



# City Council Minutes

Regular Meeting of Wednesday, April 24, 2019  
City Hall Council Chambers  
33 S. Main Street, Colfax CA

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## 1. **CLOSED SESSION** *(No closed session items)*

## 2. **CALL TO ORDER**

### 2A. **Call Open Session to Order**

Mayor Fatula called the meeting to order at 7:01PM.

### 2B. **Pledge of Allegiance**

Joe Ten Eyck, Cal Fire Division Chief, led the Pledge of Allegiance.

### 2C. **Roll Call**

Council members Present: Burruss, Douglass, Fatula, Lomen, Mendoza

### 2D. **Approval of Agenda Order**

On a motion by Mayor Pro Tem Mendoza, seconded by Councilmember Burruss, the City Council approved the agenda order.

**AYES:** Burruss, Douglass, Fatula, Lomen, Mendoza

## 3. **PRESENTATION**

### 3A. **Mosquito and Vector Control Awareness Week April 21-27, 2019**

Joel Buettner, General Manager of Placer County Mosquito and Vector Control District

**Recommendation:** Receive presentation and adopt Resolution 10-2019 recognizing West Nile Virus and Mosquito and Vector Control Awareness Week 2019.

Mayor Fatula introduced Mario Boisvert, Assistant Manager of the Placer County Mosquito and Vector Control District. As Mr. Buettner was not able to attend the meeting, Mr. Boisvert gave a PowerPoint presentation regarding Mosquito and Vector Control District. The main goal of the District is to protect people using science based integrated vector management control. He stated West Nile virus has been affecting Californians since 2001 and every year the number of cases fluctuates. This year the District is concerned that with the end of drought restrictions, yard irrigation will create more standing water which in turn may result in more cases of West Nile. The invasive mosquitos which occur in Placer County may cause other diseases, such as Zika Virus. The public can help by reporting stagnant water to the District and to dress with long sleeves or repellent. So far Colfax has had no reports of disease in the area.

Nancy Hagman, local resident, asked if heart-worm is a problem in the area. She also asked if she could purchase products to eradicate mosquitos locally. *Mr. Boisvert replied the prevalence of heart worm is pretty low in Placer County. He stated it is best, and free, to call the District for mosquito abatement.*

A resident of Alta asked if the District would inspect a pond near his home. *Mr. Boisvert confirmed the District would come out if he calls the office.*

On a motion by Councilmember Burruss seconded by Mayor Pro Tem Mendoza, the City Council adopted Resolution 10-2019.

**AYES:** Burruss, Douglass, Fatula, Lomen, Mendoza

#### **4. PUBLIC HEARING**

##### **4A. Public Hearing for Colfax Net Variance to allow a reduced setback to permit installation of a 60-80-foot-high telecommunication tower with antennas**

**Staff Presentation:** Amy Feagans, Planning Director

**Recommendation:** Conduct a Public Hearing and decide whether to grant, grant with modifications, or deny the requested variance.

Mayor Fatula stated he rents a small space in his business to the applicant, recused himself from the discussion, yielded the chair to Mayor Pro Tem Mendoza, and stepped out of the Council Chambers for the Public Hearing.

Mayor Pro Tem Mendoza introduced Planning Director Amy Feagans.

Planner Feagans stated Colfax Net is requesting a variance to construct a 3-legged antenna with a 10x10x10 base for his internet business, in the same location and to replace the dead tree on which his equipment is currently housed. The new tower would be no higher than the existing equipment, approximately 72 feet. Colfax zoning code requires at least a 2-foot setback from the property line for every foot of tower height. Colfax Net has a relatively small easement on the property which will not allow the proper set back. Council may approve a variance within very specific findings. The action requires Council to determine:

- There are special circumstances applicable to the property,
- The variance does not constitute a grant of special privileges,
- Granting the variance doesn't allow an illegal use, and,
- Granting the variance will not be detrimental to the public health.

Staff is not asking for a specific decision, just to open the hearing, hear from applicant, hear from the public, let the applicant respond and then close the hearing. After closing the hearing, the Council can give direction to staff.

