

**COLFAX CITY COUNCIL MEETING
REGULAR SESSION AGENDA**

City Council Chambers
33 S. Main Street, Colfax, CA.

February 27, 2013

6:00 PM (Closed Session)

7:00 PM (Regular Session)

Last Ordinance
#519

Last Resolution
08-2012

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the building & safety director, (530) 346-2313. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibilities to this meeting.

1. OPENING

- A. Call to Order
- B. Roll Call

2. PUBLIC COMMENT

3. CLOSED SESSION

Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
Number of potential cases: 1

4. OPENING

- A. Pledge Of Allegiance
- B. Announcement of Action Taken at Closed Session
- C. Approval of Agenda Order

This is the time for changes to the agenda to be considered including removal, postponement or change to agenda sequence.

Recommended Action: By motion accept the agenda as presented or amended.

Members of the public who addresses the Council shall do so in an orderly manner. No person shall yell or make profane or threatening remarks to any member of the Council, staff or general public. No person shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, clapping, or other acts that unreasonably disturb, disrupt, delay or otherwise impede the orderly conduct of any Council meeting. Except as allowed by rules of order, a councilmember or staff person shall not by conversation or other means delay the Council proceedings or disturb any other councilmember or staff person while speaking.

5. CITY COUNCIL COMMITTEE REPORTS

The purpose of these reports is to provide information to the City Council and public on projects and programs that are discussed at committee meetings. No decisions are to be made on these issues. If a Council member would like formal action on any of these discussed items, it will be placed on a future Council Agenda

6. INFORMATION REPORTS FROM STAFF AND OTHERS

7. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine in nature and will be approved by one blanket motion with a roll call vote. There will be no separate discussion of these items unless persons request specific items to be removed from the Consent Agenda for discussion and separate action. Any items removed will be considered after the motion to approve the Consent Agenda. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the City Clerk.

RECOMMENDED ACTION

- A. Minutes: February 13, 2013 *Receive and File*
- B. Consideration of Adoption of Resolution 09-2013: A Resolution Of The City Council Of The City Of Colfax In Support Of Keeping The Sacramento Kings In The Region And City Of Sacramento *Adopt Resolution No. 09-2013*
- C. Consideration of Adoption of Resolution No. 10-2013 A Resolution of the City Council of the City of Colfax Determining that Arrow Fence Co. is Non-Responsive to the Request for Proposal and Addendum Issued for the Colfax Prop. 40 Ballfield Backstop and Fencing, Project No. 12-03, and Rejecting the Proposal from Arrow Fence *Adopt Resolution No. 10-2013*
- D. Consideration of Adoption of Resolution 11-2013: A Resolution Of The City Council Of The City Of Colfax Establishing An Administrative Permit Fee Deposit (#PL-01-13) *Adopt Resolution No. 11-2013*

CONSENT ITEMS PULLED FOR DISCUSSION

8. PUBLIC COMMENT

At this time, members of the audience are permitted to address the City Council on matters of concern to the public not listed on this agenda. Please make your comments as brief as possible, comments should not exceed three (3) minutes in length. The Council cannot act on items not included on this agenda; however, if action is required it will be referred to staff.

9. PUBLIC HEARING

Notice to Public
City Council, when considering a matter scheduled for hearing, will take the following actions:
<ol style="list-style-type: none"> 1. Open the Public Hearing 2. Presentation by Staff 3. Presentation, when applicable, by Applicant or Appellant 4. Accept Public Testimony 5. When applicable, Applicant or Appellant rebuttal period 6. Close public hearing (No public comment is taken hearing is closed) 7. Council comments and questions 8. City Council action
Public hearings that are continued will be so noted. The continued public hearing will be listed on a subsequent council agenda and posting of that agenda will serve as notice

- A. Continued Discussion of Annual AB 1600 Report of Mitigation Impact Fee Activity and Consideration of Adoption of Resolution No. 12-2013: A Resolution Of The City Council Of The City Of Colfax Accepting And Approving Annual Mitigation Fee Report And Making Findings Pursuant To Colfax Municipal Code Chapter 3.56 And The Mitigation Fee Act (Government Code §66000 Et Seq)

Recommended Action: Adopt Resolution No. 12-2013

10. COUNCIL BUSINESS

- A. Discussion of Current Grading Ordinance Chapter 15.30 of the Colfax Municipal Code

Recommended Action: Discuss and give possible direction to staff

11. PRESENTATIONS

12. ADJOURNMENT

Administrative Remedies must be exhausted prior to action being initiated in a court of law. If you challenge City Council action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice/agenda, or in written correspondence delivered to the City Clerk of the City of Colfax at, or prior to said public hearing.

