

CITY COUNCIL MEETING

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

MAYOR DONNA BARKLE • MAYOR PRO-TEM TONY HESCH
COUNCILMEMBERS • KIM DOUGLASS • JASON MCKINNEY • TOM PARNHAM



REGULAR MEETING AGENDA

CLOSED SESSION at 5:30pm • July 24, 2013 • REGULAR SESSION at 7:00pm



Colfax City Council Meetings are ADA compliant. If you need special assistance to participate in this meeting, please contact the City Clerk at (530) 346-2313 at least 72 hours prior to make arrangements for ensuring your accessibility.

1) OPENING of CLOSED SESSION

- A. Call to Order
- B. Roll Call

2) PUBLIC COMMENT – CLOSED SESSION ITEMS

3) CLOSED SESSION AGENDA

- A. Conference With Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to Government Code Section 54956.9(c), 1 case
- B. 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: Gabe Armstrong
- C. Public employee performance evaluation pursuant to Government Code Section 54957.
Title: Technical Services Administrator
- D. Public employee employment pursuant to Government Code Section 54957
Title of position to be filled: City Manager

4) OPENING of REGULAR SESSION

- A. Pledge of Allegiance
- B. Roll Call
- C. Announcement of Action Taken in Closed Session
- D. Approval of Agenda Order
 - a. 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 the Council meeting. Except as allowed by rules of order, a Councilmember or staff member shall not by conversation or other means delay the Council proceedings or disturb any other Councilmember or staff member while speaking.

5) COUNCIL, STAFF AND OTHER REPORTS

The purpose of these reports is to provide information to the Council and public on projects, programs, and issues discussed at committee meetings and other items of general information. No decisions will be made on these issues. If a member of the Council prefers formal action be taken on any committee reports or other information, the issue will be placed on a future Council meeting agenda.

6) CONSENT AGENDA

All matters listed under the Consent Agenda are considered 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.

AGENDA ITEM	RECOMMENDED ACTION
A. Minutes: July 10, 2013	<i>Receive and File</i>
B. Final Acceptance – Prop. 40 Splash Park	<i>Accept Project as complete and direct the City Clerk to file a Notice of Completion</i>
C. Proclamation declaring the week of July 21-27, 2013 as “Korean War Veterans Week”	<i>Approve Proclamation</i>

7) PRESENTATIONS

Presentation of Proclamation by Mayor Barkle to the Veterans of Foreign War and American Legion.

8) PUBLIC COMMENT

At this time, members of the audience are permitted to address the Council on matters of concern to the public that are 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

10) COUNCIL BUSINESS

- A. Grass Valley Pavement Rehabilitation, Project No. 12-01.01, and Grass Valley St. UPRR Pedestrian Crossing and Bike Improvements, Project No. 12-01.02

Recommended Action: Receive project updates, and approve Project Budget Sheets (PBS) for Grass Valley Pavement Rehabilitation, Project No. 12-01.01, and Grass Valley St. UPRR Pedestrian Crossing and Bike Improvements, Project No. 12-01.02

- B. Discussion of special events, how they impact the downtown merchants including booth placement, signs and access, and how they can be improved

Recommended Action: Discuss and direct staff

11) ADJOURNMENT

**Agenda Posted at Colfax City Hall
and Colfax Post Office locations July 19, 2013.**



Karen Pierce, City Clerk

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.

Minutes
City Council Meeting
July 10, 2013

1. OPENING

Mayor Barkle called the meeting to order at 5:15pm.

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

Councilman Parnham was absent due to work.

2. PUBLIC COMMENT

There was no public comment

3. CLOSED SESSION

Mayor Barkle called the closed session to order at 5:03pm

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: Gabe Armstrong

Public employee employment pursuant to Government Code Section 54957.
Title of position to be filled: City Manager.

Councilman Parnham arrived to the meeting at 6:20pm.

Mayor Barkle closed the closed session at 6:50pm.

4. OPENING AND AGENDA APPROVAL

Mayor Barkle called the regular meeting to order at 7:00pm.

Joseph Haas, Troop 13, Newcastle led the Pledge of Allegiance

Mayor Barkle stated that in Closed Session it was decided to move forward to hire a city manager and this topic will be brought forward on a future agenda.

