Resolution #2017-05

To Authorize USDA Grant Application for West Ash Street Parking Lot Improvements

Whereas, the economic vitality of the downtown is essential to the sustainability of the community; and

Whereas, small businesses in the downtown rely upon convenient and accessible public parking for their customers; and

Whereas, the public parking lot behind 400 S. Superior is in a dilapidated condition; and

Whereas, the City of Albion desires to provide functional and aesthetically pleasing public parking in the downtown; and

Whereas, the total estimated project cost to rehabilitate the parking lot behind 400 S. Superior Street is $118,000;

Whereas, safe and easily accessible parking will aid local businesses in the creation and retention of jobs; and

Whereas, the City of Albion is seeking financial assistance from the United States Department of Agriculture Rural Business Development Grant program in the amount of $99,100; and

Whereas, the City of Albion has committed a local match in the amount of $18,900 from the City Maintenance and Sewer Funds toward this parking lot and drainage improvements;

Therefore Be It Resolved; that the City of Albion supports this application to the USDA and commits the matching funds to provide functional, accessible, and aesthetically pleasing public parking in the downtown.

I hereby certify that the above resolution was adopted on February 27, 2017, in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes 6

Nays 1 (Mayor Brown)

Absent 0

Jill Domingo, Albion City Clerk
Application for Federal Assistance SF-424

* 1. Type of Submission:  
   - Preapplication  
   - Application  
   - Changed/Corrected Application  

* 2. Type of Application:  
   - New  
   - Continuation  
   - Revision  

* If Revision, select appropriate letter(s):

* 3. Date Received:  

4. Applicant Identifier:  

5a. Federal Entity Identifier:  

5b. Federal Award Identifier:  

State Use Only:

6. Date Received by State:  

7. State Application Identifier:  

8. APPLICANT INFORMATION:

* a. Legal Name: City of Albion  

* b. Employer/Taxpayer Identification Number (EIN/TIN): 38-6004655  

* c. Organizational DUNS: 8276461210000  

d. Address:  

   * Street1: 112 W. Cass Street  

   * Street2:  

   * City: Albion  

   * County/Parish:  

   * State: MI: Michigan  

   * Province:  

   * Country: USA: UNITED STATES  

   * Zip / Postal Code: 49224-1731  

e. Organizational Unit:  

   Department Name:  

   Division Name:  

f. Name and contact information of person to be contacted on matters involving this application:

   Prefix:  

   * First Name: Sheryl  

   Middle Name:  

   * Last Name: Mitchell  

   Suffix:  

   Title: City Manager  

Organizational Affiliation: CITY OF ALBION  

* Telephone Number: 517-629-5535  

* Fax Number: 517-629-4168  

* Email: smithcell@cityofalbionmi.gov
Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:
   [ ] City or Township Government
   Type of Applicant 2: Select Applicant Type:
   Type of Applicant 3: Select Applicant Type:
   * Other (specify):

* 10. Name of Federal Agency:
   [ ] USDA

11. Catalog of Federal Domestic Assistance Number:
   10.351
   CFDA Title:
   Rural Business Development Grants

* 12. Funding Opportunity Number:
   10.351
   * Title:
   RDBG

13. Competition Identification Number:
   Title:

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

15. Descriptive Title of Applicant's Project:
   West Ash Street Parking Lot Improvements. Reconstruction of an existing parking lot and access alley way that is utilized by the commercial buildings located along S. Superior Street.

Attach supporting documents as specified in agency instructions.
Application for Federal Assistance SF-424

16. Congressional Districts Of:
   * a. Applicant 3
   * b. Program/Project 3

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

17. Proposed Project:
   * a. Start Date: 08/01/2017
   * b. End Date: 11/15/2017

18. Estimated Funding ($):
   * a. Federal 99,100.00
   * b. Applicant 18,900.00
   * c. State 0.00
   * d. Local 0.00
   * e. Other 0.00
   * f. Program Income 0.00
   * g. TOTAL 118,000.00

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

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

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

Authorized Representative:
Prefix:  
Middle Name:  
* Last Name: Mitchell
Suffix:  
* Title: City Manager
* Telephone Number: 517-629-5535
Fax Number:  
* Email: smitchell@cityofalbionmi.gov
* Signature of Authorized Representative: [Signature]
* Date Signed: 02/27/2017
# BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

