

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

City Attorney Michael Gatti
 City Clerk Norma I. Alley, MMC
 City Manager John Moosey

City of Palmer, Alaska
City Council Meeting
June 23, 2020, 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. Approval of Consent Agenda
 - a. **Resolution No. 20-016:** Designating Authorized Signatures for Check Signing Affecting Any and All Disbursements of City Monies for the General Checking Account, the Palmer Construction Account and Designating City Representatives Who Are Authorized and Empowered to Execute and Deliver All Documentation and Instructions on City Investment Accounts Page 3
 - b. **Action Memorandum No. 20-047:** Authorizing the City Manager to Execute a Design and Construction Administration Contract Addendum with HDL Engineering Consultants, LLC in the Amount of \$37,560.00 for Blast Pad Paving Work Related to the RW 16/34 Rehabilitation Page 7
 - c. **Action Memorandum No. 20-048:** Authorizing the City Manager to Accept a New Park Equipment Donation from the Mat-Su United Way and Coordinate Public Works Support of the Installation of the New Equipment Page 47
2. Approval of Minutes
 - a. May 26, 2020, Regular Meeting..... Page 63

E. REPORTS

1. City Manager’s Report
2. City Clerk’s Report
3. Mayor’s Report.....Page 67
 - a. Palmer Pride Awards Nominations
4. City Attorney’s Report

F. AUDIENCE PARTICIPATION

G. PUBLIC HEARING

1. **Ordinance No. 20-006:** Amending the Zoning Map to Revise the Zoning Designation of Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 to Re-Zone Parcel from Commercial Limited (CL) to Public Use (P)..... Page 69

H. UNFINISHED BUSINESS

1. **Information Memorandum No. 20-006:** Committee of the Whole for General Discussion Regarding Code of Ethics for City Council (Note: action may be taken following the Committee of the Whole)Page 95
2. **Information Memorandum No. 20-007:** Committee of the Whole for General Discussion Regarding CARES Act Funding (Note: action may be taken following the Committee of the Whole)Page 113

I. NEW BUSINESS

1. **Action Memorandum No. 20-049:** Directing the City Manager to Notify the State of Alaska of the City Council’s Statement of Non-Objection to Liquor License No. 1274 for Palmer Bar Located at 828 S.Colony Way.....Page 143
2. **Action Memorandum No. 20-050:** Approving the City Manager to Enter into an Agreement with Resource Data, Inc., for Vote From Home Feasibility Study Services for the City of Palmer for \$3,000.00Page 147

J. RECORD OF ITEMS PLACED ON THE TABLE

K. AUDIENCE PARTICIPATION

L. COUNCIL COMMENTS

M. ADJOURNMENT

Tentative Future Palmer City Council Meetings

Meeting Date	Meeting Type	Time	Notes
Jul 14	Regular	7 pm	
Jul 28	Regular	7 pm	
Aug 11	Regular	7 pm	AML Summer Conf. 11-13 Last Day to Adopt Ballot Measures
Aug 25	Regular	7 pm	
Sep 8	Regular	7 pm	
Sep 22	Regular	7 pm	
Oct 12	Special	6pm	Election Certification
Oct 13	Regular	7 pm	
Oct 27	Regular	7 pm	

**City of Palmer
Resolution No. 20-016**

Subject: Designating Authorized Signatures for Check Signing Affecting Any and All Disbursements of City Monies for the General Checking Account, the Palmer Construction Account and Designating City Representatives Who Are Authorized and Empowered to Execute and Deliver All Documentation and Instructions on City Investment Accounts

Agenda of: June 23, 2020

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


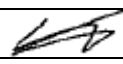

Originator Information:

Originator: Gina Davis, Finance Director

Department Review:

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

Approved for Presentation By:

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

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:  _____

Attachment(s):

- Resolution 20-016

Summary Statement/Background:

The City of Palmer's City Council has appointed a new City Manager, John Moosey.

This resolution will allow City Manager John Moosey to become a check signer on the general checking account, Palmer construction account and to manage City investments and transfer City monies to maximize City investment earnings while maintaining safety and liquidity in accordance with the City's Investment Policy.

Administration's Recommendation:

Approve Resolution No. 20-016 Designating Authorized Signatures for Check Signing Affecting Any and All Disbursements of City Monies.

LEGISLATIVE HISTORY

Introduced by: City Manager Moosey

Date: June 23, 2020

Action:

Vote:

Yes:

No:

--	--

CITY OF PALMER, ALASKA

Resolution No. 20-016

A Resolution of the Palmer City Council Designating Authorized Signatures for Check Signing Affecting Any and All Disbursements of the City Monies and Designating City Representatives Who Are Authorized and Empowered to Execute and Deliver All Documentation and Instructions on City Investment Accounts

WHEREAS, Edna B. DeVries was elected as Mayor of the City of Palmer on October 1, 2019; and

WHEREAS, John Moosey was appointed by the council to serve as City Manager on June 15, 2020; and

WHEREAS, Gina Davis was hired as the City of Palmer Finance Director on April 24, 2017; and

WHEREAS, Michele Tefft was hired as the City of Palmer Finance Manager on July 17, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Palmer City Council hereby makes effective June 23, 2020, two of the following signatures will be placed on each check and the following individuals are authorized and empowered to execute and deliver all documentation and instruction on City Investment Accounts:

1. Edna B. DeVries
2. John Moosey
3. Gina Davis
4. Michele Tefft

Approved by the Palmer City Council this ____ day of _____, 2020.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

**City of Palmer
Action Memorandum No. 20-047**

Subject: Authorizing the City Manager to Execute a Design and Construction Administration Contract Addendum with HDL Engineering Consultants, LLC in the Amount of \$37,560.00 for Blast Pad Paving Work Related to the RW 16/34 Rehabilitation

Agenda of: June 23, 2020

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




Originator Information:

Originator: Bradley Hanson, Interim City Manager

Department Review:

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

Approved for Presentation By:

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

Certification of Funds:

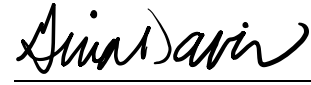
Total amount of funds listed in this legislation: \$ **37,560.00**

This legislation (√):

<input type="checkbox"/>	Creates revenue in the amount of:	\$ _____
<input checked="" type="checkbox"/>	Creates expenditure in the amount of:	\$ <u>37,560.00</u>
<input type="checkbox"/>	Creates a saving in the amount of:	\$ _____
<input type="checkbox"/>	Has no fiscal impact	

Funds are (√):

<input checked="" type="checkbox"/>	Budgeted	Line item(s): <u>30-00-00-3379 FAA Grant 021-2017 30-30-10-6225 \$3,817</u>
<input type="checkbox"/>	Not budgeted	<u>And 30-30-10-6234 Avigation Easement Match not needed \$5,933</u>

Director of Finance Signature: 

Attachment(s):

- CIP Data Sheet Blast Pad Paving
- RW 16/34 Runway Safety Area Damage Picture
- HDL Engineering Consultants, LLC Proposal June 8, 2020
- Grant & Grant Assurances

Summary Statement/Background:

Since the original rehabilitation work was completed to RW 16/34 in late 2017, which included upgrades and expansion to the "Runway Safety Areas" (the cleared and level area beyond the actual runway in case an aircraft lands short or has a problem during takeoff), the RSA has begun to unravel due to jet and prop blasts from the larger aircraft with more powerful engines and heavy payloads. This occurred shortly after the original work was completed and the fix to the original problem has not held up either. The issue creates will continue to get worse and creates asphalt debris that can be dangerous to aircraft. Therefore, the FAA has approved additional work under the existing Grant No. 3-02-0211-021-2017 to now provide for a paved area of 100' X 200" at each end of the runway to permanently prevent this problem from happening again.

The engineering estimate of \$156K to pave the blast pads, which includes the Design and Construction Administration, will come from the grant that has an approximate remaining balance of \$179K in FAA funds available. The funds if not spent, would otherwise be returned to the FAA as unused upon closing the grant. The City has \$3,817 in original matching funds from this grant available with the balance of \$5,933 coming from a CIP match for the Avigation Easement study, that was ultimately not required due to the Cares Act funding of all 2020 grants at 100%.

This additional work will require a new modified construction safety phasing plan and the work to be put out to bid again, as the original construction contract was closed last fall. This additional work has caused an increase in the consulting engineering portion because it is in many respects almost a new project.

The grant should be closed by June 2021, so this work needs to be completed this fall, after the fire fighting season has ended.

Administration's Recommendation:

To approve Action Memorandum No. 20-047

CIP DATASHEET

Airport Name: Warren "Bud" Woods Palmer Municipal Airport **Grant Year:** 2020
LOCID: PAQ **Date Submitted:** 5/27/2020

CIP Work Code			Project Description	Cost in Dollars (\$)
Purpose	Component	Type		
ST	OT	IM	PAQ Runway 16/34 blast pads	156,000.00
			Total Cost:	156,000.00
			Sponsor Share:	9,750.00
			Federal Share:	146,250.00

Project Description and Justification:

The RSA grade beyond the Runway 16 and Runway 34 thresholds is stabilized with recycled asphalt pavement (RAP). These surfaces are raveling due to propeller wash. The loose RAP is a source for FOD, the loss of a bound surface also exposes the RSA grade to erosion. This project will add 200' blast pads to both runway ends to bind the surface.

Submitted by:

Contact Name: Brad Hanson **Title:** Interim City Manager
Telephone: 907-761-1317 **Email:** bahanson@palmaerak.org



June 8, 2020

Frank Kelly, Airport Superintendent
Chris Nall, Public Works Director
City of Palmer
231 W. Evergreen Avenue
Palmer, Alaska 99645

RE: Proposed Scope and Fee for Blast Pad Paving - *Revised*
Warren “Bud” Woods Palmer Municipal Airport – City of Palmer

Gentlemen:

As requested, HDL Engineering Consultants (HDL) presents this revised scope and fee proposal for engineering services for the Blast Pad Paving project at the Warren “Bud” Woods Palmer Municipal Airport (PAQ). This work will be performed under our term agreement and will be Task 12.

The proposed project includes paving 200-foot-long blast pads at each end of Runway 16/34 and installing standard blast pad marking. This work is a continuation of the Rehabilitate Runway 16/34 & Related Improvements project, and will be funded by that project’s grant.

SCOPE OF WORK

TASK 12.1—CONSTRUCTION SAFETY & PHASING PLAN

Per discussion with Pat Zettler, P.E., FAA Airports Division, the Construction Safety & Phasing Plan (CSPP) for this project will amend the previously prepared and approved CSPP for the Rehabilitate Runway 16/34 project. The amendment will include drawings depicting limits of work, construction sequencing, haul routes, runway and taxiway safety areas, utilities, disposal areas, stockpile areas, staging areas, and temporary operational areas. A CSPP narrative will address contractor communication requirements; construction safety meetings, schedule limitations, and requirements; and lines of authority and organization between Palmer, HDL, the contractor, and FAA. For this work, we anticipate temporary full closure of Runway 16/34 over approximately 4 evening shifts.

The draft CSPP amendment will be submitted to Palmer for review, and then to FAA for their approval. Formal review by OE/AAA will not be required.

TASK 12.2—PLANS, SPECIFICATIONS, & ESTIMATE

Upon Notice to Proceed, HDL will begin preparation of plans and specifications for the work. Due to the relative simplicity of the work, we will proceed directly to a draft final (95%) plans, specifications, and construction cost estimate (PS&E) package, without submitting a preliminary draft. We will submit this package for review and then, once Palmer’s comments have been received and incorporated, we will prepare bid-ready documents and submit the final package to FAA for review and approval to advertise.

CIVIL
ENGINEERING

GEOTECHNICAL
ENGINEERING

TRANSPORTATION
ENGINEERING

ENVIRONMENTAL
SERVICES

PLANNING

SURVEYING
& MAPPING

CONSTRUCTION
ADMINISTRATION

MATERIAL
TESTING

REAL ESTATE
SERVICES

The design and deliverables will comply with FAA Advisory Circulars for airport improvement projects. Plans will be prepared utilizing AutoCAD Civil 3D 2016 and deliverables will be in a single hardcopy and as Adobe PDF electronic files ready for printing and on-line distribution.

Plans: The plan set will be developed following the drafting standards that we have developed for Palmer and have used on many FAA-funded projects. It will include sheets for project layout, survey control, typical section, plan and profile, marking details, and miscellaneous other information as needed.

Specifications: The specifications will utilize Palmer's standard bidding and general contract provisions and State of Alaska Standard Specifications for Airports, as approved by FAA. Deviations from standard specifications or FAA design criteria will be summarized in a "Modifications to Standards" memorandum, submitted with the specifications.

Estimate: The construction cost estimate will be prepared and submitted with the 95% package, and then updated prior to bid opening to account for any changes to bid items, quantities, and bid prices. Any lump sum assumptions will be documented.

TASK 12.3—BIDDING ASSISTANCE

On behalf of Palmer, we will prepare the Invitation to Bid, respond to bidders' questions, conduct a pre-bid conference, issue written addendums, tabulate bids, check proposals for completeness, review bonding and insurance submittals, and provide a written recommendation for award based on the lowest responsive bid.

TASK 12.4 - CONSTRUCTION ASSISTANCE

HDL will work closely with Palmer to provide Construction Administration (CA) services in accordance with FAA requirements, including construction monitoring, coordination, administration, inspection, testing, and record drawings. We anticipate the work will occur in Fall 2020 during a 2-week construction performance period.

HDL will coordinate and monitor the day-to-day activities of the project on behalf of Palmer. David Lundin, P.E. will be the Project Manager. He will have overall responsibility and will coordinate and supervise staff, monitor schedule and budget, and provide quality control review of deliverables. Tor Anderzen, P.E. will be the Project Engineer and primary point of contact for construction. Tor will keep Palmer informed of progress, field directives, and changes as they arise and will prepare weekly written status reports. Tae Voight, E.I.T. will be the Project Inspector.

Construction Start-up. HDL will conduct a pre-construction conference and will review material and equipment submittals, shop drawings, samples, and quality control submittals.

Project Administration. HDL will review administrative submittals, schedules, and contract closeout submittals. We will prepare a brief Construction Management Program in accordance with FAA requirements. HDL will conduct formal weekly construction meetings and will frequently meet informally with the Contractor and City to assist in coordinating the work. We will review and respond to Design Clarification/Variation Requests (DCVR) from the contractor. We will assist Palmer with change order negotiations for additional or unanticipated work and secure FAA approval before authorizing change order items on grant-eligible work. We will assist Palmer with FAA coordination. We will review pay requests,

verify quantities, and make recommendations for payment to Palmer. We will issue and cancel NOTAMs, as authorized by the Airport Superintendent.

Construction Inspection & Quality Assurance Testing. We anticipate the majority of the fieldwork will occur during a one-week period, during which HDL will provide up to full-time construction inspection. We will also provide up to 10 hours of periodic inspection over an additional week during final completion of the work.

Our Inspector will observe, test, and document the construction on behalf of Palmer. We anticipate providing up to 10 hours per day of inspection for four days; actual hours will depend upon the Contractor's schedule, the type of work being performed, and the level of documentation required. Documentation will include photographs and daily reports detailing the equipment, labor, inspections, testing, and activities occurring each day. HDL will also conduct formal substantial and final completion inspections jointly with Palmer staff and prepare a substantial completion inspection report and list of deficient items.

HDL will provide quality assurance material testing to ensure the adequacy of the contractor's quality control. We have included an allowance for material testing in our fee estimate.

Closeout. For construction closeout, HDL will review the contractor's construction markups and will prepare electronic record drawings. We will submit record drawings to Palmer and FAA on Mylar and in Adobe PDF format. We will request a release of liens and claims statement from the contractor and will distribute a project completion and acceptance certificate for execution. For grant closeout, HDL will update the Rehabilitate Runway 16/34 Project Closeout Report to include information for this project.

ASSUMPTIONS

The following assumptions were used in developing this fee proposal:

1. An Engineer's Design Report is not required and is not included.
2. The design will use the Runway 16/34 design finished surface as the existing ground; surveying is not required and is not included.
3. Geotechnical investigation is not required and is not included.
4. Airfield pavement design analysis is not required and is not included.
5. Environmental clearance is in place from the previous Runway 16/34 project; additional environmental effort is not required and is not included.
6. In accordance with FAA Order 5100.38D Article 3-19 Consultation with Airport Users, Table 3-13, Palmer is required to give affected parties "reasonable opportunity to provide input.... At a minimum, the consultation must cover the general nature of the development proposed, its estimated cost, and its estimated start and stop dates." Formal stakeholder coordination, such as a project open house, is not anticipated and no stakeholder consultation effort is included. We assume Palmer will satisfy this requirement without HDL participation, through an email and open comment period or similar effort.
7. The project will be bid in one package, one time, with no additive alternates.
8. A grant application is not required and is not included.

SCHEDULE

Upon NTP we will commence the work as soon as possible. We anticipate bid-ready documents will be complete within 30 days following NTP.

FEE

We propose to provide the aforementioned services on a time and expenses basis for a budget not to exceed **\$37,560** as detailed on the attached worksheet.

Thank you for your confidence and we look forward to continuing our work with the Palmer Airport. Please contact me if you have any questions.

Sincerely,

HDL ENGINEERING CONSULTANTS, LLC



David Lundin, PE
Principal / Civil & Environmental Engineer

attach: Proposed Fee Worksheet (dated 06/08/20)

COST ESTIMATE PER TASK

FIRM: HDL Engineering Consultants			PROJECT TITLE: Engineering Services for Blast Pad Paving									
TASK NO: 12.2	TASK DESCRIPTION: Plans, Specifications, & Estimate									DATE: 6/8/2020		
GROUP:	METHOD OF PAYMENT: FP <input type="checkbox"/> FPPE <input type="checkbox"/> T&E <input checked="" type="checkbox"/> CPFF <input type="checkbox"/>					PREPARED BY: David Lundin						
SUB-TASK NO.	SUB-TASK DESCRIPTION	LABOR HOURS PER JOB CLASSIFICATION										
		Project Manager	Aviation Engineer	Civil Engineer	Drafter	Clerical	Land Surveyor					
	Management & Coordination	4	2			2						
	Plans (95%)	2	16		36		1					
	Specifications (95%)	2	8			2						
	Quantities & Cost Estimate	1	4		4							
	Plans (Bid-ready)	1	2		8		1					
	Specifications (Bid-ready)	2	2									
	Quantities & Cost Est Update	1	1		2							
TOTAL LABOR HOURS		13	35	0	50	4	2	0	0	0	0	
* LABOR RATES (\$/HR)		\$180.00	\$130.00	\$120.00	\$110.00	\$80.00	\$165.00					
LABOR COSTS (\$)		\$2,340.00	\$4,550.00	\$0.00	\$5,500.00	\$320.00	\$330.00	\$0.00	\$0.00	\$0.00	\$0.00	
SUB-TASK NO.		ITEM(S)		QUANTITY	UNIT PRICE	TOTAL PRICE	COMMENTS: Final plan set is assumed to include 7 sheets plus CPSS. FIRM'S TOTAL COST OF LABOR (or Fixed Price): \$13,040 IF CPFF, TOTAL INDIRECT COST @ 0.00% \$0 FIRM'S TOTAL EXPENSES \$0 FIRM'S TOTAL COST (no Subcontracts or Fee) \$13,040					
						\$0.00						
						\$0.00						
						\$0.00						
						\$0.00						
						\$0.00						
						\$0.00						
Markup at 10%						\$0.00						
TOTAL EXPENSES:						\$0						
SUB-CONTRACTORS: Firm Initials and Price Per Task												
FIRM:					Subtotal	10% Markup						
AMOUNT:					\$0	\$0	TOTAL SUBCONTRACTOR PRICES: \$0					

* Labor Rates shall be direct labor (base pay) only if Method of Payment is CPFF; otherwise, Labor Rates shall be total rates (i.e. base pay + benefits + overhead + profit.)