A motion was made by councilman McKinney and seconded by councilman Hesch 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 reported on a report of West Nile diseased mosquitos in Placer County.
Councilman Douglass reported on attending the SEDCorp meeting.
Councilman Hesch reported on the Downtown Merchant group and items he would like addressed by staff or brought before council as possible agenda items.
Mayor Barkle reported on attending the LAFCO meeting.

6. INFORMATION REPORTS FROM STAFF AND OTHERS

Interim City Manager, Gabe Armstrong reported on the following:

- Let council know that this meeting was being televised.
- A new WWTP operator, Jennifer Barr began working on July 1.
- The underground storage tanks at the Corp Yard are being removed.
- Building Permit applications have been received for the Digital Billboards; which will be located on Hwy. 80.

7. CONSENT AGENDA

A. Minutes: June 26, 2013

ACTION TAKEN
Received and Filed

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

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

8. PUBLIC COMMENT

Lynn Fontana, resident spoke about the I-80 rezoning
Linda Lou Haines, county resident asked about the next Downtown Merchants meeting
Will Stockwin, resident spoke about selling produce at local merchants and the requirements from the USDA about noticing where the produce is grown.

9. PUBLIC HEARING

A. Public Hearing and Adoption of Resolution 30-2013: A Resolution Of The City Council of the City of Colfax Approving the Final Product for the Close-out of the State of California Community Development Block Grant 09-PTAE-6318 for the Highway Corridor Revitalization Plan

City Attorney, Mick Cabral went over the staff report and the addendum to the staff report. Mayor Barkle opened the public hearing. There was no public comment. Council

discussed. A motion was made by councilman McKinney and seconded by councilman Hesch to approve Resolution No. 30-2013. The motion was passed by the following vote:

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

B. Public Hearing and Consideration of Adoption of Resolution No. 31-2013: A Resolution Of The City Council Of The City Of Colfax Approving an Application (#SP-02-012) For A Billboard Sign Permit (Stewart Wells)

Land Use Attorney, Brigit Barnes went over the staff report and project. Council had questions. Mayor Barkle opened the public hearing. Speaking from the public was:

Linda Lou Haines, county resident
Stewart Wells, applicant

Council discussed. A motion was made by councilman McKinney and seconded by councilman Parnham to adopt Resolution No. 31-2013 with the conditions of only one face in the Eastbound direction, finalize the agreement with Gard/Freidig on the discussed 3 billboards and include a monthly fee of \$175.00. The motion was passed by the following vote:

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

10. COUNCIL BUSINESS

11. PRESENTATION

12. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 8:22pm.



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JULY 24th, 2013 COUNCIL MEETING

FROM: Gabe Armstrong, Interim City Manager

PREPARED BY: Alan Mitchell, City Engineer

PREPARED: July 12, 2013

SUBJECT: Final Acceptance – Prop. 40 Splash Park

RECOMMENDED ACTION: Staff recommends that City Council accept the Prop. 40 Splash Park project as complete, and direct the City Clerk to file a Notice of Completion.

ISSUE STATEMENT AND DISCUSSION:

The City of Colfax received Prop. 40 Per Capita Grant Program funds and a Parks Grant from Placer County, to construct a Water Splash Park on a portion of the pool property at the Colfax Regional Park. The project consisted of splash play equipment with concrete pad, and miscellaneous plumbing, electrical, and site work, which includes a shade structure, two picnic tables (one accessible), one bench, water service for new grass area (City provided the grass and irrigation), concrete drain box for non-season flows into storm drain, and chain link fence.

The construction contract was awarded in March to Miracle Playsystems. The work went as planned and was recently completed. A grand opening was held on June 28th, and the Park has been a great amenity for local youth and their families.

City staff deem the project complete, therefore, it is recommended that City Council accept the Prop. 40 Splash Park project as complete, and direct the City Clerk to file a Notice of Completion.

FINANCIAL AND/OR POLICY IMPLICATIONS

Contract costs were funded from the Prop. 40 Grant (\$40,000) and Placer County Parks Grant (\$100,000). The final construction cost of \$123,852 was under the amount budgeted.