Mayor Pro Tem Mendoza opened the Public Hearing at 7:26PM

The applicant, Corey Juchau, gave his presentation. He stated his business is licensed with the FPC and has provided information services to Colfax and the area since 2002. He has about 1,000 customers and they support the City financially either as business owners or customers of Colfax businesses. Mr. Juchau thanked his customers for voting the business "Best of the Best" for internet services 4 years in a row.

He outlined why his request for the variance meets the required findings.

- This variance is necessary because he has an unusual problem in that his equipment works with "line-of-site" technology. The location of the equipment cannot be moved without impacting service and costing \$1.2 million. The variance is necessary because the 2 to 1 ratio of distance from property line to height of the tower can't be achieved within his easement.
- He is not asking for special treatment inconsistent with the limitation on nearby properties.
- An antenna is not against the zoning regulations on this property.
- He asserted there will be no harm to the neighbors as the nearest structure is 100's of yards away from the location of the equipment. Cal Fire has an easement in this location as well. Other towers in the vicinity are very visible, but the Colfax Net tower will not be visible from the homes nearby. The current tower is inconspicuous in comparison to neighboring towers and the new tower and antennas will be camouflaged.

Approving the variance will allow the community to continue receiving their ISP service.

Mayor Pro Tem opened public comment for the Hearing. The following members of the public spoke:

<i>Karla Jamison</i>	Colfax Resident	In Support	
<i>Julie Sanchez</i>	Area Resident	In Support	
<i>George Beckman</i>	Area Resident	In Support	
<i>Robert Sinclair</i>	Attorney for Property owner	Not opposed	Submitted letter
<i>Jewell DeLappe</i>	Area Resident	In Support	
<i>Sharon Connors</i>	Area Resident	In Support	
<i>Nadine Harmon</i>	Colfax Resident	In Support	
<i>Scott Wilmar</i>	Area Resident	Opposed	
<i>Unknown Speaker</i>	Area Resident	In Support	
<i>Rose Swick</i>	Owner of Neighboring Property	Opposed	
<i>Emmaline -</i>	Colfax Resident	In Support	
<i>Donna Clark Tomlinson</i>	Nevada County Resident	In Support	
<i>Unknown Speaker</i>	Area Resident	In Support	
<i>Wayne Armstrong</i>	Owner of Competing Business	Opposed	
<i>Hank, -</i>	Area Resident	In Support	
<i>Sam Ronsie</i>	Area Resident	In Support	
<i>Daviana Ackerman</i>	Owner of Neighboring Property	Opposed	Submitted image
<i>Unknown Speaker</i>	Unknown Residence	In Support	
<i>Sally Laughlin</i>	Area Resident	In Support	
<i>Nancy Hagman</i>	Area Resident	Opposed	
<i>David Ackerman</i>	Owner of Neighboring Property	Opposed	Submitted documents
<i>Sven Miller</i>	Area Resident	Opposed	
<i>Tom Swick</i>	Owner of Neighboring Property	Opposed	Submitted documents
<i>Jerry Ryan</i>	Area Resident	In Support	

Arthur Woodward, attorney for the applicant, spoke on the applicant's behalf. Mr. Woodward stated the applicant was granted an easement by the property owner for which he paid \$10,000. The requested variance is not against the zoning laws. The new tower will not be taller than the existing tree and will not be visible from the neighboring homes, but, of course, will be visible from the property line. Councilmember Burruss stated the easement lists an Assessor's Parcel Number which is no longer in use.

Mr. Sinclair, on behalf of the property owner, Mr. Amick, stated the property was deeded to his client through a foreclosure in 2010 and the APN's were readjusted with property line conversions. The history of the APN's for this parcel are muddled.

Mr. Woodward, on behalf of the applicant, stated the correct legal description is more determinate of the property than the APN and attached to the deed.

Councilmember Burruss stated this discrepancy is indicative of other potential issues that need to be ironed out.

Richard Hollman, a realtor involved with transactions for the property in the past, stated a previous owner gave the easement away.