COST ESTIMATE PER TASK

FIRM: HDL Engineering Consultants				PROJECT TITLE: Engineering Services for Blast Pad Paving									
TASK NO: 12.3	TASK DESCRIPTION: Bidding Assistance							DATE: 6/8/2020					
GROUP:	METHOD OF PAYMENT: FP <input type="checkbox"/> FPPE <input type="checkbox"/> T&E <input checked="" type="checkbox"/> CPFF <input type="checkbox"/>				PREPARED BY: David Lundin								
SUB-TASK NO.	SUB-TASK DESCRIPTION	LABOR HOURS PER JOB CLASSIFICATION											
		Project Manager	Aviation Engineer	Civil Engineer	Drafter	Clerical							
	Management & Coordination	2				1							
	Bidding Assistance	3	12	0	0	0							
TOTAL LABOR HOURS		5	12	0	0	1	0	0	0	0	0	0	0
* LABOR RATES (\$/HR)		\$180.00	\$130.00	\$120.00	\$110.00	\$80.00							
LABOR COSTS (\$)		\$900.00	\$1,560.00	\$0.00	\$0.00	\$80.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
EXPENSES						COMMENTS: City will advertise and distribute bid documents.							
SUB-TASK NO.	ITEM(S)	QUANTITY	UNIT PRICE	TOTAL PRICE									
					\$0.00								
					\$0.00								
					\$0.00								
					\$0.00								
					\$0.00								
Markup at 10%					\$0.00	FIRM'S TOTAL COST OF LABOR (or Fixed Price):		\$2,540					
						IF CPFF, TOTAL INDIRECT COST @		0.00%					
					\$0	FIRM'S TOTAL EXPENSES		\$0					
SUB-CONTRACTORS: Firm Initials and Price Per Task						FIRM'S TOTAL COST (no Subcontracts or Fee)		\$2,540					
FIRM:					Subtotal	10% Markup							
AMOUNT:					\$0	\$0	TOTAL SUBCONTRACTOR PRICES:		\$0				

* Labor Rates shall be direct labor (base pay) only if Method of Payment is CPFF; otherwise, Labor Rates shall be total rates (i.e. base pay + benefits + overhead + profit.)

COST ESTIMATE PER TASK

FIRM: HDL Engineering Consultants			PROJECT TITLE: Engineering Services for Blast Pad Paving					
TASK NO: 12.4	TASK DESCRIPTION: Construction Assistance						DATE: 6/8/2020	
GROUP:	METHOD OF PAYMENT: FP <input type="checkbox"/> FPPE <input type="checkbox"/> T&E <input checked="" type="checkbox"/> CPFF <input type="checkbox"/>			PREPARED BY: David Lundin				
SUB-TASK NO.	SUB-TASK DESCRIPTION	LABOR HOURS PER JOB CLASSIFICATION						
		Contract/ Proj Mgr	Aviation Engineer	Inspector	Inspector OT	Admin. Asst		
Construction Start-up								
	Management	2				4		
	Pre-Construction Meeting		4	2				
	Contractor Submittals		8					
Project Administration, Construction Inspection, Quality Assurance Testing (2-Weeks)								
	Project Administration	4	24					
	Field Inspection & Testing			42	8			
Closeout								
	Construction completion	1	4	8				
	Record Drawings		2	6				
	Add to RW 16/34 Grant Closeout	1	4	8				
TOTAL LABOR HOURS		8	46	66	8	4		
* LABOR RATES (\$/HR)		\$180.00	\$130.00	\$110.00	\$140.00	\$80.00		
LABOR COSTS (\$)		\$1,440.00	\$5,980.00	\$7,260.00	\$1,120.00	\$320.00		
EXPENSES								
SUB-TASK NO.	ITEM(S)	QTY	UNIT PRICE	TOTAL PRICE	COMMENTS: Assumes - - Project/Office Engineer 12 hours/week for two weeks. - Inspector works up to 4 ea 10-hour shifts. - Inspector works up to an additional 10 hours of periodic inspections. - Two weekly progress meetings.			
	Miscellaneous small items	0	\$0.00	\$0.00				
	Markup at 10%			\$0.00				
	Nuclear Densometer (day rate)	4	\$30.00	\$120.00				
	Laboratory Testing (allowance)	1	\$1,000.00	\$1,000.00				
	Vehicle (day rate)	8	\$80.00	\$640.00				
TOTAL EXPENSES:				\$1,760	FIRM'S TOTAL COST OF LABOR (or Fixed Price): \$16,120			
					IF CPFF, TOTAL INDIRECT COST @ 0.00% \$0			
					FIRM'S TOTAL EXPENSES \$1,760			
SUB-CONTRACTORS: Firm Initials and Price Per Task					FIRM'S TOTAL COST (no Subcontracts or Fee) \$17,880			
FIRM:			Subtotal	10% Markup	TOTAL SUBCONTRACTOR PRICES: \$0			
AMOUNT:			\$0	\$0	TOTAL COST + SUBCONTRACTOR PRICES: \$17,880			

Page 19 of 155

* Labor Rates shall be direct labor (base pay) only if Method of Payment is CPFF; otherwise, Labor Rates shall be total rates (i.e. base pay + benefits + overhead + profit.)

Attachment(s):

- FAA Sponsor Assurances

Summary Statement:

The Warren "Bud" Woods Palmer Municipal Airport is a federally recognized municipal operated airport eligible for Federal Airport Improvement Program (AIP) grant funding for approved projects.

The FAA has approved the most recent Airport Layout Plan which identifies areas of future use and improvements. The City also has an approved Obstacle Action Plan that identifies areas in need of safety improvements. These documents together have resulted in a project that entails the following:

- Runway 16/34 Repaving and Shoulder Work
- Object Free Area (OFA) Improvements (Removal of Soil Mound, Tree Clearing & Topping, Sign Relocation)
- Runway Safety Area Expansion (North and South of Runway 16/34)
- Taxiway B Spot Repairs
- Large Aircraft Apron Expansion (Paving as Additive Alternates)
- Removal of Abandoned Service Road
- Re-Mark Crosswind Runway to 10/28
- 2,000 Feet of Additional Security Fencing (North East) After Tree Removal
- New and Relocated Compass Calibration Pad
- New Heliport and Helicopter Parking on South Ramp (Additive Alternate)

For the 2017 budget year, the City Council approved matching Capital Improvement funding of \$225,000.00 to be used in conjunction with a \$400,000.00 State of Alaska Grant No. 15 DC 128 DCCED for the Rehabilitation & Repaving of Runway 16/34. The City applied for a Federal Airport Improvement Program (AIP) grant in the amount of \$7,827,300.00.

Of this amount \$492,019.00 is non-federal funding.

City funds account for \$92,019 of the entire project funding.

Administration's Recommendation:

Approve Resolution No. 17-020 Accepting and Appropriating a Grant Offer from the Federal Aviation Administration (FAA) in an Amount up to \$7,827,300.00 for RW 16/34 Rehabilitation and Related Improvements and authorizing the Manager to execute the grant when offered.

Introduced by: City Manager Wallace
Date: June 13, 2017
Action: Approved
Vote: Unanimous

Yes:	No:
Best	
Carrington	
Combs	
DeVries	
Fuller	
Hanson	
LaFrance	

CITY OF PALMER, ALASKA

Resolution No. 17-020

A Resolution of the Palmer City Council Accepting and Appropriating a Grant Offer from the Federal Aviation Administration (FAA) in an Amount up to \$7,827,300.00 for Runway 16/34 Rehabilitation and Related Improvements at the Warren "Bud" Woods Palmer Municipal Airport and Authorizing the City Manager to Negotiate and Execute the Grant When Offered

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

WHEREAS, an Airport Layout Plan has been developed by the City and approved by the FAA for the Warren "Bud" Woods Palmer Municipal Airport; and

WHEREAS, the need for the 16/34 runway rehabilitation and related improvements are a priority with the FAA; and


WHEREAS, the City of Palmer anticipates approval of FAA grant funds of up to \$7,827,300.00 for the federal portion of the project; and

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

NOW THEREFORE, BE IT RESOLVED, by the Palmer City Council to accept and appropriate a Grant Offer from the Federal Aviation Administration (FAA) in an Amount up to \$7,827,300.00 for Runway 16/34 Rehabilitation and Related Improvements at the Warren "Bud" Woods Palmer Municipal Airport and to authorize the City Manager to negotiate and execute the grant when offered.

Approved by the Palmer City Council this 13th day of June, 2017.


Norma I. Alley, MMC, City Clerk


Edna B. DeVries, Mayor

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
Action Memorandum No. 20-048**

Subject: Authorizing the City Manager to Accept a New Park Equipment Donation from the Mat-Su United Way and Coordinate Public Works Support of the Installation of the New Equipment

Agenda of: June 23, 2020

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

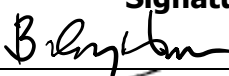
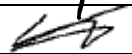

Originator Information:

Originator: Chris Nall, Public Works Director

Department Review:

Route to:	Department Director:	Signature:	Date:
_____	Community Development	_____	_____
✓	Finance		06/02/2019
_____	Fire	_____	_____
_____	Police	_____	_____
✓	Public Works		06/01/2020

Approved for Presentation By:

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

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: 

Attachment(s):

- Playground Equipment Layout
- Ordinance No. 17-008-S
- Park and Recreation Donation Application

Summary Statement/Background:

On March 30, 2020, the City of Palmer Public Works Office was contacted by Michele Harmeling of United Way of Mat-Su, with a request to utilize grant funds to purchase new playground equipment for Hagen Park. The equipment will be purchased by United Way, donated to the City, and assistance will be provided by Public Works to install the equipment.

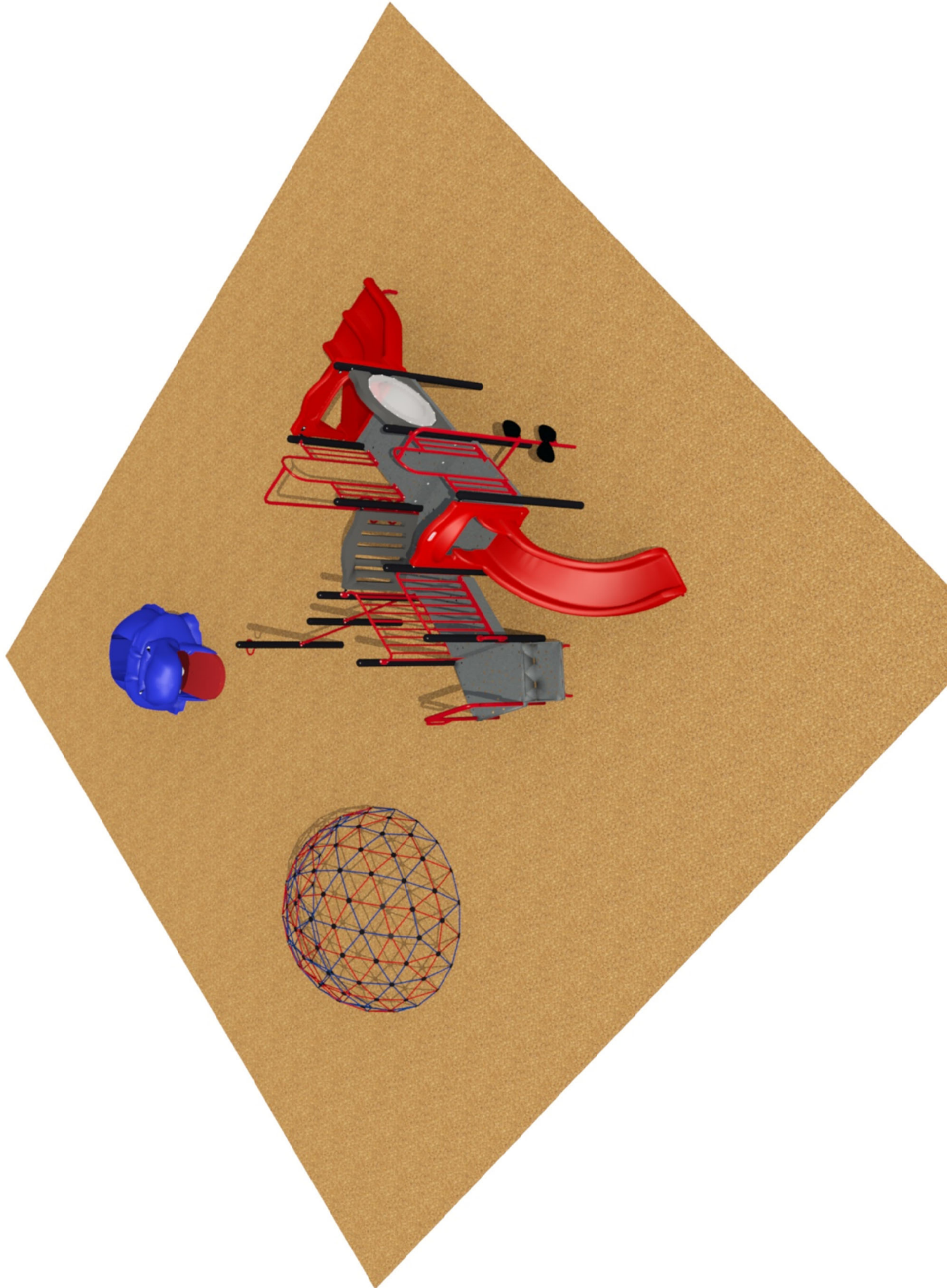
Since then the United Way of Mat-Su and Public Works have worked together to identify potential playground equipment pieces and to develop a plan for installation of the purchased pieces. Once purchased, the CoP Public Works will store the equipment at the Public Works Yard until such time as the United Way of Mat-Su has been able to identify and coordinate a work crew to install the equipment.

CoP Public Works will assist the United Way of Mat-Su in preparing Hagen Park for the installation of the new playground equipment.

This donation and project proposed by the United Way of Mat-Su falls in line with the City's general Parks Improvement Plans (Ord. No. 17-008-S) and the equipment comes at no financial cost to the City.

Administration's Recommendation:

To approve Action Memorandum No. 20-048



**City of Palmer
Ordinance No. 17-008-S**

Subject: Adopting a City of Palmer Parks, Recreation and Outdoor Facilities Donation Policy

Agenda of: April 25, 2017 – Introduction
 May 9, 2017 – 1st Public Hearing
 May 23, 2017 – 2nd Public Hearing
 June 11, 2017 – 3rd Public Hearing

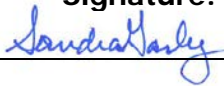
Council Action: **Adopted** **Amended: By Substitute Ord., Remove Specifications, and Remove Section 9. Public Art**

Denied


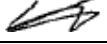

Originator Information:

Originator: Community Development Director Sandra Garley

Department Review:

Route to:	Department Director:	Signature:	Date:
X	Community Development		4/3/17
_____	Finance	_____	_____
_____	Fire	_____	_____
_____	Police	_____	_____
_____	Public Works	_____	_____

Approved for Presentation By:

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

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: 

Attachment(s):

- Ordinance No. 17-008 adopting a City of Palmer Parks, Recreation, and Outdoor Facilities Donation Policy – Substitute Ordinance and Ordinance Currently on the Floor
- Parks, Recreation & Cultural Resources Advisory Board Resolution No. 16-002
- Resolution No. 05-028

Summary Statement:

The purpose of this policy is to establish guidelines, standards, and procedures for the acceptance, installation, and care of donated park improvements, either as a result of a cash or physical property donation. When the City is approached by families or other community members who wish to donate items for installation in a public space, the City staff should have a specific set of guidelines to use in processing the requested donation.

The Parks, Recreation and Cultural Resources Advisory Board has developed criteria that will ensure that there is a uniform standard for items being placed on City property. Having a set of guidelines will also assist a family or organization that wants to make a donation in making a decision on what to donate.

Palmer Municipal Code (PMC) 12.24.040 authorizes the manager to promulgate regulations for "maintenance or other reasons."

Palmer Municipal Code 2.07.030 requires Ordinances of less than general and permanent nature, and not intended to become a part of the code, shall conform to the requirements of PMC 2.07.010.

On May 23, 2017, the City Council passed a motion directing staff to remove references of memorials; replace references to purchasing equipment/elements with donating equipment/elements where applicable; and removing the last sentence in 4.B. and setting a substitute ordinance to be presented at a 3rd Public Hearing. What is presented before the Council tonight reflects these changes.

Administration's Recommendation:

Adopt Ordinance No. 17-008 adopting a City of Palmer Parks, Recreation, and Outdoor Facilities Donation Policy.

Introduced by: City Manager Wallace
 Date: April 25, 2017
 1st Public Hearing: May 9, 2017
 2nd Public Hearing: May 23, 2017
 3rd Public Hearing: July 11, 2017
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Best	
Carrington	
Combs	
DeVries	
Fuller	
Hanson	
LaFrance	

CITY OF PALMER, ALASKA

Ordinance No. 17-008-S

An Ordinance of the Palmer City Council Adopting a City of Palmer Parks, Recreation, and Outdoor Facilities Donation Policy

WHEREAS, the City has public land that citizens enjoy throughout the year; and

WHEREAS, many citizens and visitors desire to assist and enhance these public lands through donating items; and

WHEREAS, the Parks, Recreation and Cultural Resources Advisory Board developed and recommends a standard operating procedure for accepting and maintaining donations for public use at recreational and outdoor facilities.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This is a non-code ordinance which adopts regulations for the Parks, Recreation and Outdoor Facilities Donation Policy.

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 Parks, Recreation and Outdoor Facilities Donation Policy is hereby adopted as follows:

1. PURPOSE

The purpose of this policy is to establish guidelines, standards, and procedures for the acceptance, installation, and care of donated park improvements, either as a result of a cash or physical property donation. These donations may include, but are not limited to, park benches, picnic tables, bicycle racks, trees, monuments, banners, interpretive signs, public art, and other types of park and trails accessories. This policy does not apply to buildings or land. The City desires to encourage donations while at the same time manage aesthetic impacts and mitigate on-going maintenance cost.

Donations will be incorporated into upcoming or ongoing park improvement projects. The development of public facilities is expected to be the result of careful planning and quality construction. In addition, public facilities are expected to be maintained to a standard acceptable to the community.

Guidelines established by this policy will apply to all donations made after the effective date of this policy. This policy is also designed to provide guidelines for individuals or groups should they desire to decorate, landscape or adorn a donation, such as a tree, bench, or picnic table on City owned or City maintained property.

Standards established by this policy will apply to donated equipment, installation techniques, donation plaques, decoration and long term care of all donations made after the adoption of this policy. Materials and design of such donations shall be reviewed by the Palmer Parks, Recreation and Cultural Resources Advisory Board (the Board). The Board shall forward their recommendation as to the acceptance of the proposed donation to City Council for final action.

2. STANDARDS FOR DONATIONS

- A. Acquisition or Purchase:** The City and the community have an interest in ensuring that park and trail elements donated and installed be of high quality related to style, appearance, durability and ease of maintenance. The Board will be responsible for review and approval of material and design of all park elements.

- B. Appearance and Aesthetics:** The City and the community have an interest in ensuring the best appearance and aesthetic quality of their public facilities. Park elements and/or their associated donation acknowledgments should reflect the character of the park or facility. Prior to installation, the Board must determine that all park elements will be installed in such a manner that will not substantially change the character of a facility or its intended use.

- C. Cost:** The City has an interest in ensuring that the donor covers the full-cost of the donation, installation, and maintenance for the expected life cycle of donated park elements. A separate fee schedule is maintained in which the City will detail costs for donations, installation, and maintenance. The City also has an interest in ensuring that ongoing maintenance costs do not negatively impact the resources available for maintenance of other City park facilities. Consequently, the City will assess, at the time of donation, a charge sufficient to cover anticipated ongoing maintenance of donated park elements during their expected life expectancy.