SUPPORTING DOCUMENTS

None

COMMITTEE RECOMMENDATION

This report was not discussed by any committee.

CITY OF COLFAX

Proclamation declaring the week of July 21-27, 2013 as “Korean War Veterans Week”

WHEREAS on June 25, 1950 Communist forces of the Korean People’s Army crossed the 38th Parallel separating North from South Korea thereby initiating the Korean War and...

WHEREAS on June 27, 1950 President Harry Truman ordered U.S. air and sea forces to provide assistance to South Korea and...

WHEREAS 326,823 American military personnel joined 545,351 military personnel from 21 nations to create a United Nations peacekeeping force and...

WHEREAS through 1950 to 1953 the battle lines moved constantly with South Korea almost being entire occupied in September 1950 to the Allies push to clear the KPA from South Korea all the way to the Yalu River only three months later and...

WHEREAS the loss of life was tremendous on both sides with the Allies losing 178,426 killed in action; 32,925 missing and 566,434 wounded; of these were 33,686 Americans killed, 103,204 wounded and 8,176 missing and...

WHEREAS an Armistice was signed on July 27, 1953, but peace was never declared and...

WHEREAS the City of Colfax, California wishes to Recognize, Honor and Remember those men and women who served in the Korean Theater in either a combat or support role and who have earned the Pale Blue and White United Nations and Republic of Korea service medals.

BE IT HEREBY PROCLAIMED that the City of Colfax, California will observe the 60th Anniversary of the end of the Korean War and that the week of July 21-27, 2013 will be known as “Korean War Veterans Week” to Recognize, Honor and Remember those veterans of that war.

Donna L. Barkle
Mayor

Attest: Karen Pierce
City Clerk



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JULY 24th, 2013 COUNCIL MEETING

FROM: Gabe Armstrong, Interim City Manager

PREPARED BY: Alan Mitchell, City Engineer

PREPARED: July 17, 2013

SUBJECT: Grass Valley Pavement Rehabilitation, Project No. 12-01.01, and
Grass Valley St. UPRR Pedestrian Crossing and Bike Improvements, Project No.
12-01.02

RECOMMENDED ACTION: Receive project updates, and approve Project Budget Sheets (PBS) for Grass Valley Pavement Rehabilitation, Project No. 12-01.01, and Grass Valley St. UPRR Pedestrian Crossing and Bike Improvements, Project No. 12-01.02

ISSUE STATEMENT AND DISCUSSION:

Grass Valley Pavement Rehabilitation, Project No. 12-01.01

A portion of the City's allocation of State Proposition 1B (Prop 1B) funds was expended in 2010 for completion of a project that included regarding, drainage improvements, widening and overlay on various street segments. A balance of funds was realized, which staff wants to apply to a new road rehab project. In addition to the Prop 1B funds, the City has a balance of Regional Surface Transportation Program Rural Exchange (RSTP) funds, which were allocated in 2005/06 and 2011/12.

One of the top priority road rehabilitation projects identified in 2008 is the segment of Grass Valley St. from Main to Rising Sun. The City Engineer has identified that the segment between S. Auburn and Main should also be rehabilitated, which was a lower priority but should be considered due to the amount of traffic and the proximity to the work proposed on the other end of Grass Valley St.

Taking these into consideration, a project was developed and a PBS prepared. On January 11, 2012, Council validated the project as a priority by approving the PBS and authorizing the City Engineer to commence with design. Design will be completed in August, with the intention of constructing the improvements this fall. However, the work is slated to be combined with the UPRR Ped Xing work (below), and that project has been delayed due to the processes tied to federal funds. Also, the City Engineer is concerned with the project construction during the school year and the impacts to an already strained situation with traffic in this area. Staff considered separating the project from the other, but there are overlapping improvements, and it's typically cost-beneficial to bid a larger combined project.

Based on the engineer's construction cost estimate, and the amount of funds available for construction, the Base Bid includes the segment of Grass Valley from S. Auburn through Main St., with the segment from

Main to 120 east of Kneeland St. identified as Add Alt. #1. Unfortunately, due to rising costs, the full segment up to Rising Sun is no longer feasible. Staff will continue to pursue additional transportation funding for this, and other deficient road segments.