AGENDA POSTED, February 22, 2013
at City Hall and Post Office locations



Karen Pierce, City Clerk

Minutes
City Council Meeting
February 13, 2013

1. OPENING

Mayor Barkle called the meeting to order at 6:00pm.

Present and answering roll call were Council members Hesch, Douglass, Parnham, McKinney and Mayor Barkle.

2. PUBLIC COMMENT

There was no public comment

3. CLOSED SESSION

Mayor Barkle called the closed session to order at 6:00pm

Conference with Labor Negotiators pursuant To Government Code Section 54957.6
Employee Organization: General Employees and Bargaining Unit Represented by Operating Engineers, Local 39
City's Designated Representative: Bruce Kranz

Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
Number of potential cases: 1

Mayor Barkle closed the closed session at 6:20pm.

4. OPENING AND AGENDA APPROVAL

Mayor Barkle called the regular meeting to order at 7:03pm.

Travis Berry led the Pledge of Allegiance

Mayor Barkle stated that there was no reportable action taken in Closed Session.

A motion was made by councilman McKinney and seconded by councilman Parnham to approve the agenda as presented. The motion was passed by the following vote:

- AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle
- NOES:
- ABSENT:
- ABSTAIN:

5. CITY COUNCIL COMMITTEE REPORTS

Councilman McKinney reported on attending the FireSafe Council meeting.
Councilman Parnham asked about the house that burned down on Oak St. and what is being required by the City for safety.
Councilman Douglass reported on meeting with the Roseville City Manager to talk about silent Railroad Crossings.

Councilman Hesch reported on attending the SEDCorp and PCTPA meetings. He also is working with Union Pacific on crossing issues. Councilman Hesch requested that the City Municipal Code 15.30 Site Grading Ordinance be considered at a future council meeting. He would also like the Highway 80 project notices be sent to all city residences rather than to the “required” list, and would like council to set a list of priorities for expenditures. Mayor Barkle reported on attending the EDC and LAFCO meeting

6. INFORMATION REPORTS FROM STAFF AND OTHERS

City Manager, Bruce Kranz reported on the following:

- Updated council that Sergeant Ty Conners was absent due to attending a funeral in Riverside.
- The billboard money from the agreement has been received and deposited.

City Attorney, Mick Cabral updated council on a subject that was brought up at the previous meeting regarding the sewer laterals.

Travis Berry, Technical Services has put a link on the City’s website so residents can sign up to receive the agendas via e-mail when they are posted.

7. CONSENT AGENDA

	<u>ACTION TAKEN</u>
A. Minutes: January 23, 2013 Workshop February 6, 2013	<i>Received and Filed</i>
B. Cash Balance Summary: January 31, 2013	<i>Received and Filed</i>
C. Consideration of Adoption of Resolution No. 07-2013: A Resolution of the City Council of the City of Colfax Authorizing the City Manager To Execute the Third Amendment to the Consultant Services Agreement between the City of Colfax and Psomas.	<i>Adopted Resolution No.07-2013</i>
D. Consideration of Adoption of Resolution No. 08-2013: A Resolution of the City Council of the City of Colfax authorizing Investment of Colfax, California Monies in Local Agency Investment Funds (LAIF)	<i>Adopted Resolution No.08-2013</i>

A motion was made by councilman McKinney and seconded by councilman Hesch to approve the consent agenda as presented with the noted item corrected from the minutes from the workshop meeting. The motion was passed by the following vote:

- AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle
 NOES:
 ABSENT:
 ABSTAIN:

8. PUBLIC COMMENT

Frank Klein, Chamber President updated council on the July 3 event, the planning process and fund raising efforts.

Ken Delfino, resident thanked the Colfax Fire Department for putting out the fire at the house on Oak St. He also reported that the Colfax High School basketball teams are doing very well.

Pamela Cubbler, Todds Valley Indian Tribe introduced board members from the Todds Valley Tribe and updated council on activities they are participating in.

9. PUBLIC HEARING

A. Annual AB 1600 Report of Mitigation Impact Fee Activity

City Attorney, Mick Cabral went over Mitigation Fees and the review process. Finance Director, Laurie Van Groningen answered questions. Mayor Barkle opened the Public Hearing. Speaking from the public was:

Sharon Gieras, resident spoke in favor of the Bunch Creek Trail.