- D. Maintenance:** Donated park elements and/or their associated donation plaques, become City property. Accordingly, the City has the duty to maintain the donation only for the expected life cycle of the donation. (See Section 11 for more information on life cycle.) If current information is on file, the donor will be informed and given the opportunity to take further action at the expiration of the original life cycle.

- E. Repair:** The community has an interest in ensuring that all park elements remain in good repair. In addition, the public has an interest in ensuring that the short and long-term repair costs are reasonable. Repair parts and materials must be readily available. Donated

park elements must be of high quality to ensure a long life, be resistant to the elements, wear and tear, and to acts of vandalism.

3. PROCEDURE FOR MAKING A DONATION

The City's Community Development office will manage all donations located on City park property, with the assistance of the Parks Maintenance Crew.

- A. Application:** The donor must contact the Community Development office to determine whether a donation may be accepted based upon criteria contained in this policy. If a donation can be accepted, the donor will complete an application form. Applications are available through the mail or in person at the Community Development office.

4. CRITERIA FOR ACCEPTANCE

- A. Park Plan:** To accept donation of a park element for a specific park facility, a park plan must exist showing the available locations for park elements. If no plan exists then a donation may be made to another facility. If a plan exists, but does not identify a particular park element proposed for donation, the City may accept the donation under certain conditions. Under this circumstance, the donation must 1) meet a true need of the facility, 2) not interfere with the intended current or future use or function of the facility and 3) not require the relocation of other equipment or infrastructure to accommodate the donation. In the opinion of the City, a facility may be determined to be fully developed and the opportunity for donations would not be available.

- B. Donation Plaques:** Donation plaques, as approved by the Board, are to be directly affixed to the donation and/or, are to be made of bronze and purchased through the City. Donation plaques will be a maximum 5" x 7" or 2" x 18" inches in size (depending on the donated item), utilize either "Palatino" or "Cheltenham Light" lettering and numbers, have a leatherette or travertine background texture, be of dark brown oxide stain and be manufactured by a City approved vendor to ensure highest quality, life and durability. In cases where bronze plaques are not feasible, the Board may approve alternative types.

In park bench applications, the donation plaque will be affixed to the front of the seat back of the bench. In picnic table applications, the donation a plaque will be affixed to the table top. In tree installation applications, the donation plaque will be installed on a post or on a stone next to the base of the tree.

- C. Notification:** It shall be the responsibility of the donor to provide the Community Development office with a current address for purposes of notification regarding their donation. For the purposes of notification, the City will send a certified letter to the donor, notifying the donor of changes related to the status of their donation (i.e. a need to remove, relocate, or comply with conditions set forth in this policy).

5. PARK BENCHES, PICNIC TABLES, & BICYCLE RACKS

Park benches, picnic tables, bicycle racks, and playground components may be placed in locations approved by the Board in accordance with an available site plan approved by City Council. Items donated must be of a product approved by the Board, and these items become City property at time of donation.

6. TREES

Landscaping and plant selection for park facilities is critical due to the wind conditions, soils, and winter weather in Palmer. Accordingly, location, size and specie of tree or trees proposed for donation shall be limited to those reviewed and recommended by the Board. The Board shall forward their recommendation as to the acceptance of the proposed tree(s) to City Council for final action.

Trees will only be accepted for areas with suitable soils for the species and areas that have access to public water supply in place.

A. **Minimum Tree Size:**

Coniferous trees shall have a minimum height of six feet (6'); and
Deciduous trees shall have a minimum caliper (diameter or thickness) of two inches (2").

B. **Prohibited Plant Species:**

<i>Acer platanoides</i>	Norway Maple
<i>Aegopodium podagraria</i>	Bishop's Weed
<i>Berberis sp.</i>	Barberry
<i>Caragana arborescens</i>	Siberian Pea Shrub
<i>Eleagnus sp</i>	Russian Olive
<i>Euonymus alatus</i>	Burning Bush
<i>Fallopia japonica</i>	Japanese Knotweed
<i>Ligistrum sp</i>	Privet
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Polygonum sp</i>	Knotweed
<i>Populus alba</i>	White Poplar
<i>Prunus padus</i>	European Bird Cherry
<i>Rosa multiflora</i>	Multiflora Rose
<i>Sorbaria sorbifolia</i>	False Spirea
<i>Sorbus aucuparia</i>	European Mountain Ash
<i>Viburnum opulus</i>	European Cranberry Bush

7. MONUMENTS

Upright monuments or monuments resembling those typically found in cemeteries may not be installed at any City park facility. Exceptions to this policy are monuments installed by the City commemorating the history and/or dedication of a park facility.

8. INTERPRETIVE & OTHER DONATED PARK SIGNS

Interpretive and other donated park signs as recommended by the Board. The Board shall forward their recommendation as to the acceptance of the proposed sign to City Council for final action. Signs shall be consistent with any adopted City way finding standards may be installed at sites that are appropriate for describing the history, geology, environment, and flora and fauna of a particular area. Interpretive signs shall be of a size that is in keeping with the character of the site. Interpretive signs shall be of a design that meets requirements for access to the disabled. Interpretive signs shall be designed in such a manner that is consistent with other interpretive signs on the site. Interpretive signs shall be constructed of materials that are of high quality, vandal resistant, and able to withstand harsh environmental conditions.

9. OTHER DONATIONS

There may be donations possible, other than those expressly listed or contained within this policy. The Board may, at their discretion, review any donation proposal and forward a recommendation. The City may accept those donations subject to approval by the City Council.

10. CONDITIONS

- A. Installation:** Installation of donated park equipment will be scheduled at a time and date as determined by parks maintenance crew so as not to unnecessarily interfere with routine park maintenance activities.

Placement of the equipment may not pose a safety risk to users of the public space or impede mowing, drainage or public access.

- B. Removal and/or Relocation:** This section applies to both existing and new donations. The City reserves the right to remove and/or relocate donated park equipment and their associated donation acknowledgments/plaques, when they interfere with site safety, maintenance or construction activities. In accordance with previously stated procedures in this policy, the City will send a registered letter to each identifiable donor notifying the donor of any action related to the disposition or relocation of the donation. In certain situations, such as safety or emergency situations, the notification may be made after the action taken. In the event a donation must be permanently removed; the City will, in best effort, seek an alternative location consistent with this policy.

11. MAINTENANCE AND REPAIR

The long-term care and maintenance of donated park elements is important to both the donor and the City.

- A. Life Cycle Care Fund:** The establishment of the Life Cycle Care Fund ensures that the City will care for the donation for the estimated life of the donation, or until such time the City determines the donation must be removed and/or relocated for unforeseen circumstances. The establishment of a Life Cycle Care Fund applies to all donated park elements installed after the adoption of this policy.

The fund is established with the intent of providing a regular revenue source dedicated and sufficient to reasonably maintain future donations for the duration of their expected life cycle. The cost of a donation will include the cost of purchase and installation, and the funds estimated to be sufficient, based upon the expected life cycle, for maintenance of the donated item. The expected life cycle, routine maintenance and element costs are identified in a separate schedule. This schedule is maintained administratively and may be modified from time to time to ensure that sufficient resources are available to maintain donations.

Accordingly, the City will determine the level of maintenance required for the donated property based upon available budget funding and the type of care needed to reasonably maintain the donation.

At the end of the life-cycle term, the donor may choose to extend the life-cycle term by paying for the current value of a new donation if deemed necessary by the Board and its

associated maintenance cost. The City reserves the right to seek a new donor for the donation at the end of the established life cycle should the original donor choose not to renew the donation, or if the City has not been able to contact the original donor.

Section 4. Effective Date. Ordinance No. 17-008-S shall take effect upon adoption by the City of Palmer City Council.

Adopted this 11th day of July, 2017.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

CITY OF PALMER
PARKS, RECREATION & CULTURAL RESOURCES ADVISORY BOARD
Resolution No. 16-002

**A Resolution of the Parks, Recreation & Cultural Resources Advisory Board
Recommending the Adoption of a Memorial Policy**

WHEREAS, the City Council in creating the Parks, Recreation & Cultural Resources Advisory Board required the Board under Palmer Municipal Code 2.22.006. B. to provide input and recommendations on issues relating to placement of memorials and plaques on City property; and

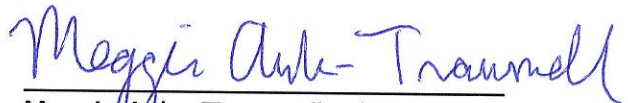
WHEREAS, the Board has considered standards for various types of memorials during the September 10, 2015 and October 1, 2015 meetings; and

WHEREAS, the Board reviewed and amended to wording to incorporate further input on October 6, 2016 ; and


WHEREAS, the Board has worked to develop a draft memorial and donation policy for consideration by City Council that will authorize the Manager to establish guidelines, standards and procedures for the installation and care of donated memorials that are benches, picnic tables, bicycle racks, trees, monuments, banners, interpretive signs, public art pieces or other park improvements, either as result of a cash or physical property donations.

NOW, THEREFORE, BE IT RESOLVED that the Palmer Parks, Recreation & Cultural Resources Advisory Board recommends that the City Council consider adoption of the attached memorial and donation policy

Passed and approved by the Parks, Recreation & Cultural Resources Advisory Board of Palmer, Alaska, this 6th day of October, 2016.



Meggie Aube-Trammell, Chair



Sandra Garley, Director of Community Development

Introduced by: Mayor Combs
Date: June 26, 2005
Action: Adopted
Vote: Unanimous

CITY OF PALMER, ALASKA

RESOLUTION NO. 05-028

A RESOLUTION OF THE PALMER CITY COUNCIL AUTHORIZING THE CITY MANAGER TO OFFICIALLY NAME ANY UNNAMED CITY PARKS AND ANY FUTURE CITY PARKS CREATED BY THE CITY OF PALMER, AFTER THE MAYORS WHO HAVE SERVED THIS COMMUNITY SINCE 1951, BEGINNING WITH THE FIRST MAYOR OF PALMER AND CONTINUING FORWARD

WHEREAS, There exists parks within the City of Palmer parks that are unnamed or only referred to as to location or configuration; and

WHEREAS, The City of Palmer has adopted a Neighborhood Parks Ordinance that will serve to continue creating new parks in the City of Palmer; and

WHEREAS, The Mayors of Palmer since 1951 have served the City faithfully and should be recognized for their contribution to the community; and

WHEREAS, The City of Palmer agrees to place a permanent marker in each park with an official ceremony, naming the park in honor of each Mayor.

NOW THEREFORE, BE IT RESOLVED by the Palmer City Council that the City of Palmer City Manager is authorized to officially name any unnamed city parks and any future city parks created by the City of Palmer, after the Mayors who have served this community since 1951, beginning with the first Mayor of Palmer and continuing forward.

Passed and approved by the City Council of the City of Palmer, Alaska this 26th day of July, 2005.

/s/
John C. Combs, Mayor

/s/
Janette Bower, City Clerk



**City of Palmer Public Works Dept.
1316A S. Bonanza St., Palmer, AK 99645**

Phone: 907-745-3400 • Fax: 907-745-3203

www.palmerak.org

Parks & Recreation Donation Application

The purpose of this policy is to establish guidelines, standards and procedures for the installation and care of donated park improvements, either as a result of a cash or physical property donation. These donations may include, but are not limited to, park benches, picnic tables, bicycle racks, trees, monuments, banners, interpretive signs, public art, and other types of park and trails accessories. This policy does not apply to buildings or land. The City desires to encourage donations while at the same time manage aesthetic impacts and mitigate on-going maintenance costs.

Primary Contact Information:

Name: MICHELE HARMELIN
Mailing Address: 550 S. Alaska St., Suite #205, Palmer, AK 99645
Phone Number: 745-5824
Email: admin@unitedwaymatsn.org
Alternate Contact Name: Stephanie Allen
Phone Number: 745-5821
Email: sallen@unitedwaymatsn.org

We would like to donate:

- Monetary - \$ _____
 Park Bench
 Picnic Table
 Bicycle Rack
 Tree(s) - Minimum tree size: Coniferous trees shall have a minimum height of six feet (6'); and deciduous trees shall have a minimum caliper (diameter or thickness) of two inches (2")
 Other: _____

Describe: Playground equipment for upper Hagen Park
(please see attached) & a doggie bag station to
match others installed by the city.

Preferred Location: Hagen Park, 201 E. Dolphin Ave.

Please submit for approval to:

Palmer Public Works 1316 S. Bonanza Street Palmer, AK 99645

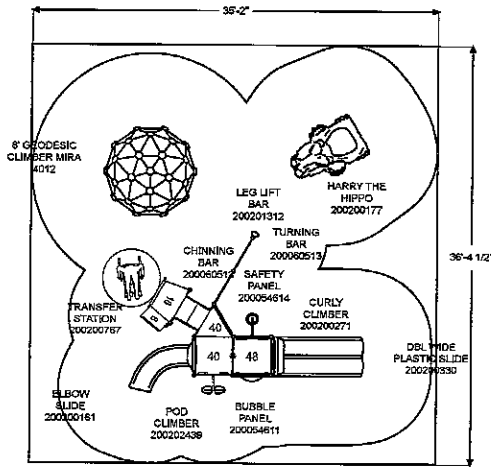
Email:

General Notes:

Age Group

2-5 yrs 5-12 yrs 2-12 yrs 3+ yrs

1. The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.
2. For playground equipment to be considered accessible, accessible surfacing must be utilized in applicable areas.
3. Although a particular playground design may not meet the proposed Access Board Regulations in regards to the appropriate number of ground level levels, the actual playground may be in compliance when considering existing play components.
4. All deck heights are measured from top of ground cover.
5. Self-storing ground cover is required under and around all play equipment.
6. The minimum recommended fall zone around the entire play structure is shown. This zone is to be free of all tripping or collision hazards (i.e. roots, rocks, border material, etc.)
7. All post lengths are identified by text showing the post length, i.e. 08 represents a 08 inch post.
8. Not all equipment may be appropriate for all children. Supervision is required.



Project:
 2-12
 Palmer, AK
 LTCPS rep:
 Lucy Skuba
 Play Systems North
 (866) 985-6637

Ground Space: 23'-6" x 25'-0"
Protective Area: 35'-6" x 36'-6"

Drawn by: Lucy Skuba
Date: 5/4/2020
DWG Name: 10004_43955923648

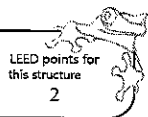
LTCPS - Farmington
 878 East Highway 60
 Monett, Missouri 65708
 Voice: 1-800-325-8828
 Fax: 417-354-2273

Playground Layout Compliance:

- ASTM F1487 - Playground Equipment for Public Use.
- CPSC Handbook for Public Playground Safety



The play components identified in this plan are PEMA certified. The use and layout of these components conform to the requirements of ASTM F1487.



A. CALL TO ORDER

A regular meeting of the Palmer City Council was held on May 26, 2020, 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

Due to COVID-19 Mayor DeVries was present in the Council Chambers while the Council Members participated in the meeting by teleconference.

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

Edna DeVries, Mayor	Linda Combs, Deputy Mayor (participated by teleconference)
Julie Berberich (participated by teleconference)	Sabrina Combs (participated by teleconference)
Richard W. Best (participated by teleconference)	Jill Valerius (participated by teleconference)
Steve Carrington (participated by teleconference)	

Staff in attendance were the following:

Brad Hanson, City Manager	Michael Gatti, City Attorney (participated by teleconference)
Norma I. Alley, MMC, City Clerk	Kara Johnson, Deputy City Clerk

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA

1. Approval of Consent Agenda
 - a. **Action Memorandum No. 20-043:** Acknowledgement of all Federal Grant Assurances as it Relates to the Federal Aviation Administration’s Airport Improvement Program

Main Motion: To Approve the Agenda and Consent Agenda

Moved by:	L. Combs
Seconded by:	S. Combs

Primary Amendment #1: To Amend the Agenda By Moving Item I.3. to I.2.

Moved by:	Best
Seconded by:	L. Combs
Vote:	Unanimous
Action:	Motion Carried

Vote on Motion: To Approve the Agenda and Consent Agenda, as Amended

Vote:	Unanimous
Action:	Motion Carried

E. COMMUNICATIONS AND APPEARANCE REQUESTS

- 1. Presentation by Planning and Zoning Commission Chair Richard Benedetto

Mr. Richard Benedetto spoke on current city projects and the proposed curbside and off-road parking increase and changes. He fielded questions from Council.

F. REPORTS

- 1. City Manager’s Report

City Manager Hanson highlighted his written report.

- 2. City Clerk’s Report

None.

- 3. Mayor’s Report

Mayor DeVries highlighted her written report and requested the proposed ethics legislation to be discussed as a Committee of the Whole.

- 4. City Attorney’s Report

None.

G. AUDIENCE PARTICIPATION

Ms. Julie Estey, Matanuska Electric Association (MEA) Director of Pubic Affairs, updated on the easement tree clearing that will be happening within the city of Palmer.

H. PUBLIC HEARING

- 1. **Resolution No. 20-013:** Authorizing the City Manager to Accept and Appropriate the 2020 State of Alaska High Visibility Click It or Ticket Enforcement Grant in the Amount of \$12,480.00 to be used for High Visibility Seatbelt Enforcement Activities by the Palmer Police Department

Mayor DeVries opened the public hearing on Resolution No. 20-013. Hearing no objections from the Council Mayor Devries closed the public hearing.

Main Motion: To Approve Resolution No. 20-013

Moved by:	L. Combs
Seconded by:	S. Combs
Vote:	Unanimous
Action:	Motion Carried

I. NEW BUSINESS

- 1. **Resolution No. 20-014:** Authorizing the City Manager to Suspend Certain Fees and Fines From the 2020 Fees and Fines Schedules Due to COVID-19 Public Health Disaster Emergency

Main Motion: To Approve Resolution No. 20-014

Moved by:	L. Combs
Seconded by:	S. Combs
Vote:	Unanimous
Action:	Motion Carried

2. **Action Memorandum No. 20-044:** Directing the City Manager to Notify the State of Alaska of the City Council’s Statement of Non-Objection to Liquor License No. 5566 for Matanuska Brewing Company

Action Memorandum No. 20-044 was moved on the Agenda.

Main Motion: To Approve Action Memorandum No. 20-044

Moved by:	Valerius
Seconded by:	Carrington
Vote:	Unanimous
Action:	Motion Carried

3. **Resolution No. 20-015:** Authorizing the City Manager to Accept Coronavirus Relief Funds in the Amount of \$7,566,546.24 for Costs that are for Necessary Expenditures Incurred Due to the Public Health Emergency with Respect to Coronavirus Disease 2019 (COVID-19) from the Alaska Department of Commerce, Community, and Economic Development

City Manager Hanson presented the staff report.

Main Motion: To Approve Resolution No. 20-015

Moved by:	S. Combs
Seconded by:	Valerius
Vote:	Unanimous
Action:	Motion Carried

J. RECORD OF ITEMS PLACED ON THE TABLE

City Clerk Alley reported MEA’s proposed clearing map was the Item Placed on the Table.

K. AUDIENCE PARTICIPATION

Mr. Eugene Carl Haberman testified on the public process and rights for the public to address policies and procedures.

Mr. Mike Chmielewski spoke about the Memorial Day celebration in Wasilla, voiced support for Palmer having their own Memorial Day event, and the new bike paths in town.

L. COUNCIL MEMBER COMMENTS

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

M. ADJOURNMENT

With no further business before the City Council, the meeting adjourned at 8:55 p.m.

Approved this ____ day of _____, 2020.