Mayor Pro Tem Mendoza closed the Public Hearing at 8:33PM.

Planner Feagans reminded Council the easement on the property is not the issue at hand, simply the variance to allow the tower to be rebuilt.

Councilmember Lomen stated Council has not had much time to study this issue. He understands Colfax Net offers a needed service, but he feels property owners' rights are more important. He does not want

to see Colfax Net go out of business and requests Council continue the discussion to another meeting to allow time to work with other options for Colfax Net. He would like to ensure PG&E service is viable, a professional survey of the existing structure exists, and analysis of the actual height necessary for a line of sight tower? Councilmember Lomen stated he will work diligently to see that Colfax Net stays viable and a contingency plan is in place.

Councilmember Burruss would also like to continue the discussion on another date. In her opinion Council couldn't legally vote yes on this variance because it does not meet all of the criteria. She also would like to work with the applicant to explore other options.

Councilmember Douglass stated only two weeks of knowing about the application for a variance is not enough time to make a rational decision and would also like to find a compromise or other option.

Mayor Pro Tem Mendoza, after hearing from many constituents, spent some time gathering information regarding communication towers and safety concerns. She also feels Council needs more time and information before making a decision that will balance, health, fire safety and the services provided.

City Manager Heathcock stated if Council denies this application, then this is not the end of Colfax Net, just the end of the variance to build a tower at the current location of the existing tree.

Councilmember Lomen made a motion to continue the discussion at another meeting.

City Manager Heathcock requested Council give staff a list of specific information to bring back to Council for consideration.

Council requested the following:

1. Approval from PG&E for a power meter on site or other secure power source
2. Professional survey of the height of existing tree
3. Proposed use of new tower space (number of antennas, additional equipment)
4. Scope of work of the project to build the tower
5. Other options for types of tower structure (a monopole for instance).

City Manager Heathcock reminded Council, staff will work with the applicant to respond to Council's requests, but these items are not necessarily related to approval of the variance.

Councilmember Burruss seconded the motion to continue the discussion until the second meeting in May.

On a roll call vote, Council approved the motion.

AYES: Burruss, Douglass, Lomen, Mendoza

RECUSED: Fatula

Mayor Pro Tem Mendoza called for a brief recess at 8:50PM.

Mayor Fatula called the meeting back to order at 8:57PM.

## **5. CONSENT CALENDAR**

### **RECOMMENDED ACTION: Approve Consent Calendar**

#### **5A. Minutes – Regular Meeting of April 10, 2019**

**Recommendation:** Approve the Minutes of the Regular Meeting of April 10, 2019.

#### **5B. Project List for Road Repair – SB-1 Funding**

**5C. Recommendation:** Adopt Resolution 11-2019 adopting a list of potential projects to be funded in full or in part by the SB-1 Fiscal Year 2019-2020 funding allocation: The Road

Repair and Accountability Act ensuring eligibility for State of California Road Maintenance and Rehabilitation Account (RMRA) revenues.

5D. **Cash Summary Report – March 2019**

5E. **Recommendation: Accept and file.**

On a motion by Mayor Pro Tem Mendoza, seconded by Councilmember Lomen, the City Council approved the Consent Calendar.

AYES: Burruss, Douglass, Fatula, Lomen, Mendoza

## **6. PUBLIC COMMENT**

*Sharon Conners, Area Resident*

- Ms. Conners noted it is nice to see people at the Council meeting and she wishes more people would come to the meetings to support ongoing topics not just one agenda item.

*Bev Anderson, Area Resident*

- Ms. Anderson is President of the local Neuropathy Society. She handed out an information sheet to explain the services provided by 211, an important service for residents to easily access social services. Placer County is in the process of determining whether to approve 211. Please let the Board of Supervisors know this is important to Colfax.

City Manager Heathcock stated Todd Leopold, Chief Executive Officer for the County is spearheading the process and looking into costs and funding sources.

*Reene Abbott, Event Liaison*

- Ms. Abbott stated all of the major events in Colfax have vendors which are eager to participate. This enthusiasm demonstrates that there is something great about Colfax.

