings, on top of the efforts already done, would make Palmer an increasingly attractive place to live, work, invest, and visit. This building would help maintain high quality residential neighborhoods and also promote development of new commercial endeavors through the means of erecting an extremely high quality building, along with continued rehabilitation of the other buildings which house the 11 doors on the property.

2) How is the proposed change compatible with surrounding zoning districts and the established land use pattern?

Since the property in question has had 11 doors on it for two decades, it is safe to say that there would be more change to not have the 11 doors and also not have a building in place that is largely the same size/structure/shape that has been there since 1935. The proposed change will, in essence, allow no change to the property because we are simply rebuilding what was once there.

3) Are public facilities such as schools, utilities and streets adequate to support the proposed change? Yes, since the previous question states that there are no real changes to the property should this building be erected, no changes of utilities, schools, streets or otherwise would be affected.

4) Do changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change?

Yes. As already stated, this property has already been functioning in this area and the surrounding neighborhood for nearly two decades.

5) Is the proposed change consistent with public welfare and will it grant a special privilege to the owners?

The proposed change was extremely welcome to the public as we have communicated to the Palmer residents via social media that we are recreating the Felton House with something like-in-kind that will be new, modern, and safe.

The residents gave a tremendous outpouring of positive encouragement and comments in light of the historic building being removed. Along with dozens of residents, several of the city council members thanked us on social media or liked the fact that we are continuing to beautify the downtown area and invest heavily in Palmer.

This change, though it will not be a change to anyone but the people who know the code for Palmer, will not grant the owners special privilege other than allowing us to rebuild what was already on this property and what is known to the public as a historical part of our town.

I'll also add that a constantly reoccurring theme in our reviews from our guests at Colony Suites is the the proximity of our property to walk to shops and restaurants in the downtown Palmer area. Just a glance at the first 15 reviews of the 205 reviews we have on AirBnB clearly indicates that our property attracts visitors to the business district of Palmer:

<https://www.airbnb.com/performance/quality/overall/reviews/review/750164535>

Mr. Moffat

6/1/2021

3. Are public facilities such as schools, utilities and streets adequate to support the proposed change?

4. Do changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change?

5. Is the proposed change consistent with public welfare and will it grant a special privilege to the owners?

Date of application: 5-28-2021

\$250.00 Filing fee paid: Yes


Signature of owner or owner's authorized representative

12120 E. Woodstock Dr. Palmer, AK 99645
Address


907-232-2210
Phone/contact number



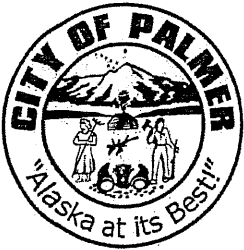
PALMER COMMUNITY DEVELOPMENT

ATTN: Joan E. Patterson
645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709 • Fax: 907-745-5443
www.palmerak.org

Invoice No.: CD21-062
Invoice Date: 06/01/2021

| Sold To: THE ALASKA LIFE LLC RENTALS 800 W. BRIAR DR. WASILLA, AK 99654 | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------|
| Qty | Description | Price |
| | REQUEST FOR ZONING MAP AMENDMENT Felton Add Palmer Townsite, Block 1 200 380 S. Colony Way | \$250.00 |
|  | | |
| 01-00-00-3427 | | TOTAL \$250.00 |

This invoice must be paid within 30 DAYS or further collection procedures will be taken.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Brad Hanson
Director

Dusten Voehl
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709
Fax: 907-745-5443
www.palmerak.org

June 1, 2021

Dear Property Owner:

The Palmer Planning and Zoning Commission will consider a Zoning Map Amendment Application for Lot 200, Block 1, Felton Add Subdivision, initiated by Kyle & Nicole Moffat, Martin & Nikki Moffat, The Alaska Life LLC. The property is located at 380 South Colony Way, Palmer, Alaska.

The property is zoned R-3, Medium Density Residential. The request is to rezone the property to R-4, High Density Residential District. The map on the reverse side of this notice indicates the location of the subject property. For additional information on the R-4 District, please refer to Palmer Municipal Code Chapter 17.27 - R-4 High Density Residential District, located online at: www.palmerak.org.