Norma I. Alley, MMC, City Clerk

Edna B. DeVries, Mayor

Mayor's Memo

Council Meeting report for council Meeting

on June 23, 2020

The following is the oath of office that all elected officials swear/affirm prior to taking office as a council member or mayor for the City of Palmer.

I, *Jane Doe*, do solemnly swear to support and defend the Constitution and laws of the United States of America, the Constitution and laws of the State of Alaska, and the Charter and ordinances of the City of Palmer; and to the best of my ability honestly, faithfully, and impartially discharge my duties and obligations as *Council Member* of the City of Palmer, so help me God.

Events

Freedom Festival – July 3 and 4 in Palmer

Palmer Garden and Art Midsummer Faire – July 11

Mat-Su COVID-19 basic needs Meeting – Zoom – June 25

9-1-1 Task Force – meetings – week of June 22

Council Meeting is open to audience participation

We want and value your input and participation.

Edna DeVries Mayor v/t 907-355-9933

edevries@palmerak.org

**City of Palmer
Ordinance No. 20-006**

Subject: Amending the Zoning Map to Revise the Zoning Designation of Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 to Re-Zone Parcel from Commercial Limited (CL) to Public Use (P)

Agenda of: June 9, 2020 – Introduction
June 23, 2020 – Public Hearing

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




Originator Information:

Originator: Brad Hanson, Interim City Manager

Department Review:

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

Approved for Presentation By:

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

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: 

Attachment(s):

- Ordinance No. 20-006
- Planning and Zoning Commission Resolution No. 20-001 with Findings of Facts
- Planning and Zoning Commission Minutes for May 21, 2020 (Draft Copy)
- Staff Report
- Public Notice and Vicinity Map for Commission Public Hearing of May 21, 2020 (PZC and Council)
- Zoning Map Amendment Application
- Public Testimony

Summary Statement/Background:

If approved, Ordinance No. 20-006 will allow the request for a zoning map amendment to re-zone Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 from Commercial Limited (CL) to Public Use (P).

This parcel was annexed into the City in 1976 as a part of 160 acres tract. In 1979, a master plan was proposed creating Tracts A, B and C, Northgate Subdivision. Current Tract 5 was at that time Tract C. A rezone of those Tracts was passed on August 26, 1980 with Ordinance No. 238-Z-2, changing Tract A from Residential to R-2 and Tracts B and C to Commercial Limited (CL). That master plan however, lapsed. The Zoning of the Tract 5 remained CL.

In 1999, a new master plan was platted, creating Tract A, Cedar Hills Subdivision Unit No. 2, Phase 1, Plat No. 2000-66, for the entire acreage of Northgate subdivision and the name was subsequently changed to Cedar Hills. Tract A zoning designation was Residential-2 (R-2). In 2017, Tract A was re-platted into Tract 5 and Tract 4, Cedar Hills Subdivision Unit No. 2, Phase 1, Plat No. 2017-60. Tract 5 zoning designation is Commercial Limited (CL) and Tract 4 zoning designation is Residential-2 (R-2).

Tract 5 has a 30-foot greenbelt buffer between developed Residential lots on the west and north side of lot.

On March 13, 2020 Cedar Hills Properties LLC & Matanuska Susitna Borough initiated a zoning map amendment to re-zone Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 from Commercial Limited (CL) to Public Use (P).

On May 21, 2020 the Planning and Zoning Commission voted unanimously to recommend City Council approve the request to revise the zoning designation of Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 from Commercial Limited (CL) to Public Use (P).

Administration's Recommendation:

Adopt Ordinance No. 20-006 to revise the zoning designation of Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 from Commercial Limited (CL) to Public Use (P) with the following considerations:

- A. The public use of the property is limited to the establishment of an emergency medical facility building that is oriented in such a way that provides safe access to the Glenn Highway, as outlined in applicant's response to streets are adequate to support the change.
- B. Development of buildings or structures within public zones requires approval from the City of Palmer Planning and Zoning Commission.

LEGISLATIVE HISTORY

Introduced by: Interim City Manager
Hanson
Date: June 9, 2020
Public Hearing: June 23, 2020
Action:
Vote:

Yes:	No:

CITY OF PALMER, ALASKA

Ordinance No. 20-006

An Ordinance of the Palmer City Council Amending the Zoning Map to Revise the Zoning Designation of Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1, to Re-Zone Parcel from Commercial Limited (CL) to Public Use (P)

WHEREAS, Cedar Hills Properties, LLC & Matanuska Susitna Borough has initiated a zoning map amendment application received March 13, 2020 to re-zone Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 from Commercial Limited (CL) to Public Use (P); and

WHEREAS, the Planning and Zoning Commission (Commission) duly gave required notices, held its required public hearing on May 21, 2020, made a written report of its decision as to such need, justification and effect to the zoning map amendment in the Commission’s Resolution No. 20-001, and voted 7 in favor and 0 opposed to recommend that such amendment to the zoning map be approved; and

WHEREAS, the Commission adopted findings of fact in Resolution No. 20-001 as to the need, justification and effect to the zoning map amendment on May 21, 2020; 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 parcel from Commercial Limited (CL) to Public Use (P), 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. 20-001, 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 Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 from Commercial Limited (CL) to Public Use (P) with the following considerations:

- A. The public use of the property is limited to the establishment of an emergency medical facility building that is oriented in such a way that provides safe access to the Glenn Highway, as outline in applicant’s response.
- B. No use of the property authorized by subparagraph A shall commence or continue except in conformance with a conditional use permit approved by the Palmer Planning Commission, consistent with the above findings.

Section 4. Effective Date. Ordinance No. 20-006 shall take effect upon adoption by the city of Palmer City Council.

Passed and approved this ____ day of _____, 2020.

Edna B. DeVries, Mayor

Norma I. Alley, MMC, City Clerk

PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 20-001

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION RECOMMENDING CITY COUNCIL APPROVE A ZONING MAP AMENDMENT FOR TAX PARCEL TRACT 5, CEDAR HILLS SUBDIVISION, UNIT 2, PHASE 1 TO RE-ZONE PARCEL FROM COMMERCIAL LIMITED (CL) TO PUBLIC USE (P)

WHEREAS, Cedar Hills Properties LLC & Matanuska Susitna Borough has initiated a Zoning Map Amendment application to re-zone tax parcel Tract 5, Cedar Hills Subdivision, Unit 2, Ph. 1 from Commercial Limited (CL) to Public Use (P);

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 May 5, 2020, 126 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 May 12, 2020. A total of 10 comments was received in response, with 4 in favor of, 3 opposed, 2 no objection and 1 questions only reply; and

WHEREAS, Chapter 5, Transportation, Goal 1 from the 2006 Palmer Comprehensive Plan states, "Shape the character and use of the Glenn Highway."; and

WHEREAS, Chapter 6, Land Use, Goal 3, Objective A states, "Provide for the continuation and expansion of Palmer's traditional role as a center for institutional and governmental users for the Mat-Su Borough and State."; and

WHEREAS, Chapter 4, Public Services, Facilities & Infrastructure, Goal 1, Objective B states, "Fire & Emergency Services – Provide adequate fire protection measures and services in Palmer to respond to current and future anticipated emergency service needed"; and

WHEREAS, Chapter 7, Economic Vitality, Goal 1, states "Strengthen Palmer's competitiveness as the region's institutional center"; and

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) Tract 5 is large enough to support the development of an emergency medical services building and achieve sufficient setbacks from the residential development to the west and future medium density residential development to the north.
- b) Accomplish objective of monitoring the needs of existing institutional uses and working with these organizations to meet their needs.

- c) Mat-Su Borough provides emergency medical services for the City of Palmer. Locating the facility on the Glenn Highway will provide for faster and more efficient response times for medical emergencies.

Fact 2:

- a) Tract 5 original use was a nursery. Nurseries are a permitted use within the agriculture district, which can have a higher intensity of use than low density residential. The property has had limited use since 1966. Tract 5 current zoning of commercial limited indicate the property was to be developed to a higher intensity than low density residential.
- b) The land is surrounded on the south by a working farm and to the east by commercial and a church. An emergency medical services building would be an acceptable use of property considering land use patterns around the property are as high of an intensity as a public use zone.
- c) Public use zones are compatible with surrounding zoning districts because of the safeguards established in Palmer Municipal Code 17.40.050 requiring commission approval to ensure compatibility. A petition for development will include a site plan, by an Alaska licensed architect, and shall also provide setbacks and a parking plan.
- d) Buffering and appropriate placement of the facility is necessary to minimize the impacts to the low density residential to the west.

Fact 3:

- a) Public facilities such as schools and utilities are established in Cedar Hills. A facility will have access to city sewer and water. Gas and electric are accessible to the property.
- b) Facility vehicular access points will need approval from the Alaska Department of transportation Public Facilities (AK DOT/PF). The City of Palmer recommends acceptance of access as described in the rezone application.

Fact 4:

- a) Improvements to the Glenn Highway has spurred development in the area around Marsh Road. A proposed development of an emergency medical facility that is well conceptualized and appropriately placed with serve the greater Palmer community.
- b) Residential growth on Fishhook Roads and Farm Loop roads has necessitated the evaluation of how emergency services can better serve the public and the placement of facilities.
- c) Recent improvements to the Glenn Highway have increased safety for ingress and egress onto the highway.

Fact 5:

- a) The proposed map amendment is consistent with the public welfare as an appropriately placed facility will improve efficiency and response times for emergency medical services.
- b) A map amendment to allow Public zoning does not grant a special privilege to the owners as this 5.72-acre parcel is large enough to be sufficiently minimize impacts on non-compatible uses.


NOW, THEREFORE, BE IT RESOLVED that the Palmer Planning and Zoning Commission does hereby recommend the City Council approve the Zoning Map Amendment for Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 to re-zone parcel from Commercial Limited (CL) to Public Use (P) with the following Considerations:

- A. The public use of the property is limited to the establishment of an emergency medical facility building that is oriented in such a way that provides safe access to the Glenn Highway, as outlined in applicant's response.
- B. Development of buildings or structures within public zones requires approval from the City of Palmer Planning and Zoning Commission.

Passed by the Planning and Zoning Commission of the City of Palmer, Alaska, this 21st day of May 2020.



Sarah Rennie
Community Development Specialist



Casey Peterson
Vice Chairman

**PLANNING & ZONING COMMISSION
CITY OF PALMER, ALASKA**

**REGULAR MEETING
THURSDAY, MAY 21, 2020
7:00 P.M. - COUNCIL CHAMBERS**

A. CALL TO ORDER:

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

B. ROLL CALL:

Present and constituting a quorum were Commissioners:

Richard Benedetto, Chair (via teleconference)	Casey Peterson, Vice Chair
Kristy Thom Bernier (via zoom video-conference)	Dan Lucas (via teleconference)
Josh Taylor (via zoom video-conference)	Gena Ornquist (via zoom video-conference)
Sabrina Shelton (via teleconference)	

Also present were:

Brad Hanson, Community Development Director
David Meneses, Building Inspector
Sarah Rennie, Community Development Specialist
Pam Whitehead, Recording Secretary

C. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

D. APPROVAL OF AGENDA:

The agenda was unanimously approved as presented by roll call vote.
[Shelton, Tudor, Ornquist, Thom-Bernier, Lucas, Peterson, Benedetto]

E. MINUTES OF PREVIOUS MEETING:

The minutes of the **February 20, 2020 Regular Meeting** were unanimously approved as presented by roll call vote.

[Shelton, Tudor, Ornquist, Thom-Bernier, Lucas, Peterson, Benedetto]

F. PERSONS TO BE HEARD:

There were no persons in the audience wishing to speak on a topic not on the agenda.

G. PUBLIC HEARINGS:

- 1. Resolution No. 20-001:** A Resolution of the Palmer Planning and Zoning Commission Recommending City Council Approve a Zoning Map Amendment for Tax Parcel Tract 5, Cedar Hills, Unit No. 2, Phase 1 from CL-Commercial Limited to P-Public Use.

Vice Chair Peterson opened the public hearing on Resolution No. 20-001 at 7:05 p.m.

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 10 written comments were received in response, with 4 in favor, 3 opposed, 2 no objection, and 1 with questions.

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 for a map amendment show whether:

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

Staff finds the following support in the Comprehensive Plan:

- Chapter 5, Transportation, Goal 1, states, "Shape the character and use of the Glenn Highway."
- Chapter 6, Land Use, Goal 3, Objective A states, "Provide for the continuation and expansion of Palmer's traditional role as a center for institutional and governmental users for the Mat-Su Borough and State."
- Chapter 4, Public Services, Facilities & Infrastructure, Goal 1, Objective B states, "Fire & Emergency Services – Provide adequate fire protection measures and services in Palmer to respond to current and future anticipated emergency service needs."
- Chapter 7, Economic Vitality, Goal 1, states "Strengthen Palmer's competitiveness as the region's institutional center."

Staff finds the following facts in support:

- a) Tract 5 is large enough to support the development of an emergency medical services building and achieve sufficient setbacks from the residential development to the west and future medium density residential development to the north.
- b) Accomplish objective of monitoring the needs of existing institutional uses and working with these organizations to meet their needs.
- c) Mat-Su Borough provides emergency medical services for the City of Palmer. Locating the facility on the Glenn Highway will provide for faster and more efficient response times for medical emergencies.

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

Staff finds the following facts in support:

- a) Tract 5 original use was a nursery. Nurseries are a permitted use within the agriculture district, which can have a higher intensity of use than low density residential. The property has had limited use since 1966. Tract 5 current zoning of Commercial Limited (CL) indicate the property was to be developed to a higher intensity than low density residential.
- b) The land is surrounded on the south by a working farm and to the east by commercial and a church. An emergency medical services building would be an acceptable use of property considering land use patterns around the property are as high of an intensity as a public use zone.
- c) Public use (P) zones are compatible with surrounding zoning districts because of the safeguards established in Palmer Municipal Code 17.40.050 requiring commission approval to ensure compatibility. A petition for development will include a site plan by an Alaska licensed architect and shall also provide setbacks and a parking plan.
- d) Buffering and appropriate placement of the facility is necessary to minimize the impacts to the low density residential to the west.

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

Staff finds the following facts in support:

- a) Public facilities such as schools and utilities are established in Cedar Hills. A facility will have access to

city sewer and water. Gas and electric are accessible to the property.

- b) Facility vehicular access points will need approval from the Alaska Department of transportation Public Facilities (AK DOT/PF). The City of Palmer recommends acceptance of access as described in the rezone application.

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

Staff finds the following facts in support:

- a) Improvements to the Glenn Highway have spurred development in the area around Marsh Road. A proposed development of an emergency medical facility that is well conceptualized and appropriately placed will serve the greater Palmer community.
- b) Residential growth on Fishhook Roads and Farm Loop Roads has necessitated the evaluation of how emergency services can better serve the public and the placement of facilities.
- c) Recent improvements to the Glenn Highway have increased safety for ingress and egress onto the highway.

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

Staff finds the following facts in support:

- a) The proposed map amendment is consistent with the public welfare as an appropriately placed facility will improve efficiency and response times for emergency medical services.
- b) A map amendment to allow Public zoning does not grant a special privilege to the owners as this 5.72-acre parcel is large enough to sufficiently minimize impacts on non-compatible uses.

Staff Recommendation:

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 this request for rezone Tract 5 Cedar Hills, Unit 2, Phase 1 to Public Use zoning with the following considerations for Tax Parcel Tract 5 and forward a recommendation for approval to the City Council:

- A. The public use of the property is limited to the establishment of an emergency medical facility building that is oriented in such a way that provides safe access to the Glenn Highway, as outlined in applicant's response.
- B. Development of buildings or structures within public zones requires approval from the City of Palmer Planning and Zoning Commission.

Public Hearing: Vice Chair Peterson opened the hearing for public testimony at 7:19 p.m.

Applicant:

Nancy Cameron, Land Management Agent, Mat-Su Borough:

- Testified on behalf of the Applicant and Owner: Cedar Hills Properties LLC & Matanuska-Susitna Borough, in support of the requested rezone;
- Discussed mitigation and protective measures to address neighbor concerns for quiet and noise reduction, emphasizing the facility will *only* be an ambulance station, not a fire station;
- Noted that funding for purchase of the property has been appropriated; that the requested rezone from CL to P is the last step in meeting the conditions of the Purchase Agreement with the Owner;
- Respectfully asked that the rezone be approved.

- Responded to questions/clarifications by the Commission regarding siren use and the primary access road (Marsh Road).

Bill Gilbert, resident of Cedar Hills:

- Commended staff for the fine job in the noticing and keeping them advised regarding this meeting;
- Spoke in opposition to the rezone request, commenting they used to live a quarter mile from the current ambulance station and told the story of sirens blazing at all hours of the day and night. They moved to Cedar Hills and now, less than 200 yards away again will be the new facility;
- Discussed CL being "limited" but P could also be a park; that nobody would complain about a park. Cedar Hills is a high density area, lots of kids, and a great place for a park as opposed to a place that is in and out with sirens;
- His main concern is the change in zoning to a 24/7 potentially noisy area with the sirens and believes this is the wrong place for that kind of facility.

Tony Clark, resident of Cedar Hills:

- Spoke in opposition to the rezone, in agreement with the previous speaker concerning the noise, stating his back yard borders the property to be rezoned;
- Spoke to the loudness of the semi-truck traffic from the landfill nearby that goes down the road;
- Appreciates the mitigation measures talked about, but does not believe an earthen berm will make a difference; that consideration should be given that it will bring a big change to the neighborhood.

There was one additional written response received 5/18/2020 from Jade Schlichting, indicating "supportive."

Applicant's Rebuttal/Response:

- Ms. Cameron spoke in response to the Gilberts' and the Clarks' concerns, noting she hears what they are saying and emphasized wanting to be good neighbors, to work with the neighborhood to come up with mitigation that will direct or abate the sound, which she believes can be done. It needs to be noted for the record that these concerns exist. This property is an ideal location for a great service, but we also need to be mindful of doing what we can to continue to allow the lifestyle the residents have chosen to be respected. She would like to be part of facilitating the process of the Borough staff and the neighbors working together to find a solution as to what will work. She would welcome input from the community.
- Responded to Commission questions regarding use of alarm/siren regulations.

There being no others coming forward to testify, the public hearing was closed at 7:47 p.m.

Vice Chair Peterson called for the motion:

Main Motion: For approval of Resolution No. 20-001, recommending City Council Approve a Zoning Map Amendment for Tax Parcel Tract 5, Cedar Hills, Unit No. 2, Phase 1, from CL-Commercial Limited to P-Public Use, to include adoption of Findings of Fact 1-5 as stated by staff in support of Resolution 20-001 and as reviewed by the Commission.

Moved by:	Lucas
Seconded by:	Shelton
Vote:	7 Yes / 0 No; Shelton, Tudor, Ornquist, Thom Bernier, Lucas, Peterson, Benedetto
Action:	Motion Carried Unanimously by roll call vote.

Director Hanson informed the applicant that Resolution 20-001 zoning action will be forwarded to the City

Council for introduction at its June 9 meeting, and for another public hearing at the Council June 23 meeting. He also informed the Commission’s action may be appealed pursuant to PMC 17.98 by any party, including a city official. The right to appeal is forfeited unless a written appeal is delivered to the Clerk within 20 calendar days of the Commission’s decision.

H. UNFINISHED BUSINESS:

1. Committee of the Whole: Discussion of IM 20-010 regarding PMC 17.28 CL-Limited Commercial Highway Commercial District and Central Business District zoning districts for a presentation at the joint City Council/Planning and Zoning Meeting (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 of the Commercial Districts for City Council presentation.

Moved by:	Thom Bernier
Seconded by:	Lucas
Vote:	7 Yes / 0 No; Shelton, Tudor, Ornquist, Thom Bernier, Lucas, Peterson, Benedetto
Action:	Motion Carried Unanimously by roll call vote.