Grass Valley St. UPRR Ped Xing and Bike Improvements, Project No. 12-01.02.

People traveling by foot, car, or bicycle must cross the tracks on Grass Valley Street, at the only at-grade public crossing in the City, to get back and forth between the north and south areas of town. This crossing is controlled by signal arms, striping and signage. Pedestrians and Bicyclists, including children travelling between their homes and schools, and those traveling to the Amtrak Train Depot or Placer County Transit stop, must cross the same tracks.

A top priority for the City is to provide safe travel across these railroad tracks. The City was unsuccessful in obtaining Highway Safety or Safe Route to School funding for the project, but was able to allocate the City's 2012 CMAQ funding for the project. Also, the City was able to secure funding from PCTPA's discretionary TDA bike/pedestrian fund.

The City Engineer has been working with UPRR and the CPUC on design of the project. Attached is a geometric showing the improvements planned. UPRR will do the work associated with the relocation and upgrade of the signals and the City's contractor will do the rest. Due to the need for additional funding to cover the UPRR work, PCTPA staff are requesting Board approval in August to reprogram the City's 2016 CMAQ funds (they were slated for preliminary engineering and environmental studies of the S Auburn St and SR 174 Advanced Warning Signal project) to construction funding for the Grass Valley St. UPRR Ped Xing and Bike Improvements project. The request will allow the City to move forward with construction in 2013/2014.

The City Engineer is nearly completed with the design, and is working with Caltrans to request construction funding authorization (CMAQ = Federal). Unfortunately, Caltrans must complete NEPA (City's Planner is doing CEQA), and we have been informed that will take up to 4 months, and then we can submit a Request for Construction Authorization, which typically takes 1 month before funds are allocated. This timeline pushes construction into the winter months. Therefore, staff will complete the design and environmental, and all other Caltrans paperwork, and plan to advertise for construction bids in spring, which is typically a favorable bid climate.

FINANCIAL AND/OR POLICY IMPLICATIONS

Grass Valley Pavement Rehabilitation, Project No. 12-01.01

The project is funded with State Proposition 1B (\$61,000) and RSTP (\$138,000) funds. The attached PBS represents an update to the approved PBS, to reflect actual costs to-date.

Grass Valley St. UPRR Ped Xing and Bike Improvements, Project No. 12-01.02.

The project is funded with PCTPA Discretionary TDA (\$120,000) and CMAQ (\$200,000) funds. This is a new PBS for approval.

SUPPORTING DOCUMENTS

Project Budget Sheets
UPRR Ped Xing Geometric

COMMITTEE RECOMMENDATION

This report was not discussed by any committee.

City of Colfax
Grass Valley St. Road Rehabilitation
Project Budget Sheet

CIP#: 12-01.01
Last Updated: July-13
Project Owner: Public Works
Project Manager: Alan Mitchell

MPPFP#(s):
Original Approval: January-12
Revised:
Project Resource: Ponticello Enterprises

Description:

Spot Repairs and Overlay of Grass Valley, from S. Auburn Street to west of Main Street, with associated accessibility improvements.

Authority:

General authority to maintain the existing city street infra-structure. This project will enhance vehicle and pedestrian safety.

Budget:		Amount	Item	Amount
Project Management		\$ 5,000	Permits/NEPA	\$ 1,000
Design/Bidding		\$ 20,000	Construction	\$ 143,000
CM, Testing, Insp.		\$ 15,000	Contingency	\$ 15,000
Project Total:				\$ 199,000

Financing Schedule:		Project Start: 2012	Project Completion: 2013
Phases: Final Design, Bid, and Construction			
Fund Code:	350	350	
Name:	Prop1B	RSTP	
FY 10/11:			\$ -
FY 11/12:			\$ -
FY 12/13:	\$ 19,200		\$ 19,200
FY 13/14:	\$ 41,800	\$ 138,000	\$ 179,800
Fund Totals:	\$ 61,000	\$ 138,000	\$ - \$ - \$ - \$ 199,000
Ratios:	30.7%	69.3%	0.0% 0.0% 0.0% 0.0% 100.0%

Recommended for Approval

Alan Mitchell, City Engineer

Jul-13

Finance Department Approval

 Laurie Van Groningen, Finance

(date)

City Manager Approval

 Gabe Armstrong, Interim City Manager

(date)

City of Colfax

**Grass Valley St. UPRR Ped Xing and Bike Improvements
Project Budget Sheet**

CIP#: 12-01.02
Last Updated:
Project Owner: Public Works
Project Manager: Alan Mitchell

MPFP#(s):
Original Approval: July-13
Revised:
Project Resource: Ponticello Enterprises

Description:

Relocate UPRR Signals and construct pedestrian improvements along Grass Valley St. across UP railroad tracks to improve pedestrian safety.