The Commission will hold a Public Hearing to consider this application and to allow for public comments as well. The meeting will be held on June 17, 2021 at 7:00 p.m., in the City Council Chambers located at 231 West Evergreen Avenue, Palmer, Alaska.

If you wish to comment on this issue, you may do so by attending the public hearing or by providing written comments to the Planning and Zoning Commission by **June 9, 2021**. Written comments may be mailed to Department of Community Development, 645 E. Cope Industrial Way, Palmer, Alaska, faxed to (907) 745-5443 or emailed to me at: ndegner@palmerak.org.

Sincerely,

Nichole Degner, Community Development Specialist



For the following reason, I am (please circle) (in favor of), (NOT in favor of),
(have no objection to) the issuance of the proposed re-zone from R-1 to R-4.

Name: Anna Hanson
Address: 235 S. Valley Way, Palmer Alaska



DEPARTMENT OF COMMUNITY DEVELOPMENT

Brad Hanson
Director

Dusten Voehl
Building Inspector

Beth Skow
Library Director

Mail: 231 W. Evergreen Ave.
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Sincerely,

Nichole Degner, Community Development Specialist



For the following reason, I am (please circle) (in favor of), (NOT in favor of), (have no objection to) the issuance of the proposed re-zone from R-1 to R-4.

Why do you ask? I was told for 10+ years my GC zoned land could not have rental units & then the city actively

Name: Took apart a contract to have retail/shooting

Address: Range in a G.C zoned property & made it the largest indoor rental space in the state.

U-Haul - the anchor of Palmer I believe it is still G.C

No objection to the re-zone.



City Clerk

Phone: (907) 761-1301
Fax: (907) 761-1340
Email: cityclerk@palmerak.org

231 W. Evergreen Ave.
Palmer, Alaska 99645-6952
www.palmerak.org

July 7, 2021

Dear Property Owner:

During the July 27, 2021, Regular Palmer City Council Meeting, the Palmer City Council will hold a public hearing on Ordinance No. 21-014: Amending the Zoning Map to Revise the Zoning Designation of Lot 200, Block 1, Felton Add Subdivision, from R-3, Medium Density Residential to R-4, High Density Residential.

The purpose of the public hearing is to receive testimony on the proposed rezoning of the above tax parcel from its present Medium Density Residential (R-3) to High Density Residential (R-4). The affected area is shown on the accompanying map.

A public hearing will be held on July 27, 2021. The meeting will start at 7:00 p.m. in the City Council Chambers located at 231 W. Evergreen Avenue, Palmer, Alaska.

If you wish to comment on this issue, you may do so by attending the public hearing or by providing written comment to the City Council no later than July 13, 2021, at 5:00 p.m. Written comments may be mailed to the attention of the City Clerk at the address above, dropped off at City Hall, or emailed to cityclerk@palmerak.org. If you have any questions regarding the council meeting process, please call 761-1301. If you have any questions regarding the rezone, please call 761-1322.