[The Commission entered Committee of the Whole at 8:00 p.m.; exited at 8:08 p.m.]

Director Hanson provided an update as to status of the Title 17 commercial district rewrites, recommending the Commission develop a Written and Oral Report by Chair Benedetto to the Council and plan a Joint Meeting at a later date when the social distancing restrictions have relaxed to be able to fit in the room or be able to have a productive joint meeting via Zoom. Also, Sarah has prepared and printed a Title 17 Update and has copies for everyone.

The Commission had no additional comments.

[The Commission exited Committee of the Whole without objection at 8:08 p.m.]

I. NEW BUSINESS:

1. Committee of the Whole: Discussion of IM 20-011 regarding PMC 17.24 R-2 low density residential district and PMC 17.26 R-3 medium density multi-family residential district for consideration of setbacks (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 considering 15-foot setbacks in R-2 and R-3.

Moved by:	Benedetto
Seconded by:	Ornquist
Vote:	7 Yes / 0 No; Shelton, Tudor, Ornquist, Thom Bernier, Lucas, Peterson, Benedetto
Action:	Motion Carried Unanimously by roll call vote.

[The Commission entered Committee of the Whole at 8:09 p.m.; exited at 8:37 p.m.]

Director Hanson reported the action is to evaluate setbacks in R-2 and R-3, noting he was approached by a developer concerning the appropriateness of 15-foot setbacks. The commission was asked to consider if newly-platted lots should have 15-foot setbacks, and if so, it would result in a text amendment to R-2 and R-3 and move to the city council for final approval.

Following Committee of the Whole discussion:

- Commissioners Shelton, Ornquist, Lucas, Thom Bernier, and Peterson recommended:
 - to allow reduction of the 15-foot setback to 10-foot in R-2; and
 - do not allow reduction of the 15-foot setback in R-3.

Director Hanson will bring back the text amendment to the next meeting.

[The Commission exited Committee of the Whole without objection at 8:37 p.m.]

J. PLAT REVIEWS:

1. **IM 20-008:** Pre-application Plat – Re-subdivide three lots to create two new lots, Lots 10-1, 10-2, and 11 of Roland Snodgrass Subdivision (located inside Palmer City limits).

Director Hanson directed attention to the comments of City Departments in the packet:

City Manager: Access to lots must be from road not alleyway. There were no other department comments.

The Commission had no additional comments.

2. **IM 20-009:** Pre-Application Plat – To divide one lot and create two new lots, Lot 1, Smith extension Y2K Addition Subdivision (located inside Palmer City limits).

Director Hanson reported City Department comments included:

City Manager: New lots must conform to current zoning.

Public Works: Water and sewer connections will be required and a new driveway permit.

The Commission had no additional comments.

3. **IM 20-012:** Abbreviated Plat – To combine Lots 1, 2 & 3, Block 1A, Sherrod, Plat #12-204 into one lot to be known as Lot 3A, Sherrod Subdivision (located inside Palmer City limits).

Director Hanson reported City Department comments included:

City Manager: See Community Development related to roadway.

Building Inspector: Agree with comment of Community Development.

Community Development: The lots are located within the designated Airport Influence Area; a plat note should be added to the new plat reflecting this information. On the plat provided 2/13/20 it shows lot extends into Gulkana Street. This is inaccurate as the property in the roadway was quitclaim deeded to the City on March 11, 1953.

Fire Chief: Same as Building Inspector.

Public Works: MSB Real Property Parcel ID 41211, Sherrod, Block 1A, Lot 1, showing 0.08 gross acreage. Total combined should say 0.50 for new lot.

The Commission had no additional comments.

4. **IM 20-013:** Master Plan Plat Review – To create a 19-lot, 4-phase master plan from Tax Parcels D14, D16, D17 and Lot 2, Spring Pond Estates to be known as FOLSOM ACRES (located outside Palmer City limits).

Director Hanson reported City Department comments included:
Public Works: P.W. has reviewed and has no issues.
There were no additional Department comments.

The Commission had no additional comments.

K. PUBLIC COMMENTS: None.

L. STAFF REPORT:

Director Hanson:

- Updated on things happening in the Department of Community Development;
- Reported the City Council appropriated \$125,000 for annexation services; the Council selected Agnew Beck to perform the services; they will be presenting to the Commission soon;
- Discussed the annexation goals agreed on between the Council and Agnew Beck:
 - promote orderly high quality development and cost effective extension of services when and where warranted;
 - sustain desired quality of life in and around Palmer;
 - insure a sustainable tax base along with a long term economic viability, physical health and natural environment in Palmer;
- Discussed the role of the Local Boundary Commission;
- Currently working to identify study areas for evaluation.
- Recommended review of the annexation strategies of 2010.

M. COMMISSIONER COMMENTS:

Commissioner Lucas:

- Commented he was pleased to hear that the City Council is finally addressing annexation.

Chair Bennetto:

- Thank you to Vice Chair Peterson for chairing the meeting; looks forward to seeing everyone next month.

N. ADJOURNMENT:

There being no further business, the meeting adjourned without objection at 8:58 p.m.

APPROVED by the Planning and Zoning Commission this 18th day of June, 2020.

Casey Peterson, Vice Chair

Brad Hanson, Community Development Director



Community Development Zone Change Application Staff Report to Commission

PART I. GENERAL INFORMATION

Location:	Tract 5, Cedar Hills Unit 2, Ph. 1
Site Address:	
Request:	District change from Commercial Limited to Public Use
Applicant & Owner:	Cedar Hills Properties LLC & Matanuska-Susitna Borough
Public Hearing Date:	May 21, 2020
Notification Requirements:	In accordance with 17.80.030
<p>On May 5, 2020, 226 public hearing notices were mailed to property owners with 1,200' of the site. Notification of the public hearing was published in the Frontiersman on May 15, 2020. A total of 10 written comments were received in response, with 4 in favor of, 3 opposed and 2 no objection and 1 questions only reply.</p>	

PART II. BACKGROUND

Site Information:

This parcel was annexed into the City in 1976 as a part of 160 acres tract. In 1979, a master plan was proposed creating Tracts A, B and C, Northgate Subdivision. Current Tract 5 was at that time Tract C. A rezone of those Tracts was passed on August 26, 1980 with Ordinance No. 238-Z-2, changing Tract A from Residential-1 (R1) to Residential -2 (R-2) and Tracts B and C to Commercial Limited (CL). That master plan however, lapsed. The Zoning of the Tract 5 remained Commercial Limited (CL).

In 1999, a new master plan was platted, creating Tract A, Cedar Hills Subdivision Unit No. 2, Phase 1, Plat No. 2000-66, for the entire acreage of Northgate Subdivision and the name was subsequently changed to Cedar Hills. Tract A zoning designation was Residential-2 (R-2). In 2017, Tract A was replatted into Tract 5 and Tract 4, Cedar Hills Subdivision Unit No. 2, Phase 1, Plat No. 2017-60. Tract 5 zoning designation is Commercial Limited (CL) and Tract 4 zoning designation is Residential-2 (R-2).

Tract 5 has a 30-foot greenbelt buffer between developed Residential lots on the west and north side of lot.

Parcel Size:

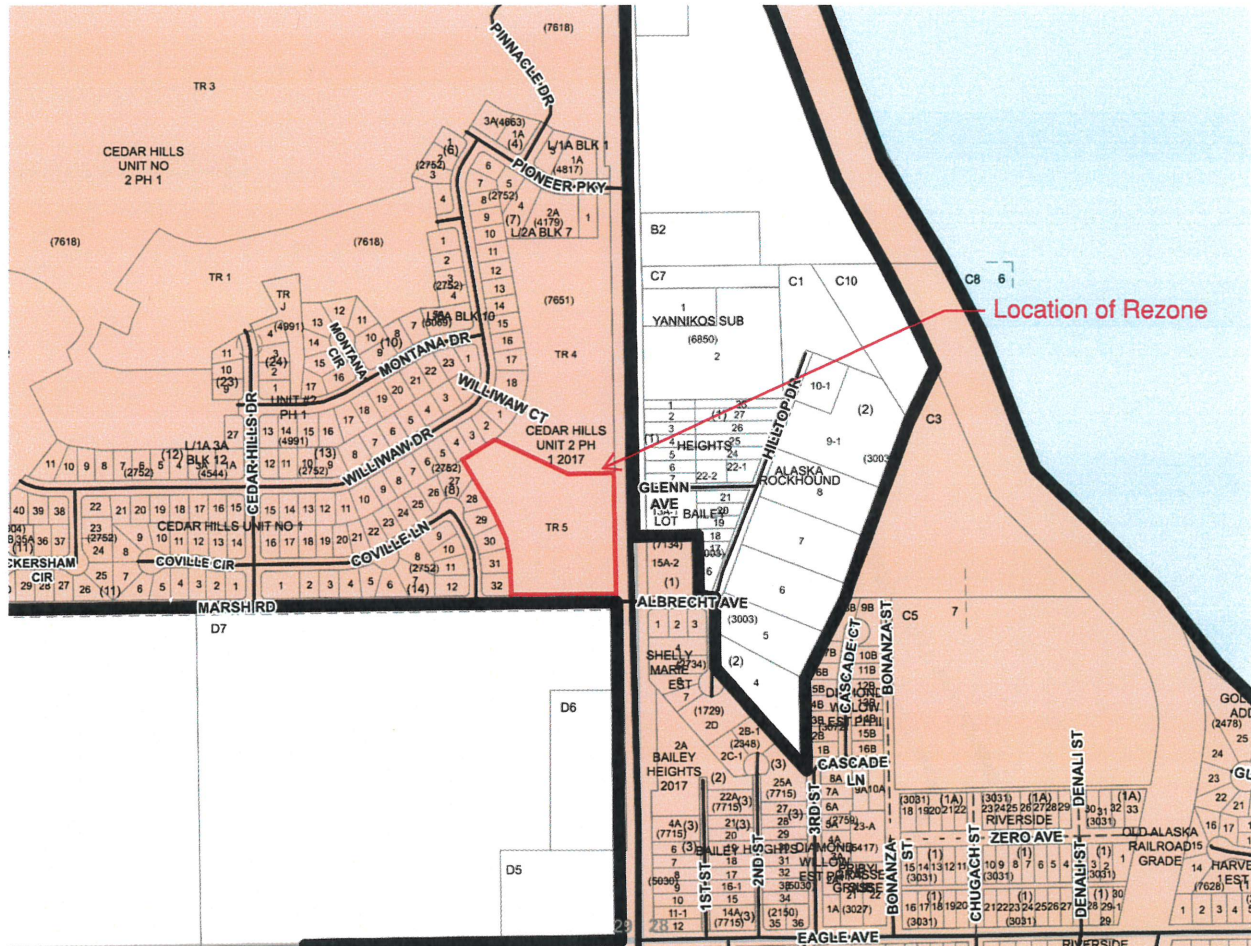
5.72 gross acres

Existing Zoning:

CL – Commercial Limited

Surrounding Land Uses:

	Zoning	Land Use for surrounding areas
North	R-2	Low Density Residential
South	Agriculture	Agriculture use outside of City limits
East	Commercial	Commercial use outside of City limits
West	R-1	Single-Family Residential



Considerations:

The **intent of the CL - Commercial Limited district** is established as a district in which the principal use of land is for a combination of dwellings and commercial enterprises. The **intent of the P - Public Use district** is established as a district in which the use of land is for public buildings and that certain lands be reserved and protected for compatible public uses. This parcel is surrounded by R-2, R-1, Commercial and Agricultural properties.

- The parcel appears to have immediate and adequate access to the Glenn Highway and Marsh Road.

- The parcel contains a 30' greenbelt buffer strip listed on Cedar Hills Subdivision Unit No. 2, Phase 1, Plat No. 2017-60 that would be compatible with the R-1, Single-Family Residential zoned district along the West portion.

Code Requirements:

In the P - Public Use District, the required minimum lot width is 60 feet and the required minimum lot area is 7,200 square feet.

- Tract 5 has a lot area of 249,326 square feet, which exceeds the minimum requirements.
- Tract 5 is a uniquely shaped piece of property; it is approximately 508' in width and 550' in depth.
- Development of an Emergency Medical Services facility will require Planning and Zoning approval of a building or structure, Palmer Municipal Code (PMC 17.40.050). The approval includes a plot plan, architectural design, setbacks, off-street parking and conformance to the city and borough comprehensive plans.

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:

Yes. The city comp plan Goal 1 is to provide and improve essential city services, respond to current need and plan for future demand (Sept. 2006 pg. 4-1); and MSB PF -1 Goal (Public Facilities) is to develop efficient and effective public facilities to meet community/economy/growing population needs (2005 Update pg. 6).

Staff finds the following support in the Comprehensive Plan:

- Chapter 5, Transportation, Goal 1, states, "Shape the character and use of the Glenn Highway."
- Chapter 6, Land Use, Goal 3, Objective A states, "Provide for the continuation and expansion of Palmer's traditional role as a center for institutional and governmental users for the Mat-Su Borough and State."
- Chapter 4, Public Services, Facilities & Infrastructure, Goal 1, Objective B states, "Fire & Emergency Services – Provide adequate fire protection measures and services in Palmer to respond to current and future anticipated emergency service needs."
- Chapter 7, Economic Vitality, Goal 1, states "Strengthen Palmer's competitiveness as the region's institutional center."

Staff finds the following facts in support:

- a) Tract 5 is large enough to support the development of an emergency medical services building and achieve sufficient setbacks from the residential development to the west and future medium density residential development to the north.
- b) Accomplish objective of monitoring the needs of existing institutional uses and working with these organizations to meet their needs.
- c) Mat-Su Borough provides emergency medical services for the City of Palmer. Locating the facility on the Glenn Highway will provide for faster and more efficient response times for medical emergencies.

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

Applicant's response:

City zoning includes CL – Commercial Light, R-1 Residential, R-2 Low Density. Property is on edge of city with surrounding land use to include a varied mix of commercial, agriculture, and residential. Emergency service public facilities have blended well with this type of mixed use throughout the MSB.

Staff finds the following facts in support:

- a) Tract 5 original use was a nursery. Nurseries are a permitted use within the agriculture district, which can have a higher intensity of use than low density residential. The property has had limited use since 1966. Tract 5 current zoning of Commercial Limited (CL) indicate the property was to be developed to a higher intensity than low density residential.
- b) The land is surrounded on the south by a working farm and to the east by commercial and a church. An emergency medical services building would be an acceptable use of property considering land use patterns around the property are as high of an intensity as a public use zone.
- c) Public use (P) zones are compatible with surrounding zoning districts because of the safeguards established in Palmer Municipal Code 17.40.050 requiring commission approval to ensure compatibility. A petition for development will include a site plan, by an Alaska licensed architect, and shall also provide setbacks and a parking plan.
- d) Buffering and appropriate placement of the facility is necessary to minimize the impacts to the low density residential to the west.

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

Applicant's response:

Yes, the ability to hook into city services and utilize existing utility lines is a significant plus. Primary access is anticipated from Marsh Road with proposed secondary, right-out access onto the Glenn as authorized by DOT/PF.

Staff finds the following facts in support:

- a) Public facilities such as schools and utilities are established in Cedar Hills. A facility will have access to city sewer and water. Gas and electric are accessible to the property.

- b) Facility vehicular access points will need approval from the Alaska Department of transportation Public Facilities (AK DOT/PF). The City of Palmer recommends acceptance of access as described in the rezone application.

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

Applicant's response:

MSB conducted 30-day public notice pursuant to MSB 23.05.025 and MSB inter-department review. No objections we received from the public noticing and MSB inter-department review.

Staff finds the following facts in support:

- a) Improvements to the Glenn Highway has spurred development in the area around Marsh Road. A proposed development of an emergency medical facility that is well conceptualized and appropriately placed with serve the greater Palmer community.
- b) Residential growth on Fishhook Roads and Farm Loop roads has necessitated the evaluation of how emergency services can better serve the public and the placement of facilities.
- c) Recent improvements to the Glenn Highway have increased safety for ingress and egress onto the highway.

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:

Public welfare will be better served through this location due to its access ability to a major highway, a better facility design to accommodate equipment and personnel, and more efficient response time to the Palmer, Sutton and Butte communities. No special privilege is granted to the property owners or MSB.

Staff finds the following facts in support:

- a) The proposed map amendment is consistent with the public welfare as an appropriately placed facility will improve efficiency and response times for emergency medical services.
- b) A map amendment to allow Public zoning does not grant a special privilege to the owners as this 5.72-acre parcel is large enough to be sufficiently minimize impacts on non-compatible uses.

PART IV. STAFF RECOMMENDATION

Based on the information provided by the applicant, public comments received before publication of this report and staff analysis, staff finds this proposal to change the district from CL – Commercial Limited to P – Public Use, is consistent with and substantially in conformance with the Palmer Comprehensive Plan for the P – Public Use.

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 rezone Tract 5 Cedar Hills, Unit 2, Phase 1 to Public Use zoning with the following considerations for Tax Parcel Tract 5 and forward a recommendation for approval to the City Council:

- A. The public use of the property is limited to the establishment of an emergency medical facility building that is oriented in such a way that provides safe access to the Glenn Highway, as outlined in applicant's response.
- B. Development of buildings or structures within public zones requires approval from the City of Palmer Planning and Zoning Commission.

If the final vote of the Commission is not to approve the rezone, the Commission's decision is final unless the initiating party or property owner files a written statement with the City Clerk within 20 days of the Commission's decision requesting that the zoning be considered by City Council.



DEPARTMENT OF COMMUNITY DEVELOPMENT

Brad Hanson
Director

David Meneses
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.cityofpalmer.org

May 5, 2020

Dear Property Owner:

The Palmer Planning and Zoning Commission will consider a re-zone of Tract 5, Cedar Hills, Unit No. 2, Phase 1, initiated by Cedar Park Properties, LLC (Owners, sellers) & Matanuska-Susitna Borough (Co-Applicant, buyers). This property is currently zoned CL, Commercial Limited. The request is to rezone the property to P, Public Use for future relocation of Palmer Ambulance Station 3-9. The map on the reverse side of this notice indicates the location of the subject parcel. For additional information on the Public Use District, please refer to Palmer Municipal Code Chapter 17.40 – Public Use 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 May 21, 2020 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 May 14, 2020. Due to COVID-19 there will be very limited seating available to allow for social distancing and other safeguards may apply at the time of the meeting. Written comments may be mailed to Department of Community Development, 645 E. Cope Industrial Way, Palmer, Alaska, faxed to 745-5443 or emailed to me at: srennie@palmerak.org

Sincerely,


Sarah Rennie
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 CL to P.

Name: _____

Address: _____



Norma I. Alley, MMC
City Clerk

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

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

June 15, 2020

Dear Property Owner:

During the June 23, 2020, Regular Palmer City Council Meeting, the Palmer City Council will hold a public hearing on Ordinance No. 20-006: Amending the Zoning Map to Revise the Zoning Designation of Tax Parcel Tract 5, Cedar Hills Subdivision, Unit 2, Phase 1 to Re-Zone Parcel from Commercial Limited (CL) to Public Use (P).

The purpose of the public hearing is to receive testimony on the proposed rezoning of the above tax parcel from its present Commercial Limited (CL) to Public Use (P). The affected area is shown on the accompanying map.