Authority:

General authority to maintain the existing city street infra-structure. This project will enhance pedestrian and bicyclist safety.

Budget:							
	Item		Amount		Item		Amount
	Project Management		\$ 7,000		Permits/NEPA		\$ 10,000
	Design/Bidding		\$ 30,000		Construction		\$ 235,000
	CM, Testing, Insp.		\$ 15,000		Contingency		\$ 23,000
Project Total:							\$ 320,000

Financing Schedule:		Project Start:	2012	Project Completion:	2013
Phases: Final Design, Bid, and Construction					
Fund Code:	350	350			
Name:	TDA	CMAQ			
FY 10/11:					\$ -
FY 11/12:					\$ -
FY 12/13:	\$ 29,000				\$ 29,000
FY 13/14:	\$ 91,000	\$ 200,000			\$ 291,000
Fund Totals:	\$ 120,000	\$ 200,000	\$ -	\$ -	\$ -
Ratios:	37.5%	62.5%	0.0%	0.0%	0.0%

Note: CMAQ funds from 2012 and 2016 allocations

Recommended for Approval

Alan Mitchell, City Engineer

Jul-13

Finance Department Approval

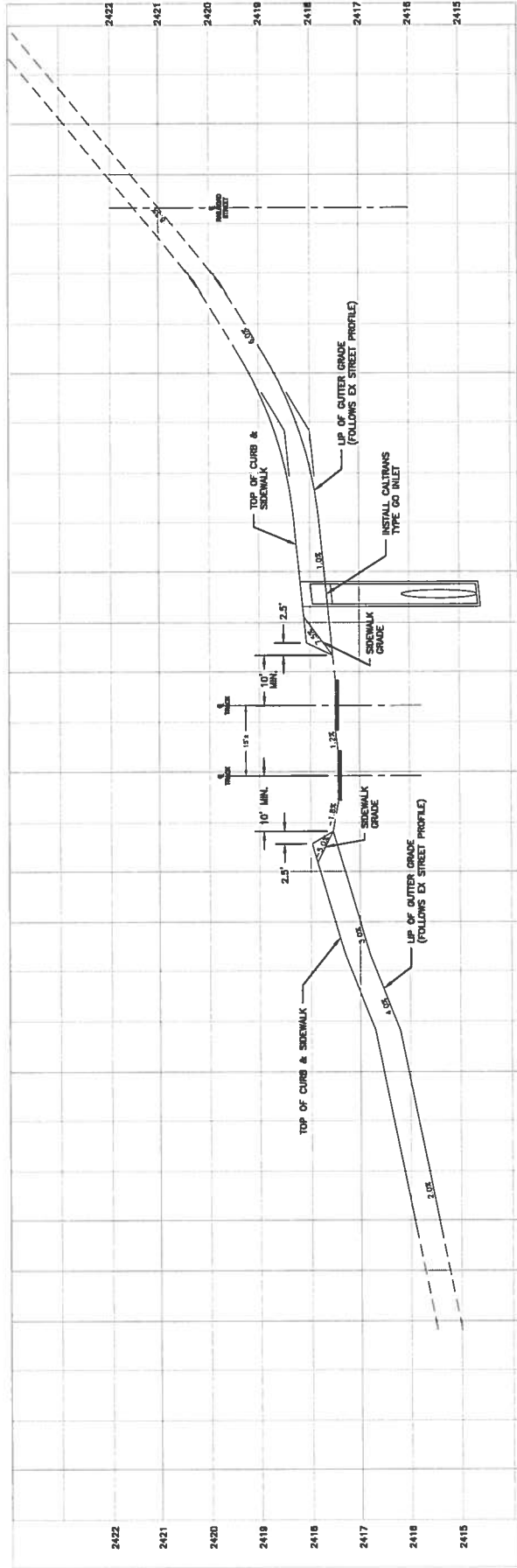
Laurie Van Groningen, Finance

(date)