Sincerely,

Kara Johnson
Acting City Clerk

For the following reason, I am

- In favor of (proponent)
- NOT in favor of (opponent)
- Have no objections to

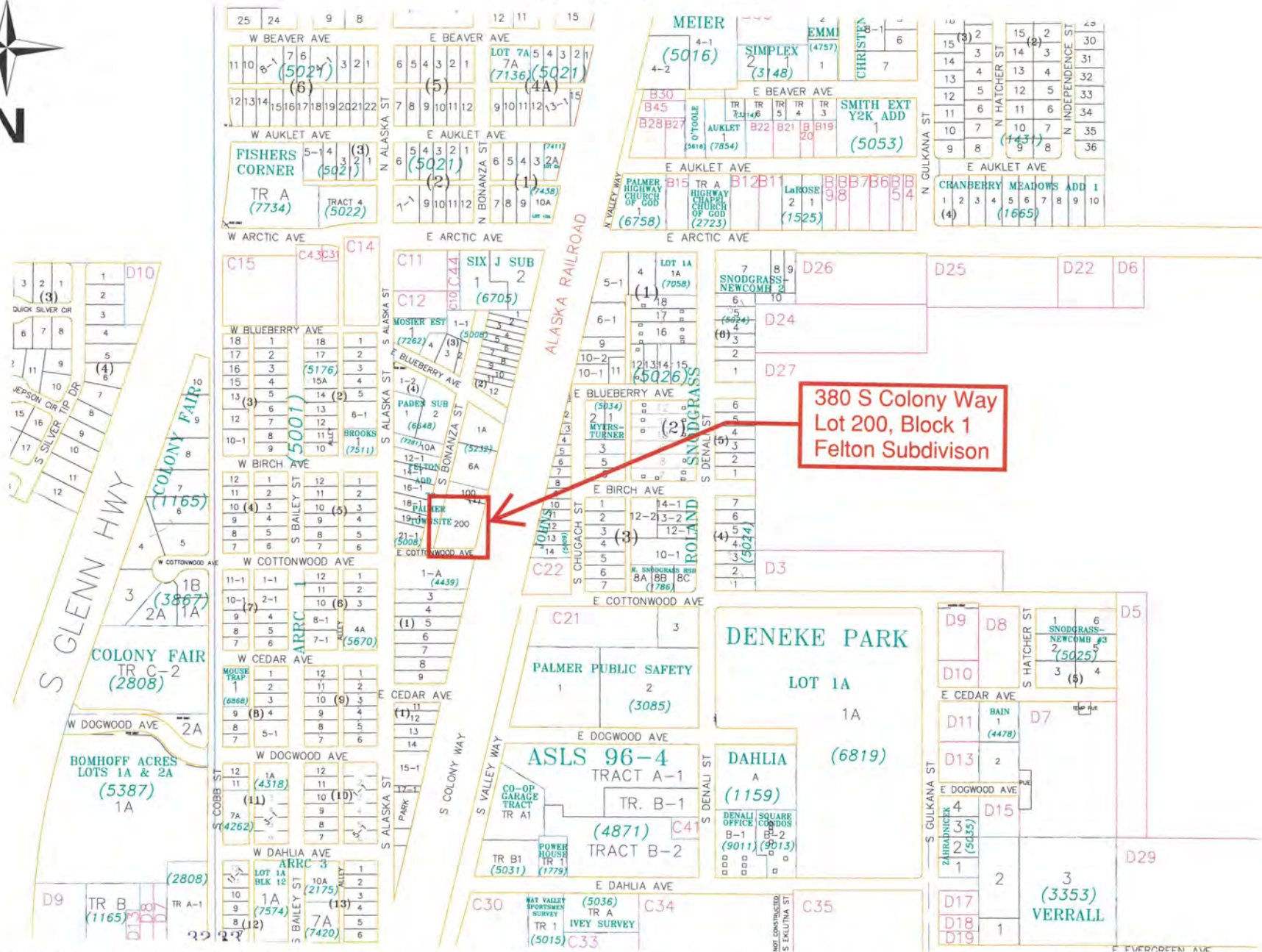
the proposed rezoning Ordinance No. 21-014. I would also like to provide additional comments below:

NAME: _____

ADDRESS: _____

City of Palmer

VICINITY MAP



Request for Rezone from R-3, Medium Family Residential District to R-4, High Density Residential District for Lot 200, Block 1, Felton Add Subdivision located at 380 S. Colony Way in Palmer, Alaska.

For the following reason, I am

- In favor of (proponent)
- NOT in favor of (opponent)
- Have no objections to

the proposed rezoning Ordinance No. 21-014. I would also like to provide additional comments below:

I oppose high density housing. ^{Indowntown Palmer} It impacts my neighborhood traffic and devalues my property.

NAME: Anne Dollard

ADDRESS: 329 S. Chugach St. Palmer

For the following reason, I am

- In favor of (proponent)
- NOT in favor of (opponent)
- Have no objections to

the proposed rezoning Ordinance No. 21-014. I would also like to provide additional comments below:



NAME: Penwarden

ADDRESS: 352 E Blueberry Ave #13

**City of Palmer
Resolution No. 21-025**

Subject: Accepting and Appropriating an American Rescue Plan Grant offer from the Federal Aviation Administration in an amount of \$32,000.00 by way of the Airport Rescue Plan Act of 2021 for additional assistance to airports during the COVID-19 public health emergency and Authorizing the City Manager to Execute the Grant When Offered.