A public hearing will be held on June 23, 2020, 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 June 23, 2020, 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,

Norma I. Alley, MMC
City Clerk

For the following reason, I am

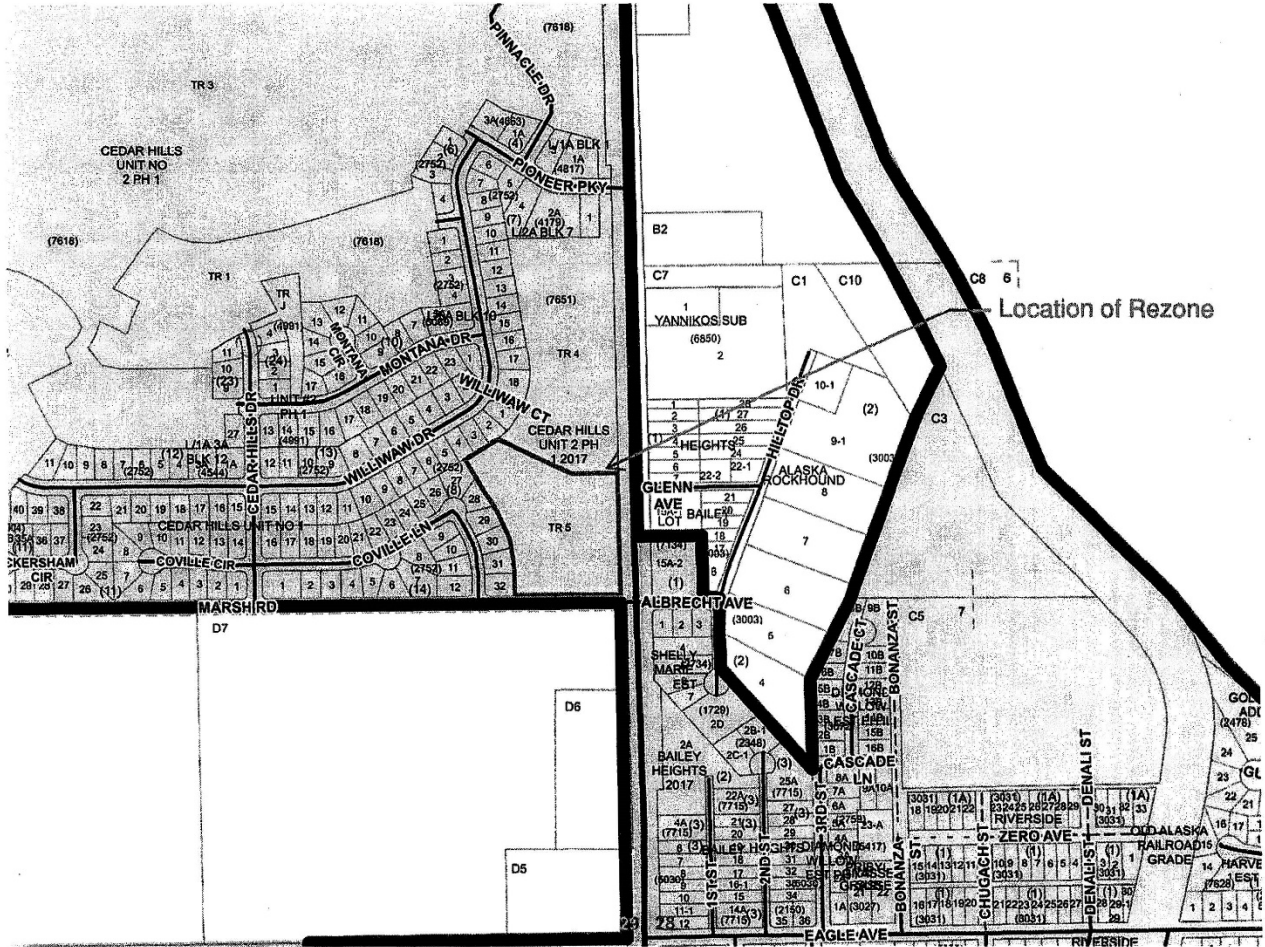
- In favor of (proponent)
- NOT in favor of (opponent)
- Have no objections to

the proposed rezoning Ordinance No. 20-006. I would also like to provide additional comments below:

NAME: _____

ADDRESS: _____

VICINITY MAP



N

Request for Rezone from CL, Commercial Limited District to P, Public Use District for Tract 5, Cedar Hills Subdivision, Unit No. 2, Phase 1.



Received

MAR 13 2020

City of Palmer
Received

MAR 13 2020

City of Palmer

**City of Palmer
Department of Community Development**

645 E. Cope Industrial Way, Palmer, Alaska 99645 Telephone:
(907) 745-3709 * Fax: (907) 745-5443

Zoning Map Amendment Application

Applicant: Cedar Park Properties, LLC (Owner, Seller)
Matanuska-Susitna Borough (Co-applicant, Buyer)

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

Tract 5, Cedar Hills Subdivision, Unit No. 2, Phase 1, 2017, according to the official plat filed under
Plat Number 2017-60, in the record of the Palmer Recording District, Third Judicial District,
State of Alaska. (Tax Parcel #7651000T005)

Requested District Change (i.e., from - to): Commercial Light to Public Use

Reason for request: Land acquisition by Matanuska-Susitna Borough (MSB) for future relocation of Palmer Ambulance Station 3-9.

Please provide a written narrative explaining the following:

1. Is the proposed change in accordance with the borough and city comprehensive plan?
Yes. The city comp plan Goal 1 is to provide and improve essential city services, respond to current need and plan for future demand (Sept 2006 pg 4-1); and MSB PF-1 goal (Public Facilities) is to develop efficient and effective public facilities to meet community/economy/growing population needs (2005 Update pg 6)

2. How is the proposed change compatible with surrounding zoning districts and the established land use pattern?
City zoning includes CL-Commercial Light, R-1 Residential, R-2 Low Density. Property is on edge of city with surrounding land use to include a varied mix of commercial, agriculture, and residential.
Emergency service public facilities have blended well with this type of mixed use throughout the MSB.

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

Yes, the ability to hook into city services and utilize existing utility lines is a significant plus.

Primary access is anticipated from Marsh Road with proposed secondary, right-out access onto the Glenn as authorized by DOT/PF.

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

MSB conducted 30-day public notice pursuant to MSB 23.05.025 and MSB inter-department review.

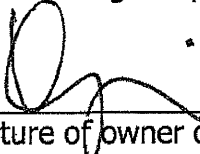
No objections were received from the public noticing and MSB inter-department review.

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

Public welfare will be better served through this location due to its access ability to a major highway, a better facility design to accommodate equipment and personnel, and more efficient response time to the Palmer, Sutton and Butte communities. No special privilege is granted to the property owners or MSB.

Date of application: 3/4/2020

\$250.00 Filing fee paid: Yes, included with application


Signature of owner or owner's authorized representative

561 E. 36th Avenue, Suite 200 Anchorage, AK. 99503 / (MSB) 350 E. Dahlia Avenue, Palmer, AK. 99645

Address

907-646-3680, natalie@cyalaska.com, Natalie Travers-Smyre CRS, GRI, Associate Broker, Dwell Realty

907-861-7848, nancy.cameron@matsugov.us, Nancy Cameron, Land Management Agent, MSB

Phone/contact number

Norma Alley

From: Stephanie Allen <sallen@unitedwaymatsu.org>
Sent: Tuesday, June 9, 2020 5:00 PM
To: Norma Alley
Subject: Testimony for June 9th Meeting

Dear Norma,

I would like to submit testimony for tonight's City Council Meeting.

First, regarding Ordinance No. 20-006: Amending the Zoning Map for Cedar Hills to rezone parcel from Commercial Limited to Public Use:

- Many benefits exist for expanding our community's emergency services infrastructure. As a resident of the Cedar Hills Subdivision, I see the value in growing emergency infrastructure, yet am concerned about adequate noise buffering between the Ambulance Station and the neighborhood which consists of 300+ residences. It would be critical that a sufficient barrier and noise buffer be incorporated into the development.
- With a conversation that involves Cedar Hills, it is noteworthy to mention that the subdivision doesn't have a connected path or trail into Palmer yet although it is in the City limits. Staff member Sandra Garley identified this need more than ten years ago in conjunction with Safe Routes to Schools. In 2012, a trail from Cedar Hills into the City was presented at the City of Palmer's capital projects fair and got the 2nd most votes from the community just behind Grow Palmer. This continues to be a top ten priority for the City's Park and Rec Board as well, but with no progress. With more than 300 homes in this residential area, pedestrian dangers exist with no safe routes or paths. City neighborhoods should provide paths or trails that invite walking, bicycling, connectivity, physical activity, transportation options, and play.
- I ask that the planning and development of the Ambulance Station not only address effective noise buffering but also includes a solution to a safe and dedicated trail or path that connects Cedar Hills to the existing trail system within the City of Palmer.

Second, regarding Information Memorandum No. 20-007: Committee of the Whole for General Discussion Regarding CARES Act Funding:

- What a blessing to have this Federal funding coming into our community to help with expenses related to preventing to and responding to COVID 19. In addition to the eligible city expenses for modifications, adaptations, incurred payroll expenses for responding to the pandemic and purchasing of PPE and other necessary supplies for city staff, please consider setting aside some funding that is dedicated to individual needs such as utility assistance, rent/mortgage assistance, and child care assistance for Palmer residents. Unemployment for those affected will end in July and many households are struggling. In addition to helping Palmer businesses return to work, please also consider dedicated some CARES funding to infrastructure which is also very much needed and identified during the pandemic such as enhancement to technology connectivity and distance-delivery of services.

Thank you so much.

Stephanie Allen

**City of Palmer
Information Memorandum No. 20-006**

Subject: Committee of the Whole for General Discussion Regarding Code of Ethics for City Council

Agenda of: June 9, 2020 - Postponed
June 23, 2020




Originator Information:

Originator: Mayor Edna DeVries

Department Review:

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

Approved for Presentation By:

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

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: 

Attachment(s):

- Code of Ethics Language
- Public Testimony

Summary Statement/Background:

At the May 26, 2020, Council Meeting, Mayor Edna DeVries requested a Committee of the Whole to discuss possible code of ethics legislation.

Ordinance No. 14-XXX

On Ordinance of the Palmer City Council Enacting Palmer Municipal Code 2.08 Code of Ethics

Chapter 2.08

CODE OF ETHICS

2.08.010 Declaration of policy.

It is declared that:

- A. High moral and ethical standards among the elected and appointed officials and employees are essential to assure the trust, respect, and confidence of the people of this city;
- B. A code of ethics for the guidance of elected and appointed officials and employees will:
 - 1. Discourage the elected and appointed officials and employees from acting upon personal or financial interests in the performance of their public responsibilities;
 - 2. Improve standards of public service; and
 - 3. Promote and strengthen the faith and confidence of the people of this city in public officials and employees;
- C. Holding public office or employment is a public trust, and as one safeguard of that trust, the people require the elected and appointed officials and employees to adhere to a code of ethics;
- D. A fair and open government requires that the elected and appointed officials and employees conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;
- E. Any effort to benefit a person's financial interest through official action is a violation of the public trust. The council finds that as long as this chapter does not interfere with the full and faithful discharge of the duties and responsibilities of an elected or appointed official or employee, this chapter does not prevent that person from following other pursuits. The council further recognizes that:
 - 1. In a municipality such as the City of Palmer, elected and appointed officials and city employees are drawn from society and therefore often have financial interests in the decisions and policies of local government;
 - 2. People who serve as elected or appointed officials or employees should retain the right to interests of a financial nature;
 - 3. Standards of ethical conduct for elected and appointed officials and employees must distinguish between those minor and insubstantial conflicts that are unavoidable in a free society and those conflicts of interest that are substantial and material;
- F. Unethical conduct is prohibited. However, there is no impropriety if, as to a specific matter, an elected or appointed official or city employee:
 - 1. Has a financial interest in the matter which is insubstantial or which is possessed generally by the public or a large class of persons to which the person belongs; or
 - 2. Performs some duty or has some influence which would have an insubstantial or conjectural effect on the matter;
- G. In order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;
- H. No code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and
- I. Compliance with a code of ethics is an individual responsibility; thus all who serve the city have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

2.08.020 Definitions.

- A. In this chapter, unless the context requires otherwise:

"Appointed officials" means the appointive officers as defined by the Charter as the city manager, city clerk, and city attorney.

"Attorney" means city attorney.

"Benefit" means anything that is to a person's advantage or self interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value.

"Business" means a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or nonprofit.

"Child" means a biological child, an adoptive child, and a stepchild.

"City" means the City of Palmer, its council and administration.

"Clerk" means the City Clerk.

"Compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another.

"Confidential information" means information exempt from disclosure under PMC 2.90.

"Council" means city council.

"Elected official" means a person who holds elective office or who is appointed to fill a vacancy in elective office.

"Employee" means a permanent, probationary, seasonal, or temporary, whether appointed, and does not include the council members or the city manager, city clerk or city attorney.

"Engaging in business" means submitting a written or oral proposal to supply goods, services or other things of value, or furnish goods, services or other things of value, for consideration.

"Financial interest" means:

1. An interest held by an elected or appointed official or an employee, or an immediate family member of such official or employee, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;
2. Holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management.

"Gain" means actual or anticipated gain, benefit, profit, or compensation.

"Immediate family member" means:

1. The spouse of the person;
2. A regular member of the person's household;
3. A child, including a stepchild and an adoptive child, of the person and the spouse of any such child;
4. A parent, sibling, grandparent, aunt, or uncle of the person; and
5. A parent or sibling of the person's spouse.

"Official" means a person who is a member of a board, commission or committee of the city whose appointment is subject to confirmation by the council.

"Official action" means a recommendation, decision, approval, disapproval, or other similar action, or withholding action where the person has a duty to act.

"Organization" means a group, association, society, political party, or other entity made up of two (2) or more persons, whether operated for profit or nonprofit.

"Parent" means a biological parent, an adoptive parent, and a stepparent.

"Person" means a natural person, a business, and an organization.

"Source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment.

1. If the person whose income is being reported is employed by another, the employer is the source of income;
2. If the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, an immediate family member, or a combination of them holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation;
3. If the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

"Substantial financial interest" means an interest that will result in immediate financial gain or financial gain which will occur in the reasonably foreseeable future. An interest is not substantial if it would not reasonably be expected to affect the actions or judgments of the official or employee concerned.

- B. Construction. This chapter shall be liberally construed to protect the public interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for borough officials and employees.

2.08.030 Prohibited acts.

- A. Official Action. An official shall not participate in any official action in which he or she has a substantial financial interest.
1. Council Member. Consistent with Charter section 3.6 (f), PMC 2.06.130 and PMC 3.21.350, an official who is a voting member of the city council shall publicly disclose any existing or potential financial interest in any matter before the council before debate or vote upon the matter and may not participate in the debate or vote upon the decision unless the financial interest is determined to be not substantial.
 2. Board or Commission Member. Consistent PMC 2.20.331, 2.25.130 C, and 3.21.350, an official who is a voting member of the commission or board shall publicly disclose any existing or potential financial interest in any matter before the board or commission before debate or vote upon the matter and may not participate in the debate or vote upon the decision unless the financial interest is determined to be not substantial.
 3. The question of whether an official who is a voting member of a body has an existing or potential substantial financial interest in a matter pending before the body may be raised by the chair or any other member of the body.
 4. No official may testify before the council, board, or commission without first disclosing any financial interest which the official has in the subject of the testimony.
- B. Business Prohibition.
1. No official may engage in business with the city when that person has had substantial involvement in planning, recommending or otherwise supporting the project or transaction at issue.
 2. No official shall attempt to influence the city's selection of any bid or proposal, or the city's conduct of business, in which the official has a financial interest.
 3. Newly elected or appointed officials who have preexisting contracts with the city may fulfill the terms and conditions of such contracts without penalty.
 4. Officials may engage in business with the city so long as that activity complies with this subsection.
- C. Use of Office for Personal Gain. No official shall seek or hold office or position for the purpose of obtaining anything of value for him or herself, his or her immediate family or a business that he or she owns or in which he or she holds an interest or for any matter in which has a financial interest. This prohibition shall not apply to the receipt of authorized remuneration for that office or position.
- D. Representing Private Interests.
1. No official shall represent, for compensation, or assist those representing private business interests before the council, administration, or any board or commission.
 2. Nothing herein shall prevent an official from:
 - a. Making verbal or written inquiries on behalf of constituents or the general public to elements of city government;
 - b. Requesting explanations or additional information on behalf of such constituents; or
 - c. Making routine contacts with city staff in the normal course of city business such as applications for zoning permits, sales tax preparation or any other city license or permit.
 3. An official may not solicit a benefit or anything of value or accept same from any person for having performed this service.
- E. Confidential Information. An official may not disclose information he or she knows to be confidential concerning the property, government, or affairs of the city unless authorized or required by law to do so.
- F. Gratuities.
1. No official shall accept a gratuity from any person engaging in business with the city or having a financial interest in a decision pending with the city.
 2. No official shall give a gratuity to another official for the purpose of influencing that person's opinion, judgment, action, decision or exercise of discretion as a city official.

3. Any official who accepts a gift having a value in excess of \$25 shall report such gift to the clerk, if the official may take or withhold action that affects the giver.
4. The clerk shall maintain the report in a public file.
5. As used in this section, "gift" includes any series of gifts from the same donor within any 12 month period, other than meals reciprocated by the official.
6. This subsection does not prohibit accepting:
 - a. A meal;
 - b. Discounts or prizes that are generally available to the public or large sections thereof;
 - c. Gifts presented by employers in recognition of meritorious service or other civic or public awards;
 - d. A candidate for public office accepting campaign contributions;
 - e. An occasional nonpecuniary gift of insignificant value;
 - f. Any gift which would have been offered or given to the person if the person were not an official.
- G. Use of City Property. No official may request or permit the use of city vehicles, equipment, materials or property for a non-city purpose, including but not limited to private financial gain, unless that use is available to the general public on the same terms or unless specifically authorized by the city council.
- H. Political Activities.
 1. Appointed officials and city employees.
 - a. Appointed officials and city employees may not take an active part in a political campaign or other matter to be brought before the voters during his or her normal working hours.
 - b. Nothing herein shall be construed as preventing appointed officials and city employees from exercising their voting franchise, contributing to a campaign or candidate of their choice or expressing their political views when not on duty or otherwise conspicuously representing the city.
 2. Elected officials. Elected officials may participate in political campaigns in the same manner as any citizen, but may not purport to represent the official position of the city as an entity in such campaigns.
 - a. Elected officials may not solicit any assessments, contributions or services from or for any political party when traveling or acting in the capacity of an elected official on behalf of the city.
- I. Influencing Another Elected Official's Vote. An elected official may not attempt to influence another elected official's vote or position on a particular item through contact with an elected official's employer or by threatening financial harm to another elected official.

2.08.040 Representation of city position.

- A. A member of the council shall not represent him or herself as being the official authorized spokesperson for the council on any given issue unless specifically authorized by the council.
- B. A council member when making a public statement or otherwise taking a public position shall state that he or she is expressing a personal opinion unless authorized to speak on behalf of the council.

2.08.050 Aiding and abetting.

It is a violation of this chapter for an official to knowingly aid another official or employee in violation of this chapter. Such aiding a violation will be considered misconduct on the part of such official.

2.08.060 Persons who may file complaints.

- A. Any person may file a complaint against any elected or appointed official alleging a violation of the provisions of this chapter.
 1. All complaints under this chapter shall be made in writing signed by the complainant affirming that the facts stated in the complaint are true.
 2. The complainant shall identify the Palmer Municipal Code section that was allegedly violated or how the complainant believes the Code was violated, a description of the evidence, and the name of the complainant and contact information.
- B. A complaint must be filed within one (1) year of the alleged violation.
- C. A complaint shall be submitted to the clerk. If the complaint is regarding the clerk, the complaint shall be submitted to the attorney.
- D. Upon receipt, the complaint shall be dated and numbered and a copy shall be forwarded to the attorney who shall review the complaint to determine whether it contains the required information, is in the

required form, and alleges facts which, if found to be true, could form the basis for a violation of this chapter.