City Manager Approval

Gabe Armstrong, Interim City Manager

(date)



DESIGNED BY AU	DATE	DESCRIPTION	BY	DATE
DRAWN BY AM/JS				
CHECKED BY AM/JS				
PONTICELLO ENTERPRISES CONSULTING ENGINEERS, INC. 1116 Penn Avenue Sacramento, CA 95811 Phone (916) 443-3444 Fax (916) 443-3495				
PEDESTRIAN IMPROVEMENTS AT UPRR GRADE CROSSING PLACER COUNTY, CA CITY OF GREAT PLACER ROAD NAME: GRASS VALLEY RD. MAJOR HIGHWAY: HIGHWAY 88 MAJOR STATE POST: 141.9 JOB NO.: 00773181U				
SCALE: HORIZ. 1"=10' VERT. 1"=10'	SHEET			
FILE: DATE: 12-28-2012 JOB NO.:	2 OF 2			



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JULY 24th, 2013 COUNCIL MEETING

FROM: Gabe Armstrong, Interim City Manager

PREPARED: July 12, 2013

SUBJECT: Discussion of special events, how they impact the downtown merchants including booth placement, signs and access and how events can be improved

RECOMMENDED ACTION: Discuss and direct staff

ISSUE STATEMENT AND DISCUSSION:

Council member Hesch requested that this item be placed on a public agenda to discuss issues business owners have had with events in the downtown area.

There are essentially two types of events that bear discussion. One is a "festival" as defined by Colfax Municipal Code ("CMC") Chapter 5.24. The second includes all other events that do not constitute a "festival" under the CMC.

CMC 5.24.010 defines "festival" as follows: "For the purposes of this chapter, unless otherwise apparent from the context, "festival" means and includes any gathering of individuals for the purpose of participating in street dances, outdoor "rock" dances and similar musical or theatrical type performances which are of a periodic nature and to which the public is admitted with or without the payment of an admission charge." Festival promoters are required to apply for and obtain a license.

Festival applications must be filed with the City Clerk at least 30 days before the date of the proposed festival. If the application is complete, the City Clerk must be submitted to the Council at its next regular meeting. The City Clerk is not authorized to issue a festival license unless the Council adopts an authorizing resolution at one of its regular meetings. The license fee is \$150 per day unless the fee is waived by the Council.

The CMC requires the Council to conduct a public hearing not less than five or more than 30 days after it receives the festival application and not less than 15 days before the festival. The Chief of Police is required to investigate and submit a written report to the Council. Copies of the application and notice of hearing are supposed to be submitted to the County Sheriff, health officer and highway patrol for their information. At the hearing, the Council is authorized to refuse to issue the festival license or issue it with or without conditions. The applicant is required to comply with all imposed conditions before the festival and may also

be required to provide a bond to indemnify the City and owners of property against the cost of cleanup and removal of debris and rubbish attributable to the festival.

The CMC does not prescribe a process to be followed for events that do not fall within the definition of "festival". Staff treats all major events like festivals and follows the same general process before issuing a permit or license.

The City Clerk usually assembles all information, interfaces with involved agencies and prepares festival information for presentation to the Council for consideration. Colfax contracts with Placer County for law enforcement services and Cal Fire for fire protection services. Both are always involved in the planning of any festival or other major event.

Festivals and events are always presented to the City Council for discussion and approval before they occur. For example, the Fire and Steel street closure was on the Council's May 22, 2013 regular agenda consent calendar. Street closure for the May 18 hot rod show was on the April 24 consent calendar. The July 3 street closure was on the Council's June 26 consent agenda.

This process is less formal than the CMC prescribes for festivals because a formal public hearing is typically not held although the public is always welcome to and frequently does comment. Council members and the public are entitled to, and frequently do, pull the item off the consent calendar for discussion. The process staff follows has worked well for many years.