Agenda of: July 27, 2021

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: Frank J. Kelly, Airport Superintendent

Department Review:

| Route to: | Department Director: | Signature: | Date: |
|-----------|-----------------------|------------|-------|
| _____ | Community Development | _____ | _____ |
| _____ | Finance | _____ | _____ |
| _____ | Fire | _____ | _____ |
| _____ | Police | _____ | _____ |
| _____ | Public Works | _____ | _____ |

Certification of Funds:

Total amount of funds listed in this legislation: \$ 32,000.00

This legislation (√):

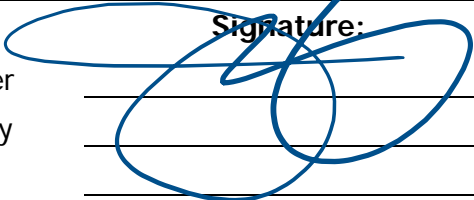
- Creates revenue in the amount of: \$ 32,000.00
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted Grant Income for "Costs Related to Operations, Personnel, Sanitization, Janitorial Services, & Combating the Spread of Pathogens at the Airport.

Director of Finance Signature: 

Approved for Presentation By:

| | Signature: | Remarks: |
|---------------|--------------------------------------------------------------------------------------------|----------|
| City Manager | <u></u> | _____ |
| City Attorney | _____ | _____ |
| City Clerk | _____ | _____ |

Attachment(s):

1. Resolution No. 21-025
2. FAA Form SF-424 American Rescue Plan Grant Application
3. FAA Grant Assurances

Summary Statement/Background:

The American Rescue Plan Act of 2021, signed by the President on March 11, 2021, and administered through the Federal Aviation Administration, under the American Rescue Plan Grant Program provided additional aid to airports across the nation for relief and to help cover expenses due to the COVID-19 Health Emergency.

\$100 million was set aside to help support small GA Airports based upon a predetermined formula. The Palmer Municipal Airport has been awarded \$32,000.00 under this formula to be used for costs related to operations, personnel, sanitization, janitorial services, & combating the spread of pathogens at the Airport.

This grant money will assist the airport with normal operating expenses.

Administration's Recommendation:

To Approve Resolution No. 21-025

LEGISLATIVE HISTORY

Introduced by: Airport Superintendent

Date: July 27, 2021

Action:

Vote:

Yes:

No:

| | |
|--|--|
| | |
|--|--|

CITY OF PALMER, ALASKA

Resolution No. 21-025

A Resolution of the Palmer City Council Accepting and Appropriating an American Rescue Plan Grant offer from the Federal Aviation Administration in an amount of \$32,000.00 by way of the American Rescue Plan Act of 2021 for Assistance to Airports during the COVID-19 Public Health Emergency

WHEREAS, the City of Palmer maintains and operates the Warren "Bud" Woods Palmer Municipal Airport; and

WHEREAS, the City of Palmer incurs expenses operating the airport; and

WHEREAS, the Airport Sponsor Grant Assurances have been reviewed by the City of Palmer.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council hereby to accept and appropriate an American Rescue Plan Grant offer from the Federal Aviation Administration in an amount of \$32,000.00 by way of the American Rescue Plan Act of 2021 for assistance to airports during the COVID-19 public health emergency

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Palmer City Council hereby to authorize the City Manager to execute the grant when offered.

Approved by the Palmer City Council this ____ day of _____, 2021.

Edna B. DeVries, Mayor

_____, Acting City Clerk

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

NA

Title:

NA

14. Areas Affected by Project (Cities, Counties, States, etc.):

***15. Descriptive Title of Applicant's Project:**

\$32,000 for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments.