1. Upon a determination that the complaint satisfies these requirements, the attorney shall forward the complaint to the entity authorized to address the complaint under PMC 2.08.070.
2. If the complaint fails to meet one (1) or more of these requirements, the attorney shall notify the clerk of the deficiencies, and the clerk shall reject the complaint and notify the complainant of the rejection and the reason(s) for the rejection.
3. A rejected complaint may not be refilled sooner than ten (10) days after the date of rejection. Rejection of a complaint does not preclude other remedies a complainant may wish to pursue, including but not limited to an original action in the appropriate state court.
4. If the complaint is about the attorney, the clerk shall conduct the review and provide notice of any deficiencies as called for in this subsection.

2.08.070 Authority to address complaints.

- A. In the case of an elected official, appointed official, manager, clerk, or attorney, the hearing officer shall be the reviewing authority.
- B. In the case of an employee supervised by the manager, the manager or designee shall be the reviewing authority.

2.08.080 Hearing officer.

- A. If the attorney determines the complaint is sufficient and there is probable cause that an official may have violated this chapter, the attorney shall select an independent hearing officer to preside over the investigation. The hearing officer shall be a private attorney or an individual trained as an administrative hearing officer. The hearing officer shall not be an employee of the City.
- B. The hearing officer shall conduct an investigation so as to be completed within 60 days of receipt of the complaint from the clerk. The hearing officer can, for good cause shown by any person, including the hearing officer, extend the time limit by 30 days.
- C. The hearing officer has the power to:
 1. Consider any timely challenge to the sufficiency of the complaint or probable cause determination raised by the official and dismiss the complaint if appropriate. If dismissed, both the complainant and official shall receive written notice of the dismissal and the reasons for the dismissal;
 2. Administer oaths, hold hearings and take testimony;
 3. Upon application by a party to the hearing or upon his or her own order, issue subpoenas in the manner prescribed by Rule 45 of the Alaska Rules of Civil Procedure, to require the presence of witnesses and the production of records, books and papers at the hearing;
 4. Order testimony to be taken in person or by deposition; and
 5. Require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted and the hearing officer may prescribe that such submission be made within a certain period of time, under oath or otherwise.
- D. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.
- E. The hearing officer may convene a prehearing conference for the following:
 1. To set a time and place for the hearing;
 2. For stipulation as to matters of fact;
 3. To simplify issues;
 4. To identify and schedule prehearing matters including any pretrial discovery procedure usually available in civil actions; and
 5. To resolve other similar matters before the hearing.
- F. The complainant or his or her representative or private counsel may participate in the hearing process and may introduce testimony or additional evidence.
- G. The official may be represented by private counsel of his or her own choosing. The official shall have an opportunity to:
 1. Challenge the sufficiency of the complaint;

2. Examine all documents and records obtained by the hearing officer or the clerk;
 3. Bring witnesses;
 4. Establish all pertinent facts and circumstances;
 5. Question or refute testimony or evidence including the opportunity to confront and cross-examine adverse witnesses; and
 6. Exercise, to the extent the hearing officer in his or her discretion determines to be just and reasonable, any pretrial discovery procedure usually available in civil actions.
- H. The Alaska Rules of Evidence do not apply to the admission of evidence in a hearing; however, the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and written evidence taken at the hearing must be preserved. Upon request, a copy of the testimony and written evidence must be furnished to the respondent.
- I. After the hearing officer has completed the investigation, the hearing officer shall make written findings of facts and conclusions of law. The hearing officer may take any action or combination of actions which the hearing officer deems appropriate including, but not limited to, the following:
1. Dismiss the complaint for insufficiency or other grounds;
 2. Determine that no violation of this chapter has occurred; or
 3. Determine that there are facts sufficient to constitute a violation of the chapter.
- J. If the hearing officer finds that the official has violated this chapter, the hearing officer shall determine that the official be subject to either or both of the following:
1. Public censure;
 2. A civil fine of not more than \$300.00.
- K. The hearing officer's determination is final and shall be delivered to the official and mailed to the complainant within 10 working days of the final decision. An appeal from a decision of the hearing officer may be taken to the superior court in accordance with the Alaska Rules of Appellate Procedure.

2.08.090 Judicial penalties.

Any person found by a court to be guilty of knowingly violating any of the provisions of this chapter or of furnishing false, misleading or incomplete information to the investigating entity with the intent to mislead, upon conviction thereof, shall be punished by a fine of up to three hundred dollars (\$300).

2.08.100 Invalid actions.

- A. Any contract negotiated, entered into, or performed in violation of any of the provisions of this chapter shall be voidable as to the city but only by action of the council.
- B. Any permit, license, ruling, determination, or other official action of an agency applied for or in any other manner sought, obtained or undertaken where the beneficiary knew or should have known of a violation of any of the provisions of this chapter may be invalidated by the council, as applicable.

2.08.110 Relationship to other laws.

The procedures and penalties provided in this chapter are supplemental and do not limit either the power of an agency to otherwise discipline officials or employees or to take appropriate administrative action to adopt more restrictive rules. This chapter is intended to replace the common law regarding conflicts of interest with respect to elected officials and employees. Other than superseding the common law, nothing in this chapter is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

2.08.120 Severability.

The invalidity of any section, subsection, provision, clause or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.



City of Belmont

Code of Ethics and Conduct For Elected and Appointed Officials

*"Always do right. This will gratify some people and
astonish the rest."*

-- Mark Twain

Adopted June 10, 2014 by Resolution No. 2014-095
Amended February 11, 2016 by Resolution No. 2016-019
Amended February 2, 2017 by Resolution No. 2017-008

Policy Purpose

The Belmont City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Belmont's City government.

A. ETHICS

The citizens and businesses of Belmont are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Belmont and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of Belmont in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

7. **Communication.** For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the

Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Belmont, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Belmont City government as outlined in the Belmont City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Belmont.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

(a) *Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Elected and Appointed Officials' Conduct with the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process.
- (c) *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
- (d) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- (e) *Ask for clarification, but avoid debate and argument with the public*
Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs*

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

(d) *Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(e) *Do not solicit political support from staff*

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client Relationship*

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- (a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
 Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- (b) *Limit contact with Board, Committee and Commission members to questions of clarification*
 It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- (c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
 The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."
- (d) *Be respectful of diverse opinions*
 A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.
- (e) *Keep political support away from public forums*
 Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

- (a) *Acknowledgement of Code of Ethics and Conduct*
 Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics Training for Local Officials*

Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and Conduct*

The Belmont Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Belmont City Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Belmont and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the

allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it as necessary.

Example:

I affirm that I have read and understand the City of Belmont Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Norma Alley

From: Lisa Albert-Konecky <lalbertkonecky@gmail.com>
Sent: Tuesday, June 9, 2020 1:34 PM
To: Norma Alley
Subject: IM 20-006 Code of Ethics

Good Evening Mayor, Council Members and Staff Members;

Our community group supports passing the concepts of the memorandum called "IM 20-006 Code of Ethics" to further promote ethical behavior within the Palmer City Council. We look forward to serious and robust discussion regarding this memorandum and having it passed into a City of Palmer Ordinance.

We agree especially with the following wording taken from the IM 20-006 attachment:

11. Use of Public Resources. Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

Sincerely,

**Lisa Albert-Konecky, Katherine Bishop, Mary Olson
St. Michaels Local Organizing Ministry**



Virus-free. www.avast.com

**City of Palmer
Information Memorandum No. 20-007**

Subject: Committee of the Whole for General Discussion Regarding CARES Act Funding

Agenda of: June 9, 2020 – Postponed
June 23, 2020




Originator Information:

Originator: Interim City Manager Brad Hanson

Department Review:

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

Approved for Presentation By:

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

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: 

Attachment(s):

- Department of Commerce, and Economic Development Grant Agreement
- CARES Act Guidance
- Public Testimony

Summary Statement/Background:

The city of Palmer will receive disbursements of CARES act funding the amount of 7,566,546.24. The disbursements will come in installments of \$3,926,688.24 and when 80% of that funding has been expended the city will receive the final two installments of \$1,819,929.00.

Included in the packet is general guidance of allowable expenditures. Generally the city is able to spend this money on non budgeted unanticipated expenses, as they relate to the public health emergency and economic relief for businesses (for profit and non-profit) and residents.

Staff recommends development of three primary areas for allocation to programs. The first is to cover the actual costs incurred by the city for mitigation of COVID-19 pandemic expenses. Since the beginning of this event, the city finance department has categorized expenses to accurately account these expenses. These expenses range from purchase of personal protective equipment (PPE) and sneeze guard equipment. The U.S. Treasury recent guidance allows for eligibility for certain payroll expenses.

The second recommended program is a utility abatement program. Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to utility account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

The third program is a business and non-profit grant program. Local organizations deemed non-essential during required closures have suffered greatly during this public health emergency. It is important that funds are quickly injected into our local economy in order to minimize the number of businesses that can not reopen because of loss of revenue. A program should include businesses that remit sales tax and those that do not. Determination of how many businesses were affected is relatively easy to determine. Non-profit and organizations that are not required to remit a sales tax form will require a different criteria for allocation of grant funds.

Elements of a grant program that should be considered by the council are allocation amounts to different program areas, eligibility, compliance, and reporting.



**DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC
DEVELOPMENT
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS**

**CORONAVIRUS RELIEF FUND
Grant Agreement**

Grant Agreement Number		Vendor Number	Amount of Federal Funds \$7,566,546.24	
GAE	Appropriation Unit	Lapse Date	Project Title Section 601(a) of the Social Security Act as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136)	
Grantee			Department Contact Person	
Name City of Palmer			Name Lynn Kenealy	
Street/PO Box 231 W Evergreen Ave			Title Local Government Specialist	
City/State/Zip Palmer, Alaska 99645			Street/PO Box 550 West 7th Ave, Suite 164	
Contact Person			City/State/Zip Anchorage, AK 99501	
Phone	Fax		Phone 907-269-8122	Fax 907-269-
Email			Email ResourceDesk@alaska.gov	

AGREEMENT The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and **Insert Name of Locality** (hereinafter 'Grantee') agree as set forth herein.

Section I. The Department shall pay the Grantee the identified amounts under the terms outlined in this Agreement. The amount of the payment is based upon expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$ Insert total amount of grant.**

Section II. The Grantee shall only use the funds provided under this Agreement to reimburse itself, or to pay necessary expenses incurred, as a result of the public health emergency stemming from the Coronavirus Disease 2019 (COVID-19).

Section III. The Grantee may only use the funds provided under this Agreement for expenses that were not accounted for in its most recently approved budget as of March 27, 2020; and that were incurred during the period of March 1, 2020 and December 30, 2020. Unexpended funds must be returned to the State on or before March 30, 2021.

Section IV. The Agreement consists of this page and the following:

ATTACHMENTS

Attachment A: Scope of Work
Attachment B: Payment Method
Attachment C: Standard Provisions

AMENDMENTS

Any fully executed amendments to this Agreement

APPENDIX

Appendix A: State Laws and Regulation

Grantee	State of Alaska Approvals
Signature	DCEED Signature
Printed Name and Title	Printed Name and Title
Date	Date
	OMB Signature
	Printed Name and Title
	Date

Reviewed by: _____

Attachment A Scope of Work

1. Authorized Use of Grant Funds

The purpose of the grant funds is to provide Grantee with funding available under Section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Expenditures must be used for actions taken to respond to the public health emergency declared by the Governor on March 11, 2020. Such actions may include expenditures incurred to allow Grantee to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Grant payments may be used only to cover costs that were not accounted for in the Grantee’s budget most recently approved as of March 27, 2020. A cost meets this requirement if either: (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the Grantee, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by the Grantee in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account. A cost is “incurred” when the Grantee has expended funds to cover the cost.

Expenditures using Fund payments must be “necessary.” Funds provided to Grantee as a direct payment from the State of Alaska pursuant to this grant agreement must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. Any funds expended by a political subdivision or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the State of Alaska.

Any funds provided pursuant to this grant agreement cannot be used as a revenue replacement for lower than expected tax or other revenue collections.

Funds received pursuant to this grant agreement cannot be used for expenditures for which a local government entity has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

2. Grant Budget

Payment Allotments	Payment Amounts
Payment 1	
Payment 2	
Payment 3	
Total Grant Funds	

3. Grant Management

Signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the chief administrator. For grants appropriated to a municipality, the mayor is the chief administrator unless the municipality operates a managerial form of government; then the city manager/administrator acts as the chief administrator. For unincorporated communities, the highest- ranking official will act as chief administrator.

The chief administrator may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The chief administrator also designates financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the Grant and any balance of funds under the Grant. It may also result in the Grantee being required to return such amounts to the State.

4. Reporting

The Grantee shall submit a completed COVID-19 Expenditures by Community Report Form provided by the Office of Management and Budget each month, during the life of the Grant Agreement. COVID-19 Expenditures by Community Report Forms are due to the Office of Management and Budget thirty (30) days after the end of the month being reported. The report period is the first of the month through the last day of the month. The final COVID-19 Expenditures by Community Report must be submitted within thirty (30) days following completion of the grant.

Attachment B Payment Method

1. Advance Payment

Payments will be made to Grantees in advance of demonstrated need to respond to the public health emergency in three separate payments. Second and third payments will only be made when at least 80% of the prior payments have been expended. Payments by the State of Alaska to Grantee do not constitute approval of funds expended by Grantee. By making payment to Grantee, the State of Alaska makes no representations, express or implied, that Grantee has complied with the federal requirements governing Coronavirus Relief Funds.

Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

2. Withholding of Ten Percent (10%)

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this Grant Agreement, including all required reporting of the project.

Attachment C

Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community, and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to grant performance and efforts to comply with the provisions of the Grant Agreement.

Article 13. Obligations Regarding Third-Party Relationships

No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 14. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the Grant is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the Grant during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 15. Political Activity

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 16. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 17. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 18. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of the Grant period when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 19. Termination for Cause

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 20. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

Article 21. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the Grant funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

Article 22. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 23. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 24. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the operation of the Grant and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the operation of the Grant.

Article 25. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

Article 26. Insurance

The Grantee is responsible for obtaining any necessary liability insurance and maintain in force at all times during the performance of this Grant Agreement the insurance policies identified below. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under Alaska Statute AS 21. The Grantee shall require any contractor hired with Grant funds be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

- A. Workers' Compensation Insurance for all employees engaged in work under this Grant Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
- B. Commercial General Liability Insurance covering all business premises and operations used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where applicable.
- C. Comprehensive Automobile Liability Insurance covering all vehicles used by the Grantee in the performance of this Grant Agreement with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000.00 property damage.
- D. Professional Liability Insurance covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this Grant Agreement which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount	Minimum Required Limits
Under \$100,000	\$100,000 per occurrence/annual aggregate

Article 27. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska.

Article 28. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that any permits required under this Grant Agreement by the Federal, State, or Local governments have been obtained.

Article 29. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. .

Article 30. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on Grant funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 31. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 32. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 33. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 34. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 35. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 36. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 37. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 38. Audit Requirements

The Grantee must comply with the audit requirements of the Alaska Administrative Code set forth in **2AAC45.010. AUDIT REQUIREMENTS**. An entity that expends a cumulative or total, equal to the state single audit threshold during the fiscal year is required to have a state single audit. A copy of the most current **2AAC45.010** adopted regulations is available at the Alaska Department of Administration's State Single Audit website: <http://doa.alaska.gov/dof/ssa/index.html>.

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at http://doa.alaska.gov/dof/ssa/audit_guide.html.

Article 39. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Article 40. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

Appendix A

State Laws and Regulations and Permits

Grantees are responsible for all applicable state laws, regulations and permits; including but not limited to the following list which most commonly affects Grantees.

Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

Restriction on Use—AS 37.05.321

A grant, or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section “influencing legislative action” means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant, or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

Historic Preservation Act—AS 41.35

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The Department of Natural Resources may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

Fire Protection—AS 18.70

This chapter of the Alaska Statutes requires the Alaska Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

Procurement Preference for State Agricultural and Fisheries Products—AS 29.71.040

This chapter of the Alaska Statutes applies to municipalities that use state funds to purchase agricultural and fisheries products. The law requires:

1. When agricultural products are purchased, only such products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, and of like quality compared with agricultural products harvested outside the state.
2. When fisheries products are purchased, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

Alaska Product Preferences—AS 36.15

This chapter of the Alaska Statutes applies to projects financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber and manufactured lumber projects originating in this state from local forests shall be used wherever practicable. The law requires the insertion of this clause in calls for bids and in all contracts awarded.

Permits and Environmental Procedures

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

- Air Emissions Permit
- Anadromous Fish Protection Permit
- Authorization for Tidelands Transportation
- Brine or Other Salt Water Waste Disposal Permit
- Burning Permit during Fire Season
- Coal Development Permit
- Critical Habitat Area Permit
- Dam Construction Permit
- Driveway Permit
- Encroachment Permit
- Miscellaneous State Land Use Permit
- Mineral and Geothermal Prospecting Permits
- Occupied Tide and Submerged Land
- Open Burning Permit
- Permit for Use of Timber or Materials
- Permit to Appropriate Water
- Pesticides Permit
- Preferred Use Permit
- Right-of-Way and Easement Permits
- Solid Waste Disposal
- Special Land Use Permit
- State Game Refuge Land Permit
- State Park Incompatible Use Permit
- Surface Oiling Permit
- Surface Use Permit
- Tide and Submerged Lands Prospecting Permit
- Tidelands Permit
- Tidelands Right-of-Way or Easement Permit
- Utility Permit
- Waste-Water Disposal Permit
- Water Well Permit

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of May 28, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the accrued interest expense on TANs and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are “other financial assistance” under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019, pending completion of registration.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients’ total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program

or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

June 3, 2020

Dear Mayors, Council Members and Assembly Members,

thread, Alaska's Child Care Resource & Referral Network, thanks you for your leadership during the COVID-19 pandemic. **As Alaska reopens, thread urges you to give financial support to licensed child care, a critical community infrastructure needed to reopen safely and responsibly.**

Specifically, we urge you to invest a minimum of 10% of the federal CARES Act funding allocated to your City/Municipality/Borough by the Alaska State Legislature to support licensed child care programs in your community. Prior to COVID-19, the early childhood education sector represented nearly 500 child care programs and employed 7,000 Alaskans statewide.

Licensed Child Care is Essential for Alaska

Licensed child care is an essential state infrastructure and a vital part of our economic recovery. Working families cannot continue to go to work or return to the workplace without it. A lack of licensed child care will be a significant barrier to businesses reopening successfully.

While child care has been on the frontlines of the pandemic, nearly 50% of licensed child care programs were temporarily closed. Child care businesses operate on razor-thin margins, and have fewer resources available to them than public schools. The COVID-19 pandemic has pushed many of these small businesses to the brink of permanent closure.

We must ensure child care is there to support Alaska's families and businesses. To do this safely and responsibly, it requires child care programs to:

- Implement new health and safety measures for the physical and mental health, safety, and well-being of children, staff, and their families.
- Hire and train new staff to replace those exiting the field due to health concerns and/or other employment opportunities.
- Increase staffing to cover substitutes needed for employees who are out, and accommodate for static groups and additional sanitizing and health checks.
- Provide smaller group sizes and more space per child to ensure physical distancing.
- Have access to necessary supplies (e.g., cleaning supplies, diapers, etc.).
- Be able to support parents transitioning their children back to care.

These are only a few of the *many* factors child care programs are considering to stay open or reopen. This situation is stressing an already fragile system by increasing the cost of care for programs and families.

thread estimates child care across Alaska will need \$10 million per month throughout the pandemic and recovery process. In order for child care to weather this crisis, thread has the following recommendations.

Recommendation 1: Ask the State of Alaska to Fulfill its Promise to Child Care

In April, the State of Alaska Department of Health and Social Services (DHSS) Child Care Program Office (CCPO) announced a Capacity Funding program to support and stabilize licensed child care.

