

## CHAPTER 3.19

### HISTORIC PRESERVATION GRANT RULES AND PROCEDURES

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#### **Section 3.19.010 Grants Authorized.**

A. The City of Enterprise has established a Historic District Development Fund and within that fund has established a line item for Historic Landmark Exterior Renovation Grants. It is funded presently in the amount of \$7,500.00 per year. Grants from said Historic District Development Fund are authorized, for qualifying exterior work, on commercial structures which are either (1) a Designated Historic Landmark under Chapter 8A of the Enterprise Land Use Ordinance and/or (2) listed on the National Register of Historic Places. Said grants shall be awarded pursuant to the procedures and requirements of this ordinance, in an aggregate amount each budget year not to exceed the amounts budgeted for such grants in the City's adopted budget.

B. Grants shall be administered by the Historic Landmarks Commission (hereinafter "Commission") and shall be in the individual amount as approved by said Commission. The aggregate amount granted shall not exceed the total amount authorized in the City's adopted budget for the year.

#### **Section 3.19.020 Grant Applications.**

A. The City Administrator/Recorder (hereinafter "City Administrator"), with the approval of the Commission is authorized and directed to prepare a grant application form to be made available to grant applicants. Each grant applicant shall complete such application form, shall provide all information requested thereon and shall file the completed application, and six copies thereof, with the City Administrator on or before the application deadline provided by subparagraph B. The application shall be type written.

B. The Commission shall determine the number of grant cycles each year and shall specify the date applications are due for each cycle. The information as to the application due date shall be included in the information sheet as to said grant program provided by the City Administrator.

### **Section 3.19.030 Application Review Process.**

A. After filing, the City Administrator, or his/her designee, will review the application for completeness and accuracy. The City Administrator may request that additional information be submitted or that information that was submitted be clarified.

B. Applications shall thereafter be reviewed by the Commission. Review shall occur in a public meeting and each applicant shall be notified of the time and place thereof. Each applicant shall be afforded an opportunity to explain the application and members of the Commission may ask such questions as they deem appropriate. Required notifications and postings under the Public Meetings Law shall be given; the meeting is not a land use hearing and notices specified in the Enterprise Land Use Ordinance are not required.

C. The Commission may thereafter obtain additional information concerning the applications being reviewed and may hold such further meetings to review and discuss such applications as the Commission deems appropriate. The Commission, in accordance with the Criteria set forth in section 3.19.040, may award grants to one or more applicants in such amount as they deem appropriate, but not to exceed the amount authorized in the City's adopted budget.

### **Section 3.19.040 Grant Award Criteria, Guidelines and Limits**

A. A grant shall only be awarded to a grant applicant if the project included in the grant application complies with the following:

(1) The building which is the subject of the application shall be primarily in commercial use or intended for commercial use. As long as the first floor of the building is primarily in commercial use, upstairs residential apartments and first floor apartments in compliance with the standards of the CBD zone, are permitted and will not disqualify an application.

(2) The work which the grant funds shall be work on the exterior of the building, other than the roof.

(3) The building which is the subject of the application shall either be (1) a Designated Historic Landmark under Chapter 8A of the Enterprise Land Use Ordinance and/or (2) listed on the National Register of Historic Places.

(4) The grant shall fund no more than 50% of the cost of qualifying exterior alterations work; a minimum of a 50% match in funding by the applicant is required.

(5) The exterior alterations shall be in compliance with the standards contained in the Historic Preservation Ordinance, Chapter 8A of the Enterprise Land Use Ordinance, including section 8A.100 of said ordinance. The applicant shall obtain all permits and approvals required by Chapter 8A of the Enterprise Land Use Ordinance.

(6) The building which is the subject of the application is located within the city limits of the City of Enterprise.