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:
 *a. Applicant: _____ *b. Program/Project: _____

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
 *a. Start Date: NA *b. End Date: NA

18. Estimated Funding (\$):

| | | |
|--------------------|-------|----------|
| *a. Federal | _____ | \$32,000 |
| *b. Applicant | _____ | \$0 |
| *c. State | _____ | \$0 |
| *d. Local | _____ | \$0 |
| *e. Other | _____ | \$0 |
| *f. Program Income | _____ | \$0 |
| *g. TOTAL | _____ | \$32,000 |

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation in attachment.)**
 Yes No
If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)
 ** I AGREE
 ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: Nathan
 Middle Name: _____
 *Last Name: Wallace
 Suffix: _____

*Title: City Manager

*Telephone Number: 907-761-1334 Fax Number: _____

* Email: nwallace@palmerak.org

*Signature of Authorized Representative: _____ *Date Signed: _____

| Application for Federal Assistance SF-424 | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application | *2. Type of Application * If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision |
| *3. Date Received: NA | 4. Applicant Identifier: PAQ (Warren "Bud" Woods Palmer Municipal) Palmer, AK |
| *5b. Federal Entity Identifier: 02-0211 | *5b. Federal Award Identifier: |
| State Use Only: | |
| 6. Date Received by State: | 7. State Application Identifier: |
| 8. APPLICANT INFORMATION: | |
| *a. Legal Name: City of Palmer | |
| *b. Employer/Taxpayer Identification Number (EIN/TIN): 92-6000194 | *c. Organizational DUNS: 03-741-1071 |
| d. Address: | |
| *Street 1: <u>231 W EVERGREEN</u> | |
| Street 2: _____ | |
| *City: <u>PALMER</u> | |
| County/Parish: _____ | |
| *State: <u>AK</u> | |
| Province: _____ | |
| *Country: <u>USA: United States</u> | |
| *Zip / Postal Code <u>99645</u> | |
| e. Organizational Unit: | |
| Department Name: | Division Name: |
| f. Name and contact information of person to be contacted on matters involving this application: | |
| Prefix: _____ | *First Name: <u>John</u> |
| Middle Name: _____ | |
| *Last Name: <u>Moosey</u> | |
| Suffix: _____ | |
| Title: <u>City Manager</u> | |
| Organizational Affiliation: | |
| *Telephone Number: 907-761-1304 | Fax Number: |
| *Email: <u>jmoosey@palmerak.org</u> | |

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

X. Airport Sponsor

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

***12. Funding Opportunity Number:**

NA

*Title:

NA

13. Competition Identification Number:

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NA

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Application for Federal Assistance SF-424

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 *a. Start Date: NA *b. End Date: NA

18. Estimated Funding (\$):

| | | |
|--------------------|-------|----------|
| *a. Federal | _____ | \$32,000 |
| *b. Applicant | _____ | \$0 |
| *c. State | _____ | \$0 |
| *d. Local | _____ | \$0 |
| *e. Other | _____ | \$0 |
| *f. Program Income | _____ | \$0 |
| *g. TOTAL | _____ | \$32,000 |

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**
 a. This application was made available to the State under the Executive Order 12372 Process for review on _____.
 b. Program is subject to E.O. 12372 but has not been selected by the State for review.
 c. Program is not covered by E. O. 12372

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 Yes No
If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)
 ** I AGREE
 ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: _____ *First Name: John _____
 Middle Name: _____
 *Last Name: Moosey _____
 Suffix: _____

*Title: City Manager

*Telephone Number: 907-761-1304 Fax Number: _____

* Email: jmoosey@palmerak.org

*Signature of Authorized Representative: _____ *Date Signed: _____

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1,2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹

- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental

and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
 - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at

Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
- 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated April 18, 2019, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