<table>
<thead>
<tr>
<th>COST CLASSIFICATION</th>
<th>a. Total Cost</th>
<th>b. Costs Not Allowable for Participation</th>
<th>c. Total Allowable Costs (Columns a-b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative and legal expenses</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Land, structures, rights-of-way, appraisals, etc.</td>
<td></td>
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<tr>
<td>Relocation expenses and payments</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Architectural and engineering fees</td>
<td>$18,900.00</td>
<td></td>
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</tr>
<tr>
<td>Other architectural and engineering fees</td>
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<td></td>
<td></td>
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<tr>
<td>Project inspection fees</td>
<td></td>
<td></td>
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<tr>
<td>Site work</td>
<td></td>
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<td></td>
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<tr>
<td>Demolition and removal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>$89,800.00</td>
<td></td>
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<tr>
<td>Equipment</td>
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<tr>
<td>Miscellaneous</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>SUBTOTAL <em>(sum of lines 1-11)</em></td>
<td>$108,700.00</td>
<td></td>
<td>$108,700.00</td>
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<tr>
<td>Contingencies</td>
<td>$9,300.00</td>
<td></td>
<td>$9,300.00</td>
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<tr>
<td>SUBTOTAL</td>
<td>$118,000.00</td>
<td></td>
<td>$118,000.00</td>
</tr>
<tr>
<td>Project (program) income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL PROJECT COSTS <em>(subtract #15 from #14)</em></td>
<td>$118,000.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FEDERAL FUNDING**

17. Federal assistance requested, calculate as follows:
(Consult Federal agency for Federal percentage share.) Enter eligible costs from line 16c Multiply X % 84 %

$99,120.00
NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.


14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).


18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
AD-3030  U.S. DEPARTMENT OF AGRICULTURE
(05-15-13)

REPRESENTATIONS REGARDING FELONY CONVICTION AND TAX DELINQUENT STATUS FOR CORPORATE APPLICANTS

You only need to complete this form if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a), as amended). The authority for requesting the following information for USDA Agencies and staff offices is in §738 and 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012, P.L. 112-55 and subsequent similar provisions. The information will be used to confirm applicant status concerning entity conviction of a felony criminal violation, and/or unpaid Federal tax liability status.

According to the Paperwork Reduction Act of 1985 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0025. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY PSA OFFICE.

PART A – APPLICANT (You must complete this form if you are a Corporation)

<table>
<thead>
<tr>
<th>1. APPLICANT'S NAME</th>
<th>2. APPLICANT'S ADDRESS (Including Zip Code)</th>
<th>3. TAX ID NO. (Last 4 digits)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Albion</td>
<td>112 W. Cass Street Albion, MI 49224</td>
<td>4655</td>
</tr>
</tbody>
</table>

4A. Has the Applicant been convicted of a felony criminal violation under Federal or State law in the 24 months preceding the date of application?  □ YES  □ NO

4B. Has any officer or agent of Applicant been convicted of a felony criminal violation for actions taken on behalf of Applicant under Federal or State law in the 24 months preceding the date of application?  □ YES  □ NO

4C. Does the Applicant have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability?  □ YES  □ NO

Providing the requested information is voluntary. However, failure to furnish the requested information will make the applicant ineligible to enter into a contract, memorandum of understanding, grant, loan, loan guarantee, or cooperative agreement with USDA.

PART B – SIGNATURE

<table>
<thead>
<tr>
<th>5A. APPLICANT'S SIGNATURE (BY)</th>
<th>5B. TITLE/RELATIONSHIP OF THE INDIVIDUAL IF SIGNING IN A REPRESENTATIVE CAPACITY</th>
<th>5C. DATE SIGNED (MM-DD-YYYY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheryl Mitchell, City Manager</td>
<td></td>
<td>02-27-2017</td>
</tr>
</tbody>
</table>

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6135 (in Spanish).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to USDA, Director of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.
**REQUEST FOR ENVIRONMENTAL INFORMATION**

**Name of Project**
W Ash Street Parking Lot

**Location**
City of Albion

**Item 1a.** Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?  
☐ Yes ☑ No ☐ Copy attached as EXHIBIT I-A.

**Item 2.** If "No," provide the information requested in Instructions as EXHIBIT I.

**Item 3.** Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? (Check appropriate box for every item of the following checklist):