The State promised to pay child care programs for March, April, and May based on their February enrollment numbers. The March funding was paid, but **there is an approximate \$20 million funding gap for April and May**. We have heard from numerous child care programs that they are reliant on this aid to make it through the initial crisis period.

thread is urging the State of Alaska to fulfill its promise to stabilize the sector, and asks that you join us in this request. Please ask DHSS Commissioner Adam Crum to use his authority and Department CARES Act resources to fully fund the child care payments for April and May.

Recommendation 2: Prioritize Ongoing Funding for Local, Licensed Child Care

thread recognizes the support needed for child care exceeds the State of Alaska Capacity Funding program, and the Alaska State Legislature has recently allocated CARES Act funding to your local government.

thread recommends you prioritize child care by allocating a minimum of 10% of your federal CARES Act funding to support local, licensed child care through 2020. This funding would be in addition to the State Capacity Funding program (Recommendation #1). The City and Borough of Juneau recently voted to approve over \$1 million for child care sustainability grants. We urge you to follow their lead.

An investment in child care will produce one of the highest returns for generating economic recovery in your community. For every child care teacher that is supported to return to a child care program, an average of eight parents are able to return to work.

thread advocates that any local financial aid for child care is administered with no restrictions and ease of access in mind. There are several vehicles available for deploying these benefits to ensure aid reaches programs swiftly. One example would be to administer block grants by licensed child care program type. **thread** is available to assist in advising and/or deploying such assistance. We also ask you to consider how to support and provide child care with critical supplies to protect themselves, the children they serve, and their families. Access to cleaning supplies, PPE, and other safety precautions are desperately needed.

thread is gaining public support for this recommendation through an open petition calling for State and local support of \$10 million per month for child care throughout this crisis. The petition has over 600 signatures and counting. (threadalaska.salsalabs.org/promisetochildcare)

Alaska's reopening and economic recovery depends on child care being there for families. **thread** recognizes the struggle many families are facing during this pandemic. Prioritizing support for licensed child care programs means parents will have access to care as they make decisions about work and how best to support their families at this time.

As you make decisions in supporting your community during the COVID-19 pandemic, the above recommendations are intended to provide guidance for ensuring children and families are healthy and safe, and child care survives. We are happy to be a resource in your decision-making and thank you for making child care a top priority for stabilizing our economy and community infrastructure for families.

Sincerely,



Stephanie Berglund, MSW
CEO of **thread**, Alaska's Child Care Resource and Referral Network
(907) 265-3101 | sberglund@threadalaska.org



Alicia Berka
Executive Director, **thrivAlaska**
(907) 479-0900 | aberka@thrivalaska.com



Joy Lyon
Executive Director, AEYC Southeast Alaska
(907) 789-1235 | jllyon@aecy-sea.org

Norma Alley

From: Stephanie Allen <sallen@unitedwaymatsu.org>
Sent: Tuesday, June 9, 2020 5:00 PM
To: Norma Alley
Subject: Testimony for June 9th Meeting

Dear Norma,

I would like to submit testimony for tonight's City Council Meeting.

First, regarding Ordinance No. 20-006: Amending the Zoning Map for Cedar Hills to rezone parcel from Commercial Limited to Public Use:

- Many benefits exist for expanding our community's emergency services infrastructure. As a resident of the Cedar Hills Subdivision, I see the value in growing emergency infrastructure, yet am concerned about adequate noise buffering between the Ambulance Station and the neighborhood which consists of 300+ residences. It would be critical that a sufficient barrier and noise buffer be incorporated into the development.
- With a conversation that involves Cedar Hills, it is noteworthy to mention that the subdivision doesn't have a connected path or trail into Palmer yet although it is in the City limits. Staff member Sandra Garley identified this need more than ten years ago in conjunction with Safe Routes to Schools. In 2012, a trail from Cedar Hills into the City was presented at the City of Palmer's capital projects fair and got the 2nd most votes from the community just behind Grow Palmer. This continues to be a top ten priority for the City's Park and Rec Board as well, but with no progress. With more than 300 homes in this residential area, pedestrian dangers exist with no safe routes or paths. City neighborhoods should provide paths or trails that invite walking, bicycling, connectivity, physical activity, transportation options, and play.
- I ask that the planning and development of the Ambulance Station not only address effective noise buffering but also includes a solution to a safe and dedicated trail or path that connects Cedar Hills to the existing trail system within the City of Palmer.

Second, regarding Information Memorandum No. 20-007: Committee of the Whole for General Discussion Regarding CARES Act Funding:

- What a blessing to have this Federal funding coming into our community to help with expenses related to preventing to and responding to COVID 19. In addition to the eligible city expenses for modifications, adaptations, incurred payroll expenses for responding to the pandemic and purchasing of PPE and other necessary supplies for city staff, please consider setting aside some funding that is dedicated to individual needs such as utility assistance, rent/mortgage assistance, and child care assistance for Palmer residents. Unemployment for those affected will end in July and many households are struggling. In addition to helping Palmer businesses return to work, please also consider dedicated some CARES funding to infrastructure which is also very much needed and identified during the pandemic such as enhancement to technology connectivity and distance-delivery of services.

Thank you so much.

Stephanie Allen

**City of Palmer
Action Memorandum No. 20-049**

Subject: Directing the City Manager to Notify the State of Alaska of the City Council's Statement of Non-Objection to Liquor License No. 1274 for Palmer Bar Located at 828 S. Colony Way

Agenda of: June 23, 2020

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


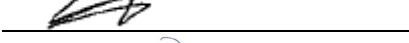

Originator Information:

Originator: City Clerk Alley

Department Review:

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

Approved for Presentation By:

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

Certification of Funds:


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

This legislation (√):

- Creates revenue in the amount of: \$ Unknown
- 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: 

Attachment(s):

- Notice for License No. 1274
- Review Form

Summary Statement/Background:

Palmer Bar has applied for a transfer of ownership for their liquor license. State law requires local governing bodies (per AS 04.21.080, this is defined as the City Council) to review requests pertaining to liquor licenses within their municipalities. The City may voice a non-objection or may file a protest to a request.

As of the date of staffing, the Administration had not received any written comments or phone calls from the public expressing concern or support for this application.

Administration's Recommendation:

To approve Action Memorandum No. 20-049.

City of Palmer • Liquor License Review Form

BUSINESS NAME: Palmer Bar
LICENSE TYPE: Beverage Dispensary
LOCATION: 828 S. Colony Way

OWNER: Wesley Artz

Route to: Department of Finance

Department of Finance

Business License/Sales Tax/
Utilities/Assessments Current:

Yes

No

If no, explain:

Other Comments:

[Signature]

Finance Director

06/15/2020

Date

Route to: Department of Community Development

Department of Community Development

Code (PMC/Bldg/Fire) Compliant:

Yes

No

If no, explain:

Other Comments:

[Signature]

Community Development Director

06/15/2020

Date

Route to: Police Department

Police Department

Excessive Calls:

Yes

No

If yes, explain:

Other Comments:

[Signature]

Chief of Police

6/15/2020

Date

TO COUNCIL FOR AGENDA OF: June 23, 2020

**City of Palmer
Action Memorandum No. 20-050**

Subject: Approving the City Manager to Enter into an Agreement with Resource Data, Inc., for Vote From Home Feasibility Study Services for the City of Palmer for \$3,000.00

Agenda of: June 23, 2020

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


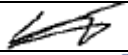
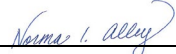
Originator Information:

Originator: Council Members Julie Berberich and Jill Valerius

Department Review:

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

Approved for Presentation By:

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

Certification of Funds:


Total amount of funds listed in this legislation: \$ **3,000.00**

This legislation (√):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in the amount of: \$ 3,000.00
- Creates a saving in the amount of: \$ _____
- Has no fiscal impact

Funds are (√):

- Budgeted Line item(s): 01-02-10-6029 C19 (CARES Act Funding)
- Not budgeted

Director of Finance Signature: 

Attachment(s):

- Resource Data Inc. Vote from Home Project Consulting Proposal

Summary Statement/Background:

In light of, and in consideration of the current COVID-19 Pandemic and with the upmost concern for the safety of our electorate, Council Members Julie Berberich and Jill Valerius are sponsoring legislation to address the City of Palmer's options for improving accessibility to voting for City elections. In some cases, it may be an enhancement of early voting, an enhancement of the absentee voting option or exploring the feasibility of the vote from home.

On January 28 and March 10, 2020 the City Council held committee of the whole to discuss general election matters. One of the topics discussed was researching the City of Palmer's needs and viability of conducting elections through other means. There was general consensus directing the City Clerk to contact RDI for a proposal to conduct a feasibility study.

On April 14, 2020, City Clerk Alley presented RDI's proposal under the Clerk's report. Deputy Mayor Combs and Council Member Valerius stated their support to have the feasibility study on the May 12, 2020, agenda as legislation for council's consideration. General consensus was provided by the council to support the direction for further discussion and consideration of the feasibility proposal.

March 26, 2020

Norma Alley, City Clerk
City of Palmer
231 W Evergreen Ave
Palmer, AK 99645

Re: Vote from Home System (VFHS) Project Consulting¹

Dear Ms. Alley,

Since 2016, Resource Data has successfully supported the Municipality of Anchorage (MOA) in establishing a Vote by Mail program and carrying out Vote by Mail elections. We are also currently working on a Feasibility Study for the Kenai Peninsula for Voting by Mail. This recent, ongoing experience makes us well-qualified to assist the City of Palmer (Palmer) in a similar way. The goal of the project will be to provide expert consulting to study the possible Palmer-wide implementation of a Vote by Mail System (or Vote from Home System, VFHS, as it is sometimes called) to better understand the associated processes and costs versus traditional, existing voting methods.

Vote by Mail Experience

Resource Data played an instrumental role in assisting the Municipality of Anchorage with the implementation (and subsequent enhancement) of its Vote by Mail system. In addition to the original implementation in 2016, we have provided onsite project management and support during the Municipality's April 2018 regular election, August 2018 special election, and this year's April regular election.

Specifically, our role included the following:

- Defining needs and technical specifications for several RFPs
- Vetting and acquiring the necessary IT systems
- Selecting 3rd party vendors and managing their work
- Assisting with documentation and training
- Rewriting muni code to accommodate Vote by Mail

¹ Many places call this "Vote by Mail". Since voters can return ballots by mail but also instead choose to drop them in drop boxes or at voter centers (if allowed), we find the phrase "Vote From Home" to be more appealing and accurate. They are interchangeable terms. In this document we refer to it as VFHS.



Anchorage

560 E 34th Ave
Suite 100
Anchorage, AK 99503
(907) 563-8100

Boise

1450 S Eagle Flight Way
Suite 150
Boise, ID 83709
(208) 424-2203

Houston

11200 Westheimer Rd
Suite 910
Houston, TX 77042
(713) 468-3385

Juneau

1 Sealaska Plaza
Suite 301
Juneau, AK 99801
(907) 586-6831

Portland

1220 SW Morrison St
Suite 210
Portland, OR 97205
(503) 208-3693

www.resourcedata.com

- Creating a variety of planning tools and documents, including procedures, training and testing materials, and project and staffing plans.
- Participating in a number of stakeholder groups and public outreach sessions
- Providing support in assembly meetings and work sessions
- Improving GIS for better address matching
- Developing Access database tools for supporting the MOA's call center and Accessible Vote Centers
- Assisting with data reports and reconciliation
- System testing
- Ensuring all systems and processes ran smoothly for the elections

Understanding

Palmer has been exploring ways to increase voter participation by developing sustainable election processes that maximize accessibility and inclusivity while conserving public resources. Palmer seeks to analyze the feasibility of transitioning the election process from the current, largely poll-based structure to a hybrid Vote from Home System.

Palmer currently has approximately 5,000 registered voters, with an average turnout around 500 voters. Elections are in October and, due to legal changes, will no longer be a combined effort with the Mat-Su Borough.

The VFHS model would deliver ballots by mail to all eligible voters instead of delivering ballots through Palmer's two election day polling locations. The model could include an Accessible Vote Center (AVC), containing at least one ADA compliant voting device. The AVC would provide for ADA-related voting, replacement ballots, and serve as a drop off location for voted ballot packages, along with other voter services. In addition, one or more drop boxes may be strategically located in the City for the convenience of voters.

Palmer already provides some absentee by mail voting, so it has procedures in place for handling mailed ballots. That procedure is more time consuming than most VFHS processes, but does give Palmer a good base of experience to start from. Palmer may need new ordinances to allow voting from home, in addition to such things as new ballot handling procedures and USPS approved return ballot envelope design. For example, Palmer may choose a "flap" style return envelope so voters could provide a signature and perhaps a personal identifier (DOB, last 4 SSN, voter id), and protect that information from general view by sealing over the flap.

Palmer may be able to effectively reuse a substantial portion of the Municipality of Anchorage's return ballot sorting system, rather than incur the acquisition costs of a mail sorter, or, given the smaller number of voters, use a more manual process. Additionally, Palmer may benefit from some of the tools Resource Data created to support Vote by Mail, including tools for creating

signature image files for the State of Alaska's voter database and for managing voter interaction at the AVC.

Palmer seeks consulting assistance in comparing the pros and cons, including estimated costs, of the current system to a VFHS implementation and operation, with implementation and operation to include the impacts on the following:

- High level scope of required systems and what may need acquisition through vendors
- Use of a mail sorter system or manual process
- Election center site considerations, to include footprint, workflow, and security
- Election center operations
- AVC operations, to include voter data management and ballot package handling
- Call center operations, to include voter data management
- Drop boxes: Recommendations for acquisition and site considerations
- Education\outreach
- GIS support
- Legislative and administrative rules changes that may be needed to support VFHS

Budget allowing, Palmer may, as an option, seek support with other aspects of the project on an as-needed basis. However, it is currently anticipated that consulting regarding the following is not needed:

- Site acquisition and site prep: Palmer has a number of possible locations, expects to mobilize and de-mobilize its election systems so as to fit within the confines of available space, and has the necessary staff to manage any site needs\upgrades.
- Ballot scanning and tabulation system acquisition or related.
- Selection of a printing\packaging vendor. (However, some consultation may occur or at least be facilitated if needed, between the printing\packaging vendor and the sorter vendor to ensure full compatibility.)

Approach

As a local company with 200 staff (including over 100 in Alaska), we are eager to support Palmer's project. In order to best define how we can help and where we can maximize the benefits of the hard work already undertaken by Palmer, we propose 20 hours of consulting to support a high-level feasibility study.

We will provide up to 20 hours of consulting to help determine the feasibility of a VFHS for Palmer.

Activities may include assistance with:

- Documenting the current structure and costs of Palmer's election system and processes
- High-level requirements of VFHS
 - Process for obtaining voter signatures for identity verification

- Impacts to or potential integration needs with other data or GIS systems
- High-level review of existing MOA vendor solicitations relative to Palmer requirements, to identify how much content may be leveraged by Palmer.
- Considerations regarding VFHS selection and implementation
- Determining where existing processes may be leveraged and where new processes and procedures must be developed
- Cost/benefit analysis of the proposed VFHS versus the currently used voting system
 - Identification of the nonfinancial benefits of VFHS
 - Identifying the critical decisions and the probable impacts of the most likely alternatives

Deliverable:

- 20 hours consulting to support feasibility analysis; report

Assumptions

- Resource Data will not interview individual stakeholders as part of information gathering, except the City Clerk.
- Palmer staff will be able to quickly respond to our questions for follow up information. Delays will impact the project schedule.
- Palmer will provide all needed financial information related to the cost of running an election under the current model. This will be broken out into an appropriate level of detail.
- Palmer will provide information on what is required to continue to run traditional polling location elections.

Estimated Schedule and Cost

Work will proceed on a time and materials basis with a not-to-exceed limit set forth in the table below. We will contact you promptly should we anticipate any task overruns or changes in scope so that you may choose to have us stop work at that point, authorize additional funding to allow completion, or adjust the remaining scope in order to reach a good stopping point prior to budget depletion.

Additionally, we offer our clients continuous access to our business system (i.e., timesheets, costs, issue tracking), which helps to eliminate scope, cost, and schedule surprises.

Table 1: Cost

Name	Resource Data Title	Hourly Rate	Hours	Estimated Cost
Dennis Wheeler	Sr. Project Manager/Sr. Analyst	\$150	20	\$3,000.00

We are committed to the success of this project and look forward to working with you. Please contact me with any questions at (907) 770-4163 or via email at dianet@resourcedata.com.

Sincerely,

Diane Thompson
Anchorage Branch Manager
Resource Data



Case Study

To protect the integrity of the election process, Vote by Mail (also known as Vote from Home) systems must electronically verify voter eligibility and be auditable, secure, and transparent.

Resource Data is experienced at assisting election officials throughout the entire process of implementing Vote by Mail.

At a Glance

The Municipality of Anchorage's Vote by Mail system successfully verified and counted a record-breaking 79,295 ballots its inaugural election with a 99.87% acceptance rate. Since spring of 2018, the Municipality has successfully conducted 4 Vote by Mail elections.

Traditional Election Challenges

For decades, Anchorage Municipal Elections suffered from low voter turnout. Historically, Anchorage conducted traditional poll-based elections, with more than 120 polling locations. To increase public engagement and voter turnout and decrease the administrative burden of hiring, training, and monitoring hundreds of temporary election workers, the Municipality began exploring alternative voting options.

Transitioning to Vote by Mail

Resource Data played an instrumental role in the Municipality's project to replace poll-based voting with a Vote by Mail system. Our roles included

- Conducting extensive research on electronic voting systems
- Defining equipment and software requirements to print, mail, sort, verify, and tabulate ballots

- Writing RFPs and providing technical support in vendor selection and management
- Conducting community outreach
- Updating Municipal Code
- Developing plans and documents for procedures, training, reporting, and more
- Assisting with the acquisition of a secure space to administer elections, including lease negotiations
- Training a Vote by Mail workforce
- Presenting to and supporting Assembly and City Council meetings and working sessions
- Onsite support during elections
- Emergency planning for disasters

Supporting Technology

In addition to providing project management throughout the project, we also developed supporting systems and applications including

- Database tools to support the call center and Accessible Vote Centers
- Signature verification software widgets to capture, format, and rotate signatures from poll books and other sources
- Geographic information systems (GIS) enhancements to match voter residence addresses for correct ballot distribution

Services



Software Solutions

Technology is changing the way organizations run today, but every operation is unique. Our goal is to implement the right solution based on our clients' needs.

- Custom development
- Commercial implementation
- System modernization
- System integration
- UI/UX



Geographic Information Systems (GIS)

GIS and geospatial thinking are increasingly integrated into business operations and planning. We implement powerful mapping and spatial data analytic solutions.

- Design and implementation
- Spatial analysis
- Data management
- Maps
- Custom applications



Data Analysis & Management

Sound data analysis and management help organizations explore their data in meaningful ways and understand the problems, solutions, and decisions facing their organizations.

- Database design & development
- Reporting and business intelligence
- Data management services
- Data warehousing



IT Business Consulting

The rise of automation is turning many business processes digital. We provide IT consulting in every stage of the development cycle.

- Certified project management
- Business analysis
- Quality assurance
- Strategic planning
- Organizational change management



Systems Engineering

We help navigate the ever-growing options for infrastructure and implement the highest standards, practices, and systems for cyber security, cloud computing, and more.

33

Years in Business

5000+

Projects Completed

600+

Clients Supported

Government
Logistics & Transportation
Consumer
Manufacturing
Natural Resources
Oil, Gas, Mining
Native Organizations
Utilities

200+

Employees

5

Locations

Anchorage, AK
Juneau, AK
Boise, ID
Houston, TX
Portland, OR

24

Employee Owners

\$26.7 Million

Revenue