FAA Airports

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 4/18/2019

View the most current versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

| NUMBER | TITLE |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 70/7460-1L Change 2 | Obstruction Marking and Lighting |
| 150/5000-9A | Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations |
| 150/5000-17 | Critical Aircraft and Regular Use Determination |
| 150/5020-1 | Noise Control and Compatibility Planning for Airports |
| 150/5070-6B Changes 1- 2 | Airport Master Plans |
| 150/5070-7 Change 1 | The Airport System Planning Process |
| 150/5100-13B | Development of State Standards for Nonprimary Airports |
| 150/5200-28F | Notices to Airmen (NOTAMS) for Airport Operators |
| 150/5200-30D Change 1 | Airport Field Condition Assessments and Winter Operations Safety |
| 150/5200-31C Changes 1-2 | Airport Emergency Plan |
| 150/5210-5D | Painting, Marking, and Lighting of Vehicles Used on an Airport |
| 150/5210-7D | Aircraft Rescue and Fire Fighting Communications |

| NUMBER | TITLE |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 150/5210-13C | Airport Water Rescue Plans and Equipment |
| 150/5210-14B | Aircraft Rescue Fire Fighting Equipment, Tools and Clothing |
| 150/5210-15A | Aircraft Rescue and Firefighting Station Building Design |
| 150/5210-18A | Systems for Interactive Training of Airport Personnel |
| 150/5210-19A | Driver's Enhanced Vision System (DEVS) |
| 150/5220-10E | Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles |
| 150/5220-16E Changes 1 | Automated Weather Observing Systems (AWOS) for Non-Federal Applications |
| 150/5220-17B | Aircraft Rescue and Fire Fighting (ARFF) Training Facilities |
| 150/5220-18A | Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials |
| 150/5220-20A | Airport Snow and Ice Control Equipment |
| 150/5220-21C | Aircraft Boarding Equipment |
| 150/5220-22B | Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns |
| 150/5220-23 | Frangible Connections |
| 150/5220-24 | Foreign Object Debris Detection Equipment |
| 150/5220-25 | Airport Avian Radar Systems |
| 150/5220-26 Changes 1-2 | Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment |
| 150/5300-13A Change 1 | Airport Design |
| 150/5300-14C | Design of Aircraft Deicing Facilities |
| 150/5300-16A | General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey |
| 150/5300-17C Change 1 | Standards for Using Remote Sensing Technologies in Airport Surveys |
| 150/5300-18B Change 1 | General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards |

| NUMBER | TITLE |
|-----------------------------|---------------------------------------------------------------------------------------------------------|
| 150/5320-5D | Airport Drainage Design |
| 150/5320-6F | Airport Pavement Design and Evaluation |
| 150/5320-12C Changes 1-8 | Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces |
| 150/5320-15A | Management of Airport Industrial Waste |
| 150/5235-4B | Runway Length Requirements for Airport Design |
| 150/5335-5C | Standardized Method of Reporting Airport Pavement Strength - PCN |
| 150/5340-1L | Standards for Airport Markings |
| 150/5340-5D | Segmented Circle Airport Marker System |
| 150/5340-18F | Standards for Airport Sign Systems |
| 150/5340-26C | Maintenance of Airport Visual Aid Facilities |
| 150/5340-30J | Design and Installation Details for Airport Visual Aids |
| 150/5345-3G | Specification for L-821, Panels for the Control of Airport Lighting |
| 150/5345-5B | Circuit Selector Switch |
| 150/5345-7F | Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits |
| 150/5345-10H | Specification for Constant Current Regulators and Regulator Monitors |
| 150/5345-12F | Specification for Airport and Heliport Beacons |
| 150/5345-13B | Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits |
| 150/5345-26D | FAA Specification For L-823 Plug and Receptacle, Cable Connectors |
| 150/5345-27E | Specification for Wind Cone Assemblies |
| 150/5345-28G | Precision Approach Path Indicator (PAPI) Systems |
| 150/5345-39D | Specification for L-853, Runway and Taxiway Retro reflective Markers |
| 150/5345-42H | Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories |
| 150/5345-43H | Specification for Obstruction Lighting Equipment |