B. The guidelines included in this subsection are provided as factors to be considered in determining whether an application is approved and the amount to be awarded. Priority shall be given to grant applications based upon an evaluation of the following:

(1) The extent to which the project enhances the historic attributes of the building;

(2) The extent to which the project improves the appearance of the core area of the City of Enterprise;

(3) The extent to which the project advances and enhances the City of Enterprise Historic Preservation Program for the core area of the City; preference shall be given to projects for buildings located in the CBD zone;

(4) Whether the project is in substantial compliance with the U.S. Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings;

(5) The extent to which the project advances the policies contained in the Historic Preservation Ordinance, Chapter 8A of the Enterprise Land Use Ordinance; and/or

(6) Whether, and the extent to which, the project advances the economic and other interests of the residents of the City of Enterprise.

(7)

#### **Section 3.19.050 Grant Award and Grant Agreements.**

A. The City Administrator shall prepare, and the Commission shall review and approve a Grant Agreement to be executed by grant recipients. The Grant Agreement shall be in a form approved by the Commission and be adequate to specify the amount of the grant, the grant recipient, the purposes for which the grant is to be expended, any conditions and stipulations imposed upon the grant and shall contain the agreement of the applicant to comply with the provisions of this Chapter and the terms of the grant award. The Grant Agreement shall contain such additional terms and provisions as are deemed appropriate by the Commission.

B. Following final decision of the Commission on the grant applications for the pending grant application cycle, the City Administrator shall by letter notify each grant applicant of the Commission's decision. For applications which are being funded in whole or part, the City Administrator shall complete a grant agreement, in the form specified and approved by the City pursuant to subparagraph A, and shall forward it to the grant applicant for execution, with the letter notifying the applicant of the Commission's decision. A project will not be eligible for grant funding if the applicant does not sign and return the Grant Agreement.

C. A member of the Commission who has a financial interest in a grant application shall disqualify himself or herself from all deliberations on said application. *In such event said* application shall be referred to the City Council for decision but the remaining members of the Commission shall consider the application and include a recommendation to the City Council as to the disposition of the application.

D. As a condition of award, each grant recipient shall execute a waiver and release of claims and a hold harmless clause in a form to be determined by the City Administrator with the advice of the City Attorney.

### **Section 3.19.060 Grant Disbursement Procedures; Closing Reports**

A. Grant expenditures shall be made only to fund specific project budget items which were listed in the project budget, approved by the Commission and included in the Grant Agreement. Only materials, or labor and materials provided by an independent contractor, are eligible for grant funding or eligible to be counted as part of the owner's matching contribution. Labor provided by the owner of the building shall not be paid by grant funds or counted as part of the owner's matching contribution.

B. The City Administrator shall prepare, and the Commission shall review and approve, a Request for Disbursement and Closing Report, to be executed by grant recipients upon completion of the project. The Request for Disbursement and Closing Report shall contain such terms and provisions as are deemed appropriate by the Commission, including submission of photographs and other documentation of the work performed.

C. Grant funds shall be paid to the grant recipient upon completion of the project. Upon completion of the project approved for funding in the Grant Agreement and upon receipt of a Request for Disbursement and Closing Report, properly executed and containing the required supporting information, the work shall be inspected by the City of Enterprise and if performed in accordance with the terms and conditions of the Grant Agreement, the City Administrator/Recorder shall pay the Grant recipient the amount funded in the Grant Agreement. The City Administrator may refer any compliance issue to the Commission for discussion and resolution.

D. Unless specifically approved by the Commission as part of the grant approval process, no reimbursement will be made for project expenditures paid by the grantee prior to the date of grant approval by the Commission.

E. The grant recipient shall complete the Request for Disbursement and Closing Report, and required supporting information, and file the same with the Office of the City Administrator within 90 days of completion of work. In the event of the failure of a grant recipient to file the Request for Disbursement and Closing Report within said time period, the City Administrator may terminate the grant after providing prior ten day written notice of intent to terminate and a ten day period to correct said deficiency.

**Section 3.19.070 Penalties.**

Violation of the terms of a Grant Agreement, or of this ordinance, by a grantee or officer or agent of a grantee shall be a violation, and upon conviction thereof subject to a fine not to exceed \$1,000.00. In addition to a fine, a judgment of conviction may require restitution of any grant funds utilized by a grantee for purposes not approved in the Grant Agreement.