## **7. COUNCIL, STAFF AND OTHER REPORTS**

### **7A. Committee Reports and Colfax Informational Items - All Councilmembers**

*Councilmember Lomen*

- Councilmember Lomen reported the Wilder than Wild showing at the Colfax Theatre was a good success with about 50 people in attendance.

*Councilmember Douglass*

- Councilmember Douglass represented the City at the Placer Economic Development Board meeting and at the SACOG seminar. The SACOG Policy and Innovation committee will be conducting pilot studies, possibly in Colfax.
- He attended the VFW Pancake Breakfast, Lions Club Easter Egg Hunt, the Weimar Institute Total Community Involvement Concert and a special railroad event celebrating the Transcontinental Railroad with Union Pacific Railroad.

*Mayor Pro Tem Mendoza*

- Mayor Pro Tem Mendoza attended the Wilder than Wild film.
- She presented quarterly awards at the elementary school for the Hard Work Café Program.

*Councilmember Burruss*

- Councilmember Burruss and City Manager Heathcock met with a vendor at the Wastewater Treatment Plant regarding funding for a solar array. There is potential for a rebate which may be greater than grant funding.
- She represented the City at the Placer County Air Quality Control Board meeting.
- She also attended the VFW Breakfast, the American Legion Dinner, the Lions Club Easter Egg Hunt and the Union Pacific Railroad event.

*Mayor Fatula*

- Mayor Fatula suggested Council invite High School students with high achievements to a Council meeting to receive a certificate.

Councilmember Douglass stated he had just put the list of students in Mayor Fatula's inbox.

**8A. City Operations Update – City Staff**

*City Manager Heathcock*

- City Manager Heathcock has discussed community-wide branding with the Chamber and staff will bring an idea to Council with a full presentation to show the benefits of a branding plan and new signage.
- Staff will be meeting with the USDA to discuss grants for the Wastewater Treatment Plant and fire equipment.
- He announced staff will work with high school interns this summer. It is a good program to have the students shadow staff and learn more about career opportunities.
- Recology Spring clean up is scheduled for May 8, 2019.
- The bid for construction of the Roundabout closes April 30, 2019. Staff hopes to bring the contract to Council on May 8, 2019 with a groundbreaking ceremony on May 13, 2019.
- He recommended Council take a look at the new website.
- The Water Quality Control Grant is approved but the agreement processing is very slow and waiting for 11 more signatures.
- The Sheriff's Department have put a prescription drug drop off receptacle in City Hall.

Mayor Pro Tem Mendoza asked if plans have been made to move the daffodil bulbs before construction of the roundabout. *Councilmember Douglass stated he is working on getting volunteers.*

**8B. Additional Reports – Agency Partners**

*Tim Ryan, Colfax Area Chamber of Commerce President*

- Mr. Ryan thanked Council for taking all comments and letting everyone speak in the public hearing.
- The Chamber is working on new signs to encourage visitors to drive downtown.
- The Chamber will begin hosting classes for small business development, and updating their forms and other services.
- The first mixer of the season will be May 21, 2019 at the Chamber Office at 5:30PM.
- The Chamber and the City continue a good working relationship. Mr. Ryan and City Manager Heathcock meet weekly to walk the City and speak with business owners.

Mayor Pro Tem Mendoza asked how many new businesses have become chamber members? *Four businesses have joined the Chamber and the City is now including a Chamber application with every new business license application.*

*Ty Conners, Placer County Sheriff, Colfax Substation Commander*

- Sergeant Conners mentioned the drug take-back receptacle does not take liquids or needles.
- He attended a railroad crossing safety meeting which was a national training opportunity.
- Sergeant Conners and Chief Eagan are working together to update Operation of Emergency Services plans.

*Joe Ten Eyck, Operations Chief, CalFire*

- Chief Van Eyck introduced Chief Mathias who is his equivalent from Nevada County.
- He reminded everyone to be cautious near rivers during this season of snow melt.

- After May 1<sup>st</sup> permits will be required for burning debris, take advantage of early spring to create a defensible space around your home.