| NUMBER | TITLE |
|--------------|------------------------------------------------------------------------------------------|
| 150/5345-44K | Specification for Runway and Taxiway Signs |
| 150/5345-45C | Low-Impact Resistant (LIR) Structures |
| 150/5345-46E | Specification for Runway and Taxiway Light Fixtures |
| 150/5345-47C | Specification for Series to Series Isolation Transformers for Airport Lighting Systems |
| 150/5345-49D | Specification L-854, Radio Control Equipment |
| 150/5345-50B | Specification for Portable Runway and Taxiway Lights |
| 150/5345-51B | Specification for Discharge-Type Flashing Light Equipment |
| 150/5345-52A | Generic Visual Glideslope Indicators (GVGI) |
| 150/5345-53D | Airport Lighting Equipment Certification Program |
| 150/5345-54B | Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems |
| 150/5345-55A | Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure |
| 150/5345-56B | Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS) |
| 150/5360-12F | Airport Signing and Graphics |
| 150/5360-13A | Airport Terminal Planning |
| 150/5360-14A | Access to Airports By Individuals With Disabilities |
| 150/5370-2G | Operational Safety on Airports During Construction |
| 150/5370-10H | Standards for Specifying Construction of Airports |
| 150/5370-11B | Use of Nondestructive Testing in the Evaluation of Airport Pavements |
| 150/5370-13A | Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt |
| 150/5370-15B | Airside Applications for Artificial Turf |
| 150/5370-16 | Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements |
| 150/5370-17 | Airside Use of Heated Pavement Systems |
| 150/5390-2C | Heliport Design |

| NUMBER | TITLE |
|-------------|----------------|
| 150/5395-1A | Seaplane Bases |

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/22/2019

| NUMBER | TITLE |
|------------------------------|----------------------------------------------------------------------------------------------|
| 150/5100-14E Change 1 | Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects |
| 150/5100-17 Changes 1 - 7 | Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects |
| 150/5300-15A | Use of Value Engineering for Engineering Design of Airport Grant Projects |
| 150/5320-17A | Airfield Pavement Surface Evaluation and Rating Manuals |
| 150/5370-12B | Quality Management for Federally Funded Airport Construction Projects |
| 150/5380-6C | Guidelines and Procedures for Maintenance of Airport Pavements |
| 150/5380-7B | Airport Pavement Management Program |
| 150/5380-9 | Guidelines and Procedures for Measuring Airfield Pavement Roughness |

**City of Palmer
Resolution No. 21-026**

Subject: A Resolution Stating an Opposition to a Proposed Sales Tax Initiative for Infrastructure Projects Initiated by the Matanuska-Susitna Borough.

Agenda of: July 27, 2021

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: John Moosey, City Manager

Department Review:

| Route to: | Department Director: | Signature: | Date: |
|-----------|-----------------------|------------|-------|
| _____ | Community Development | _____ | _____ |
| _____ | Finance | _____ | _____ |
| _____ | Fire | _____ | _____ |
| _____ | Police | _____ | _____ |
| _____ | Public Works | _____ | _____ |

Certification of Funds:

Total amount of funds listed in this legislation: \$ Unknown

This legislation (√):

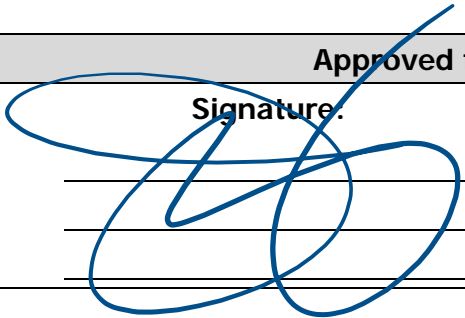
- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Approved for Presentation By:

| | Signature: | Remarks: |
|---------------|-------------------------------------------------------------------------------------|----------|
| City Manager |  | _____ |
| City Attorney | _____ | _____ |
| City Clerk | _____ | _____ |

Attachment(s):

1. Resolution No. 21-026

Summary Statement/Background:

On July 1, 2021, Mayor Edna DeVries and Manager John Moosey were invited to attend a meeting at the Matanuska-Susitna Borough office. The purpose of the meeting was to learn about MSB's plan for a \$73,685,000.00 road infrastructure project within the Borough (please note that there were no proposed projects within the corporate boundaries of the City of Palmer). In addition to the information provided regarding the projects, we were informed that the Matanuska-Susitna Borough Assembly intends to seek citizen approval for bonding which would include the use of a new Borough sales tax to reimburse the bond. It is expected that the Matanuska-Susitna Borough Assembly will take action on the issue during their regular Assembly Meeting on August 3, 2021.