The CMC does not indicate the nature or scope of public hearing required before a festival permit can be issued. In some instances, the law prescribes specific requirements for public hearings. For example, zoning applications, fee increases and imposition of taxes must follow specific legal public notice and hearing guidelines. This is not the case for festival and event permits which can be handled less formally and are generally sufficient as long as the Council and public have an opportunity to present their views in a public meeting.

Given the problems that arose at recent community functions, staff understands that the Council wants to revisit the process for approving events and festivals, including bringing them forward for discussion earlier than they typically have been.

FINANCIAL AND/OR POLICY IMPLICATIONS

One of the Council's functions is to establish City policy, including the process staff follows when processing festival and event applications. Council can change its policy as it sees fit. This may involve amending existing ordinances or adopting new ordinances, resolutions or policies. Staff will implement any policy the Council adopts regarding festivals and community events.

SUPPORTING DOCUMENTS

Colfax Municipal Code Chapter 5.24

COMMITTEE RECOMMENDATION

This report was not discussed by any committee.

Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapter 5.24 - OUTDOOR FESTIVALS

Chapter 5.24 - OUTDOOR FESTIVALS

Sections:

5.24.010 - Festival defined.

5.24.020 - Licenses—Required.

5.24.030 - Licenses—Applications—Form—Fees.

5.24.040 - Licenses—Applications—Filing.

5.24.050 - Licenses—Applications—Investigations—Hearings—Notices.

5.24.060 - Licenses—Conditions—Bonds.

5.24.070 - Licenses—Issuance—Fees.

5.24.080 - Licenses—Fees—Waivers.

5.24.090 - Licenses—Suspension or revocation.

5.24.100 - Licenses—Nontransferable.

5.24.010 - Festival defined.

For the purposes of this chapter, unless otherwise apparent from the context, "festival" means and includes any gathering of individuals for the purpose of participating in street dances, outdoor "rock" dances and similar musical or theatrical type performances which are of a periodic nature and to which the public is admitted with or without the payment of an admission charge.

(Prior code § 5-5.01)

5.24.020 - Licenses—Required.

Any person desiring to operate, maintain, conduct, advertise or sell or furnish tickets or other types of written authority for admission to a festival within the city shall first obtain a license from the city to operate or conduct such festival.

(Prior code § 5-5.02)

5.24.030 - Licenses—Applications—Form—Fees.

Applications for licenses to conduct festivals shall be made in writing to the council accompanied by a fee of one hundred dollars (\$100.00) which shall be subject to waiver as set forth in this chapter, but which, unless waived, shall be a nonrefundable application fee filed with the city clerk. Such application shall contain as much of the following information as the nature of the proposed activity may require:

- A. The name, age, residence, mailing address and telephone number of the applicant. If the application is made by a partnership, the names and addresses of all general partners shall be listed. If the application is made by a corporation, the application shall be signed by the president and attested by the secretary thereof, shall contain the names and addresses of all corporate officers and a certified copy of the articles of incorporation shall be attached to the application;

Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapter 5.24 - OUTDOOR FESTIVALS

- B. The location and the legal description of the place or premises where the festival is proposed to be conducted, including all areas to be used for parking or other uses incidental to the festival. The applicant shall submit proof of ownership of such place or premises or the written consent of the owners thereof for the proposed use;
- C. The dates and the hours during which the festival is to be operated;
- D. An estimate of the anticipated number of participants, spectators and other persons attending the festival for each day it is conducted;
- E. A detailed explanation of the applicant's program and arrangements for security, public safety, water supply, food supply, sanitation facilities, emergency medical services, vehicle access and parking facilities, on-site traffic control, overnight accommodations in the event participants or spectators are expected to remain in the area for more than one day, lighting the festival areas and the cleanup of the festival areas and removal of rubbish after the festival ends; and
- F. A detailed explanation of the applicant's plan for police protection during the festival, with particular emphasis on the control of the illegal use of alcohol and drugs.

(Prior code § 5-5.03)

5.24.040 - Licenses—Applications—Filing.

The application required by the provisions of this chapter shall be filed with the city clerk at least thirty (30) days prior to the date of the proposed festival. The city clerk shall review the application and, if complete, shall submit it to the council at its next regular meeting. No license shall be issued by the city clerk until he or she is authorized to do so by resolution of the council made at a regular meeting of the council.