A motion was made by councilman McKinney and seconded by councilman Hesch to continue the Public Hearing to the next city council meeting. The motion was passed by the following vote:

AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle

NOES:

ABSENT:

ABSTAIN:

B. CDBG Public Hearing Annual Public Hearing Notice for the Community Development Block Grant Program

Travis Berry, Technical Services went over the staff report and possible projects. Mayor Barkle opened the Public Hearing. Speaking from the public was:

Kristi Parnham, resident requested that council consider a youth program

Ken Delfino, resident noted that basing the grant on a diverse community is not fair and had questions about using the grant for transportation of seniors.

Mayor Barkle closed the public hearing. Council discussed.

10. COUNCIL BUSINESS

11. PRESENTATION

12. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 8:40pm.

City of Colfax

Resolution No. 09-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX IN SUPPORT OF KEEPING THE SACRAMENTO KINGS IN THE REGION AND CITY OF SACRAMENTO

WHEREAS, for nearly three decades, the Kings have served as one of the most prominent enterprises in our community, with the ability to promote the six county, twenty-two city region on a national and international scale;

WHEREAS, the Sacramento Kings are a major economic asset, employing approximately 800 individuals in our region on a full- and part-time basis;

WHEREAS, the Sacramento region has proven itself to be one of the top markets in the National Basketball Association, selling out 19 of 27 seasons in one of the 20 largest media markets in the nation;

WHEREAS, in 2012, the City of Sacramento and the N.B.A. reached agreement on a viable public-private partnership for a new entertainment and sports complex in downtown Sacramento that would generate thousands of new jobs and millions of dollars in revenues for the region as a whole;

WHEREAS we believe that the Sacramento Kings are an integral part of the fabric of our regional community.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Colfax strongly supports keeping the Sacramento Kings in the City of Sacramento, and respectfully request that the N.B.A. act accordingly.

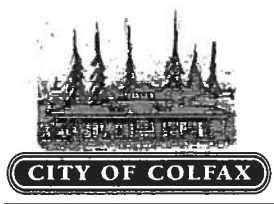
PASSED AND ADOPTED, this 27th day of February, 2013, by the City Council of the City of Colfax, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
February 27, 2013**

Agenda Item No.

7C

To: Honorable Mayor and Members of the City Council
From: Bruce Kranz, City Manager
Prepared By: Alan Mitchell, City Engineer
Date: February 27, 2013
Subject: Consideration of Adoption of Resolution No. 10-2013 A Resolution of the City Council of the City of Colfax Determining that Arrow Fence Co. is Non-Responsive to the Request for Proposal and Addendum Issued for the Colfax Prop. 40 Ballfield Backstop and Fencing, Project No. 12-03, and Rejecting the Proposal from Arrow Fence

Recommended Action: Adopt Resolution No. 10-2013

ISSUE STATEMENT AND DISCUSSION: The City of Colfax received Prop. 40 Per Capita Grant Program funds to renovate the lighting and electrical system, and replace the fence and backstop of the Little League ballfield at the Colfax Regional Park. The contract for the lighting and electrical work was issued previously.

The City Engineer prepared and issued a Request for Proposals on January 23, 2013, to solicit proposals from qualified contractors to demo, retrofit, and install fencing. On January 31st a mandatory pre-proposal meeting was held with seven potential bidders, to inspect the site with the contractors, and to discuss project-specifics. On February 7th, Addendum No. 1 was issued, which clarified and revised the scope of work and changed the Fee Schedule form, based on the discussion at the pre-proposal meeting. On February 14th, the City received one Proposal from Arrow Fence Co.

The City Engineer and City Clerk reviewed the Proposal and did not find acknowledgement of Addendum No. 1. It is clearly written on the Addendum that a copy of the cover sheet must be submitted with the Proposal. Also, Arrow Fence failed to submit the correct Fee Schedule form, which had been updated and included with Addendum No. 1. The information in the Addendum clarified and revised the scope of work and basis of award, therefore it is consequential that Arrow failed to acknowledge the Addendum and submit their costs on the appropriate Fee Schedule form.

Staff and the City Attorney concur with the recommendation to find Arrow Fence Co. non-responsive to the Request for Proposal, and reject their bid. Staff is prepared to re-advertise and has solicited feedback from other contractors to hopefully entice Proposals from more contractors.

ALTERNATIVES: None recommended by staff.

FINANCIAL AND/OR POLICY IMPLICATIONS: Contract costs, once awarded, will be funded from the Prop. 40 Grant.