A 2019 study, conducted by the MacDowell Group, found that an increase of a sales tax rate would cause sales leakage to other areas without a sales tax (i.e., the City of Palmer will lose sales to Eagle River/Anchorage). A mere 5% sales loss amounts to a \$400,000 annual sales tax revenue loss to the city.

Administration's Recommendation:

Approve Resolution No. 21-026 authorizing the City Manager to prepare necessary documents to oppose the sales tax proposed by the Matanuska-Susitna Borough.

LEGISLATIVE HISTORY

Introduced by:

Date:

Action:

Vote:

Yes:

No:

| | |
|--|--|
| | |
|--|--|

CITY OF PALMER, ALASKA

Resolution No. 21-026

A Resolution Stating an Opposition to a Proposed Sale Tax Initiative for Infrastructure Projects Initiated by the Matanuska-Susitna Borough.

WHEREAS, the Matanuska-Susitna Borough is considering using a citizen approved sales tax initiative as the revenue stream for a construction bonding program, and

WHEREAS, the Matanuska-Susitna Borough has traditionally and successfully used the bonding process to make significant public improvements with property tax initiatives, and

WHEREAS, the Matanuska-Susitna Borough has always paid its way through property taxes, legislative grants and foundation grants, and

WHEREAS, the City of Palmer derives 66% of its tax operational revenue from a 3% sales tax, and

WHEREAS, a 2019 study by the McDowell Group for the Matanuska-Susitna Borough stated that an increased sales tax would drive some sales away from each city within the Borough, and

WHEREAS, a minimal reduction of retail sales in the City of Palmer would actuate a revenue loss in the amount of hundreds of thousands of dollars annually to the City of Palmer and its public services provided

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Palmer emphatically is opposed to any sales tax initiative from the Matanuska-Susitna Borough.

Approved by the Palmer City Council this ____ day of _____, 2021.

Edna B. DeVries, Mayor

_____, Acting City Clerk

**City of Palmer
Action Memorandum No. 21-045**

Subject: Recommendation to the City Council for the City Clerk Interim Appointment Subject to the City Code 2.11.010

Agenda of: July 27, 2021

Council Action: **Approved** **Amended:** _____
 Defeated

Originator Information:

Originator: John Moosey, City Manager

Department Review:

| Route to: | Department Director: | Signature: | Date: |
|------------------|-----------------------------|-------------------|--------------|
| _____ | Community Development | _____ | _____ |
| _____ | Finance | _____ | _____ |
| _____ | Fire | _____ | _____ |
| _____ | Police | _____ | _____ |
| _____ | Public Works | _____ | _____ |

Certification of Funds:

Total amount of funds listed in this legislation: \$ _____

This legislation (√):

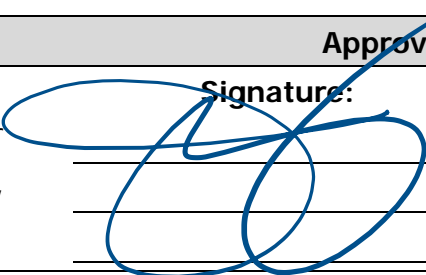
- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ _____
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): _____
- Not budgeted _____

Director of Finance Signature: 

Approved for Presentation By:

| | Signature: | Remarks: |
|---------------|-------------------------------------------------------------------------------------|-----------------|
| City Manager |  | _____ |
| City Attorney | _____ | _____ |
| City Clerk | _____ | _____ |

Attachment(s):

1. Action Memorandum 21-045

Summary Statement/Background:

The Clerk of the City of Palmer has resigned effective August 2, 2021. The Clerk has/will use personal time off acquired until August 2, 2021. Based on the City Code 2.11.010 this will require the City Council to appoint an Interim City Clerk until a replacement will assume the position. It is recommended by the City Manager that Nichole Degner be appointed for this temporary position for the purpose of running the audio system during council meetings, roll call, council vote tallying and the signing of legislation.

Administration's Recommendation:

Approve Action Memorandum No. 21-045.