(Prior code § 5-5.04)

5.24.050 - Licenses—Applications—Investigations—Hearings—Notices.

- A. **Hearings—Time—Notices.** Upon the receipt of the application and fee, if applicable, for the license required by the provisions of this chapter, the council shall set a time and date for a public hearing to be held at a regular meeting of the council not less than five days and not more than thirty (30) days, thereafter, but in no case less than fifteen (15) days prior to the proposed festival and shall notify the applicant of the hearing not less than five days prior to the time and date of the proposed hearing.
- B. **Investigations and Reports.** The chief of police shall be directed to investigate the matter and to report in writing to the council the results of his or her investigation and his or her recommendations prior to the public hearing.
- C. **Notices to County and State Agencies.** Copies of the application and notice of hearing shall be forwarded to the county sheriff and health officer and to the Highway Patrol of the state for their information.
- D. **Hearings—Decisions.** The council, at the scheduled public hearing, shall consider all documents submitted and such further matter that may be presented and shall thereafter take appropriate action to either refuse to issue the license, grant the license without conditions imposed or impose conditions which shall be met before the license may be granted.

(Prior code § 5-5.05)

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5.24.060 - Licenses—Conditions—Bonds.

- A. Conditions. If conditions are imposed by the council upon the issuance of the license required by the provisions of this chapter, the applicant shall furnish to the city clerk proof that all such conditions have been met and that the required security, if any, has been given before the license may be issued by the city clerk.
- B. Bonds. The security which the council may require may include the posting of an indemnity bond and/or performance bond in favor of the city in connection with the operation of the festival. Such bond shall be prepared by a corporate bonding company authorized to do business in the state by the Department of Insurance in an amount determined by the council. The bond shall indemnify the city and its council, agents, officers and employees against any and all losses, damages or injuries to either persons or property which may arise from the operation of the festival and shall further indemnify the city and owners of property affected by the operation of the festival against the costs of the cleanup and removal of debris and rubbish attributable to the festival activity.

(Prior code § 5-5.06)

5.24.070 - Licenses—Issuance—Fees.

Upon determining that the council has authorized the issuance of the license required by the provisions of this chapter and that all the conditions, if any, have been met, the city clerk shall collect a fee of one hundred fifty dollars (\$150.00) per day for each day the festival is to be conducted, unless such fee is waived by the council and shall issue a license to the applicant for the dates and locations the council has approved and authorized.

(Prior code § 5-5.07)

5.24.080 - Licenses—Fees—Waivers.

The application and license fees required by the provisions of this chapter may be waived at the discretion of the council for a neighborhood or community benefit organization or for an organization having a charitable, religious or eleemosynary purpose provided the net proceeds from the operation of the festival do not inure to the benefit of any person.

(Prior code § 5-5.08)

5.24.090 - Licenses—Suspension or revocation.

- A. Suspension. The chief of police may suspend the operation of and close any festival prior to the expiration of the license issued pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder or serious breach of the peace when, in his or her opinion, it may become necessary to prevent injuries to persons or property.
- B. Revocation. The council shall have the right to immediately revoke any license issued pursuant to the provisions of this chapter if:
 - 1. The licensee fails, neglects or refuses to perform any of the conditions imposed upon the granting of the license;
 - 2. The licensee permits the festival to be conducted in a disorderly manner or permits any person to remain on the premises while under the influence of liquor or drugs;
 - 3. The licensee violates or attempts to violate the laws of the state, the county or the city; or

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4. The licensee makes or is found to have made, a false or fraudulent statement of material fact in the application for the license or in the documents required to be submitted pursuant to the provisions of this chapter.
- C. Revocation—Notices. Written notice of such revocation shall be forwarded by the city clerk to the chief of police and to the licensee at the address shown in the application. Such revocation shall be effective immediately upon the order being made by the council.
- (Prior code § 5-5.09)

5.24.100 - Licenses—Nontransferable.

No license issued pursuant to the provisions of this chapter shall be transferred to any person or to any location not specified in the application and approved by the council.

(Prior code § 5-5.10)