Attachments: Resolution

CITY OF COLFAX

RESOLUTION NO. 10-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX DETERMINING THAT ARROW FENCE CO. IS NON-RESPONSIVE TO THE REQUEST FOR PROPOSAL AND ADDENDUM ISSUED FOR THE COLFAX PROP. 40 BALLFIELD BACKSTOP AND FENCING, PROJECT NO. 12-03, AND REJECTING THE PROPOSAL FROM ARROW FENCE

WHEREAS, the City of Colfax received Prop. 40 Per Capita Grant Program funds to demo and install fencing on the Little League Field at the Colfax Regional Park, and;

WHEREAS, the City Engineer issued a Request for Proposals on January 23, 2013, and Addendum No. 1 on February 7, 2013, to solicit proposals from qualified contractors to perform the work; and,

WHEREAS, On February 14, 2013, the city received one response from Arrow Fence Co., which was reviewed by staff; and,

WHEREAS, Arrow Fence did not acknowledge Addendum No. 1 and submit the correct Fee Schedule Form; and,

WHEREAS, the City Attorney considers this action to be consequential and recommends the Proposal be found non-responsive.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Colfax hereby 1) determines that Arrow Fence Co. is non-responsive; 2) rejects Arrow Fence Co.'s bid as non-responsive; and 3) authorizes staff to re-advertise for the Prop. 40 Ballfield Fencing, Project No. 12-03.

PASSED AND ADOPTED, this 27th day of February, 2013, by the City Council of the City of Colfax, by the following roll call vote:

AYES:

NOES:

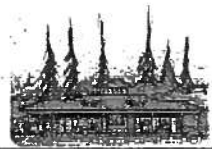
ABSENT:

ABSTAIN:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk



CITY OF COLFAX

**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
February 27, 2013**

Agenda Item No.

7D

To: Honorable Mayor and Members of the City Council

From: Bruce Kranz, City Manager

Date: February 20, 2013

Subject: Consideration of Adoption of Resolution 11-2013: A Resolution Of The City Council Of The City Of Colfax Establishing An Administrative Permit Fee Deposit (#PL-01-13)

Recommended Action: Adopt Resolution 11-2013

ISSUE STATEMENT AND DISCUSSION:

In September 2012, the City adopted an amended Zoning Code. The adopted Zoning Code contains a new "Administrative Permit" level of review for land use projects.

The City's Planning Deposit Schedule sets forth the various types of planning permits and the associated fee deposit required to be submitted with the City along with the project application. The fee deposit is a deposit towards the actual costs the City incurs in processing the project application. The applicant is responsible for reimbursing the City for these actual costs. As such, if the actual costs incurred are less than the fee deposit, the applicant would receive a refund of the difference. If the actual costs incurred are more than the fee deposit, the applicant would receive a bill from the City for the difference and would be responsible for paying it.

The Planning Director has recommended that the City establish an Administrative Permit fee deposit of \$500-\$1500, the exact amount of which is to be determined on a project-by-project basis by the Planning Director depending upon the complexity of the project. The reason for the range is that there could be minimal processing time or more extensive processing time depending upon the complexity of the project, extent of notice to be provided, etc. This range should be sufficient to reimburse costs incurred by the City in processing land development applications for this type of permit, in conjunction with the City's policy of collecting actual costs incurred as stated above. In some instances environmental work will be required pursuant to CEQA, such as processing a Categorical Exemption or Negative Declaration. This environmental work will require an additional fee deposit. The environmental fee deposit is already adopted and included in the current fee structure.

FINANCIAL AND/OR POLICY IMPLICATIONS:

The establishment of the Administrative Permit fee deposit will allow the City to collect this deposit along with the project application and apply it toward reimbursing the City for its actual costs incurred in processing the project application.

City of Colfax

Resolution No. 11-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX ESTABLISHING AN ADMINISTRATIVE PERMIT FEE DEPOSIT

Whereas, in September 2012 the City amended its Zoning Code; and

Whereas, the Zoning Code amendment established a new planning permit process called an "Administrative Permit;" and

Whereas, the Planning Deposit Schedule, which sets forth the minimum deposits required for applicant-related planning projects, needs to be updated to reflect a fee deposit for the Administrative Permit process; and

Whereas, the City Council finds that a fee deposit of \$500-\$1500, the exact amount of which is to be determined on a project-by-project basis by the Planning Director depending upon the complexity of the project, is sufficient to reimburse costs incurred by the City in processing land development applications for this type of permit; and

Whereas, this City's Planning Deposit Schedule should be revised to reflect the new Administrative Permit fee deposit; and

Whereas, the City Council finds the Administrative Permit fee deposit to be consistent with the General Plan, and pursuant to Government Code Section 65913.2 has considered the effects of these fees with respect to the City's housing needs as established in the Housing Element of the General Plan; and

Now therefore, the City Council of the City of Colfax does hereby resolve:

That the Administrative Permit fee deposit is hereby established as set forth in this Resolution and shall remain in effect until changed by subsequent resolution.