*Foxey McCleary and Sharon Conners, Sierra Vista Community Center representatives*

- Ms. Conners stated the Sierra Vista Community Center will be offering free yoga classes and continues to expand its programs to provide to the community.
- May 11, 2019 will be spring clean-up day at the Community Center and May 15, 2019 is scheduled for the annual meeting and member appreciation spaghetti dinner.
- Ms. McCleary reminded everyone the Chocolate Wine and Art Indulgence is this Saturday, April 27, 2019.

City Manager Heathcock asked for results of the neighborhood Skate Park survey. *Neighbors were not positive but the Sierra Vista Community Center Board is responsible to its members. They would like to hear from the City about bathrooms and drinking fountains.*

*Fred Abbott, Colfax Events Liaison*

- Mr. Abbott stated the next Colfax Connection is about ready to go. He needs articles from Councilmembers and Staff.

## **8. COUNCIL BUSINESS**

### **8A. South Auburn Hotel Mitigation and Impact Fee Reimbursement Agreement**

**Staff Presentation:** Wes Heathcock, City Manager

**Recommendation:** Discuss and consider adopting Resolution 12-2019 approving the reimbursement agreement for Mitigation and Impact Fees for development of the South Auburn Hotel to allow split payments of the fees, and the fee schedule shall not be increased before June 27, 2021.

City Manager Heathcock explained the developers of Best Western Hotel on South Auburn have requested permission to split payments of the mitigation fees, half with the building permit and half before the occupancy permit is issued. Approving this request will help the developers to have more capital to build.

Council discussed mechanisms to ensure the City will have leverage to collect the fees.

City Manager Heathcock replied the hotel will not receive an occupancy permit before the payments are completed.

On a motion by Mayor Pro Tem Mendoza and a second by Councilmember Lomen, Council adopted Resolution 12-2019.

AYES: Burruss, Douglass, Fatula, Lomen, Mendoza

### **8B. Temporary Interfund Loan to finalize purchase a portion of “Lot of Arts” from Scott Miles as approved by Council on April 11, 2018**

**Staff Presentation:** Wes Heathcock, City Manager

**Recommendation:** Discuss and consider adopting Resolution 13-2019 authorizing an interfund loan from Fund 100 to Fund 213 in the amount of \$30,000 to complete the purchase of the Lot of Arts from Scott Miles.

City Manager Heathcock explained an interfund loan is a typical business practice to compensate for short-term funding deficits. The Lot of Arts purchase is ready to be completed but the Parks and Recreation Fund is currently short the full amount. Staff anticipates the interfund loan will be paid back in a year as residential development fees increase.

On a motion by Councilmember Lomen, and a second by Councilmember Burruss, Council adopted Resolution 13-2019.

AYES: Burruss, Douglass, Lomen, Mendoza, Fatula

#### **9. GOOD OF THE ORDER**

Mayor Pro Tem Mendoza stated she would like to be sure the top four high school students are recognized annually.

Councilmember Douglass would like to discuss the possibility of rebuilding the City pool. City Manager Heathcock stated the previous Council approved building a Skate Park at the location, but the Sierra Vista Community Center may allow the Skate Park on its property. If the Skate Park is built at the Sierra Vista Community Center, then the site could be considered for a pool.

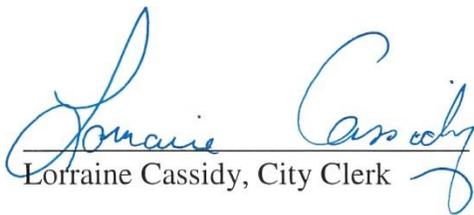
Mayor Fatula stated this topic could be placed on an agenda by mid – summer if the Skate Park won't be built at the pool site.

#### **10. ADJOURNMENT**

On a motion by Councilmember Burruss and a second by Councilmember Lomen, the Council voted unanimously to adjourn.

Mayor Fatula adjourned the meeting at 9:57PM.

Respectfully submitted to City Council this 22<sup>nd</sup> day of May, 2019.

  
Lorraine Cassidy, City Clerk