<table>
<thead>
<tr>
<th>Item</th>
<th>Use/Resource</th>
<th>Yes</th>
<th>No</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Industrial</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>2. Commercial</td>
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<tr>
<td>3. Residential</td>
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<tr>
<td>4. Agricultural</td>
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<td>5. Grazing</td>
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<tr>
<td>6. Mining, Quarrying</td>
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<tr>
<td>7. Forests</td>
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<td>8. Recreational</td>
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<tr>
<td>9. Transportation</td>
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<td>10. Parks</td>
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<td>11. Hospital</td>
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<td>12. Schools</td>
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<td>13. Open spaces</td>
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<tr>
<td>14. Aquifer Recharge Area</td>
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<td>15. Steep Slopes</td>
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<td>16. Wildlife Refuge</td>
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<td>17. Shoreline</td>
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<td>18. Beaches</td>
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<td>19. Dunes</td>
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<tr>
<td>20. Estuary</td>
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<tr>
<td>21. Wetlands</td>
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<tr>
<td>22. Floodplain</td>
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<td>23. Wilderness</td>
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<td>24. Wild or Scenic River</td>
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<td>25. Historical, Archeological Sites</td>
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<tr>
<td>26. Critical Habitats</td>
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<td>27. Wildlife</td>
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<tr>
<td>28. Air Quality</td>
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<td>29. Solid Waste Management</td>
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<td>30. Energy Supplies</td>
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<tr>
<td>31. Natural Landmark</td>
<td>☐</td>
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<tr>
<td>32. Coastal Barrier Resources System</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Item 4.** Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities?  
☐ Yes ☑ No

**Date:** 02-27-2017  
**Signed:**  
**Applicant:**  
**City Manager**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0094. The time required to complete this information collection is estimated to average 6 to 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
THE HARKNESS LAW FIRM, PLLC  
4121 Okemos Rd., Suite 17  
Okemos, MI 48864  
(517) 381-2461  

February 24, 2017  

Business and Cooperative Services  
Rural Development  
United States Department of Agriculture  
3001 Coolidge Rd., Suite 200  
East Lansing, MI 48823  

RE: Attorney’s Opinion Relative to Organization, Authority, and Continuous Existence  
City of Albion, Calhoun County, Michigan  

Sir/Madam:  

Please find this correspondence as it relates to the above-referenced matter.  

Please be advised that the undersigned represents the City of Albion as its City Attorney. Please consider this correspondence as a formal opinion relative to organization, authority, and continuous existence for the City of Albion for its grant application.  

This is to certify that I have examined the organizational proceedings of the City of Albion, Calhoun County, MI. The City of Albion was organized as a legally constituted home rule city in accordance with the Michigan Home Rule City Act, MCL 117.1, et seq.  

I further find that the City of Albion has been in continuous legal existence since its incorporation. The City of Albion is in good standing with the State of Michigan as of this date. Based upon the laws under which the City was organized, the City of Albion as the necessary legal authority to install, construct, operate, and maintain the parking lot and drainage systems located directly behind 400 S. Superior St., Albion, MI 49224, to borrow sufficient money, give security therefore, to raise revenue for the repayment thereof, or accept federal grant funds.  

This opinion is based upon the following documentation, certified copies of which are attached:  

1. ORGANIZATIONAL PROCEEDINGS  

Public Body  

a. Petition to Organize;  
b. Order Setting Hearing on Petition;  
c. Certificate of Posting Order Setting Hearing;  
d. Notice of Hearing on Petition;  
e. Plat of Proposed Area to be Incorporated;  
f. Order Calling an Election;  
g. Certificate of Posting of Notice of Election;
h. Notice of Election Order Canvassing Election Returns;
i. Order Incorporating the Municipality;

2. EVIDENCE SUPPORTING CONTINUOUS LEGAL EXISTENCE

3. EVIDENCE SUPPORTING PRESENT GOOD STANDING

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

THE HARKNESS LAW FIRM, PLLC

Cullen C. Harkness
Albion City Attorney
CCH/jmh

Cc: Sheryl Mitchell, City Manager