Passed and adopted this 27th day of February, 2013 by the following roll call vote:

Ayes:

Noes:

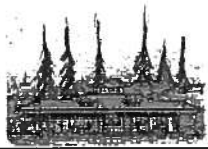
Absent:

Abstain:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk



CITY OF COLFAX

**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
February 27, 2013**

Agenda Item No.

9A

To: Honorable Mayor and Members of the City Council

From: Bruce Kranz, City Manager

Date: February 22, 2013

Subject: Continued Discussion of Annual AB 1600 Report of Mitigation Impact Fee Activity and Consideration of Adoption of Resolution No. 12-2013: A Resolution Of The City Council Of The City Of Colfax Accepting And Approving Annual Mitigation Fee Report And Making Findings Pursuant To Colfax Municipal Code Chapter 3.56 And The Mitigation Fee Act
(Government Code §66000 Et Seq)

Recommended Action: Conduct public hearing, review annual report and consider public and staff comments and Adopt Resolution No. 12-2013

Background And Discussion

The State of California, through the enactment of Government Code Section 66000 et seq. (the "Mitigation Fee Act"), conferred upon local government units authority to adopt fees imposed on a broad class of projects and fees imposed on specific projects for the purpose of defraying all or a portion of the cost of public facilities related to the development project. The City of Colfax Municipal Code Chapter 3.56 established the local authority for imposing Mitigation Impact Fees as allowed by the Mitigation Fee Act.

The City maintains separate fund accounts for each mitigation fee type. The City has established the following Mitigation Impact Fees:

1. Roads – Fund 210
2. Drainage – Fund 211
3. Trails – Fund 212
4. Parks and Recreation – Fund 213
5. City Buildings – Fund 214
6. City Vehicles – Fund 215
7. Downtown Parking – Fund 217

These funds earn and accumulate interest and all expenditures from these funds have been for the purpose for which the fees were collected. A detailed financial analysis by fund and a schedule of mitigation fees are attached as part of this report.

Mitigation Fees are accounted for using the accounting method known as FIFO (first in, first out), which means the first revenue received is assumed to be the first spent. The fund balance as of the end of fiscal year 2011-2012 is less than five years old.

State law and the Colfax Municipal Code require the City to prepare an annual report for each fund established to account for Mitigation Impact Fees. The report must include (1) A brief description of the type of fee in the account or fund (Government Code §66006(b)(1)(A)), (2) the amount of the fee (Government Code §66006(b)(1)(B)), (3) the beginning and ending balance of the account or fund (Government Code §66006(b)(1)(C)), (4) the amount of the fees collected and the interest earned (Government Code §66006(b)(1)(D)), (5) an identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the fees (Government Code §66006(b)(1)(E)), (6) an identification of an approximate date by which the construction of the public improvement will commence if the city determines that sufficient funds have been collected to complete financing on an incomplete public improvement (Government Code §66006(b)(1)(F)), (7) a description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan (Government Code §66006(b)(1)(G)) and (8) the amount of refunds made and allocations made if the cost of making a refund exceeds the amount to be refunded.

Colfax Municipal Code §3.56.130B requires the City Council to review the annual report at a noticed public hearing. At the close of the hearing, the Council must determine whether the mitigation impact fee amounts continue to be reasonably related to the impact of development and whether the described public facilities are still needed. The Council is authorized to revise the mitigation impact fees to include additional projects not previously foreseen as being needed.

Fiscal year 2011/2012 was the fifth fiscal year following deposits into the Mitigation Impact Fee funds so Government Code §66001(d) requires the Council to make the following findings with regard to the unexpended funds:

1. Identify the purpose to which the fee is to be put;
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
3. Identify all sources and amounts of funding anticipated to complete the financing in incomplete improvements;
4. Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

These findings can be made in conjunction with the Council's review of the report.

Refer to February 13 Agenda for Attachments:

- a. Annual AB1600 Report
- b. Mitigation Fee Schedule
- c. 2006 Mitigation Fee Study
- d. 2006 Mitigation Fee – Council minutes

Public Contact

This report was available at City Hall counter by: January 31, 2013
Notice of Public Hearing was published: Colfax Record – January 31, 2013

City of Colfax

Resolution No. 12- 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX ACCEPTING
AND APPROVING ANNUAL MITIGATION FEE REPORT
AND MAKING FINDINGS PURSUANT TO COLFAX MUNICIPAL CODE CHAPTER
3.56 AND THE MITIGATION FEE ACT
(GOVERNMENT CODE §66000 ET SEQ)**

WHEREAS, in 1987 the California Legislature adopted the Mitigation Fee Act as Government Code §§66000 et seq (the “Mitigation Fee Act”) whereby it authorized cities to impose fees in connection with the approval of development projects for the purpose of defraying all or a portion of the cost of public facilities related to the development project (“Mitigation Impact Fees”); and

WHEREAS, in 2007 the City Council of the City of Colfax adopted Ordinance 488 pursuant to the authority of the Mitigation Fee Act; and

WHEREAS, Colfax received Mitigation Impact Fees from various developers pursuant to Ordinance 488 and deposited those fees into separate funds as required by law; and

WHEREAS, the Mitigation Fee Act and Colfax Ordinance require the preparation of a report identifying the balance of Mitigation Impact Fees in the various funds established for their deposit, the facilities constructed and the facilities to be constructed (the “Mitigation Fee Report”); and

WHEREAS, the City’s Finance Director prepared the Mitigation Fee Report, a copy of which is attached to this Resolution; and

WHEREAS, on February 13, 2013, pursuant to notice duly published and posted, the Colfax City Council opened a public hearing for the purpose of (1) reviewing the Mitigation Fee Report and the Mitigation Impact Fees and determining whether the Mitigation Impact Fee amounts continue to be reasonably related to the impact of development, (2) determining whether the described facilities are still needed, (3) determining whether the Mitigation Impact Fees should be revised to include additional projects not previously foreseen as being needed and (4) making other findings required by law; and

WHEREAS, the public hearing was duly continued to February 27, 2013 and notice thereof provided as required by law; and

WHEREAS, on February 27, 2013, the public hearing was closed after all public comments were received.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Colfax as follows:

1. The foregoing recitals are true and correct statements of fact and are incorporated into this Resolution by this reference.

2. Based upon all of the evidence in the record before it and the comments received from the public, the Colfax City Council hereby finds and determines:

a. The purpose to which each Mitigation Impact Fee identified in the Mitigation Fee Report is adequately identified in Colfax Municipal Code §3.56.050 and the Major Projects and Mitigation Fee Study dated August 14, 2006, as amended.

b. It has been adequately demonstrated that there continues to be a reasonable relationship between each Mitigation Impact Fee and the purpose for which it is charged.

c. To the extent any improvements to be funded by Mitigation Impact Fees remain incomplete, the sources and amount of funding are identified in the Major Projects and Mitigation Fee Study dated August 14, 2006 as amended and include without limitation future development projects in Colfax.

d. The approximate dates on which funding for all projects to be funded by Mitigation Impact Fees will be deposited into the appropriate Mitigation Impact Fee account or fund is presently unknown because development within the City is unpredictable but is estimated to be at approximately the same time as future development occurs.

e. The amounts of the Mitigation Impact Fees continue to be reasonably related to the impact of development.

f. The public facilities described in the Major Projects and Mitigation Fee Study dated August 14, 2006, as amended, and as provided in Colfax Municipal Code §3.56.050 are still needed.

3. The Mitigation Fee Report is hereby approved

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Colfax held on the 27th day of February, 2013 by the following roll call vote of the Council:

Ayes:

Noes:

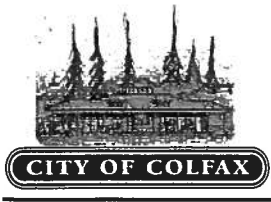
Absent:

Abstain:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
February 27, 2013**

Agenda Item No.

10A

To: Honorable Mayor and Members of the City Council
From: Bruce Kranz, City Manager
Date: February 22, 2013
Subject: Discussion of Current Grading Ordinance Chapter 15.30 of the Colfax Municipal Code

Recommended Action: Discuss and give possible direction to staff

ISSUE STATEMENT AND DISCUSSION:

This item is on the agenda for discussion as requested by Mayor Pro-Tem Hesch at the February 13 city council meeting.

FINANCIAL AND/OR POLICY IMPLICATIONS: