

**COLFAX CITY COUNCIL MEETING
REGULAR SESSION AGENDA**

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

April 24, 2013

6:00 PM (Closed Session)

7:00 PM (Regular Session)

Last Ordinance
#519

Last Resolution
19-2013

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 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

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

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: March 27, 2013
April 16, 2013
April 19, 2013 *Receive and File*
- B. Cash Balance Summary: March 31, 2013 *Receive and File*
- C. Approval of Street Closure for Hwy 40 Hot Rod Show on May 18, 2013 from 7:00am to 5:00pm *Approve Closure*
- D. Approval of Mayor to sign letter in support of the 2-1-1 Program. *Approve*

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:
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

To Be Heard as the Planning Commission

- A. Public Hearing and Consideration of Adoption of Resolution No. 20-2013: A Resolution Of The Planning Commission Of The City Of Colfax: (1) Certifying The Mitigated Negative Declaration And Adopting The Mitigation Monitoring And Reporting Program For Planning Application #TPM-VAR-01-11/Colfax Motor Lodge; and (2) Approving An Application (#TPM-01-11) For The Purpose Of Subdividing An Existing 1.44 Acre Parcel Into Three Lots; and Approving an Application (#VAR-01-11) For A Variance From The Setback Requirements And For a Variance From The Separate Sewer Line Requirement
Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Adopt Resolution No. 20-2013

10. COUNCIL BUSINESS

- A. Mid-year Budget Review and Consideration of Adoption of Resolution No. 21-2013: A Resolution Of The City Council Of The City Of Colfax Amending The 2012-2013 Operating Budget
Recommended Action: Accept the Budget Report and Adopt Resolution No. 21-2013
- B. Conduct discussion and provide direction to staff regarding collection of current and delinquent sewer service charges on the County tax roll.
Recommended Action: Conduct discussion and provide direction to staff regarding whether to place current sewer service charges, delinquent sewer service charges or both on the County tax roll
- C. Consideration of Adoption of Resolution No. 22-2013 and related documents to extend the maturity date of the Colfax Wastewater Treatment Facility Loan from April 21, 2013 to June 30, 2014.
Recommended Action: Conduct discussion, adopt Resolution No. 22-2013, and approve an amended Note and Note Purchase Contract extending the loan maturity date.

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, April 19, 2013
at City Hall and Post Office locations


Karen Pierce, City Clerk

Minutes
City Council Meeting
March 27, 2013

1. OPENING

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

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

Council member Douglass was absent due to vacation.

2. PUBLIC COMMENT

There was no public comment

3. CLOSED SESSION

Mayor Barkle called the closed session to order at 6:03pm

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: Bruce Kranz

Conference with Legal Counsel—Existing Litigation
Number of Cases: 1
(Subdivision (a) of Section 54956.9)
Name of case: Sierra Vista Community Center v. City of Colfax, Placer County Superior
Court #S-CV-030766

Public employee discipline/dismissal/release pursuant to Government Code Section
54957

Mayor Barkle closed the closed session at 6:56pm.

4. OPENING AND AGENDA APPROVAL

Mayor Barkle called the regular meeting to order at 7:06pm.

Bruce Kranz led the Pledge of Allegiance

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

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

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

ABSENT: Douglass
ABSTAIN:

5. CITY COUNCIL COMMITTEE REPORTS

Councilman Hesch reported on positive things happening within the City and would like to see City Forms before they are published on the Web Site and would like the I-80 Project letters to go out City Wide rather than a general mailing.

Councilman McKinney reported on the Lions Easter Egg Hunt at the Lions Park on Saturday April 30 and attending the Placer County Economic Summit. He also noted that Chief Chris Paulus and Deputy Barker were very professional and sensitive in the discharge of their duties at the suicide of a local business owner.

Councilman Parnham reported on the Placer County Mosquito and Vector Control meeting. He went out to the WWTP and is happy with what he sees.

Mayor Barkle reported on attending the Air Quality Control Board meeting and work being done on the Fire and Steel Festival and the July 3 Event.

6. INFORMATION REPORTS FROM STAFF AND OTHERS

City Manager, Bruce Kranz reported on the following:

- Would like to bring three events before council to take on as City Sponsored events. The Events are Winterfest, Railroad Days and the July 3 event.
- Met with the new owners of the Hotel and talked about possible tenants.
- Noted the Brooklyn Deli that opened and the work being done at the Theatre.

7. CONSENT AGENDA

	<u>ACTION TAKEN</u>
A. Minutes: March 13, 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. 17-2013: A Resolution Of The City Council Of The City Of Colfax Approving And Authorizing The City Manager To Execute A Memorandum Of Understanding For Parcel Base GIS and approving the purchase of software to access the data Placer County is sharing with the City in the amount of \$1500.00	<i>Pulled for Discussion</i>
D. Consideration of Adoption of Resolution No. 18-2013: A Resolution Of The City Of Colfax Authorizing The City Manager To Execute A Sales Agreement With Sportafence Marketing Enterprises, LLC, For Purchase Of A Non-Wheeled, Staked Portable Outfield Fence System For The	<i>Pulled for Discussion</i>

Prop 40 Project No. 12-03 At The Regional Park in the amount of \$16,745

A motion was made by councilman Hesch and seconded by councilman Parnham to approve the consent agenda as presented with the above noted items pulled for discussion. The motion was passed by the following vote:

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

C. Consideration of Adoption of Resolution No. 17-2013: A Resolution Of The City Council Of The City Of Colfax Approving And Authorizing The City Manager To Execute A Memorandum Of Understanding For Parcel Base GIS and approving the purchase of software to access the data Placer County is sharing with the City in the amount of \$1500.00

Councilman McKinney had questions regarding the costs of this. Councilman Hesch had information to add. A motion was made by councilman McKinney and seconded by Councilman Hesch to adopt Resolution No. 17-2013 and approve the software purchase in the amount of \$1500.00. The motion was passed by the following vote:

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

D. Consideration of Adoption of Resolution No. 18-2013: A Resolution Of The City Of Colfax Authorizing The City Manager To Execute A Sales Agreement With Sportafence Marketing Enterprises, LLC, For Purchase Of A Non-Wheeled, Staked Portable Outfield Fence System For The Prop 40 Project No. 12-03 At The Regional Park in the amount of \$16,745

Councilman McKinney had questions about funding between the ball field lights and fencing. City Manager, Bruce Kranz answered questions. A motion was made by councilman McKinney and seconded by councilman Hesch to adopt Resolution No. 18-2013. The motion was passed by the following vote:

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

8. PUBLIC COMMENT

Bev Anderson, county resident spoke about the 211 Community Services program. Logan West, President Sierra Vista Art Center spoke about the centers projects.

9. PUBLIC HEARING

10. COUNCIL BUSINESS

A. Consideration of Adoption of Resolution No. 19-2013: A Resolution Of The City Council Of The City Of Colfax Authorizing City Manager To Execute A Construction Contract With Miracle Construction Inc., DBA Miracle Playsystems, For The Water Splash Play Area, Project No 12-02 in the amount of \$123,852

Brigit Muck, Miracle Play Systems went over the Splash Pad, design and contract. City Manager, Bruce Kranz went over the project and future plans for the Pool Area. Council had questions. There was no public comment. A motion was made by councilman McKinney and seconded by councilman Hesch to adopt Resolution No. 19-2013. The motion was passed by the following vote:

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

11. PRESENTATION

12. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 8:16pm.

Minutes
City Council Special Meeting
April 16, 2013

1. OPENING

Mayor Barkle called the meeting to order at 4:00pm.

Ken Delfino led the Pledge of Allegiance

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

Councilman Parnham was absent due to vacation.

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, McKinney and Mayor Barkle

NOES:

ABSENT: Parnham

ABSTAIN:

2. PUBLIC COMMENT

Ken Delfino, resident spoke about picking the right person to take over as City Manager.

Travis Berry, City Employee spoke about the sound system.

Frank Klein, Chamber President spoke about working with Bruce Kranz.

Will Stockwin, resident had questions about the agenda. Why at 4:00? Why Closed Session? Why a Special Meeting?

Melba Delfino, resident spoke about volunteering if the City needs her help.

Mayor Barkle adjourned the regular session to closed session at 4:10pm

3. CLOSED SESSION

Public Employee Employment pursuant to Government Code Section 54957.

Title of position to be filled: City Manager.

Mayor Barkle closed the closed session at 5:24pm and stated that there was no reportable action.

12. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 5:24pm.

Minutes
City Council Special Meeting
April 19, 2013

1. OPENING

Mayor Barkle called the meeting to order at 10:03am.

Suzanne Roberts led the Pledge of Allegiance

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

Councilman Parnham was absent due to vacation.

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, McKinney and Mayor Barkle

NOES:

ABSENT: Parnham

ABSTAIN:

2. PUBLIC COMMENT

Will Stockwin, resident asked why a second special meeting in a week. He spoke about personnel matters being discussed in Closed Session and wanted to know why the item on the agenda was not a public discussion.

Councilmember Hesch stated that council will verify that the City is in compliance with the Brown Act. He also noted that he appreciated Mr. Stockwin's attendance and participation in the meeting as a part of the community, but he would like to see the community be more supportive of the work the council is doing.

Mayor Barkle adjourned the regular session to closed session at 10:10am

3. CLOSED SESSION

Public Employee Employment pursuant to Government Code Section 54957.

Title of position to be filled: City Manager.

Councilman McKinney left the meeting at 10:57. A quorum remained.

Mayor Barkle closed the closed session at 11:27am and stated that there was no reportable action.

12. ADJOURNMENT

Being no further business to come before council by voice vote the meeting was adjourned at 11:27am.

CASH TRANSACTIONS REPORT

MONTH: MARCH

City of Colfax

	Beginning Balance	Debit	Credit	Ending Balance
Fund Type: 1.11 - General Fund - Unassigned				
Fund: 100 - General Fund	3,201,566.02	64,203.61	31,455.93	3,234,313.70
Fund: 120 - Land Development Fees	1,440.32	500.00	2,752.26	-811.94
Fund: 570 - Garbage Fund	-377,788.91	0.18	0.00	-377,788.73
Fund Type: 1.11 - General Fund - Unassigned	2,825,217.43	64,703.79	34,208.19	2,855,713.03
Fund Type: 1.14 - General Fund - Restricted				
Fund: 571 - AB939 Landfill Oversion	30,563.74	0.00	0.00	30,563.74
Fund: 572 - Landfill Post Closure Main	685,106.19	21,895.92	3,313.84	703,688.27
Fund Type: 1.14 - General Fund - Restricted	715,669.93	21,895.92	3,313.84	734,252.01
Fund Type: 1.24 - Special Rev Funds - Restricted				
Fund: 210 - Mitigation Fees - Roads	75,765.08	0.00	0.00	75,765.08
Fund: 211 - Mitigation Fees - Drainage	2,969.98	0.00	0.00	2,969.98
Fund: 212 - Mitigation Fees - Trails	45,533.83	0.00	0.00	45,533.83
Fund: 213 - Mitigation Fees - Parks/Re	108,341.09	0.00	0.00	108,341.09
Fund: 214 - Mitigation Fees - City Bldg	666.04	0.00	0.00	666.04
Fund: 215 - Mitigation Fees - Vehicles	229.76	0.00	0.00	229.76
Fund: 217 - Mitigation Fees - DT Parkii	25,935.18	0.00	0.00	25,935.18
Fund: 218 - Support Law Enforcement	-12,121.77	0.00	0.00	-12,121.77
Fund: 236 - CDBG Revitalization Zone	-20,627.01	0.00	2,714.50	-23,341.51
Fund: 241 - CDBG Housing Rehabiliati	124,632.63	0.00	0.00	124,632.63
Fund: 244 - CDBG MicroEnterprise Le	81,035.41	300.00	0.00	81,335.41
Fund: 250 - Streets - Roads/Transport	-23,890.27	0.00	8,056.73	-31,947.00
Fund: 253 - Gas Taxes	57,064.96	5,723.04	1,781.56	61,006.44
Fund: 270 - Beverage Container Recyc	23,901.44	0.00	0.00	23,901.44
Fund: 280 - Oil Recycling	-978.49	0.00	416.18	-1,394.67
Fund: 286 - Bricks	5,211.62	0.00	0.00	5,211.62
Fund: 292 - Fire Department Capital Fi	27,061.06	0.00	0.00	27,061.06
Fund Type: 1.24 - Special Rev Funds - Restricted	520,730.54	6,023.04	12,968.97	513,784.61
Fund Type: 1.3 - CAPITAL PROJECT FUNDS				
Fund: 380 - CABOOSE RESTORATIO	-5,944.88	0.00	0.00	-5,944.88
Fund Type: 1.3 - CAPITAL PROJECT FUNDS	-5,944.88	0.00	0.00	-5,944.88
Fund Type: 1.34 - Capital Projects - Restricted				
Fund: 344 - PROP 40 Capital Projects	-19,065.69	0.00	73,793.00	-92,858.69
Fund: 350 - Streets Improvments Proje	238,162.01	0.00	2,812.50	235,349.51
Fund Type: 1.34 - Capital Projects - Restricted	219,096.32	0.00	76,605.50	142,490.82
Fund Type: 2.11 - Enterprise Funds - Unassigned				
Fund: 560 - Sewer	-699,551.73	96,629.98	66,438.99	-669,360.74
Fund: 561 - Sewer Liftstations	322,090.60	20,695.70	9,315.92	333,470.38
Fund: 563 - Wastewater Treatment Pla	257,815.45	43,521.23	119.72	301,216.96

CASH TRANSACTIONS REPORT

MONTH: MARCH
 City of Colfax

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 4/9/2013
 3:24 pm

	Beginning Balance	Debit	Credit	Ending Balance
Fund: 565 - General Obligation Bond 1	25,440.54	0.01	0.00	25,440.55
Fund: 567 - Inflow & Infiltration	465,991.80	947.36	12.40	466,926.76
Fund Type: 2.11 - Enterprise Funds - Unassigned	371,786.66	161,794.28	75,887.03	457,693.91
Fund Type: 2.14 - Enterprise Funds - Restricted				
Fund: 569 - Pond 3 Lining- I&I Repair	-805,117.73	407,939.00	526,488.65	-923,667.38
Fund Type: 2.14 - Enterprise Funds - Restricted	-805,117.73	407,939.00	526,488.65	-923,667.38
Fund Type: 9.0 - CLEARING ACCOUNT				
Fund: 998 - PAYROLL CLEARING FU	2,986.84	45,613.22	45,426.64	3,173.42
Fund Type: 9.0 - CLEARING ACCOUNT	2,986.84	45,613.22	45,426.64	3,173.42
Grand Totals:	3,844,425.11	707,969.25	774,898.82	3,777,495.54

Check Register Report

Date: 04/09/2013

Time: 2:01 pm

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CITY OF COLFAX

BANK: US BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks							
49010	03/07/2013	Reconciled		01414	ALHAMBRA & SIERRA SPRINGS	WATER CITY HALL/CORP YARD	108.26
49011	03/07/2013	Reconciled		01432	JOSHUA ALPINE	REPLACE PAYROLL CHECKS	279.85
49012	03/07/2013	Reconciled		01500	ANDERSON'S SIERRA	DEWATERING POND 2	147.76
49013	03/07/2013	Reconciled		01785	AUBURN JOURNAL, INC.	NEWSPAPER SUBSCRIPTION	149.00
49014	03/07/2013	Reconciled		01790	AUBURN OFFICE PRODUCTS	SUPPLIES	18.93
49015	03/07/2013	Reconciled		04234	DE LANG LANDEN	COPY MACHINE CONTRACT	170.93
49016	03/07/2013	Reconciled		07465	GOLD MINER PEST CONTROL	PEST CONTROL	125.00
49017	03/07/2013	Reconciled		07594	GRAY ELECTRIC CO.	BALL FIELD FENCING DESIGN	5,168.00
49018	03/07/2013	Reconciled		08050	HACH COMPANY	I & I MITIGATION	11,700.00
49019	03/07/2013	Reconciled		08159	HILL BROTHERS CHEMICAL CO.	WWTP CHEMICALS	3,984.49
49020	03/07/2013	Reconciled		12180	LAWRENCE & ASSOCIATES INC	LANDFILL MONITORING JANUARY	1,246.43
49021	03/07/2013	Reconciled		12210	LIFE-ASSIST, INC.	FIRE DEPT SUPPLIES	391.52
49022	03/07/2013	Reconciled		16009	SEAN PATRICK	WWTP CONSULTANT	505.00
49023	03/07/2013	Reconciled		16035	PG&E	UTILITIES	15,439.54
49024	03/07/2013	Reconciled		19279	SERVICE ENGINEERING	WWTP MAINTENANCE	706.83
49025	03/07/2013	Reconciled		14295	SPRINT NEXTEL COMMUNICATIONS	CELL PHONES	326.74
49026	03/07/2013	Reconciled		16600	STATIONARY ENGINEERS, LOCAL 39	HEALTH INSURANCE APRIL	9,852.00
49027	03/07/2013	Reconciled		22115	VERIZON CALIFORNIA	WWTP TELEPHONE	134.54
49028	03/12/2013	Printed		16200	PLACER COUNTY SHERIFF DEPT.	REIMBURSE DISTRACTED DRIVING	3,174.07
49029	03/14/2013	Reconciled		01448	AMERIGAS - COLFAX	PROPANE DEPOT	479.34
49030	03/14/2013	Reconciled		01460	AMERIPRIDE UNIFORM SERVICE	UNIFORMS/SUPPLIES	386.71
49031	03/14/2013	Reconciled		02084	BRIGIT BARNES	PLANNING FEBRUARY	5,458.40
49032	03/14/2013	Reconciled		04400	DIAMOND WELL DRILLING CO.	WWTP MONITORING JANUARY	6,674.00
49033	03/14/2013	Reconciled		07570	GRAINGER	WWTP BLOWER BELTS	150.06
49034	03/14/2013	Reconciled		08050	HACH COMPANY	I & I MITIGATION	11,212.50
49035	03/14/2013	Reconciled		08170	HILLS FLAT LUMBER CO	SUPPLIES	980.15
49036	03/14/2013	Reconciled		08660	HUNT AND SONS, INC.	GASOLINE PUBLIC WORKS	503.03
49037	03/14/2013	Reconciled		11116	BRUCE KRANZ	MILEAGE REIMBURSEMENT	394.93
49038	03/14/2013	Reconciled		11130	KRUGER, INC.	WWTP FILTERS	601.09
49039	03/14/2013	Reconciled		12564	LORANG BROTHERS CONSTRUCTION	I & I PROJECT	320,463.50
49040	03/14/2013	Reconciled		16300	PLACER COUNTY WATER AGENCY	WATER	1,645.60
49041	03/14/2013	Reconciled		18193	RECOLOGY AUBURN PLACER	WWTP DEBRIS BOX	920.00
49042	03/14/2013	Reconciled		19279	SERVICE ENGINEERING	WWTP MAINTENANCE	570.00
49043	03/14/2013	Reconciled		19387	SIERRA FOOTHILL LABORATORY, INC	WWTP TESTING	3,050.00
49044	03/14/2013	Reconciled		19599	STAPLES BUSINESS ADVANTAGE	SUPPLIES	411.22
49045	03/14/2013	Reconciled		21560	US BANK CORPORATE PMT SYSTEM	CREDIT CARD PURCHASES	834.74
49046	03/14/2013	Reconciled		23169	WAVE BUSINESS SOLUTIONS	TELEPHONE CITY HALL	225.25
49047	03/14/2013	Reconciled		23301	WESTERN PLACER WASTE	SLUDGE REMOVAL	1,492.80
49048	03/20/2013	Reconciled		01448	AMERIGAS - COLFAX	PROPANE DEPOT	127.69
49049	03/20/2013	Reconciled		03151	CAMPBELL CONSTRUCTION, INC	POND 3 LINER PROJECT	135,167.10
49050	03/20/2013	Reconciled		07460	GOLD COUNTRY MEDIA	PUBLIC NOTICE NEG DEC	160.36
49051	03/20/2013	Reconciled		08070	HANSEN BROS. ENTERPRISES	WWTP BLOCK WALL	325.53
49052	03/20/2013	Reconciled		09455	INLAND BUSINESS SYSTEMS	COPY MACHINE CONTRACT	65.77
49053	03/20/2013	Reconciled		12210	LIFE-ASSIST, INC.	FIRE DEPT SUPPLIES	200.70
49054	03/20/2013	Reconciled		16018	PERSONNEL CONCEPTS	STATE/FED LABOR LAW POSTERS	38.04
49055	03/20/2013	Printed		16202	PLACER CO OES FISCAL UNIT	CIVIL DEFENSE	219.45
	03/20/2013	Printed		16200W	PLACER COUNTY SHERIFFS DEPT.	PCSO TELEPHONE	136.87
49057	03/20/2013	Reconciled		16727	PONTICELLO ENTERPRISES	ENGINEERING FEBRUARY	23,891.46
49058	03/20/2013	Reconciled		16821	PSOMAS	POND 3 LINER	36,202.23
49059	03/20/2013	Reconciled		18400	RIEBES AUTO PARTS	SUPPLIES	327.40
49060	03/20/2013	Reconciled		19279	SERVICE ENGINEERING	WWTP MAINTENANCE	795.12

Check Register Report

Date: 04/09/2013

Time: 2:01 pm

Page: 2

CITY OF COLFAX

BANK: US BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks							
49061	03/20/2013	Reconciled		19599	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	13.36
49062	03/20/2013	Printed		22106	VAN GRONINGEN & ASSOCIATES	FINANCE CONSULTANT	3,688.75
49063	03/20/2013	Reconciled		23101	LARRY WALKER	NPDES PERMIT/POND 3	4,635.50
49064	03/20/2013	Reconciled		23169	WAVE BUSINESS SOLUTIONS	INTERNET CITY HALL	182.95
49065	03/28/2013	Printed		08660	HUNT AND SONS, INC.	GASOLINE FIRE DEPT	616.42
49066	03/28/2013	Printed		13244	JASON MCKINNEY	MEETING REIMBURSEMENT	115.00
49067	03/28/2013	Printed		13565	MUSCO SPORTS LIGHTING, LLC	BALL FIELD LIGHTING	64,070.00
49068	03/28/2013	Printed		16040	PITNEY BOWES	POSTAGE METER LEASE	656.34
49069	03/28/2013	Printed		19390	SIERRA MARKET	SUPPLIES	27.49
49070	03/28/2013	Printed		19591	STANLEY CONVERGENT SECURITY	DEPOT SECURITY 4/1 - 6/30	111.30
49071	03/28/2013	Printed		23169	WAVE BUSINESS SOLUTIONS	PHONE FIRE DEPT	64.70

Total Checks: 62 **Checks Total (excluding void checks): 681,921.74**

Total Payments: 62 **Bank Total (excluding void checks): 681,921.74**

Total Payments: 62 **Grand Total (excluding void checks): 681,921.74**

DAILY CASH SUMMARY REPORT

03/01/2013 - 03/31/2013

City of Colfax

MJE No.	Line	Posting Date	Type	GL Number	Debit	Credit	Net Chng
Fund: 100 - General Fund							
76936	1	03/04/2013	CR	100-000-1000	12.83	0.00	12.83
76936	3	03/04/2013	CR	100-000-1000	1,193.00	0.00	1,193.00
76936	7	03/04/2013	CR	100-000-1000	2,528.85	0.00	2,528.85
76943	1	03/04/2013	CR	100-000-1000	77.50	0.00	77.50
03/04/2013	Daily Totals				3,812.18	0.00	3,812.18
76937	1	03/07/2013	CR	100-000-1000	122.25	0.00	122.25
76937	3	03/07/2013	CR	100-000-1000	1,000.00	0.00	1,000.00
76937	5	03/07/2013	CR	100-000-1000	61.00	0.00	61.00
76937	9	03/07/2013	CR	100-000-1000	528.31	0.00	528.31
76937	11	03/07/2013	CR	100-000-1000	122.25	0.00	122.25
03/07/2013	Daily Totals				1,833.81	0.00	1,833.81
76938	1	03/12/2013	CR	100-000-1000	3,174.07	0.00	3,174.07
03/12/2013	Daily Totals				3,174.07	0.00	3,174.07
76939	7	03/13/2013	CR	100-000-1000	100.00	0.00	100.00
76939	9	03/13/2013	CR	100-000-1000	381.70	0.00	381.70
76939	11	03/13/2013	CR	100-000-1000	0.30	0.00	0.30
03/13/2013	Daily Totals				482.00	0.00	482.00
76951	1	03/15/2013	CR	100-000-1000	1.82	0.00	1.82
76951	3	03/15/2013	CR	100-000-1000	2,273.29	0.00	2,273.29
03/15/2013	Daily Totals				2,275.11	0.00	2,275.11
76940	3	03/18/2013	CR	100-000-1000	56.00	0.00	56.00
03/18/2013	Daily Totals				56.00	0.00	56.00
76948	1	03/19/2013	CR	100-000-1000	65.00	0.00	65.00
03/19/2013	Daily Totals				65.00	0.00	65.00
76945	1	03/20/2013	CR	100-000-1000	1,281.00	0.00	1,281.00
76945	5	03/20/2013	CR	100-000-1000	177.96	0.00	177.96
76945	7	03/20/2013	CR	100-000-1000	77.97	0.00	77.97
76945	9	03/20/2013	CR	100-000-1000	90.00	0.00	90.00
76945	11	03/20/2013	CR	100-000-1000	100.00	0.00	100.00
76945	13	03/20/2013	CR	100-000-1000	56.00	0.00	56.00
76945	15	03/20/2013	CR	100-000-1000	61.00	0.00	61.00
03/20/2013	Daily Totals				1,843.93	0.00	1,843.93
76950	1	03/22/2013	CR	100-000-1000	49,434.98	0.00	49,434.98
03/22/2013	Daily Totals				49,434.98	0.00	49,434.98
76946	1	03/25/2013	CR	100-000-1000	150.00	0.00	150.00
76946	7	03/25/2013	CR	100-000-1000	893.33	0.00	893.33
03/25/2013	Daily Totals				1,043.33	0.00	1,043.33
76947	1	03/28/2013	CR	100-000-1000	116.00	0.00	116.00

DAILY CASH SUMMARY REPORT

03/01/2013 - 03/31/2013

City of Colfax

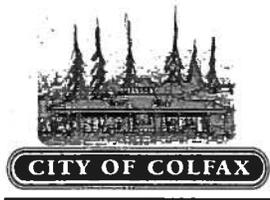
MJE No.	Line	Posting Date	Type	GL Number	Debit	Credit	Net Chng	
76947	3	03/28/2013	CR	100-000-1000	0.15	0.00	0.15	
76947	5	03/28/2013	CR	100-000-1000	63.75	0.00	63.75	
76947	7	03/28/2013	CR	100-000-1000	3.30	0.00	3.30	
03/28/2013 Daily Totals					183.20	0.00	183.20	
Fund: 100 - General Fund					TOTALS:	64,203.61	0.00	64,203.61
Fund: 120 - Land Development Fees								
76936	5	03/04/2013	CR	120-000-1000	500.00	0.00	500.00	
03/04/2013 Daily Totals					500.00	0.00	500.00	
Fund: 120 - Land Development Fees					TOTALS:	500.00	0.00	500.00
Fund: 244 - CDBG MicroEnterprise Lending								
76939	1	03/13/2013	CR	244-000-1000	188.95	0.00	188.95	
76939	3	03/13/2013	CR	244-000-1000	111.05	0.00	111.05	
03/13/2013 Daily Totals					300.00	0.00	300.00	
Fund: 244 - CDBG MicroEnterprise Lending					TOTALS:	300.00	0.00	300.00
Fund: 253 - Gas Taxes								
76944	1	03/04/2013	CR	253-000-1000	2,145.24	0.00	2,145.24	
76944	3	03/04/2013	CR	253-000-1000	889.17	0.00	889.17	
76944	5	03/04/2013	CR	253-000-1000	1,137.00	0.00	1,137.00	
76944	7	03/04/2013	CR	253-000-1000	1,551.63	0.00	1,551.63	
03/04/2013 Daily Totals					5,723.04	0.00	5,723.04	
Fund: 253 - Gas Taxes					TOTALS:	5,723.04	0.00	5,723.04
Fund: 560 - Sewer								
76941	1	03/11/2013	CR	560-000-1000	200.00	0.00	200.00	
03/11/2013 Daily Totals					200.00	0.00	200.00	
Fund: 560 - Sewer					TOTALS:	200.00	0.00	200.00
Fund: 561 - Sewer Liftstations								
76936	9	03/04/2013	CR	561-000-1000	1,221.00	0.00	1,221.00	
03/04/2013 Daily Totals					1,221.00	0.00	1,221.00	
76937	7	03/07/2013	CR	561-000-1000	407.00	0.00	407.00	
03/07/2013 Daily Totals					407.00	0.00	407.00	

DAILY CASH SUMMARY REPORT

03/01/2013 - 03/31/2013

City of Colfax

MJE No.	Line	Posting Date	Type	GL Number	Debit	Credit	Net Chng	
76939	5	03/13/2013	CR	561-000-1000	407.00	0.00	407.00	
03/13/2013		Daily Totals			407.00	0.00	407.00	
76940	1	03/18/2013	CR	561-000-1000	407.00	0.00	407.00	
03/18/2013		Daily Totals			407.00	0.00	407.00	
76946	3	03/25/2013	CR	561-000-1000	407.00	0.00	407.00	
03/25/2013		Daily Totals			407.00	0.00	407.00	
Fund: 561 - Sewer Liftstations					TOTALS:	2,849.00	0.00	2,849.00
Fund: 565 - General Obligation Bond 1978								
76951	5	03/15/2013	CR	565-000-1000	0.01	0.00	0.01	
03/15/2013		Daily Totals			0.01	0.00	0.01	
Fund: 565 - General Obligation Bond 1978					TOTALS:	0.01	0.00	0.01
Fund: 569 - Pond 3 Lining- I&I Repair								
76942	1	03/04/2013	CR	569-000-1000	75,328.00	0.00	75,328.00	
03/04/2013		Daily Totals			75,328.00	0.00	75,328.00	
76945	3	03/20/2013	CR	569-000-1000	332,611.00	0.00	332,611.00	
03/20/2013		Daily Totals			332,611.00	0.00	332,611.00	
Fund: 569 - Pond 3 Lining- I&I Repair					TOTALS:	407,939.00	0.00	407,939.00
Fund: 572 - Landfill Post Closure Mainten								
76946	5	03/25/2013	CR	572-000-1000	20,985.40	0.00	20,985.40	
03/25/2013		Daily Totals			20,985.40	0.00	20,985.40	
Fund: 572 - Landfill Post Closure Mainten					TOTALS:	20,985.40	0.00	20,985.40
GRAND TOTALS:					502,700.06	0.00	502,700.06	



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
April 24, 2013**

Agenda Item No.

7c

To: Honorable Mayor and Members of the City Council
Prepared By: Karen Pierce, City Clerk
Date: April 18, 2013
Subject: Approval of Street Closure for Hwy. 40 Hot Rod Show on May 18, 2013 from 7:00am to 5:00pm

Recommended Action: Approve Street Closure

ISSUE STATEMENT AND DISCUSSION:

The city has received an event application from the Kiwanis Club for the Hwy. 40 Hot Rod Show to be held on May 18, 2013. Their application requests the closure of North Main Street from 7:00am to 5:00pm. All necessary event application requirements have been met.

FINANCIAL AND/OR POLICY IMPLICATIONS:

None



CITY of COLFAX

C A L I F O R N I A

T • (530) 346-2313 F • (530) 346-6214 www.Colfax-CA.gov
PO BOX 702, COLFAX, CA 95713

April 5, 2013

Kiwanis Club
Melba Delfino
PO Box 1690
Colfax, CA 95713

RE: Event: Hwy. 40 Hot Rod Show
Location: Freight Lot and North Main St.
Date: May 18, 2013 from 7am to 5pm

Dear Melba,

All appropriate city departments have reviewed your application for the Hwy. 40 Hot Rod Show and have made comments and proposed conditions for approval. As health and safety is always of utmost concern please note this approval is contingent on all appropriate measures being in place at each event. This letter will serve as approval for the dates specified in the application with the following conditions:

- **Notification to effected businesses regarding street closures with copy of notification on file at City Hall.**
- **Maintain "one" lane (15 ft.) access on all roads with removable barricades for emergency vehicles.**
- **Fire Extinguishers at each food vendor cooking with Propane.**
- **No Alcohol will be sold.**
- **Contact Gabe Armstrong, Community Services Director at gabe.armstrong@colfax-ca.gov to make arrangements for barricades or traffic cones.**
- **Barricades at street closure staffed with one volunteer at each barricade for safety.**
- **Proper signage.**
- **All cords on ground (if any) taped with contrasting color tape.**
- **Trash picked-up as necessary throughout event.**
- **Any other items that may be observed during the event by city personnel as needing attention.**

Please feel free to contact me should you have any questions and best wishes for a successful event!

Sincerely,

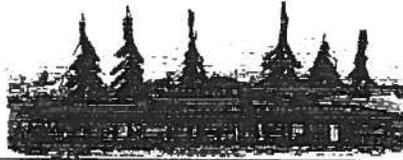
Karen Pierce
City Clerk/Office Supervisor
Karen.pierce@colfax-ca.gov

Cc: Bruce Kranz
City Council
Gabe Armstrong

Chief Chris Paulus, Cal Fire
Sgt. Ty Conners

To be turned into City Hall:

- Completed Application (5 pages)
- Deposit of \$ _____
- Proof of Insurance
- Map (if applicable)



33 S. Main Street
 P.O. Box 702
 Colfax, CA 95713

Office: (530) 346-2313
 Fax: (530) 346-6214



EVENT APPLICATION

TEMPORARY STREET CLOSURE, PARADES, SPECIAL EVENTS, AND BUILDING RENTALS

Name of Event: Annual Hwy 40 Car Show **Date of Event:** 5/18/13

Organization: <u>Kiwanis Club</u>	Phone (1): <u>263-5299</u>
Contact Person: <u>Mr. Delfino</u>	Phone (2): <u>346-6539</u>
Address: <u>PO Box 1690</u>	City/Zip Code: <u>Colfax 95713</u>
Email Address: <u>msbeehaven@colfaxnet.com</u>	
Alternate Contact and Phone: <u>Ken Delfino 1263-5969</u>	

EVENT DETAILS:

Location: North Main St & Junction Parking Lot
Start and Finish Date and Time: 5/18/13 7am - 5/18/13 5pm
Electrical: Yes No **Liquor:** Yes No **Sound Amplification:** Yes No
Sound Amplification past 11:00pm? Yes No **Requires City Manager Approval** _____
Food and Beverage: Yes No **Open Fire:** Yes No **Type of open fire** _____

TYPE OF EVENT:

Event/Festival Building Rental Parade Other: _____

ATTENDANCE:

Number of Participants: 1,000 **Number of Booths/Stalls:** 4 **Number of Vehicles:** 100
Number of Bands: 2 **Number of Floats:** 0 **Please provide best estimates.**

NARRATIVE (Be specific and include any assistance or supplies you may need from the city:

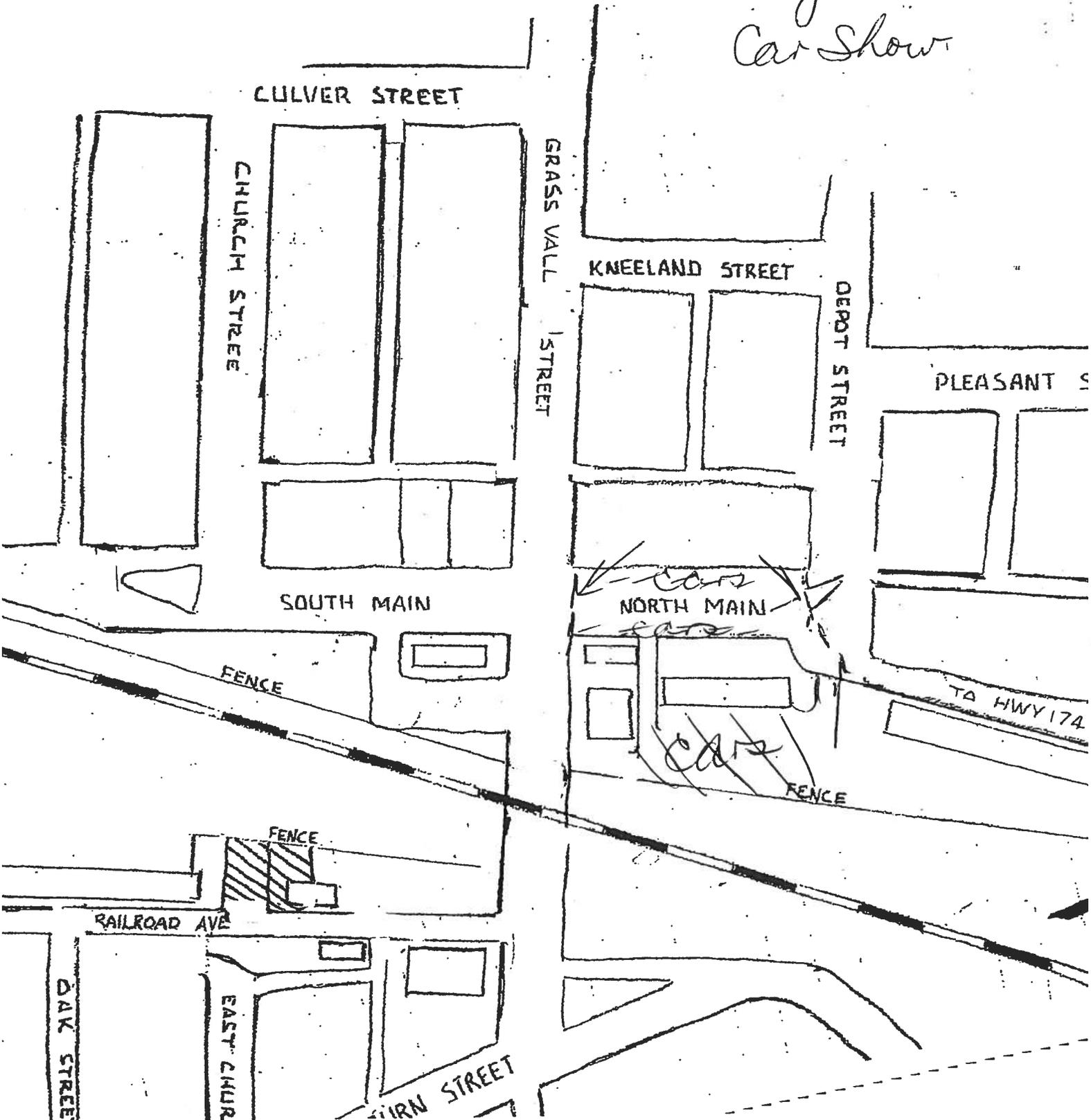
Pre 1970 cars - North Main St closed to Dept - cars parked in lot behind Junction Building & on N. Main.

MAP OF EVENT and/or SITE PLAN must include:

- Complete Site Map of all activities and vendor locations
- Barricade Locations where applicable. Street Closures must include notification to effected homes and businesses and must maintain a 15 foot clearance for emergency vehicles
- Handicap Parking Location
- Schedule of events by time. Include 2 points of contact (names and phone numbers)
- Location of Porta Potties and Garbage Dumpsters. Number of required Porta Potties and Trash Cans will be dependent on type of event. Public Restrooms Will Be Used
- List of Volunteers, including phone numbers, responsible for Clean Up. Clean up will include public restrooms if used for event.
- ~~ABC License with map on File at City Hall. \$25.00 application fee payable to the City of Colfax.~~

Barricade 11/97

Kiwanis
May 18th
Car Show





CITY of COLFAX

C A L I F O R N I A

T • (530) 346-2313 F • (530) 346-6214 www.Colfax-CA.gov
PO BOX 702, COLFAX, CA 95713

April 10, 2013

California Public Utilities Commission (CPUC)
Sacramento Office
770 L St.
Sacramento, CA 95812

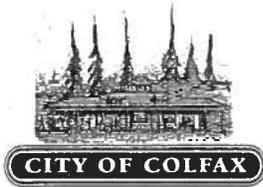
Dear Sirs,

The City Council of the City of Colfax endorses Community Link Capital Region as the organization that is best qualified to provide 2-1-1 service in Placer County for the following reasons:

- Community Link Capital Region is the CPUC designated provider of 2-1-1 service in Sacramento County and partners with 2-1-1 Nevada County and 2-1-1 Yolo County to provide 2-1-1 service in their respective counties;
- Community Link Capital Region has a history of working collaboratively with agencies in Placer County to improve health and social conditions;
- Community Link Capital Region has experience in providing 2-1-1 service for diverse populations and has the capability and experience to provide public information during and in recovery from disasters;
- Community Link Capital Region will provide free, multilingual information and referral service to Placer County residents, 24/7 and its database and program delivery conform to national standards established by the Alliance of Information and Referral Systems as required by the CPUC; and
- Community Link Capital Region will plan and implement 2-1-1 service in Placer County in conjunction with the 2-1-1 Placer County Steering Committee.

Respectfully,

Donna Barkle, Mayor
City of Colfax



REPORT TO
COLFAX PLANNING
COMMISSION

Agenda Item No.

9A

*PLANNING COMMISSION
MEETING OF APRIL 10, 2013*

To: Honorable Mayor and Members of the City Council, Sitting as the Planning Commission

From: Brigit S. Barnes, Planning Director and Land Use Attorney

Date: April 3, 2013

Subject: Public Hearing and Consideration of Adoption of Resolution No. 20-2013: A Resolution Of The Planning Commission Of The City Of Colfax: (1) Certifying The Mitigated Negative Declaration And Adopting The Mitigation Monitoring And Reporting Program For Planning Application #TPM-VAR-01-11/Colfax Motor Lodge; and (2) Approving An Application (#TPM-01-11) For The Purpose Of Subdividing An Existing 1.44 Acre Parcel Into Three Lots; and Approving an Application (#VAR-01-11) For A Variance From The Setback Requirements And For a Variance From The Separate Sewer Line Requirement

Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Adopt Resolution No. 20-2013

SURROUNDING LAND USES AND SETTING: The subject parcel is a uniquely-configured long-and-narrow strip of property, bordered by the I-80 Freeway to the East and North and South Auburn Street to the West. See Site Map, **Attachment 1**. There is a shopping center and fast-food restaurants across Auburn Street to the West. See Neighborhood Photos, **Attachment 2**. The subject parcel is within the area that has been designated part of the Highway 80 Revitalization Zone, which is anticipated to provide for various roadway widening and improvements.

PROJECT SUMMARY:

Applicant (s): Christine Johnson, Clear Path Land Evolvment, Inc.
Owner: Room Four LLC
Project Location: 520 South Auburn Street, Colfax, CA
Land Use (existing): Highway Commercial
Assessor's Parcel No: 100-230-035-000
Zoning District: Highway Commercial
GP Designation: Commercial

PUBLIC NOTICE: This meeting has been noticed in accordance with the requirements of California Planning and Zoning Law, Title 7, Chapter 65000, Government Code, as amended.

PROJECT DESCRIPTION: The proposed project is a minor land division for a developed commercial site. There are four existing buildings on the site including a motel, restaurant and two office buildings. The site comprises 1.44 acres. The proposed subdivision will place these existing individual businesses on separate parcels. Each parcel has existing sewer, water and electric (both underground and overhead). The proposed parcel areas are as follows:

- Parcel 1 (restaurant with drive-thru): 13,560+/- SF
- Parcel 2 (office): 16,257+/- SF
- Parcel 3 (office and motel): 32,822+/- SF

There are separate driveway entrances for Parcels 1 and 2. Parcel 3 would be accessed via the driveway entrance on Parcel 2. See Site Photos, **Attachment 3**.

No new buildings or improvements are proposed as a part of this application. No change in the existing number of employees, deliveries, clients, visitors, customers or traffic trips are anticipated as a result of this subdivision. The proposed project seeks a variance from the setback requirements located toward Highway 80 for the existing buildings on Parcels 2 and 3. The proposed project also seeks a variance from the requirement that Parcel 1 have its own separate sewer connection (the City's Municipal Code requires a separate independent building sewer line for every building).

PROJECT ANALYSIS:

TENTATIVE PARCEL MAP

The proposed tentative parcel map is attached to this Staff Report as **Attachment 4**.

Planning Department

As part of the parcel split, all parking and utilities must be equally shared between parcels, so Planning Staff is requiring that a Reciprocal Access, Parking and Maintenance Agreement, acceptable to the City, be prepared and executed by the property owners to provide for parcel access, maintenance of all underground and above ground utilities (especially sewer connections), maintenance of the driveway and parking areas, and access to parking spaces for all resultant parcels. See Conditions of Approval, **Attachment 5**.

Because Staff has determined that the amount of parking spaces on each individual proposed parcel will be inadequate, Planning Staff is requiring that the project maintain its existing amount of 68 parking stalls total between all resultant parcels, including 1 oversized parking space for an

RV and 5 handicapped parking spaces which meet the Americans with Disabilities Act design standards. Staff's determination is based on the following analysis:

a. **Parking Calculation.** The applicable parking requirements (those that were in effect at the time of the filing of the application) require 55 spaces for the following existing uses: the drive-thru coffee house, solar office, bookkeeping office, motel and motel office. However, there are no stated requirements for a restaurant use under the old zoning code, other than for fast food/drive-thru restaurants and bars/nightclubs -- the TJ's restaurant does not fall into these categories, so there is no stated calculus to use for TJ's restaurant.

b. **Adequacy of Parking.** On three separate occasions, Planning Staff conducted site surveys of the project's parking environment and noted the following results: 11/29/12 (Thursday) at 12:00 Noon - 5 regular and 3 handicapped spaces available (Parcel 1), 5 regular and 2 handicapped spaces available (Parcel 2) and all but 2 regular spaces available (Parcel 3); 12/15/13 (Saturday) at 5:30 p.m. - 8 regular and 3 handicapped spaces available (Parcel 1), 12 regular and 1 handicapped spaces available (Parcel 2) and 13 regular and 1 handicapped spaces available (Parcel 3); and 1/8/13 (Tuesday) at 1:40 p.m. - 7 regular and 2 handicapped spaces available (Parcel 1), 3 regular and 1 handicapped spaces available (Parcel 2) and 18 regular and 1 handicapped spaces available (Parcel 3). However, Land Use Committee Member (Councilman McKinney) provided anecdotal history in the form of personal observations that the parking is at times inadequate, especially during the weekend breakfast time period.

Fire Marshal

The City's Fire Marshal is requiring the following: (1) that the existing propane tanks meet the Fire Department's clearance and placement requirements; (2) that access be provided around all building perimeters; and (3) that an access easement be provided for the driveway that will service Parcel 3. These requirements have been incorporated into the Conditions of Approval (see **Attachment 5**).

Building Department

The Chief Building Official's comments echoed the Fire Marshal's comments. See discussion above.

Engineering Department

The City Engineer is also requiring a Reciprocal Access, Parking and Maintenance Agreement, as discussed above. A second requirement is the recordation of a Reciprocal Storm Drainage Maintenance Agreement against Parcels 1, 2, and 3 for the operation and maintenance of storm drainage and storm water run-off associated with the parcels which are consistent with the requirements of the Central Valley Regional Water Quality Control Board. These requirements have been incorporated into the Conditions of Approval (see **Attachment 5**).

The City Engineer's comments regarding the project's sewer system are addressed further below in this Staff Report under "Variance from Separate Sewer Line Requirement."

VARIANCE FROM SETBACK REQUIREMENT

The City's zoning code requires a rear building setback of at least ten (10) feet from the property line. Colfax Municipal Code Section 17.76.030.D.2. The zoning code requirements were adopted in 1967. The buildings were constructed subsequent to the adoption of the zoning code. As such, they are not "grandfathered" in. This new application for a tentative parcel map triggered review of the existing setbacks for conformance. The rear setbacks are not in conformance with the zoning code in that the rear setback for Parcel 3 is as small as 2.9 feet and the rear setback for Parcel 2 is as small as 4.6 feet. The applicant is therefore seeking a variance from the setback requirement for Parcels 2 and 3.

In order to grant the variance sought, the Commission must determine that there is substantial evidence to make the following findings under Colfax Municipal Code Section 17.040.070.G:

G. Findings for a Variance. The approval authority shall, based on substantial evidence in the record before it, make all of the following findings as a condition precedent to approval of a variance:

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and
2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and
3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and
4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

It is Staff's position that the Commission can make these findings because the subject parcel is a uniquely-configured long-and-narrow strip of property, the approval of the requested parcel-split itself does not modify the already existing previously approved lack of setbacks to the rear [I-80 facing] of the buildings, and there is little or no room available for any type of correction to the placement of the buildings.

The Planning Commission and Applicant must also understand, however, that the parcel straddles one of the busiest intersections in Colfax, and is immediately adjacent to on-ramps onto I-80. As part of anticipated repairs and expansion to South Auburn Blvd. and I-80, the site is likely to be further encumbered as South Auburn is expanded.

VARIANCE FROM SEPARATE SEWER LINE REQUIREMENT

The City's Municipal Code §13.08.450.D requires a separate independent building sewer line for every building. In addition, the City adopted the Private Sewer Lateral Ordinance (No. 499) in 2009 as part of the conditions of settlement in *Edwards v. City of Colfax*, U.S. District Court (Eastern District) Case No. 07-CV-02153-GEB-EFB. Currently, the business on proposed Parcel 1 shares a sewer line with the businesses located on proposed Parcel 2. The existing sewer line on proposed Parcel 2 extends to the City's sewer main in South Auburn Street. The separate sewer line requirement means that proposed Parcel 1 would have to install a new sewer line that extends to the sewer main. The applicant is seeking a variance from this requirement. The City Engineer strongly opposes the granting of the variance from the separate sewer line requirement for Parcel 1 because he understands the adoption of the Ordinance as part of the settlement of the *Edwards* lawsuit with the City to allow for no discretion in application of the independent building sewer line requirement. The City Engineer has requested that the following Conditions of Approval be included regarding the sewer system for the project:

1. IF THE VARIANCE FROM THE REQUIREMENT OF A SEPARATE SEWER LINE FOR PARCEL 1 IS NOT GRANTED, THE FOLLOWING CONDITIONS SHALL APPLY:
 - (a) The applicant shall be required to construct a new sewer lateral from the building on Parcel 1 and connect to the City sewer main. The sewer lateral shall only cross from the property line of Parcel 1 to the public right-of-way and a property line clean-out shall be installed.
 - (b) The applicant shall be required to abandon the sewer lateral between the building on Parcel 1 and the connection to the sewer lateral on Parcel 2. All abandonments and disconnections shall comply with State and Local standards for such work.
2. IF THE VARIANCE FROM THE REQUIREMENT OF A SEPARATE SEWER LINE FOR PARCEL 1 IS GRANTED, THE FOLLOWING CONDITIONS SHALL APPLY:
 - (a) The applicant shall provide a clean-out on Parcel 1 at the property line between Parcel 1 and 2.
 - (b) The applicant shall be required to enter into a Shared Private Sewer Easement and Maintenance Agreement between resultant Parcels 1 and 2 and record it against the property.
 - (c) Establish an easement in favor of Parcel 1 on the Parcel Map within Parcel 2 that encompasses Parcel 1's sewer lateral from the property line crossing to the right-of-way.
 - (d) The applicant shall be required to inspect, and repair (if required) the existing building sewer lateral servicing Parcel 1 from the building to the City main in compliance with City Ordinance No. 499.

The City Engineer is also requiring the following conditions related to the sewer system regardless of the variance:

1. The applicant shall provide a clean-out at the property line of resultant Parcel 2 and Parcel 3, at the public right-of-way.
2. The applicant shall be required to inspect, and repair (if required) the existing building sewer laterals on resultant Parcel 2 and Parcel 3 in compliance with City Ordinance No. 499.

All of the City Engineer's proposed conditions have been incorporated into the Conditions of Approval (see **Attachment 5**).

If the Commission can make the findings set forth in Colfax Municipal Code Section 17.040.070.G (as outlined above under "Variance from Setback Requirement"), it can grant the requested variance from the separate sewer line requirement. However, Planning Staff has not been provided any evidence to support the granting of this variance, outside of the Applicant's request.

I-80 REVITALIZATION ZONE PROJECT

The applicant has been advised that the City is undertaking revitalization efforts along the I-80 corridor and that the subject property has been identified as a critical component of the revitalization plan. Although not yet adopted, one of the goals of the plan is to discourage the creation of smaller parcels and to encourage parcel mergers so as to facilitate development for regional as well as local users. However, because of the subject property's site configuration (long and narrow), and Caltrans' pre-existing right of way identification along the northerly curve and easterly boundary of the site, Staff acknowledges that use of the site by a regional tenant is extremely unlikely, and therefore does not oppose the applicant's request for a parcel split on these grounds.

The applicant has also been advised that the WB I-80 on-ramp/S. Auburn intersection adjacent to proposed Parcel 1 is programmed in the State Metropolitan Transportation Plan [MTP] for improvements/potential re-alignment which means that Caltrans may utilize some or all of the right of way, thus significantly impacting access to the site at a future time.

Plan Review of Land Use Committee

The property owner has been advised that the Land Use Committee reviewed the proposed project and thought it was more suitable to a two-split, with proposed Parcels 1 and 2 being

combined into one parcel. The property owner has decided to move forward with the three-split application presented to this Commission nonetheless.

Plan Review By Interested Outside Agencies – Informal Consultation

The proposed plans were submitted to all interested outside agencies for informal consultation for a 30-day period (January 8, 2013 to February 8, 2013). Two comment letters were received, one from Placer County Water Agency ("no impact on the agency"), and one from Caltrans ("no concerns related to the project").

Public Comments

Councilman McKinney expressed concerns over parking, as previously discussed above.

GENERAL PLAN CONSISTENCY:

The General Plan designation for the subject property is Commercial. The Project, as conditioned and upon the granting of the variances, is consistent with the General Plan, including those goals, policies and mitigation measures more specifically set forth in the Recommended Findings, below. However, the General Plan adopted in 1998 does not reflect the revisions to the Municipal Code Adopted in 2009 as a part of settlement of a regulatory dispute with the State Water Board and litigation with the Edwards. The request for variance for the sewer hookup is therefore not consistent with the Municipal Code.

ENVIRONMENTAL ANALYSIS:

Although a minor land division is typically exempt from the California Environmental Quality Act, because the proposed project involves two variances, it did not qualify for the categorical exemption under CEQA Guideline 15315.

Accordingly, the City of Colfax conducted an Initial Study to determine whether the project may have a significant adverse effect on the environment. On the basis of that study, the City found that the proposed project will not have a significant adverse effect on the environment, with implementation of certain mitigation measures, and will not require the preparation of an Environmental Impact Report. Therefore, a proposed Mitigated Negative Declaration was prepared. See **Attachment 6**.

The Mitigated Negative Declaration analyzes the potential environmental impacts of the project across a wide range of impact areas. The Mitigated Negative Declaration determined that the project would have no impact on Aesthetics, Agriculture and Forest Resources, Biological Resources, Cultural Resources, Geology & Soils, Hazards and Hazardous Materials, Hydrology & Water Quality, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation and Transportation and Traffic. The project would have a less-than-significant impact without the need for mitigation measures, on the following impact areas: Air

Quality, Greenhouse Gas Emissions and Noise because no change or increase in use is contemplated by the Project. With regard to the remaining environmental impact area, Utilities and Service Systems, the Mitigated Negative Declaration concluded that the project would have a less-than-significant impact with the adoption of certain mitigation measures (as discussed in detail below). These mitigation measures have been incorporated into the Conditions of Approval (see **Attachment 5**) for the project and a Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared to ensure compliance (see **Attachment 7**). The MMRP includes conditions known as “mitigation measures” which will reduce any potential impact to a less-than-significant impact. The Mitigated Negative Declaration did not identify any environmental impact areas for which mitigation would not reduce a potential impact to a less-than-significant level.

The Proposed Mitigated Negative Declaration was circulated for public review, both locally and through the State Clearinghouse process, for a period of at least 30 days (February 28, 2013 to April 1, 2013). The CEQA document was also posted on the City's website during that period. Three comment letters were received from the following agencies: Central Valley Regional Water Quality Control Board [CVRWQCB] (“various permit requirements”), PG&E (“request for reservation of easements in conditions of approval”) and Verizon Wireless (“no impacts”). The CVRWQCB and PG&E requirements have been incorporated into the Conditions of Approval (see **Attachment 5**).

The Planning Commission must make the following findings under CEQA in its adoptive action:

- The Mitigated Negative Declaration has been completed in compliance with CEQA;
- Based on the record (including the Initial Study and comments received), there is no substantial evidence that the project, as approved and conditioned, will have a significant effect on the environment;
- A Mitigation Monitoring Plan for the project’s mitigation measures is also adopted; and
- The Mitigated Negative Declaration reflects the City’s independent judgment and analysis.

CEQA also requires the lead agency to specify the location and custodian of the documents and other materials which constitute the record of proceedings upon which its decision is based. The custodian and location of these documents for the project is:

Planning Director
City of Colfax Planning Department
33 S. Main Street
Colfax, CA 95713

RECOMMENDED FINDINGS:

A. Staff recommends the Commission make the following findings with regard to Certifying and Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project:

1. Adopt the following findings relative to the environmental review of the project:

- The Mitigated Negative Declaration has been completed in compliance with CEQA;
- Based on the record (including the Initial Study and comments received), there is no substantial evidence that the project will have a significant effect on the environment;
- A Mitigation Monitoring Plan for the project's mitigation measures is also adopted; and
- The Mitigated Negative Declaration reflects the City's independent judgment and analysis.

B. Staff recommends the Commission make the following findings with regard to the Application (#TPM-01-11) For The Purpose Of Subdividing An Existing 1.44 Acre Parcel Into Three Lots:

1. The Project, as conditioned and upon the granting of the requested set back variance, is consistent with the General Plan and applicable zoning requirements.
2. The Project, as conditioned and upon the granting of the requested variance, conforms to applicable development standards applicable to pre-approved projects.
3. The Project, as conditioned, will not be detrimental to the public health, safety, or welfare.
4. The Project, as conditioned, will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.
5. The Project, as conditioned, will be accomplished without detriment to adjacent properties.

C. Staff recommends the Commission make the following findings with regard to the Application (#VAR-01-11) For A Variance From The Setback Requirements:

That, based on substantial evidence -

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and

2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and

3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

D. Staff recommends that the Commission deny the requested variance from the Separate Sewer Line Requirement. If the Commission can make the following findings with regard to the Application (#VAR-01-11) For a Variance From The Separate Sewer Line Requirement, it may grant such variance:

That, based on substantial evidence -

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and

2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and

3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

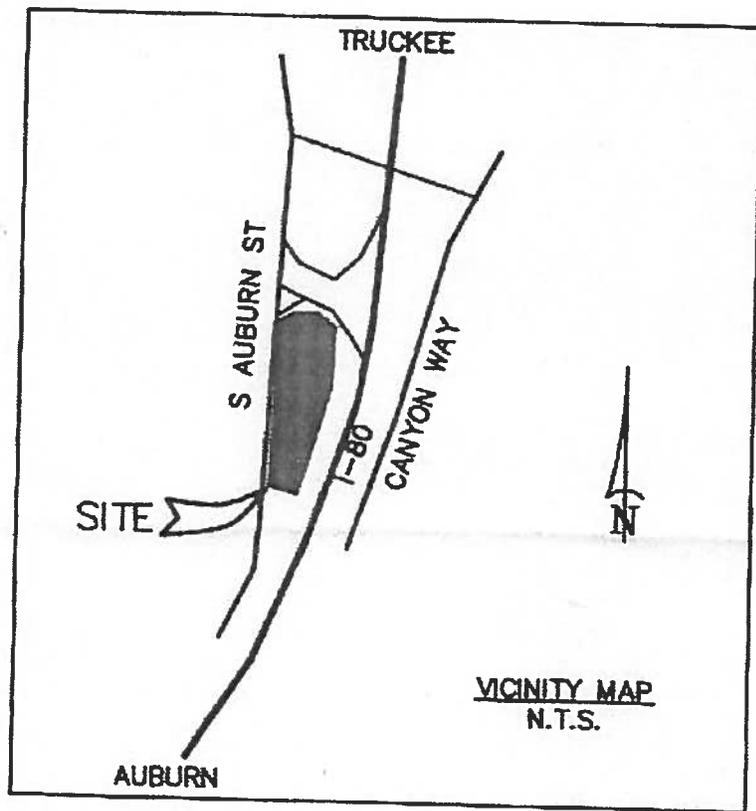
4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

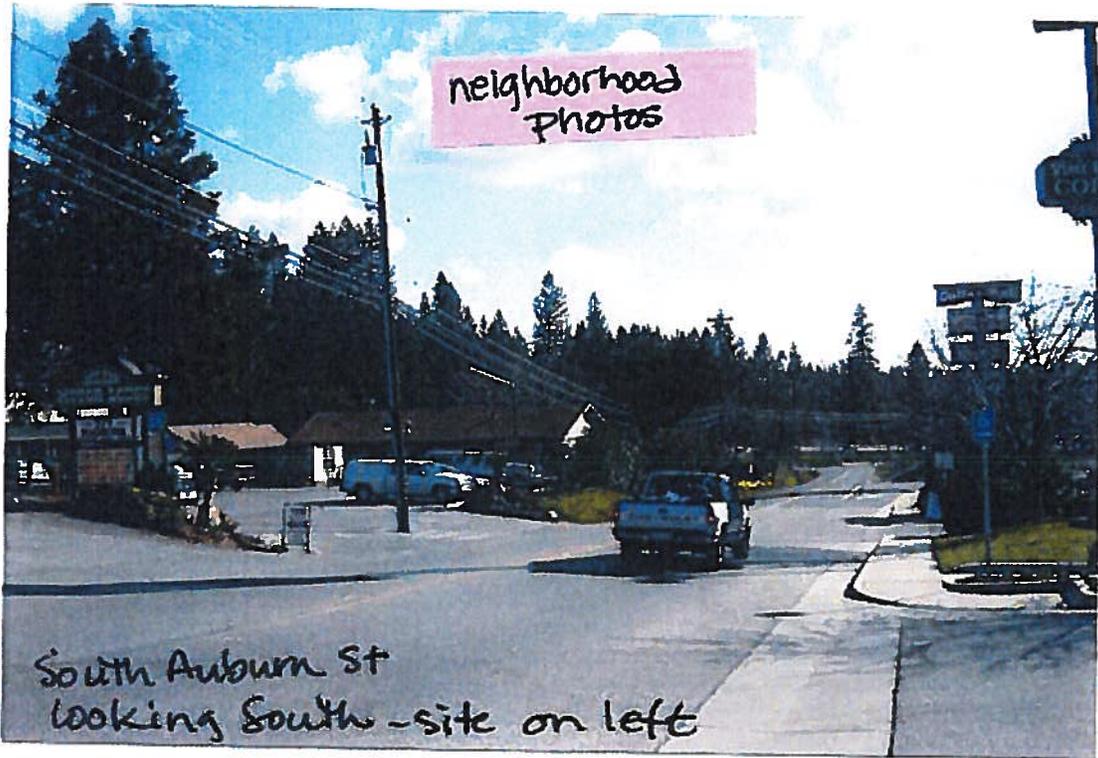
Attached to this Staff Report are two draft Resolutions (#1 and #2). Draft Resolution #1 (see **Attachment 8**) approves the entire project as proposed by the Applicant and makes all of the above findings, including the granting of all variances. Draft Resolution #2 (see **Attachment 9**) approves the project and makes all of the above findings, except for the granting of the variance from the separate sewer line requirement.

ALL PLANNING COMMISSION DECISIONS MAY BE APPEALED TO THE CITY COUNCIL WITHIN 10 DAYS. CONTACT CITY HALL FOR APPLICATION AND FILING FEE INFORMATION.

Attachments:

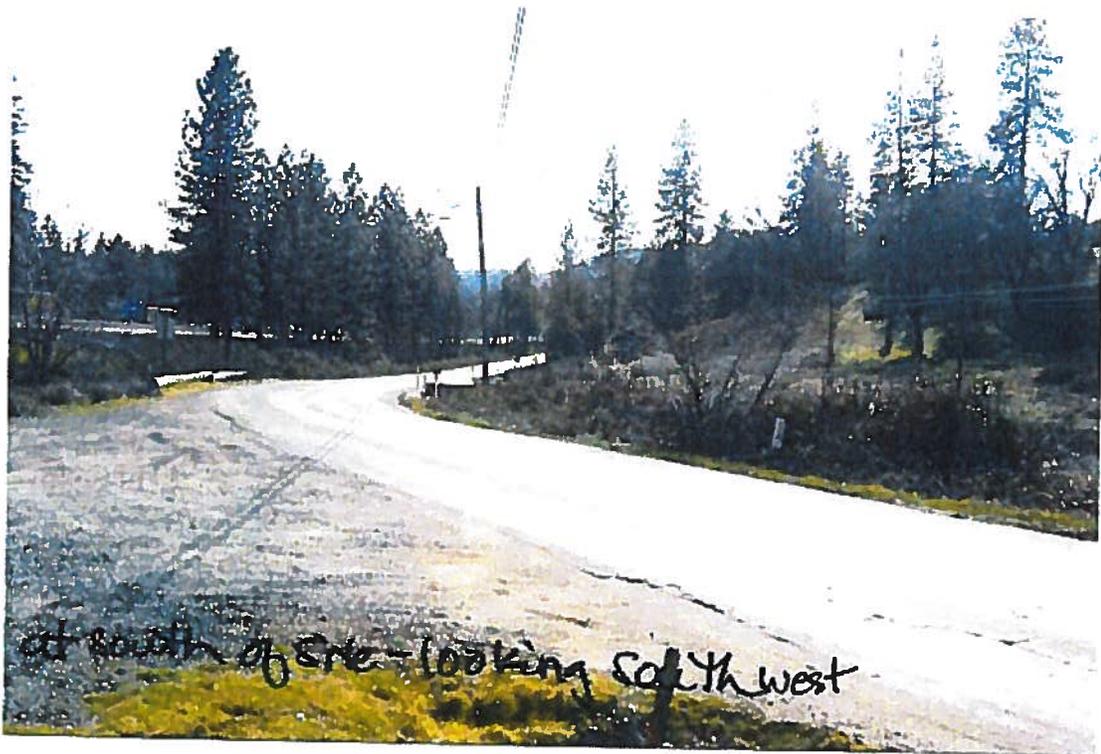
1. Site Map
2. Neighborhood Photos
3. Site Photos
4. Proposed Tentative Map
5. Draft Conditions of Approval
6. Mitigated Negative Declaration
7. Mitigation Monitoring and Reporting Program
8. Draft Resolution #1
9. Draft Resolution #2



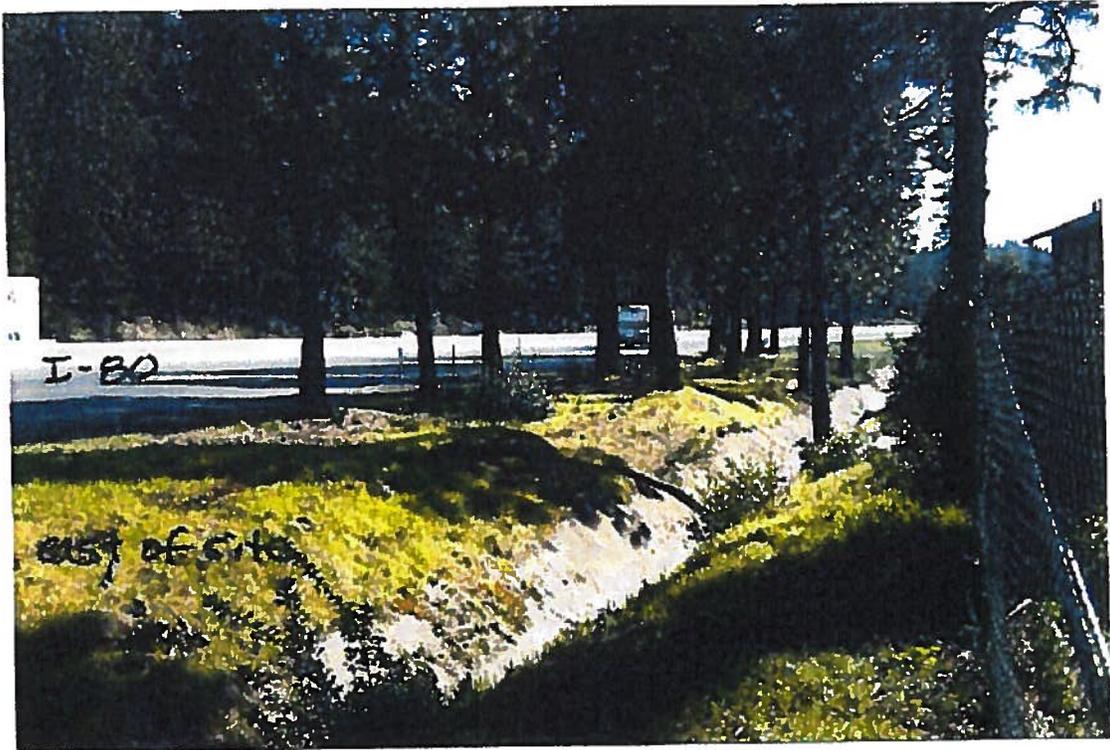
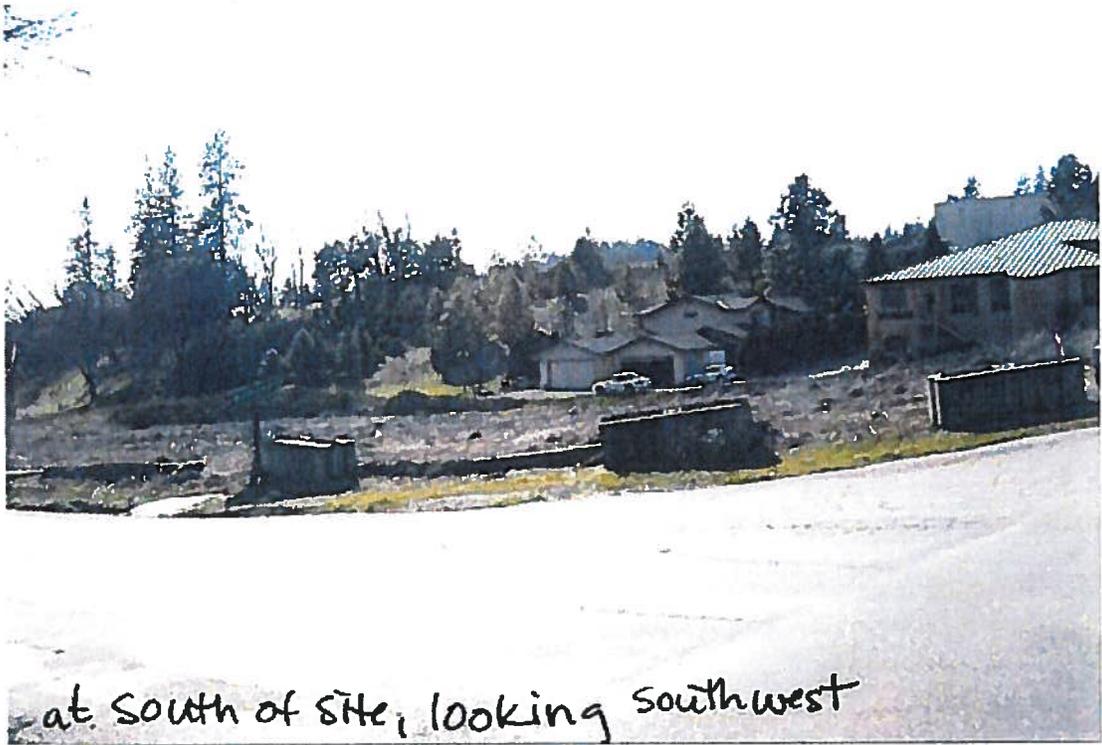




Southwest of site



at south of site - looking southwest

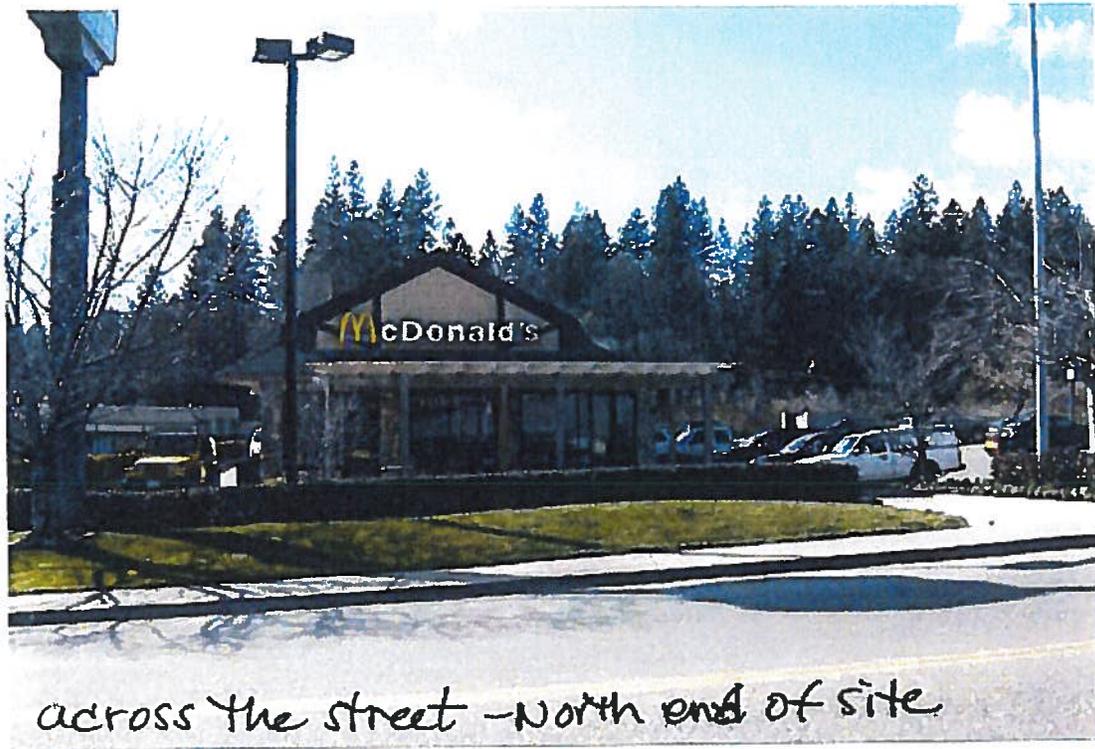




NE of site



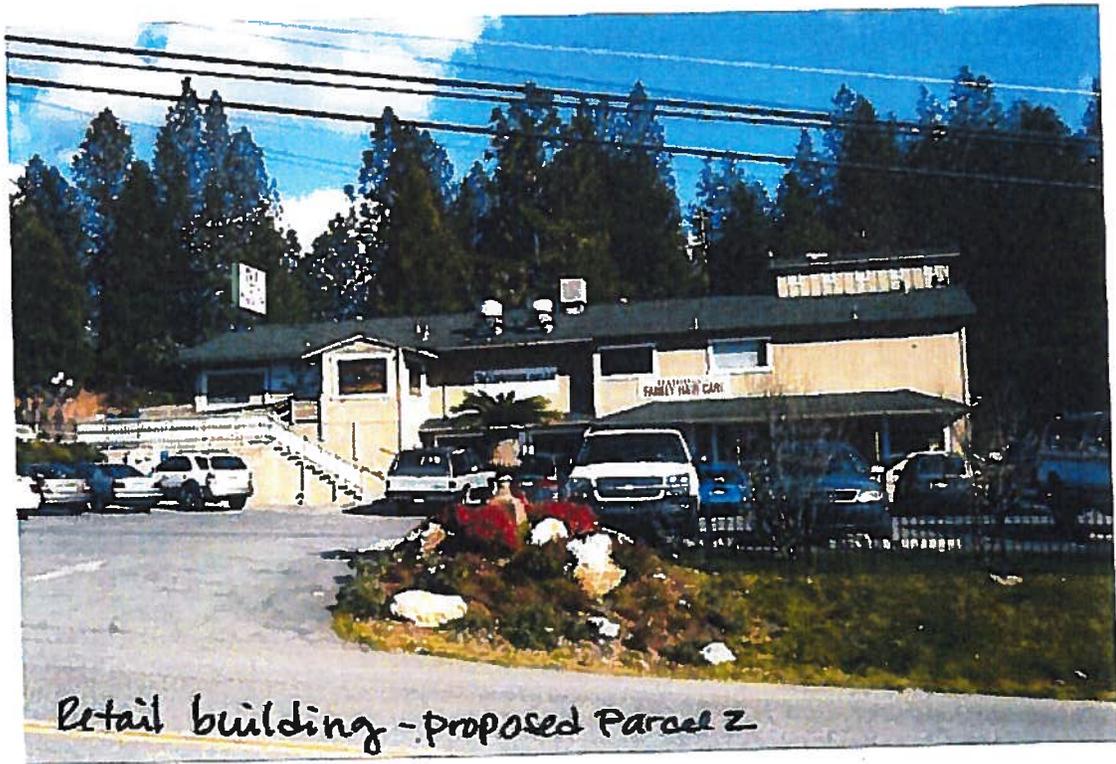
at northern end of site looking north



across the street - North end of site



entrance driveways
to site @ North end

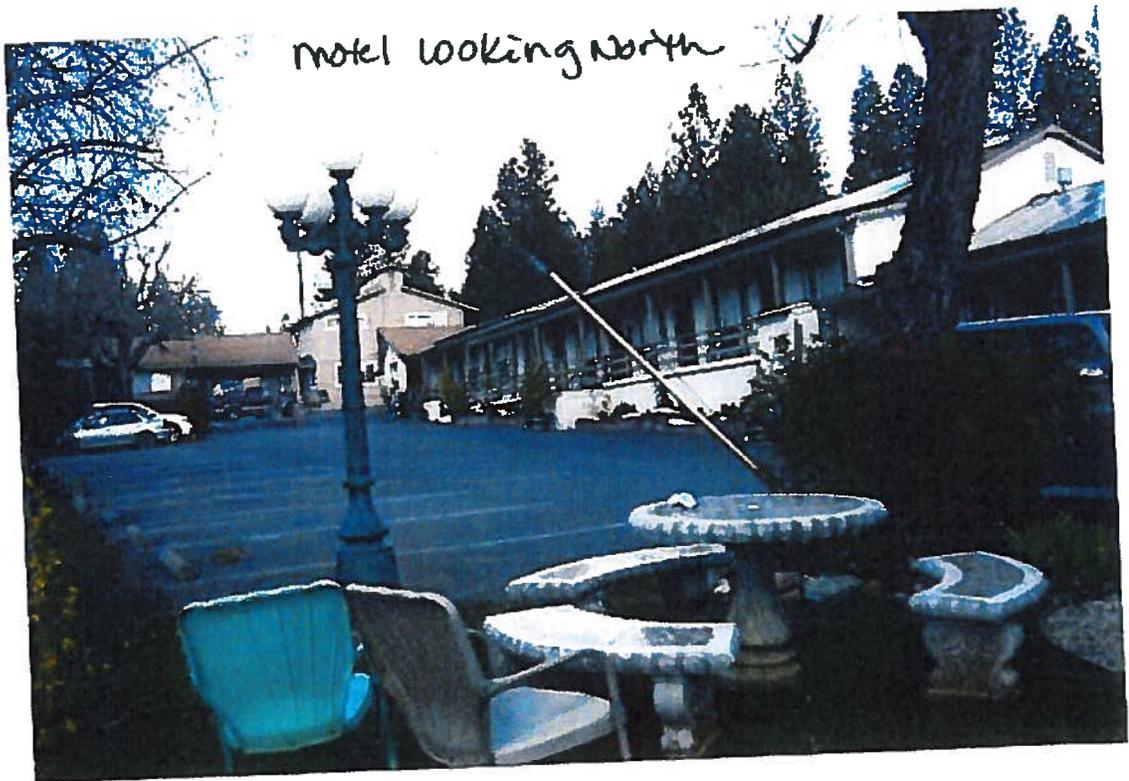
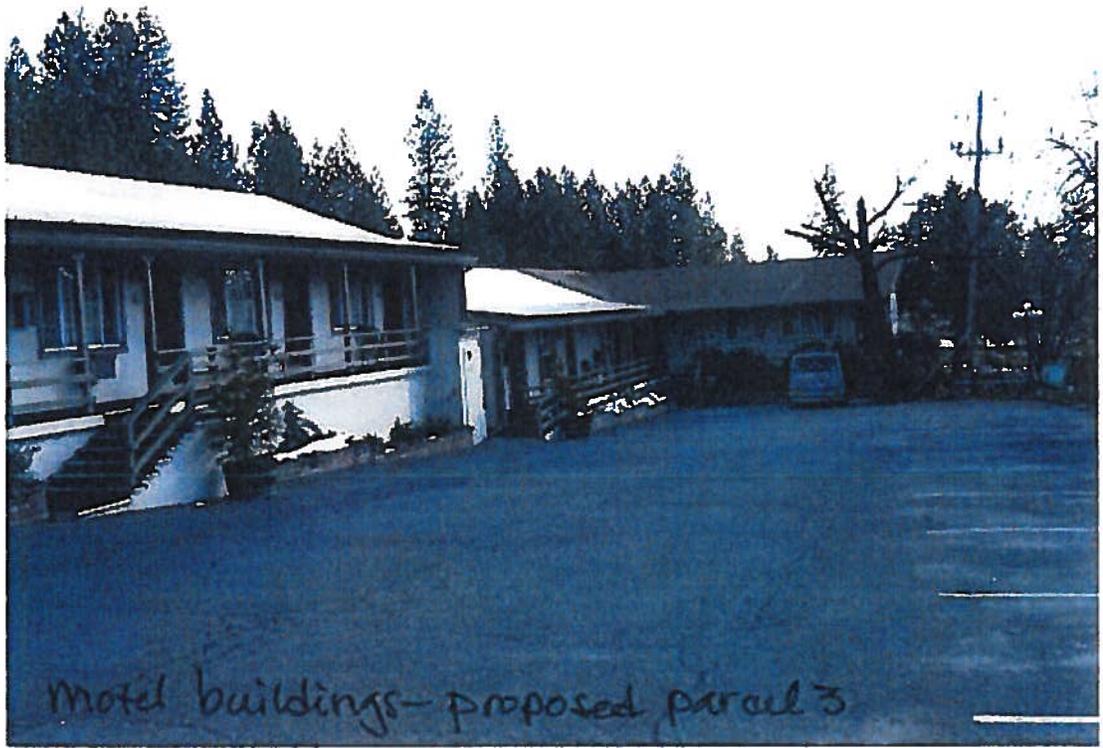


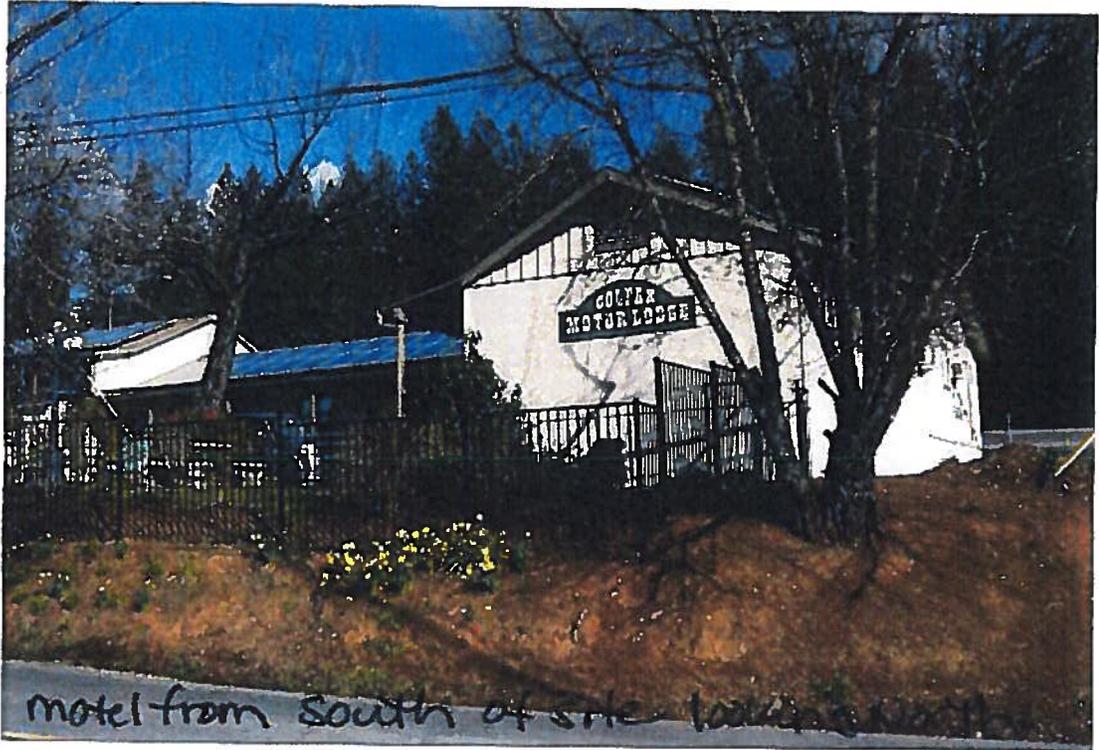


Retail / motel buildings



Motel office - proposed parcel 3





motel from south of site looking west

Attachment 4

SITE INFORMATION:
 APR 10/25/2012
 520 SOUTH AUBURN STREET
 COLFAX, CA
 EXISTING AREA: 1.44 ACRES
 ZONING: HIGH WAY COMMERCIAL
 EXISTING BUILDING FOOTPRINT AREA: 11,444 SQ. FT.
 EXISTING PARKING SPACES: 66
 EXISTING STRUCTURES: 8
 EXISTING IMPERVIOUS COVERAGE: 77.8%
 PROPOSED IMPERVIOUS COVERAGE: 77.8%

EASEMENT INFORMATION:
 THE EASEMENTS RECORDED IN 202 DEEDS 87, 263 OR 322,382 OR 387 AND 728 OR 439 AFFECT THIS PROPERTY AND THE EXACT LOCATIONS OF THESE EASEMENTS ARE NOT DEFINED OF RECORD.

OWNER:
 ROOM FOUR, LLC
 STEVE WILLIAMS, STACY WILLIAMS & PEMELOPE TODD
 8014 MT VERNON RD., AUBURN, CA 95603
 530-423-8759

APPLICANT/ENGINEER:
 CHRISTINE M. SOUTHWELL
 CLEAR PATH LAND DEVELOPMENT, INC.
 400 AUBURN FOLDS RD., STE 100
 AUBURN, CA 95603
 (530) 887-1410

PARCEL 1
 PROPOSED: 13,560± SQ. FT.

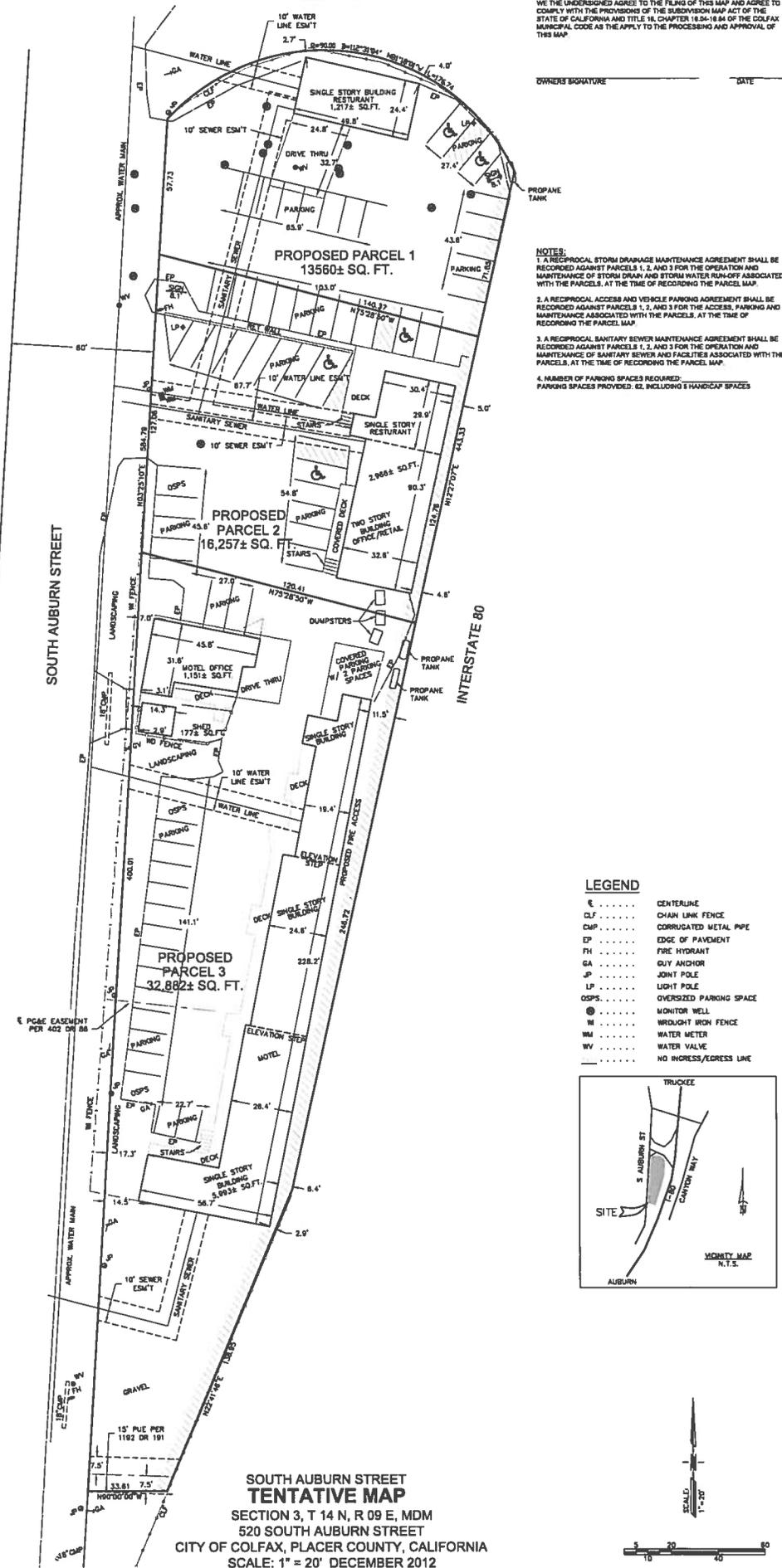
PARCEL 2
 PROPOSED: 16,257± SQ. FT.

PARCEL 3
 PROPOSED: 32,882± SQ. FT.

WE, THE UNDERSIGNED AGREE TO THE FILING OF THIS MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND TITLE 18, CHAPTER 18.54-18.84 OF THE COLFAX MUNICIPAL CODE AS THEY APPLY TO THE PROCESSING AND APPROVAL OF THIS MAP.

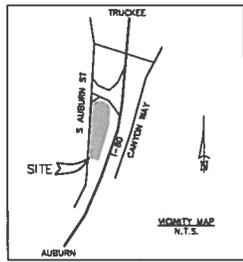
OWNERS SIGNATURE _____ DATE _____

- NOTES:**
1. A RECIPROCAL STORM DRAINAGE MAINTENANCE AGREEMENT SHALL BE RECORDED AGAINST PARCELS 1, 2, AND 3 FOR THE OPERATION AND MAINTENANCE OF STORM DRAIN AND STORM WATER RUNOFF ASSOCIATED WITH THE PARCELS, AT THE TIME OF RECORDING THE PARCEL MAP.
 2. A RECIPROCAL ACCESS AND VEHICLE PARKING AGREEMENT SHALL BE RECORDED AGAINST PARCELS 1, 2, AND 3 FOR THE ACCESS, PARKING AND MAINTENANCE ASSOCIATED WITH THE PARCELS, AT THE TIME OF RECORDING THE PARCEL MAP.
 3. A RECIPROCAL SANITARY SEWER MAINTENANCE AGREEMENT SHALL BE RECORDED AGAINST PARCELS 1, 2, AND 3 FOR THE OPERATION AND MAINTENANCE OF SANITARY SEWER AND FACILITIES ASSOCIATED WITH THE PARCELS, AT THE TIME OF RECORDING THE PARCEL MAP.
 4. NUMBER OF PARKING SPACES REQUIRED: _____
 PARKING SPACES PROVIDED: 62, INCLUDING 6 HANDICAP SPACES

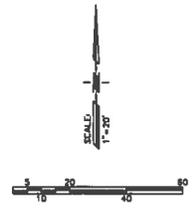


LEGEND

⊖	CENTERLINE
CLF	CHAIN LINK FENCE
CMF	CORRUGATED METAL PIPE
EP	EDGE OF PAVEMENT
FI	FIRE HYDRANT
GA	GUY ANCHOR
JP	JOINT POLE
LP	LIGHT POLE
OSP	OVERSIZED PARKING SPACE
⊙	MONITOR WELL
W	BROUGHT IRON FENCE
WM	WATER METER
WV	WATER VALVE
---	NO INGRESS/EGRESS LINE



SOUTH AUBURN STREET TENTATIVE MAP
 SECTION 3, T 14 N, R 09 E, MDM
 520 SOUTH AUBURN STREET
 CITY OF COLFAX, PLACER COUNTY, CALIFORNIA
 SCALE: 1" = 20' DECEMBER 2012



CONDITIONS OF APPROVAL

#TPM-VAR-01-11

1. The minor land division is approved as shown on the plans in Attachment 1, and as conditioned or modified below.
2. The minor land division and future property development is subject to all federal, state, and municipal codes in effect at the time of development.
3. The permit shall be valid for a period of two (2) years from this date and shall expire on April 10, 2015. Prior to said expiration date, the applicant may apply for, and the City may grant, an extension of time for up to one year from April 10, 2015.
4. A Reciprocal Access, Parking and Maintenance Agreement, acceptable to the City, shall be prepared and executed by the property owners to provide for access, maintenance (including maintenance of all underground and above ground utilities including sewer connections), and parking for all resultant parcels, and for maintaining the driveway and parking areas. The Agreement shall ensure that all facilities are maintained to an acceptable standard approved by the City. The Agreement shall be reviewed by the City during the Parcel Map review process and shall be recorded at the same time as the Parcel Map. No modifications to these documents, once approved and recorded, shall be made without prior approval from the City. Applicant is advised that City has not received adequate confirmation from Old Republic Title Company of the location of all easements recited as affecting the property. Until the location of all easements is determined, potential reservations in favor of PG&E, and comments from City Attorney, City Engineer and Fire Marshal related to underground and above ground utilities to be identified in the Reciprocal Access, Parking and Maintenance Agreement contained in these conditions cannot be considered final.
5. The applicant shall coordinate with the Fire Marshal and the Building Department to establish new locations for the propane tanks if necessary in order to ensure that they meet the required clearances and placement.
6. The applicant shall coordinate with the Fire Marshal and the Building Department to ensure that the building perimeters meet the required access requirements.
7. The applicant shall continue to provide a minimum of 68 parking stalls total between all resultant parcels, including 1 oversized parking space for an RV and 5 handicapped parking spaces which meet the Americans with Disabilities Act design standards.

8. IF THE VARIANCE FROM THE REQUIREMENT OF A SEPARATE SEWER LINE FOR PARCEL 1 IS NOT GRANTED, THE FOLLOWING CONDITIONS SHALL APPLY:
 - (a) The applicant shall be required to construct a new sewer lateral from the building on Parcel 1 and connect to the City sewer main. The sewer lateral shall only cross from the property line of Parcel 1 to the public right-of-way and a property line clean-out shall be installed.
 - (b) The applicant shall be required to abandon the sewer lateral between the building on Parcel 1 and the connection to the sewer lateral on Parcel 2. All abandonments and disconnections shall comply with State and Local standards for such work.
9. IF THE VARIANCE FROM THE REQUIREMENT OF A SEPARATE SEWER LINE FOR PARCEL 1 IS GRANTED, THE FOLLOWING CONDITIONS SHALL APPLY:
 - (a) The applicant shall provide a clean-out on Parcel 1 at the property line between Parcel 1 and 2.
 - (b) The applicant shall be required to enter into a Shared Private Sewer Easement and Maintenance Agreement between resultant Parcels 1 and 2 and record it against the property.
 - (c) Establish an easement in favor of Parcel 1 on the Parcel Map within Parcel 2 that encompasses Parcel 1's sewer lateral from the property line crossing to the right-of-way.
 - (d) The applicant shall be required to inspect, and repair (if required) the existing building sewer lateral servicing Parcel 1 from the building to the City main in compliance with City Ordinance No. 499.
10. The applicant shall provide a clean-out at the property line of resultant Parcel 2 and Parcel 3, at the public right-of-way.
11. The applicant shall be required to inspect, and repair (if required) the existing building sewer laterals on resultant Parcel 2 and Parcel 3 in compliance with City Ordinance No. 499.
12. The applicant shall be required to record a reciprocal storm drainage maintenance agreement against Parcels 1, 2, and 3 for the operation and maintenance of storm drainage and storm water run-off associated with the parcels, at the time of recording of the Parcel Map.

13. The applicant shall prepare and submit to the City a Parcel Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 16 of the Colfax Municipal Code. Review of the Parcel Map shall not commence until the Improvement Plans have been submitted to the City Engineer. The following will be submitted to the City Engineer for plan checking of the parcel map prepared by a licensed civil engineer registered in California as appropriate.
14. The City's Fee Schedule and terms are incorporated as part of this approval. Applicant is aware that City charges based on actual cost and that outstanding planning application fees, engineering, and building plan check fees must be paid in full within 30 days of receipt of invoices. If the deposit(s) with the City for this project become(s) depleted and there is still work to be done, additional deposits shall be paid prior to any additional work being performed by the City on the project.
15. The applicant must obtain any applicable permits required by the Central Valley Regional Water Quality Control Board as outlined in that agency's comment letter on the proposed project dated March 20, 2013.
16. Indemnification of the City/Attorney's fees for Enforcement.
 - (a) The applicant/developer agrees as a condition of approval/entitlement to defend, indemnify, and hold harmless the City and its agents, officers, employees, consultants, and volunteers from any claim, action, lawsuit or proceeding arising out the City's processing of this application, related permits and approvals and any improvements approved by City. Applicant agrees that City shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's obligations to indemnify and reimburse for actual defense costs.
 - (b) In the event the City initiates proceedings against the applicant/developer regarding non-compliance with law or these conditions or any related approvals, the applicant shall reimburse the City for any and all court costs and attorney's fees as a result of any such action. Failure to reimburse the City within 30 days of receipt of invoices or establish a contractual payment schedule may result in the City placing lien against the subdivision property in accordance with the tax assessor's process and procedures or other legal authority; and shall include costs of the lien process.

Approved and agreed to:

Applicant Initials

CITY OF COLFAX

**NOTICE OF INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

FEBRUARY 28, 2013

NOTICE IS HEREBY GIVEN pursuant to California Public Resources Code Section 21092 and CEQA Guidelines Section 15072 that the City of Colfax has prepared and proposes to adopt a Mitigated Negative Declaration in connection with the project described in this notice.

PROJECT TITLE: #TPM-VAR-01-11/Colfax Motor Lodge

PROJECT LOCATION: 520 S. Auburn St., City of Colfax, Placer County, California. Assessor's Parcel No. 100-230-035-000

PROJECT DESCRIPTION: #TPM-VAR-01-11/Colfax Motor Lodge. The proposed project is a minor land division for a developed commercial site. There are four existing buildings on the site including a motel, restaurant and two office buildings. The site comprises 1.44 acres. The proposed subdivision will place these existing individual businesses on separate parcels. Each parcel has existing sewer, water and electric (both underground and overhead). The proposed parcel areas are as follows:

Parcel 1 (restaurant with drive-thru): 13,560+/- SF

Parcel 2 (office): 16,257+/- SF

Parcel 3 (office and motel): 32,822+/- SF

No new buildings or improvements are proposed as a part of this application. No change in the existing number of employees, deliveries, clients, visitors, customers or traffic trips are anticipated as a result of this subdivision. The proposed project seeks a variance from the setback requirements for the existing buildings on Parcels 2 and 3. The proposed project also seeks a variance from the requirement that Parcel 1 have its own separate sewer connection (the City's Municipal Code requires a separate independent building sewer line for every building).

A copy of the draft Mitigated Negative Declaration will be available for review at the City of Colfax Planning Department located at 33 S. Main Street, Colfax, CA 95713 during normal public business hours. It is also accessible to the public by visiting www.ci.colfax.ca.us under the page "Reports & Documents."

Written Comments on the Mitigated Negative Declaration must be addressed to the City of Colfax Planning Department, P.O. Box 702, Colfax, CA 95713. The 30-day public review period ends **April 1, 2013**. All comments must be received by 5:00 p.m. on **April 1, 2013**.

The Public Hearing on this project is anticipated to be held on April 10, 2013 at 7:00 p.m. at City Hall, located at 33 S. Main Street, Colfax, CA.

Contact: City of Colfax Planning Department (530) 346-2313

CITY OF COLFAX

PROPOSED MITIGATED NEGATIVE DECLARATION

In accordance with the California Environmental Quality Act, the City of Colfax has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment. On the basis of that study, the City finds that the proposed project, with mitigation, will not have a significant adverse effect on the environment and will not require the preparation of an Environmental Impact Report. Therefore, this Mitigated Negative Declaration has been prepared.

LEAD AGENCY: City of Colfax
33 S. Main Street
Colfax, CA 95713
Contact: Planning Department (530) 346-2313

PROJECT APPLICANT: Christine Johnson
Clear Path Land Evolvment, Inc.
500 Auburn Folsom Road, Suite 100
Auburn, CA 95603
Telephone: (530) 887-11410

PROPERTY OWNER: Room Four LLC
c/o Steve Williams
8010 Mt. Vernon Road
Auburn, CA 95603
Telephone: (530) 823-8769

PROJECT LOCATION: 520 S. Auburn St., City of Colfax, Placer County,
California. Assessor's Parcel No. 100-230-035-000

PROJECT DESCRIPTION: #TPM-VAR-01-11/Colfax Motor Lodge. The proposed project is a minor land division for a developed commercial site. There are four existing buildings on the site including a motel, restaurant and two office buildings. The site comprises 1.44 acres. The proposed subdivision will place these existing individual businesses on separate parcels. Each parcel has existing sewer, water and electric (both underground and overhead). The proposed parcel areas are as follows:

Parcel 1 (restaurant with drive-thru): 13,560+/- SF

Parcel 2 (office): 16,257+/- SF

Parcel 3 (office and motel): 32,822+/- SF

No new buildings or improvements are proposed as a part of this application. No change in the existing number of employees, deliveries, clients, visitors, customers or traffic trips are anticipated as a result of this subdivision. The proposed project seeks a variance from the setback requirements for the existing buildings on Parcels 2 and 3. The proposed project also seeks a variance from the requirement that Parcel 1 have its own separate sewer connection (the City's Municipal Code requires a separate independent building sewer line for every building).

REVIEW PERIOD: February 28, 2013 to April 1, 2013

CITY OF COLFAX
ENVIRONMENTAL CHECKLIST (INITIAL STUDY) FORM

1. **File No:** #TPM/VAR-01-11/Colfax Motor Lodge
2. **Lead Agency name and address:** City of Colfax, Planning Development, 33 South Main Street, Colfax, CA 95713
3. **Agent:**
Christine Johnson
Clear Path Land Evolvement, Inc.
500 Auburn Folsom Road, Suite 100
Auburn, CA 95603
Telephone: (530) 887-1141
4. **Applicant:**
Christine Johnson
Clear Path Land Evolvement, Inc.
500 Auburn Folsom Road, Suite 100
Auburn, CA 95603
Telephone: (530) 887-1141
5. **Property Owner:**
Room Four LLC
c/o Steve Williams
8010 Mt. Vernon Road
Auburn, CA 95603
Telephone: (530) 823-8769
6. **Project location:** 520 S. Auburn St., City of Colfax, Placer County, California. Assessor's Parcel No. 100-230-035-000
7. **General Plan Designation:** Colfax General Plan - Commercial
8. **Zoning:** Highway Commercial
9. **Description of project:** The proposed project is a minor land division for a developed commercial site. There are four existing buildings on the site including a motel, restaurant and two office buildings. The site comprises 1.44 acres. The proposed subdivision will place these existing individual businesses on separate parcels. Each parcel has existing sewer, water and electric (both underground and overhead). The proposed parcel areas are as follows:

Parcel 1 (restaurant with drive-thru): 13,560+/- SF
Parcel 2 (office): 16,257+/- SF
Parcel 3 (office and motel): 32,822+/- SF

No new buildings or improvements are proposed as a part of this application. No change in the existing number of employees, deliveries, clients, visitors, customers or traffic trips are anticipated as a result of this subdivision. The proposed project seeks a variance from the setback requirements for the existing buildings on Parcels 2 and 3. The proposed project also seeks a variance from the requirement that Parcel 1 have its own separate sewer connection (the City's Municipal Code requires a separate independent building sewer line for every building).
10. **Surrounding land uses and setting:** The subject parcel is bordered by the I-80 Freeway to the East and North and South Auburn Street to the West.

REFERENCES: The following references were used in preparing this report. The reference material is available for review upon request from the Colfax Planning Department at 33 South Main Street, Colfax, CA (530-346-2313).

1. Project Plans
2. Project Site Photos
3. Colfax General Plan 2020
3. Colfax Zoning Ordinance, Title 17 and amendments thereto
4. Federal Emergency Management Agency Map No. 06061C0125F
5. California Department of Conservation Important Farmland Map for Placer County, 2008

6. Official Maps, California Department of Conservation Geological Survey, December 2010 (Earthquake Fault Zones)
7. National Register of Historic Places/State Historic Preservation Office
8. DTSC, 2011, List of Hazardous Material Clean-up Sites
9. California Air Resources Board website resources
10. Placer County Air Pollution Control District website resources
11. USGS, Mineral Resources Spatial Data, December 2011

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on the attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a significant effect (s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____

Date: February 22, 2013

Printed Name: Brigit S. Barnes, City Attorney for Land Use For City of Colfax

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X
<p>Impact Discussion:</p> <p>a) The project site is not located within a scenic vista.</p> <p>b) The project site is not located within a state scenic highway.</p> <p>c) The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, the project will not degrade the existing visual character or quality of the site and its surroundings.</p> <p>d) No new lighting is proposed with this project.</p> <p>Based on the foregoing, there is no impact.</p> <p>Mitigation Measures:</p> <p>No mitigation measures are necessary.</p>				
<p>II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Impact Discussion:

- a) The project site is not mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland). [California Department of Conservation Important Farmland Map for Placer County, 2008] Therefore, the project will not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use.
- b) The project site and surrounding properties are not zoned agriculture, nor is the property is under a Williamson Act Contract. Therefore, the project would not conflict with agricultural-zoned property or a Williamson Act Contract.
- c) The project site is not zoned for forest production or adjacent to land designated to support forestry operations. Therefore, the proposed project would not conflict with any existing zoning for forestry use.
- d) No forest land occurs on or adjacent to the project site. Therefore, no impacts associated with the loss or conversion of forest land to non-forest use would result from project implementation.
- e) The project site is not mapped as Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland). [California Department of Conservation Important Farmland Map for Placer County, 2008] Therefore, this project will not cause any changes in the existing environment that could result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use.

Mitigation Measures:

No mitigation measures are necessary.

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. The proposed project does seek a variance from the requirement that Parcel 1 have its own separate sewer connection. If the variance is not approved, and a separate sewer line is required as a condition of approval, temporary construction-related emissions may occur while installing the sewer line. However, this potential impact is considered less than significant.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.</p> <p>Mitigation Measures: No mitigation measures are necessary.</p>				

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. The project site is not located in the vicinity of the 3 locations in Colfax which are identified and listed on the National Register of Historic Places: the Colfax Freight Depot (7 Main St.), the Colfax Passenger Depot (Main St. and Railroad Ave.) and Stevens Trail (Secret Ravine ridge area). (Note: These locations are not listed on the California State Register of Historic Places.) As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X
i Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
				X
				X
ii. Strong seismic ground shaking?				X
iii. Seismic-related ground failure, including liquefaction?				
iv. Landslides?				
b) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
c) Result in substantial soil erosion or the loss of topsoil?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<p>VII. GREENHOUSE GAS EMISSIONS. Would the project:</p>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. The proposed project does seek a variance from the requirement that Parcel 1 have its own separate sewer connection. If the variance is not approved, and a separate sewer line is required as a condition of approval, temporary construction-related emissions may occur while installing the sewer line. However, this potential impact is considered less than significant.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
<p>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</p>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

ENVIRONMENTAL IMPACTS:		<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
f)	For a project within the vicinity of a private airstrip, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h)	Expose people or structures to a significant risk of loss, injury or death involving wild-land fires, including where wild-lands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>					
ENVIRONMENTAL IMPACTS:		<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
IX. HYDROLOGY AND WATER QUALITY. Would the project:					
a)	Violate any water quality standards or waste discharge requirements?				X
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or salutation on- or off-site?				X
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f)	Otherwise substantially degrade water quality?				X
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Result in inundation by seiche, tsunami, or mudflow?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p>Impact Discussion: Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. The project is not located in an area determined to have significant mineral resources. As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XII. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. The proposed project does seek a variance from the requirement that Parcel 1 have its own separate sewer connection. If the variance is not approved, and a separate sewer line is required as a condition of approval, temporary construction-related noise may occur while installing the sewer line. However, this potential impact is considered less than significant.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XIII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<p>Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.</p> <p>Mitigation Measure: No mitigation measures are necessary.</p>				

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XIV. PUBLIC SERVICES. Would the Project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:				
i. Fire Protection?				X
ii. Police Protection?				X
iii. Schools?				X
iv. Parks?				X
v. Other Facilities?				X
Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.				
Mitigation Measure: No mitigation measures are necessary.				
XV. RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X
Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.				
Mitigation Measure: No mitigation measures are necessary.				
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact.

Mitigation Measure:

No mitigation measures are necessary.

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		X		
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Impact Discussion a): The proposed project seeks a variance from the requirement that Parcel 1 have its own separate sewer connection. The City's Municipal Code requires a separate independent building sewer line for every building, in furtherance of compliance with regional state water board requirements imposed on the City. If the variance is approved, and a separate sewer line is not installed for Parcel 1, the project's impact could be considered potentially significant as it relates to this question. However, incorporation of Mitigation Measures MM-XVII-1 through MM-XVII-4 (below) would reduce this impact to a less-than-significant level.

Impact Discussion b) through g): The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. The proposed project seeks a variance from the requirement that Parcel 1 have its own separate sewer connection. If the variance is not approved, the installation of a separate sewer line may be required as a condition of approval, which could result in temporary construction-related emissions during installation of the sewer line. Due to the temporary nature of the emissions and the minimal impacts associated with installing a small sewer line, this impact is considered less-than-significant. With respect to capacity, Parcel 1 is already receiving sewer service via a shared sewer line with Parcel 2. Based on the foregoing, any potential impacts are considered less-than-significant.

ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
Mitigation Measures: MM-XVII-1. Enter into a shared Private Sewer Easement and Maintenance Agreement and record it against the property. MM-XVII-2. Test, inspect and repair (if required) the existing building sewer laterals that will be shared MM-XVII-3. Provide a clean-out at the junction of the shared sewer lateral. MM-XVII-4. Provide a clean-out at the property line of parcel 1 with parcel 2, and at the property line of parcel 2 at the public right of way.				
ENVIRONMENTAL IMPACTS:	<i>Potentially Significant Impact</i>	<i>Less than Significant With Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?				X
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X
Impact Discussion: The proposed project is a minor land division for an already-developed commercial site. No new buildings or improvements are proposed as a part of this application. As such, there is no impact. Mitigation Measure: No mitigation measures are necessary.				

MITIGATION MONITORING & REPORTING PROGRAM

#TPM-VAR-01-11/COLFAX MOTOR LODGE

MITIGATION MEASURE	IMPLEMENTATION PROCEDURE	MONITORING RESPONSIBILITY	MONITORING/REPORTING ACTION & SCHEDULE
<p>Utilities and Service Systems MM-XVII-1 Establish an easement in favor of Parcel 1 on the Parcel Map within Parcel 2 that encompasses Parcel 1's sewer lateral from the property line crossing to the right-of-way.</p>	<p>1. City includes this mitigation in the Conditions of Approval for the Project</p>	<p>1. City Engineer and Planning Department</p>	<p>1. Review and approve proposed easement prior to recording final map.</p>
<p>Utilities and Service Systems MM-XVII-2 The applicant shall be required to inspect, and repair (if required) the existing building sewer lateral servicing Parcel 1 from the building to the City main in compliance with City Ordinance No. 499</p>	<p>1. City includes this mitigation in the Conditions of Approval for the Project</p>	<p>1. City Engineer and Public Works Department</p>	<p>1. Review and approve test results, inspection reports and repairs prior to recording final map.</p>
<p>Utilities and Service Systems MM-XVII-3 The applicant shall provide a clean-out at the property line of resultant Parcel 2 and Parcel 3, at the public right-of-way.</p>	<p>1. City includes this mitigation in the Conditions of Approval for the Project</p>	<p>1. City Engineer and Public Works Department</p>	<p>1. Review and approve of installation prior to recording final map.</p>

<p>Utilities and Service Systems MM-XVII-4</p> <p>The applicant shall be required to inspect, and repair (if required) the existing building sewer laterals on resultant Parcel 2 and Parcel 3 in compliance with City Ordinance No. 499.</p>	<p>1. City includes this mitigation in the Conditions of Approval for the Project</p>	<p>1. City Engineer and Public Works Department</p>	<p>1. Review and approve test results, inspection reports and repairs prior to recording final map.</p>
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City of Colfax

Resolution No. 20 - 2013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLFAX:

- (1) CERTIFYING THE MITIGATED DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR PLANNING APPLICATION #TPM-VAR-01-11;**
- (2) APPROVING AN APPLICATION (TPM- 01-11) FOR THE PURPOSE OF SUBDIVIDING AN EXISTING 1.44 ACRE PARCEL INTO THREE LOTS; AND**
- (3) APPROVING AN APPLICATION (VAR-01-11) FOR A VARIANCE FROM THE SETBACK REQUIREMENTS AND FOR A VARIANCE FROM THE SEPARATE SEWER LINE REQUIREMENT**

Whereas, the City of Colfax received Planning Application #TPM-01-11 for parcel map approval and granting of a variance from the setback requirements and separate sewer line requirement for the property located at 520 South Auburn Street in the City of Colfax (the “Project”); and

Whereas, the City of Colfax, through the Planning Department, prepared an Initial Study and Mitigated Negative Declaration of Environmental Impacts for the Project, including appendices and a Mitigation Monitoring and Reporting Program; and

Whereas, the City of Colfax Planning Commission (“Commission”) held a duly-noticed public hearing on the Project’s parcel map and variance applications and environmental documents on April 10, 2013; and

Whereas, the Commission has reviewed and considered the proposed Initial Study and Mitigated Negative Declaration of Environmental Impacts for the Project, including appendices and the Mitigation Monitoring and Reporting Program; and

Whereas, the Commission has reviewed and considered the staff report, any and all written comments received during the public review process, and any and all oral or written comments submitted at the public hearing; and

Whereas, the Mitigation Monitoring and Reporting Program for the Project will ensure that all mitigation measures incorporated into the Project to reduce the potentially significant environmental effects of the Project to a less-than-significant level, and which

are within the jurisdiction of the City of Colfax to adopt and implement, will in fact be implemented by the project applicant and property owner;

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Colfax:

(A) CERTIFICATION OF MITIGATED NEGATIVE DECLARATION AND ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

1. That the Commission finds that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act;

2. That the Commission finds on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment, because the mitigation measures described in the Initial Study and Mitigated Negative Declaration of Environmental Impacts have been made part of the Project description and agreed to by the project applicant and property owner.

3. That the Commission finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment and analysis of the City as lead agency for the Project.

4. That the Commission approves and certifies the Mitigated Negative Declaration for the Project.

5. That the Commission approves and adopts the Mitigation Monitoring and Reporting Program for the Project, and directs City staff, in carrying out the Project, to implement and comply with: (1) the Mitigation Measures, which are described and referenced in the Initial Study and Mitigated Negative Declaration of Environmental Impacts; and (2) the Mitigation Monitoring and Reporting Program.

6. That the City Clerk is directed to file a Notice of Determination with the Clerk of the County of Placer for the Project.

7. That the custodian of the documents comprising the record of proceedings is the Department head, or his/her designee, of the City of Colfax Planning Department, whose office is located at 33 S. Main Street, Colfax, CA 95713.

(B) APPROVAL OF TENTATIVE PARCEL MAP AND VARIANCES

1. That Planning Application #TPM-01-11 for parcel map approval and granting of variances from the setback requirements and separate sewer line requirement is hereby approved subject to the following exhibits and findings:

- EXHIBIT 1 - SITE PLANS
- EXHIBIT 2 - MITIGATED NEGATIVE DECLARATION
- EXHIBIT 3 - MITIGATION MONITORING AND REPORTING PROGRAM
- EXHIBIT 4 - CONDITIONS OF APPROVAL

FINDINGS:

APPLICATION (#TPM-01-11) FOR THE PURPOSE OF SUBDIVIDING AN EXISTING 1.44 ACRE PARCEL INTO THREE LOTS:

1. The Project, as conditioned and upon the granting of the requested set back variance, is consistent with the General Plan and applicable zoning requirements, including:
2. The Project, as conditioned and upon the granting of the requested variance, conforms to applicable development standards applicable to pre-approved projects.
3. The Project, as conditioned, will not be detrimental to the public health, safety, or welfare.
4. The Project, as conditioned, will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.
5. The Project, as conditioned, will be accomplished without detriment to adjacent properties.

APPLICATION (#VAR-01-11) FOR A VARIANCE FROM THE SETBACK REQUIREMENTS:

That, based on substantial evidence -

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and
2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and
3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

APPLICATION (#VAR-01-11) FOR A VARIANCE FROM THE SEPARATE SEWER REQUIREMENT:

That, based on substantial evidence -

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and

2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and

3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Passed and Adopted this 10th day of April 2013 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Donna Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk

City of Colfax

Resolution No. 20- 2013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLFAX:

- (1) **CERTIFYING THE MITIGATED DECLARATION AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR PLANNING APPLICATION #TPM-VAR-01-11;**
- (2) **APPROVING AN APPLICATION (TPM- 01-11) FOR THE PURPOSE OF SUBDIVIDING AN EXISTING 1.44 ACRE PARCEL INTO THREE LOTS; AND**
- (3) **APPROVING AN APPLICATION (VAR-01-11) FOR A VARIANCE FROM THE SETBACK REQUIREMENTS**

Whereas, the City of Colfax received Planning Application #TPM-01-11 for parcel map approval and granting of a variance from the setback requirements and separate sewer line requirement for the property located at 520 South Auburn Street in the City of Colfax (the “Project”); and

Whereas, the City of Colfax, through the Planning Department, prepared an Initial Study and Mitigated Negative Declaration of Environmental Impacts for the Project, including appendices and a Mitigation Monitoring and Reporting Program; and

Whereas, the City of Colfax Planning Commission (“Commission”) held a duly-noticed public hearing on the Project’s parcel map and variance applications and environmental documents on April 10, 2013; and

Whereas, the Commission has reviewed and considered the proposed Initial Study and Mitigated Negative Declaration of Environmental Impacts for the Project, including appendices and the Mitigation Monitoring and Reporting Program; and

Whereas, the Commission has reviewed and considered the staff report, any and all written comments received during the public review process, and any and all oral or written comments submitted at the public hearing; and

Whereas, the Mitigation Monitoring and Reporting Program for the Project will ensure that all mitigation measures incorporated into the Project to reduce the potentially significant environmental effects of the Project to a less-than-significant level, and which are within the jurisdiction of the City of Colfax to adopt and implement, will in fact be implemented by the project applicant and property owner;

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Colfax:

(A) **CERTIFICATION OF MITIGATED NEGATIVE DECLARATION AND ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM**

1. That the Commission finds that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act;

2. That the Commission finds on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment, because the mitigation measures described in the Initial Study and Mitigated Negative Declaration of Environmental Impacts have been made part of the Project description and agreed to by the project applicant and property owner.

3. That the Commission finds that the Initial Study and Mitigated Negative Declaration reflect the independent judgment and analysis of the City as lead agency for the Project.

4. That the Commission approves and certifies the Mitigated Negative Declaration for the Project.

5. That the Commission approves and adopts the Mitigation Monitoring and Reporting Program for the Project, and directs City staff, in carrying out the Project, to implement and comply with: (1) the Mitigation Measures, which are described and referenced in the Initial Study and Mitigated Negative Declaration of Environmental Impacts; and (2) the Mitigation Monitoring and Reporting Program.

6. That the City Clerk is directed to file a Notice of Determination with the Clerk of the County of Placer for the Project.

7. That the custodian of the documents comprising the record of proceedings is the Department head, or his/her designee, of the City of Colfax Planning Department, whose office is located at 33 S. Main Street, Colfax, CA 95713.

(B) **APPROVAL OF TENTATIVE PARCEL MAP AND VARIANCE FROM THE SETBACK REQUIREMENT**

1. That Planning Application #TPM-VAR-01-11 for parcel map approval and granting of the variance from the setback requirements is hereby approved subject to the following exhibits and findings:

EXHIBIT 1 - SITE PLANS

- EXHIBIT 2 - MITIGATED NEGATIVE DECLARATION
- EXHIBIT 3 - MITIGATION MONITORING AND REPORTING PROGRAM
- EXHIBIT 4 - CONDITIONS OF APPROVAL

FINDINGS:

APPLICATION (#TPM-01-11) FOR THE PURPOSE OF SUBDIVIDING AN EXISTING 1.44 ACRE PARCEL INTO THREE LOTS:

1. The Project, as conditioned and upon the granting of the requested set back variance, is consistent with the General Plan and applicable zoning requirements, including:
 2. The Project, as conditioned and upon the granting of the requested variance, conforms to applicable development standards applicable to pre-approved projects.
 3. The Project, as conditioned, will not be detrimental to the public health, safety, or welfare.
 4. The Project, as conditioned, will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.
 5. The Project, as conditioned, will be accomplished without detriment to adjacent properties.

APPLICATION (#VAR-01-11) FOR A VARIANCE FROM THE SETBACK REQUIREMENTS:

That, based on substantial evidence -

1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use; and
2. The granting of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and
3. The granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel; and

4. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

APPLICATION (#VAR-01-11) FOR A VARIANCE FROM THE SEPARATE SEWER REQUIREMENT:

That there is insufficient evidence to support the granting of the variance from the separate sewer requirement and therefore the request for same is denied.

Passed and Adopted this 10th day of April 2013 by the following roll call vote:

Ayes:

Noes:

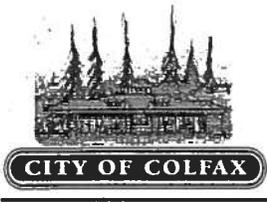
Absent:

Abstain:

Donna Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
April 24, 2013**

Agenda Item No.

10A

To: Honorable Mayor and Members of the City Council
From: Bruce Kranz, City Manager, and Laurie Van Groningen, Finance Director
Date: April 24, 2013
Subject: Mid – Year Budget Review – Fiscal year 2013 and Consideration of Adoption of Resolution No. No. 21-2013: A Resolution Of The City Council Of The City Of Colfax Amending The 2012-2013 Operating Budget

Recommended Action: Accept the Budget Report and Adopt Resolution No. 21-2013

ISSUE STATEMENT AND DISCUSSION:

The purpose of the Mid-Year Budget Review is to take a look at revenues and expenditures during the fiscal year and to review with the Council budget projections for the end of the fiscal year.

Accompanying this report the Council will find the Mid-Year Budget review documents (listed at end of report). All analysis is based on seven months of actual expenditures through January 31, 2013 or 58.3% of the fiscal year.

Outlined below are detailed comments for each of the major funds.

General Fund - Unassigned

Through January 31, 2013, total revenues and expenditures within the General Fund are both running slightly higher than budget. But not all revenues and expenses are evenly distributed over the year and it is anticipated that we will end the year approximately 10% higher than the adopted budget – which will help to reduce the General Fund negative fund balance. Significant changes in revenues and expense categories from the adopted budget are identified below:

Revenues

1. Revenues from retail sales tax for the analyzed time period of July to January 2013 are running greater than 30% higher than projected in the adopted budget for the fiscal year. This increase is primarily due to increased sales for Winner Chevrolet, and is offset by an increase in debt service expense based on the property purchase agreement. *Adjustment recommended.*
2. Building permits have exceeded the budget as of January 31, 2013. *No adjustment recommended.*

3. Revenues from services provided to land development accounts are running much lower than anticipated. *No adjustment recommended.*

Expenditures

- General Fund legal expenses have increased due to personnel matters, council appointments/education and election guidance, project bids, signage agreement, mitigation fee five year report, union grievances, personnel policy updates. *Adjustment recommended.*
- Planning Expenses are expected to be higher than originally forecast. *Adjustment recommended.*
- Debt Service Expenses for the property purchase agreement for the Winner Chevrolet property is greater than originally budgeted due to the increase in sales tax volumes. *Adjustment recommended.*

Special Revenue Funds

Special revenue funds include mitigation fees and Transportation funds (used primarily for maintaining our streets and roads). As budgeted, Mitigation fees have very limited activity and no significant budget variations have occurred or are expected.

Transportation Funds are in line with the budget forecast and budget variances are not expected for the fiscal year.

Capital Projects

The City has three active capital projects:

1. Splash Park
2. Ball Park Improvements
3. Road Rehab – GV/UPPR Pedestrian Crossing

All three projects are funded with project specific funds and no budget variations are anticipated.

Sewer Enterprise Funds

Revenues - Unassigned

Sewer service charges recorded through January are higher than budget, but the increase is primarily due to the bi-monthly billing process – January invoices included charges for the month of February. Revenues are expected to be on target budget for the year. No budget adjustments are recommended.

Expenses - Unassigned

Sewer fund expenses as of the end of January are slightly lower than budget – but the difference is impacted by expenses that are not spread evenly over the year. NPDES expenses and the CDO settlement expenses will continue throughout the year. Detail review indicates that the adopted budget amounts are still the best estimate for the year. No budget adjustments are recommended.

Restricted Sewer Funds – Pond3/I&I/Scada

The City is completing the Pond 3 Liner and I&I Mitigation Project that has been funded through a Clean Water State Revolving Fund Loan (SRF), EPA and USDA. Due to the detailed and time consuming process for obtaining project reimbursement from our grant and loan funders, the City borrowed \$3,000,000 from Placer County for the estimated duration of the project. The loan matures on April 21, 2013 with an interest rate of about .4%. The final project costs will be at or below budget. However, the State does not reimburse the City for change order payment until after the project is closed. Due to weather delays resulting in a project completion delay, the project may not be completed until October 31, 2013. The City may need to carry the cost of change orders to the end of December 2013. There will be eight change orders awaiting reimbursement from the SRF loan totaling \$601,000. The City is pursuing extending the loan from the County for working capital through June 2014.

Recommendations

- It is recommended the Council by motion accept the Final Budget Report and direct staff to proceed with budget amendments as outlined.
- It is recommended that the City consider establishing a formal fund balance policy.
- It is recommended that the City review adopted budget for FY2013-14 for modifications based on 2012-13 actuals before beginning of fiscal year.

Attachments

1. Mid Year Budget Review (MYBR) - Recommended Budget Amendments
2. MYBR – General Fund Summary
3. MYBR – General Fund Revenue
4. MYBR – General Fund Expense by Category
5. MYBR – Sewer Fund Summary
6. MYBR – Sewer Fund Revenue
7. MYBR – Sewer Fund Expense by Category
8. Budget Comparison Report – Fund/Department/Account Detail
9. Resolution No. 21-2013

City of Colfax
 Mid Year Budget Review - Budget Amendments
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

<u>Revenues</u>				Adopted Budget	Recommended Adjustment	Amended Budget
100	000	4200	Sales and Use Taxes	575,000	125,000	700,000
Total Revenue Adjustments					125,000	
<u>Expenses</u>						
100	160	5665	Legal Fees	90,000	50,000	140,000
100	450	5570	Planning Services	30,000	15,000	45,000
100	500	8720	Debt Service	20,000	60,000	80,000
Total Expense Adjustments					125,000	
Net Impact					-	

City of Colfax
 Mid Year Budget Review - General Fund Summary
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

	Adopted Budget	Actuals to Date	% of Budget	Balance	
REVENUES BY MAJOR CATEGORY					
Property and Sales Taxes	886,000	561,838	63%	324,162	Sales tax revenues exceeding budget. PT receipts are teetered.
Franchise Fees	60,000	26,088	43%	33,912	Anticipate will catch up to budget by year end + fees from new sign (\$80k)
Licenses and Permits	38,250	45,068	118%	(6,818)	BL all billed early in year. Bldg permits exceeding budget
Charges for Current Services	69,600	16,226	23%	53,374	Shortage primarily land development fees
Revenue from Other Agencies	135,000	66,891	50%	68,109	Anticipate catch up by year end.
Other Sources of Revenues	63,925	29,140	46%	34,785	Anticipate catch up by year end. UST reimbursement pending.
Transfers In	-	-	-	-	-
TOTAL REVENUES	1,252,775	745,252	59%	507,523	

	Adopted Budget	Actuals to Date	% of Budget	Balance	
EXPENDITURES BY DEPARTMENT					
100 Central Services	112,511	73,773	66%	38,738	Predominately timing - once a year payments
110 City Council	13,000	6,272	48%	6,728	
120 Administration and Finance	134,486	77,918	58%	56,568	
160 City Attorney	90,000	77,493	86%	12,507	
200 Fire Department	54,800	19,280	35%	35,520	At current rates, costs will exceed budget
300 Sheriff Department	462,294	231,640	50%	230,654	
400 Building Department	40,469	24,493	61%	15,976	
425 Engineering	15,000	7,082	47%	7,919	
450 Planning	31,500	25,950	82%	5,550	At current rates, costs will exceed budget
500 Building & Grounds	121,089	91,271	75%	29,818	Increase in debt service (Winner Chev) offset by increase in sales tax revenue
530 Parks And Recreation	36,935	21,330	58%	15,605	
120-XXX Land Development Fees	39,000	20,887	54%	18,113	
570 Garbage	-	810		(810)	
TOTAL EXPENDITURES	1,151,084	678,199	59%	472,885	
Net Change	101,691	67,053	66%	34,638	

City of Colfax
 Mid Year Budget Review - General Fund Revenue
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

	100	120	570	Total	Budget	%
PROPERTY AND SALES TAXES						
4010 Property Taxes	\$ 153,719	\$ -	\$ -	\$ -	\$ 153,719	52%
4020 Sales and Use Taxes	396,986	-	-	-	396,986	69%
4040 Transient Occupancy Tax	11,133	-	-	-	11,133	70%
TOTAL TAXES	561,838	-	-	-	561,838	63%
FRANCHISES						
4100 Franchises	4,588	-	21,500	-	26,088	43%
TOTAL FRANCHISES	4,588	-	21,500	-	26,088	43%
LICENSES AND PERMITS						
4200 Business Licenses	24,710	-	-	-	24,710	99%
4210 Plan Check Fees	1,124	-	-	-	1,124	56%
4220 Building Permits	12,454	-	-	-	12,454	125%
4240 Encroachment Permits	420	-	-	-	420	168%
4270 Sign Permits	300	-	-	-	300	30%
4660 Service Charges	-	-	6,060	-	6,060	-
TOTAL LICENSES & PERMITS	39,008	-	6,060	-	45,068	118%
CURRENT SERVICE CHARGES						
4605 Recreation Fees	800	-	-	-	800	18%
4620 Planning & Zoning Fees (Fund 120)	-	11,962	-	-	11,962	22%
4630 Court Fines	3,461	-	-	-	3,461	35%
4640 Copies & Reports	3	-	-	-	3	3%
TOTAL CURRENT SERVICE CHARGES	4,264	11,962	-	-	16,226	23%
REVENUE FROM OTHER AGENCIES						
4710 Motor Vehicle Fees	57,145	-	-	-	57,145	48%
4760 Prop 172 Public Safety	9,746	-	-	-	9,746	65%
4770 State Mandated Costs	-	-	-	-	-	-
TOTAL FROM OTHER AGENCIES	66,891	-	-	-	66,891	50%
OTHER SOURCES OF FUNDS						
4800 Rents and Leases	2,050	-	-	-	2,050	114%
4810 Sign Rental & Leases	23,702	-	-	-	23,702	56%
4900 Miscellaneous	190	-	-	-	190	5%
4940 Sale of Property	-	-	-	-	-	-
4950 UT Storage	-	-	-	-	-	0%
4962 Reimbursements	-	-	-	-	-	-
4964 Accounting Fee Reimbursements	-	-	-	-	-	0%
4980 Interest Income	3,198	-	-	-	3,198	2559%
TOTAL OTHER SOURCES OF FUNDS	29,140	-	-	-	29,140	46%
TRANSFERS IN						
4998 Transfer In	-	-	-	-	-	-
4998 Transfer In	-	-	-	-	-	-
4998 Transfer In	-	-	-	-	-	-
4998 Transfer In	-	-	-	-	-	-
TOTAL TRANSFERS IN	-	-	-	-	-	-
TOTAL GENERAL FUND REVENUE	\$ 705,730	\$ 11,962	\$ 27,560	\$ -	\$ 745,252	59%

City of Colfax
 Mid Year Budget Review - General Fund Actual Expenses by Department
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

	100	110	120	160	200	300	400	425	450	500	530	120-000	570-000	Total
PERSONNEL														
5010 Wages and Salaries		\$ 4,500	\$ 38,876				\$ 14,326			\$ 16,074	\$ 7,287		\$ -	\$ 81,262
5015 In Lieu Pay - Wages			1,500											\$ 1,500
5110 Social Security Taxes		344	3,089			1,091				1,226	556			\$ 6,306
5115 Unemployment and Training Taxes		279	366			165				163	92			\$ 1,066
5120 Worker's Compensation			1,636		2,974		595			595	297			\$ 6,097
5130 Health Insurance			7,755				6,072			5,700	3,214			\$ 22,812
5150 Uniform and Shoe Allowance										574				\$ 574
5160 Retirement			1,415				1,241			1,158	659			\$ 4,473
SUPPLIES AND EQUIPMENT														
5201 Materials and Supplies	2,994		178		30		156		152	4,103	352			\$ 7,964
5203 Office Expenses	1,123													\$ 1,123
5220 Copy Machine	39				307	223					152			\$ 721
5300 Equipment Repairs & Maintenance					3,452				185					\$ 3,637
5320 Vehicle Repairs & Maintenance					1,485				2,492					\$ 3,977
5325 Gas & Oil												38		\$ 38
COMMUNICATIONS														
5410 Postage	1,411													\$ 1,411
5420 Telephone	2,246				720	1,358	436			987				\$ 6,247
5430 Internet/Website	1,148	356			137					623				\$ 2,264
5440 Printing and Advertising	545	243							216					\$ 1,041
CONTRACTED SERVICES														
5510 Animal Control Contracts	23,483													\$ 23,483
5540 City Engineering Services			1,733					7,082				1,120		\$ 8,202
5560 Software Maintenance Contract									25,512			19,730		\$ 45,262
5570 Planning Services														\$ -
5580 Booking Fees						230,060								\$ 230,060
5600 Sheriff Protection Services					5,469									\$ 5,469
5620 Fire Protection Services					(4,367)									\$ (4,367)
5625 Fire Volunteer Services														\$ -
5650 Annual Audit	9,188													\$ 9,188
5660 Professional Services			17,364		108	6,584								\$ 24,055
5665 Legal Fees					77,385							810		\$ 78,195
RESOURCE DEVELOPMENT														
5810 Memberships and Dues	1,795													\$ 1,795
5815 Conferences & Meetings	500	150												\$ 650
5870 Education and Training			800											\$ 800
5830 Travel	285		1,787											\$ 2,072
OCCUPANCY														
6100 Rents and Leases					2,128					10,242	1,438			\$ 17,724
6120 Utilities	3,916				343					994	6,534			\$ 7,871
6125 Water										2,497				\$ 2,513
6140 Bldg Repairs and Maintenance					16					223				\$ 223
6160 Security														\$ -
CAPITAL OUTLAY														
7010 Office Equipment/Computer	3,105									3,186				\$ 3,105
7500 Structure Improvements														\$ 3,186
MISCELLANEOUS														
8100 Art Lot Lease	(9)										750			\$ (9)
8250 Miscellaneous														\$ 512
8260 Bank Charges	512													\$ 512
8260 SR 2557 Prop Tax Admin Costs	5,879													\$ 5,879
8263 Economic Development		400												\$ 400
8300 Payment to Other Agencies							86		50					\$ 2,695
8310 POA - Contamination	2,509									2,439				\$ 2,439
8320 LAFCO Fees														\$ 520
8400 Bonds and Insurance	12,084													\$ 12,084
8532 Mandatory Lab Test														\$ -
8550 Election Costs														\$ -
8600 Codification														\$ -
8720 Debt Service										37,741				\$ 37,741
TOTALS	\$ 73,773	\$ 6,272	\$ 77,918	\$ 77,493	\$ 19,280	\$ 231,640	\$ 24,493	\$ 7,082	\$ 25,950	\$ 91,271	\$ 21,330	\$ 20,887	\$ 810	\$ 678,199

City of Colfax
 Mid Year Budget Review - Sewer Fund Summary
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

	Actuals to Date	Adopted Budget	% of Budget	Balance	
<u>REVENUES BY MAJOR CATEGORY</u>					
G.O. Bonds Taxes	3,877	6,500	60%	2,623	
Service Charges	621,219	952,750	65%	331,531	Due to bi-monthly billings - includes revenues for Feb
Debt Service Charges	279,389	378,500	74%	99,111	Due to bi-monthly billings - includes revenues for Feb
IEI Revenues	48,990	88,000	56%	39,010	Due to bi-monthly billings - includes revenues for Feb
Inspection Charges	10,643	15,000	71%	4,357	
Lift Charges/Collection System	116,170	180,613	64%	64,443	Due to bi-monthly billings - includes revenues for Feb
Rents and Leases	1,400	2,400	58%	1,000	
Interest Income	(15)	(575)	3%	(560)	
Interest/Late Charges	21,828	15,080	145%	(6,748)	
TOTAL REVENUES	1,103,500	1,638,268	67%	534,768	
<u>EXPENDITURES BY CATEGORY</u>					
Personnel	211,441	395,309	53%	183,868	
Supplies and Equipment	87,767	125,000	70%	37,233	
Communications	2,917	5,826	50%	2,909	
Contracted Services	168,513	361,500	47%	192,987	
Resource Development	2,363	2,750	86%	387	
Occupancy	106,976	158,000	68%	51,024	
Capital Outlay	-	40,000	0%	40,000	
Miscellaneous	288,299	562,850	51%	274,551	
TOTAL EXPENDITURES	868,275	1,651,235	53%	782,960	
Net Change	235,225	(12,967)	-1814%	(248,192)	

City of Colfax
 Mid Year Budget Review - Sewer Fund Revenue
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

<u>Actual Revenues To Date</u>		560	561	563	565	567	Total	Budget	%
4060	G.O. Bonds Taxes	-			3,877		\$ 3,877	6,500	60%
4660	Service Charges	621,219					\$ 621,219	952,750	65%
4662	Debt Service Charges			279,389			\$ 279,389	378,500	74%
4665	I&I Revenues					48,990	\$ 48,990	88,000	56%
4672	Inspection Charges	-	10,643				\$ 10,643	15,000	71%
4680	Lift Charges/Collection System		116,170				\$ 116,170	180,613	64%
4800	Rents and Leases	1,400					\$ 1,400	2,400	58%
4980	Interest Income	(19)			4		\$ (15)	(575)	3%
4982	Interest/Late Charges	16,146		5,611		71	\$ 21,828	15,080	145%
Total Revenues		638,745	126,813	285,000	3,881	49,061	1,103,500	1,638,268	67%

City of Colfax
 Mid Year Budget Review - Sewer Fund Expenses by Category
 Actuals as of January 31, 2013
 Percent of Year : 58.3%

	Actuals	Budget	% Expended
PERSONNEL			
5010 Wages and Salaries	\$ 115,554	\$ 261,326	44%
5015 In Lieu Pay - Wages	\$ 1,500	\$ -	#DIV/0!
5040 Salary Call Back	\$ 9,427	\$ -	#DIV/0!
5110 FICA	\$ 10,628	\$ 19,992	53%
5115 Unemployment and Training Taxes	\$ 813	\$ 2,167	38%
5120 Worker's Compensation	\$ 6,395	\$ 8,560	75%
5130 Health Insurance	\$ 55,893	\$ 77,442	72%
5150 Uniform and Shoe Allowance	\$ 803	\$ 2,000	40%
5160 Retirement	\$ 10,428	\$ 23,822	44%
SUPPLIES AND EQUIPMENT			
5201 Materials and Supplies	\$ 23,330	\$ 6,000	389%
5220 Copy Machine	\$ 374	\$ 500	75%
5300 Equipment Repairs & Maintenance	\$ 18,071	\$ 65,000	28%
5320 Vehicle Repairs & Maintenance	\$ 134	\$ 500	27%
5325 Gas & Oil	\$ 3,053	\$ 3,000	102%
5340 Chlorine and Chemicals	\$ 42,804	\$ 50,000	86%
COMMUNICATIONS			
5410 Postage	\$ 1,004	\$ 1,200	84%
5420 Telephone	\$ 1,608	\$ 3,500	46%
5430 Internet/Website	\$ -	\$ 626	0%
5440 Printing and Advertising	\$ 305	\$ 500	61%
	\$ -	\$ -	
CONTRACTED SERVICES			
5540 City Engineering Services	\$ 12,439	\$ 18,500	67%
5560 Software Maintenance Contract	\$ 1,733	\$ 4,000	43%
5650 Annual Audit	\$ 8,813	\$ 9,000	98%
5660 Professional Services	\$ 89,275	\$ 120,000	74%
5665 Legal Fees	\$ 56,253	\$ 210,000	27%
RESOURCE DEVELOPMENT			
5810 Memberships and Dues	\$ 645	\$ 1,000	65%
5820 Education and Training	\$ 1,718	\$ 750	229%
5830 Travel	\$ -	\$ 1,000	0%
	\$ -	\$ -	
OCCUPANCY			
6100 Rents and Leases	\$ 3,740	\$ 20,000	19%
6120 Utilities	\$ 102,638	\$ 135,500	76%
6125 Water	\$ 178	\$ -	
6140 Bldg Repairs and Maintenance	\$ 420	\$ 2,500	17%
CAPITAL OUTLAY			
7015 Other Equipment	\$ -	\$ 5,000	0%
7500 Structure Improvements	\$ -	\$ 35,000	0%
MISCELLANEOUS			
8250 Miscellaneous	\$ -	\$ 400	0%
8270 Hepatitis Vaccination	\$ -	\$ 450	0%
8280 Sludge Removal	\$ 3,853	\$ 5,000	77%
8300 Payments to Other Agencies	\$ 3,372	\$ 95,500	4%
8400 Bonds and Insurance	\$ 25,618	\$ 38,500	67%
8530 Bacteria & Lab Tests	\$ 43,390	\$ 60,000	
8600 Codification	\$ -	\$ 1,000	0%
8710 Interest Expense	\$ 900		
8720 Debt Service	\$ 211,167	\$ 362,000	58%
TOTALS	\$ 868,275	\$ 1,651,235	53%

BUDGET COMPARISON

City of Colfax

	Previous Year			Current Year		
	Amended Budget	YTD Actual	Month Actual	Amended Budget	YTD Actual	Month Actual
As Of: 1/31/2013						
Fund Type: 1.11 General Fund - Unassigned						
Fund: 100 - General Fund						
Revenues						
4010 Property Taxes	0.00	159,484.75	152,399.06	295,000.00	153,719.12	145,102.41
4020 Sales Taxes	0.00	232,658.83	90,709.17	575,000.00	321,986.20	109,324.90
4040 Transient Occupancy Taxes	0.00	10,256.17	1,917.00	16,000.00	11,132.68	2,797.00
4100 Franchises	0.00	4,171.91	217.76	60,000.00	4,588.32	1,278.07
4200 Business Licenses	0.00	13,901.60	175.13	25,000.00	24,709.97	664.75
4210 Plan Check Fees	0.00	1,700.00	0.00	2,000.00	1,124.34	0.00
4220 Building Permits	0.00	9,052.48	2,218.11	10,000.00	12,454.00	1,761.73
4240 Encroachment Permits	0.00	240.00	0.00	250.00	420.00	180.00
4270 Sign Permits	0.00	700.00	0.00	1,000.00	300.00	0.00
4400 Interest Income	0.00	3.01	0.00	0.00	0.00	0.00
4605 Recreation Fees	0.00	1,540.00	1,540.00	4,500.00	800.00	100.00
4620 Planning and Zoning Fees	0.00	85.50	0.00	55,000.00	0.00	0.00
4630 Court Fines	0.00	3,320.89	436.18	10,000.00	3,460.57	1,057.79
4640 Copies and Reports	0.00	310.21	0.00	100.00	3.30	0.00
4700 State Motor Vehicle License	0.00	986.04	0.00	0.00	1,021.62	0.00
4710 Motor Vehicle In Lieu	0.00	58,217.00	58,217.00	120,000.00	56,123.00	56,123.00
4760 Prop 172 - Public Safety	0.00	9,067.20	1,568.18	15,000.00	9,746.43	1,483.62
4800 Rents & Leases	0.00	1,100.00	200.00	1,800.00	2,050.00	1,150.00
4810 Sign Rental	0.00	27,515.46	3,528.85	42,000.00	23,701.95	2,528.85
4900 Miscellaneous Revenues	0.00	3,345.83	20.00	4,000.00	190.00	10.00
4950 UT Storage	0.00	0.00	0.00	15,000.00	0.00	0.00
4962 Reimbursements	0.00	16,500.00	0.00	0.00	0.00	0.00
4964 Accounting & Admin Reimb.	0.00	0.00	0.00	1,000.00	0.00	0.00
4980 Interest Income	0.00	314.21	256.73	125.00	3,198.29	2,424.72
Total Revenues	0.00	554,471.09	313,403.17	1,252,775.00	630,729.79	325,986.84
Expenditures						
5010 Salaries and Wages	0.00	5,200.00	1,300.00	7,800.00	4,500.00	550.00
5010 Salaries and Wages	0.00	38,133.02	9,331.78	62,075.00	38,876.03	8,198.80
5010 Salaries and Wages	0.00	22,650.64	3,544.24	24,771.00	14,525.58	2,858.16
5010 Salaries and Wages	0.00	27,911.55	3,298.47	24,597.00	11,599.36	2,261.26
5010 Salaries and Wages	0.00	2,077.84	40.89	13,959.00	6,757.54	1,322.20
5010 Salaries and Wages	0.00	40.89	0.00	0.00	0.00	0.00
5015 In Lieu Pay - Wages	0.00	1,400.00	200.00	4,800.00	1,500.00	400.00
5040 Salary - Call back	0.00	9,271.25	2,000.00	0.00	4,474.25	400.00
5040 Salary - Call back	0.00	0.00	0.00	0.00	529.00	200.00
5060 Council Members Stipends	0.00	321.37	0.00	0.00	0.00	0.00
5110 Social Security Taxes	0.00	397.84	99.46	600.00	344.29	42.08
5110 Social Security Taxes	0.00	0.27	0.27	0.00	0.00	0.00
5110 Social Security Taxes	0.00	3,011.07	729.19	5,116.00	3,088.75	657.77
5110 Social Security Taxes	0.00	1,693.39	271.13	1,895.00	1,090.75	218.64
5110 Social Security Taxes	0.00	2,805.16	405.33	1,882.00	1,226.15	202.84
5110 Social Security Taxes	0.00	153.67	3.13	1,068.00	555.67	116.08
5110 Social Security Taxes	0.00	3.14	0.00	0.00	0.00	0.00
5115 Unemployment & Training Taxes	0.00	322.40	80.60	500.00	279.00	34.10
5115 Unemployment & Training Taxes	0.00	0.02	0.00	0.00	0.00	0.00
5115 Unemployment & Training Taxes	0.00	583.25	537.16	555.00	366.43	366.43
5115 Unemployment & Training Taxes	0.00	211.01	211.01	205.00	164.89	164.89
5115 Unemployment & Training Taxes	0.00	505.30	328.51	204.00	162.91	162.91
5115 Unemployment & Training Taxes	0.00	55.32	2.54	116.00	92.31	92.31
5115 Unemployment & Training Taxes	0.00	1.96	0.00	0.00	0.00	0.00
5120 Workmen's Compensation	0.00	340.47	226.98	2,191.00	1,635.81	545.27
5120 Workmen's Compensation	0.00	4,690.20	3,126.80	4,000.00	2,974.20	991.40
5120 Workmen's Compensation	0.00	366.69	244.46	811.00	594.84	198.28
5120 Workmen's Compensation	0.00	1,405.45	936.30	806.00	594.84	198.28
5120 Workmen's Compensation	0.00	357.51	238.34	457.00	297.42	99.14
5130 Health Insurance	0.00	0.00	0.00	11,052.00	7,755.45	933.73
5130 Health Insurance	0.00	715.40	0.00	6,564.00	6,072.16	1,033.54
5130 Health Insurance	0.00	14,910.85	3,898.90	7,848.00	5,770.41	745.15
5130 Health Insurance	0.00	2,502.40	337.70	4,164.00	3,213.67	437.33
5130 Health Insurance	0.00	337.70	337.70	0.00	0.00	0.00
5150 Uniform & Shoe Allowance	0.00	530.15	103.09	1,000.00	573.58	176.98
5160 Retirement	0.00	1,630.06	372.58	4,797.00	1,415.22	427.84
5160 Retirement	0.00	1,760.22	290.51	2,623.00	1,241.02	248.74
5160 Retirement	0.00	2,764.33	336.34	1,902.00	1,157.86	225.54
5160 Retirement	0.00	147.67	4.17	1,121.00	658.80	128.75
5160 Retirement	0.00	4.17	0.00	0.00	0.00	0.00
5170 Car Allowances	0.00	200.00	0.00	0.00	0.00	0.00
5201 Materials and Supplies	0.00	1,658.79	119.82	3,500.00	2,993.77	94.60

BUDGET COMPARISON

City of Colfax

	Previous Year			Current Year		
	Amended Budget	YTD Actual	Month Actual	Amended Budget	YTD Actual	Month Actual
As Of: 1/31/2013						
Fund Type: 1.11 General Fund - Unassigned						
Fund: 100 - General Fund						
Expenditures						
6125 Water	0.00	562.11	0.00	1,250.00	993.63	0.00
6125 Water	0.00	6,680.38	0.00	11,000.00	6,534.15	0.00
6140 Building Repairs & Maintenance	0.00	0.00	0.00	400.00	16.30	0.00
6140 Building Repairs & Maintenance	0.00	688.68	200.00	6,000.00	2,496.75	0.00
6140 Building Repairs & Maintenance	0.00	0.00	0.00	1,200.00	0.00	0.00
6160 Security	0.00	222.60	0.00	500.00	222.60	111.30
7010 Office Equipment	0.00	2,218.50	2,218.50	3,000.00	3,104.94	150.14
7500 Structure Improvements	0.00	0.00	0.00	10,000.00	3,186.42	0.00
8100 Art Lot Lease	0.00	733.80	0.00	750.00	750.38	0.00
8250 Miscellaneous	0.00	70.00	0.00	500.00	-8.82	0.00
8250 Miscellaneous	0.00	108.00	0.00	150.00	0.00	0.00
8250 Miscellaneous	0.00	0.00	0.00	300.00	0.00	0.00
8250 Miscellaneous	0.00	45.13	0.00	200.00	0.00	0.00
8252 Bank Charges	0.00	1,029.78	128.85	1,550.00	511.67	58.72
8260 SB 2557 Prop Tax Admin Costs	0.00	13,778.35	13,778.35	11,200.00	5,878.61	5,878.61
8263 Economic Development	0.00	0.00	0.00	1,200.00	400.00	0.00
8300 Payments to Other Agencies	0.00	0.00	0.00	0.00	50.00	0.00
8300 Payments to Other Agencies	0.00	2,506.00	0.00	3,000.00	2,509.00	0.00
8300 Payments to Other Agencies	0.00	62.00	0.00	100.00	86.21	0.00
8300 Payments to Other Agencies	0.00	28.95	28.95	0.00	0.00	0.00
8310 POA - Contamination	0.00	14,124.07	0.00	15,000.00	2,439.00	0.00
8320 LAFCO Fees - Placer County	0.00	0.00	0.00	800.00	520.40	0.00
8400 Bonds and Insurance	0.00	15,479.00	0.00	25,000.00	12,083.75	0.00
8400 Bonds and Insurance	0.00	0.00	0.00	100.00	0.00	0.00
8532 Mandatory Lab Test	0.00	0.00	0.00	500.00	0.00	0.00
8550 Election Costs	0.00	0.00	0.00	0.00	1,418.02	0.00
8600 Codification	0.00	0.00	0.00	1,000.00	0.00	0.00
8720 Debt Service	0.00	10,070.50	5,352.00	20,000.00	37,741.00	0.00
9998 Transfer Out	0.00	162.64	162.64	0.00	0.00	0.00
Total Expenditures	250.00	594,998.04	99,557.88	1,112,084.00	656,501.56	64,682.40
Total General Fund	-250.00	-40,526.95	213,845.29	140,691.00	-25,771.77	261,304.44
Fund: 570 - Garbage Fund						
Revenues						
4100 Franchises	0.00	10,750.00	0.00	0.00	21,500.00	10,750.00
4660 Service Charges	0.00	-714.74	0.00	0.00	6,059.88	0.00
4980 Interest Income	0.00	-597.47	-225.35	0.00	0.00	0.00
4982 Interest/Late Charges	0.00	1,157.56	-0.82	0.00	0.00	0.00
Total Revenues	0.00	10,595.35	-226.17	0.00	27,559.88	10,750.00
Expenditures						
5010 Salaries and Wages	0.00	-982.53	0.00	0.00	0.00	0.00
5015 In Lieu Pay - Wages	0.00	250.00	0.00	0.00	0.00	0.00
5110 Social Security Taxes	0.00	195.57	0.00	0.00	0.00	0.00
5115 Unemployment & Training Taxes	0.00	18.40	0.00	0.00	0.00	0.00
5120 Workmen's Compensation	0.00	122.22	0.00	0.00	0.00	0.00
5130 Health Insurance	0.00	1,029.50	0.00	0.00	0.00	0.00
5160 Retirement	0.00	219.55	0.00	0.00	0.00	0.00
5410 Postage	0.00	125.00	0.00	0.00	0.00	0.00
5540 City Engineering Services	0.00	37.50	0.00	0.00	0.00	0.00
5650 Auditors	0.00	4,300.38	0.00	0.00	0.00	0.00
5660 Professional Services	0.00	193.37	0.00	0.00	0.00	0.00
5665 Legal Fees	0.00	8,563.13	112.50	0.00	810.00	0.00
8400 Bonds and Insurance	0.00	2,226.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	16,298.09	112.50	0.00	810.00	0.00
Total Garbage Fund	0.00	-5,702.74	-338.67	0.00	26,749.88	10,750.00
Total General Fund - Unassigned	-250.00	-46,229.69	213,506.62	140,691.00	978.11	272,054.44
Fund Type: 1.14 General Fund - Restricted						
Fund: 571 - AB939 Landfill Oversion						
Revenues						
4660 Service Charges	0.00	0.65	0.00	0.00	209.30	0.00

BUDGET COMPARISON

City of Colfax

	Previous Year			Current Year		
	Amended Budget	YTD Actual	Month Actual	Amended Budget	YTD Actual	Month Actual
As Of: 1/31/2013						
Fund Type: 1.24 Special Rev Funds - Restricted						
Fund: 244 - CDBG MicroEnterprise Lending						
Expenditures						
9998 Transfer Out	0.00	0.00	0.00	-3,600.00	0.00	0.00
Total Expenditures	0.00	0.00	0.00	-3,600.00	0.00	0.00
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Total CDBG MicroEnterprise Lending	0.00	846.52	199.01	7,200.00	1,036.14	138.46
Fund: 250 - Streets - Roads/Transportation						
Revenues						
4280 Transportation Permits	0.00	678.00	12.00	1,200.00	510.00	12.00
4540 Local Transportation Fund	0.00	0.00	0.00	81,000.00	44,643.50	0.00
4541 State Transit Assistance Fund	0.00	0.00	0.00	9,000.00	0.00	0.00
4980 Interest Income	0.00	-32.90	-21.34	150.00	-14.71	0.00
4998 Transfer In	0.00	0.00	0.00	45,221.00	0.00	0.00
Total Revenues	0.00	645.10	-9.34	136,571.00	45,138.79	12.00
Expenditures						
5010 Salaries and Wages	0.00	33,534.77	6,342.31	69,251.00	32,457.31	6,094.09
5040 Salary - Call back	0.00	1,110.00	0.00	0.00	2,178.00	400.00
5110 Social Security Taxes	0.00	2,583.60	482.80	5,298.00	2,610.29	492.54
5115 Unemployment & Training Taxes	0.00	503.81	391.17	574.00	390.71	390.71
5120 Workmen's Compensation	0.00	2,712.84	1,808.56	2,269.00	1,635.81	545.27
5130 Health Insurance	0.00	16,424.40	4,113.80	10,152.00	8,582.75	1,325.73
5150 Uniform & Shoe Allowance	0.00	848.23	164.94	1,400.00	917.69	283.16
5160 Retirement	0.00	3,169.48	644.16	3,528.00	3,100.83	583.90
5201 Materials and Supplies	0.00	1,626.81	0.00	3,500.00	2,522.45	457.67
5300 Equip. Repairs & Maintenance	0.00	134.78	0.00	500.00	242.48	0.00
5320 Vehicle Repairs & Maintenance	0.00	3,101.29	673.82	3,500.00	469.89	216.45
5350 Tools Rental	0.00	0.00	0.00	500.00	0.00	0.00
5420 Telephone	0.00	1,143.58	161.72	2,200.00	638.57	73.38
5540 City Engineering Services	0.00	1,390.00	-596.25	3,500.00	6,109.63	1,175.38
5590 Transit Services	0.00	0.00	0.00	11,900.00	0.00	0.00
5650 Auditors	0.00	747.88	0.00	750.00	750.04	0.00
5660 Professional Services	0.00	2,928.27	425.75	5,000.00	2,575.46	372.94
5820 Education and Training	0.00	2.40	0.00	750.00	0.00	0.00
5830 Travel and Mileage Reimb.	0.00	46.92	0.00	0.00	0.00	0.00
8400 Bonds and Insurance	0.00	7,628.00	0.00	12,000.00	7,250.25	0.00
Total Expenditures	0.00	79,637.06	14,612.78	136,572.00	72,432.16	12,411.22
<hr/>						
Total Streets - Roads/Transportation	0.00	-78,991.96	-14,622.12	-1.00	-27,293.37	-12,399.22
Fund: 270 - Beverage Container Recycling						
Revenues						
4560 State Grant	0.00	0.00	0.00	5,000.00	0.00	0.00
4980 Interest Income	0.00	25.33	9.64	75.00	12.66	0.00
Total Revenues	0.00	25.33	9.64	5,075.00	12.66	0.00
Expenditures						
5201 Materials and Supplies	0.00	0.00	0.00	12,000.00	0.00	0.00
Total Expenditures	0.00	0.00	0.00	12,000.00	0.00	0.00
<hr/>						
Total Beverage Container Recycling	0.00	25.33	9.64	-6,925.00	12.66	0.00
Fund: 286 - Bricks						
Revenues						
4980 Interest Income	0.00	6.99	2.66	20.00	2.76	0.00
Total Revenues	0.00	6.99	2.66	20.00	2.76	0.00
<hr/>						
Total Bricks	0.00	6.99	2.66	20.00	2.76	0.00
<hr/>						
Total Special Rev Funds - Restricted	0.00	-72,375.08	-14,327.99	404.00	-37,905.72	28,463.96

Fund Type: 1.3 CAPITAL PROJECT FUNDS

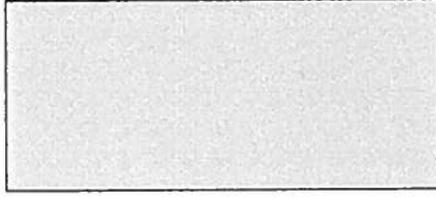
BUDGET COMPARISON

City of Colfax

	Previous Year			Current Year		
	Amended Budget	YTD Actual	Month Actual	Amended Budget	YTD Actual	Month Actual
As Of: 1/31/2013						
Fund Type: 2.11 Enterprise Funds - Unassigned						
Fund: 560 - Sewer						
Expenditures						
5440 Printing and Advertising	0.00	613.65	114.12	500.00	304.50	0.00
5540 City Engineering Services	0.00	5,950.08	1,729.75	8,500.00	7,432.50	840.00
5560 Software Maintenance Contract	0.00	1,858.00	0.00	4,000.00	1,733.33	0.00
5650 Auditors	0.00	4,300.38	0.00	9,000.00	8,812.98	0.00
5660 Professional Services	0.00	275,106.90	19,821.04	120,000.00	89,274.62	17,303.69
5665 Legal Fees	0.00	85,845.38	10,047.46	210,000.00	56,252.97	22,601.72
5810 Membership and Dues	0.00	635.00	132.00	1,000.00	645.00	140.00
5820 Education and Training	0.00	0.00	0.00	750.00	1,718.20	895.00
5830 Travel and Mileage Reimb.	0.00	345.71	0.00	1,000.00	0.00	0.00
6100 Rents and Leases	0.00	3,007.09	1,150.00	20,000.00	3,740.00	750.00
6120 Utilities	0.00	84,655.27	19,224.35	125,000.00	94,351.35	11,701.21
6140 Building Repairs & Maintenance	0.00	795.00	0.00	2,500.00	420.00	0.00
7010 Office Equipment	0.00	2,647.47	2,218.49	0.00	0.00	0.00
7015 Other Equipment	0.00	0.00	0.00	5,000.00	0.00	0.00
7500 Structure Improvements	0.00	0.00	0.00	30,000.00	0.00	0.00
8250 Miscellaneous	0.00	0.00	0.00	400.00	0.00	0.00
8270 Hepatitis Vaccination	0.00	188.00	0.00	450.00	0.00	0.00
8280 Sludge Removal	0.00	4,810.45	1,404.92	5,000.00	3,852.89	350.28
8300 Payments to Other Agencies	0.00	2,196.70	0.00	15,000.00	2,621.56	-3,349.74
8400 Bonds and Insurance	0.00	16,059.00	0.00	35,000.00	21,750.75	0.00
8530 Bacteria & Lab Tests	0.00	30,186.48	3,765.00	60,000.00	43,389.81	6,674.00
8600 Codification	0.00	0.00	0.00	1,000.00	0.00	0.00
Total Expenditures	0.00	671,781.75	103,663.71	1,106,406.00	597,705.37	112,478.61
Total Sewer	0.00	-41,805.65	50,184.70	-47,256.00	41,039.99	43,320.39
Fund: 561 - Sewer Liftstations						
Revenues						
4672 Inspection Fees	0.00	8,739.00	1,628.00	15,000.00	10,643.00	1,628.00
4680 Lift Charges/Collection Syst.	0.00	116,181.38	28,505.05	180,613.00	116,169.64	28,524.82
4980 Interest Income	0.00	274.86	110.83	325.00	0.00	0.00
Total Revenues	0.00	125,195.24	30,243.88	195,938.00	126,812.64	30,152.82
Expenditures						
5010 Salaries and Wages	0.00	10,185.61	2,536.97	40,727.00	17,401.31	3,930.23
5040 Salary - Call back	0.00	0.00	0.00	0.00	793.50	300.00
5110 Social Security Taxes	0.00	1,106.56	194.07	3,116.00	1,592.29	322.51
5115 Unemployment & Training Taxes	0.00	188.82	153.16	338.00	260.20	260.20
5120 Workmen's Compensation	0.00	693.27	462.18	1,334.00	1,040.97	346.99
5130 Health Insurance	0.00	5,194.85	1,442.90	11,532.00	8,412.38	1,063.24
5160 Retirement	0.00	1,275.94	230.82	3,282.00	1,933.39	377.60
5201 Materials and Supplies	0.00	2,445.65	0.00	1,000.00	382.09	46.32
5300 Equip. Repairs & Maintenance	0.00	28,632.33	6,689.97	10,000.00	6,065.24	430.00
5325 Gas & Oil	0.00	533.22	0.00	2,000.00	2,155.94	397.22
5410 Postage	0.00	0.00	0.00	0.00	377.21	0.00
5540 City Engineering Services	0.00	9,863.75	4,282.50	10,000.00	5,006.25	1,151.25
5570 Planning Services	0.00	78.50	0.00	0.00	0.00	0.00
6120 Utilities	0.00	5,899.48	1,788.60	10,500.00	8,287.00	1,700.76
6125 Water	0.00	180.45	0.00	350.00	177.57	0.00
7500 Structure Improvements	0.00	0.00	0.00	5,000.00	0.00	0.00
8300 Payments to Other Agencies	0.00	0.00	0.00	3,500.00	0.00	0.00
8400 Bonds and Insurance	0.00	1,736.00	0.00	3,500.00	3,866.80	0.00
9998 Transfer Out	0.00	0.00	0.00	-90,000.00	0.00	0.00
Total Expenditures	0.00	68,014.43	17,781.17	16,179.00	57,752.14	10,326.32
Total Sewer Liftstations	0.00	57,180.81	12,462.71	179,759.00	69,060.50	19,826.50
Fund: 567 - Inflow & Infiltration						
Revenues						
4665 I & I Revenues	0.00	83,074.28	1,970.11	88,000.00	48,990.05	43,191.32
4980 Interest Income	0.00	471.41	180.58	500.00	0.00	0.00
4982 Interest/Late Charges	0.00	76.99	0.00	80.00	71.23	0.00
Total Revenues	0.00	83,622.68	2,150.69	88,580.00	49,061.28	43,191.32
Expenditures						
8300 Payments to Other Agencies	0.00	0.00	0.00	0.00	750.15	750.15

CITY OF COLFAX

MID-YEAR BUDGET REVIEW.
APRIL 24, 2013



BUDGET REVIEW PROCESS

- Reviewed actual revenues and expenditures through January 2013 (seven months) – 58% of year.
- Fund and department level review
- Adjusted for timing differences – Property taxes are teetered (Jan and May), sales tax lags 1-2 months, BL billed and received early in year, sewer bills are bi-monthly, etc.

SEWER FUND SUMMARY

City of Colfax

Mid Year Budget Review - Sewer Fund Summary

Actuals as of January 31, 2013

Percent of Year : 58.3%

	Actuals to Date	Adopted Budget	% of Budget	Balance	
REVENUES BY MAJOR CATEGORY					
G.O. Bonds Taxes	3,877	6,500	60%	2,623	
Service Charges	621,219	952,750	65%	331,531	Due to bi-monthly billings - includes revenues for Feb
Debt Service Charges	279,389	378,500	74%	99,111	Due to bi-monthly billings - includes revenues for Feb
I&I Revenues	48,990	88,000	56%	39,010	Due to bi-monthly billings - includes revenues for Feb
Inspection Charges	10,643	15,000	71%	4,357	
Lift Charges/Collection System	116,170	180,613	64%	64,443	Due to bi-monthly billings - includes revenues for Feb
Rents and Leases	1,400	2,400	58%	1,000	
Interest Income	(15)	(575)	3%	(560)	
Interest/Late Charges	21,828	15,080	145%	(6,748)	
TOTAL REVENUES	1,103,500	1,638,268	67%	534,768	
EXPENDITURES BY CATEGORY					
Personnel	211,441	395,309	53%	183,868	
Supplies and Equipment	87,767	125,000	70%	37,233	
Communications	2,917	5,826	50%	2,909	
Contracted Services	168,513	361,500	47%	192,987	
Resource Development	2,363	2,750	86%	387	
Occupancy	106,976	158,000	68%	51,024	
Capital Outlay	-	40,000	0%	40,000	
Miscellaneous	288,299	562,850	51%	274,551	
TOTAL EXPENDITURES	868,275	1,651,235	53%	782,960	
Net Change	235,225	(12,967)	-1814%	(248,192)	

WHAT FUND BALANCE IS NOT

- Fund Balance is not:
- a "Savings Account"
- Surplus Cash

GASB STATEMENT NO. 54 FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS

Restricted	
<i>Non-spendable</i>	Fund balance should be reported as nonspendable when the amounts cannot be spent because they are either not in spendable form, or are legally or contractually required to be maintained intact. Example: Inventories, prepaid amounts, long-term receivables, endowment funds.
<i>Restricted</i>	Fund balance should be reported as restricted when constraints placed on the use of resources are either externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or imposed by law through constitutional provisions or enabling legislation.

Unrestricted	
<i>Committed Funds</i>	Fund balance should be reported as committed when the amounts can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority. These amounts cannot be used for any other purpose unless the government's City Council modifies, or removes the fund balance commitment.
<i>Assigned Funds</i>	Fund balance should be reported as assigned when the amounts are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed.
<i>Unassigned Funds</i>	Unassigned fund balance is the residual classification of the City's funds and includes all spendable amounts that have not been restricted, committed, or assigned to specific purposes.

WHY DEVELOP A FUND BALANCE POLICY? (CONT)

- Articulates your values before they are under stress
- Identify triggers for need to implement fiscal contingency plans

Good Times Mistakes – Making commitments that are not sustainable

City of Colfax

RESOLUTION NO. 21-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX AMENDING THE 2012-2013 OPERATING BUDGET

WHEREAS, the Council of the City of Colfax adopts its annual operating budget in June of the year preceding the budget year; and

WHEREAS, The Council of the City of Colfax reviews that budget at mid-year to determine changes in estimates or errors in projections.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Colfax, that the 2012-2013 Annual Operating Budget be amended as follows:

<u>Fund-Dept-Account Name</u>	<u>Account Number</u>	<u>Amount</u>
General – Sales and Use Tax	100-000-4220	(\$ 125,000) Increase
General – Legal Fees	100-160-5665	50,000 Increase
General – Planning Services	100-450-5570	15,000 Increase
General – Debt Service	100-500-8720	60,000 Increase

PASSED AND ADOPTED this 24th day of April 2013 by the following vote:

AYES:

NOES:

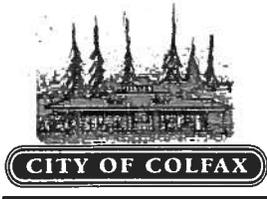
ABSENT:

ABSTAIN:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
April 24, 2013**

Agenda Item No.

10B

To: Honorable Mayor and Members of the City Council
From: Alfred A. "Mick" Cabral, City Attorney
Date: April 24, 2013
Subject: Conduct discussion and provide direction to staff regarding collection of current and delinquent sewer service charges on the County tax roll.

Recommended Action: Conduct discussion and provide direction to staff regarding whether to place current sewer service charges, delinquent sewer service charges or both on the County tax roll

ISSUE STATEMENT AND DISCUSSION:

Colfax Municipal Code (the "Code") Title 13, Chapter 13.08, Article VI authorizes the City to collect sewer service charges for any forthcoming fiscal year or delinquent sewer service charges which have accrued on the County's secured tax roll at the same time as general property taxes. The Code requires the City Council to adopt an ordinance by a two-thirds vote in order to collect the delinquent charges or charges for the ensuing year on the tax roll.

In 2012, the City Council directed staff to place delinquent sewer service charges on the County tax roll but declined to authorize placement of sewer service charges for the forthcoming fiscal year on the tax roll. Staff is preparing to present an ordinance for collection of delinquent sewer service charges on the County tax roll. Since the same ordinance can be used to collect charges for the forthcoming fiscal year, staff thought it advisable to seek the Council's policy direction on whether the ordinance should include only delinquent sewer service charges or both delinquent and current sewer service charges.

The California Teeter Plan (Revenue & Taxation Code Sections 4701 – 4717) allows counties to pay property tax revenues to cities based upon assessment amounts. This includes ad valorem property taxes as well as special assessments and properly – included fees. Current and delinquent sewer service charges can be among those fees.

Under Teeter, the County advances all property tax revenues, assessments and fees included on the annual tax bill to the City. This is typically done in two distributions per year. The County then assumes responsibility for collecting the amounts on all tax bills plus any applicable interest and penalties.

The advantages to the City for collecting its sewer service charges on the County tax roll are generally: (1) collections are guaranteed from all users except those with properties, such as Sierra Vista, that are exempt from levy; (2) income flow can be accurately predicted and budgeted for; (3)

City staff can dispense with the necessity of sending bi-monthly invoices and having to monitor and collect delinquent accounts.

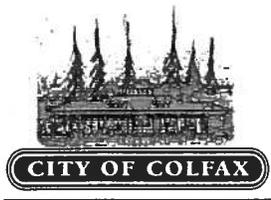
There are disadvantages to using the County tax roll. The primary disadvantage is that the City currently relies upon monthly receipts to meet its revenue needs. Collecting all sewer service charges on the tax roll will mean that the City will have to find a source of revenue to cover the interval between placing the charges on the tax roll and the first distribution from the County which will likely be in January, 2014. The City has a sufficient source of revenue this year via the short term loan received from the County for the wastewater treatment facility.

A second disadvantage is that customers will have to pay their sewer service charges in two installments instead of monthly. This could be a financial hardship for some customers. When the Council discussed this issue last year, it was especially concerned that seniors and individuals on a fixed income would be adversely affected. Some members of the Council and community expressed their preference to pay monthly instead of on the tax roll. Others expressed their preference to pay along with their real property tax payments.

The Finance Director will be preparing a report of delinquent sewer service charges. That report will be presented at a public hearing for discussion. If the Council wants to include current sewer service charges on the tax roll, the report can be amended accordingly.

Timing is important. The City Clerk must publish notice of the public hearing. The ordinance that will implement collection must be introduced at one meeting and adopted at a following meeting prior to the inception of the July 1, 2013 – June 30, 2014 fiscal year.

Staff will be available to answer any questions or provide additional information.



**REPORT TO
COLFAX CITY COUNCIL**

**COUNCIL MEETING OF
April 24, 2013**

Agenda Item No.

10C

To: Honorable Mayor and Members of the City Council
From: Bruce Kranz, City Manager
Alfred A. "Mick" Cabral, City Attorney
Laurie Van Groningen, Finance Director
Date: April 24, 2013
Subject: Consideration of Adoption of Resolution No. 22-2013 and related documents to extend the maturity date of the Colfax Wastewater Treatment Facility Loan from April 21, 2013 to June 30, 2014.

Recommended Action: Conduct discussion, adopt Resolution No. 22-2013, and approve an amended Note and Note Purchase Contract extending the loan maturity date.

ISSUE STATEMENT AND DISCUSSION:

On August 22, 2012, the City Council approved obtaining a short term loan from Placer County to provide adequate cash flow for completing several pending wastewater treatment facility projects. The County agreed to loan Colfax up to \$3 million at a rate of about .90% per annum. The interest rate was based upon the closing yield on September 14, 2012 of the United States Treasury Note maturing on April 15, 2013, plus 1/2% per annum. These terms are very favorable to Colfax.

The original Note evidencing this loan is dated September 19, 2012 and matures on April 21, 2013. The County is willing to extend the maturity date to June 30, 2014 on the same terms and conditions. In order to extend the maturity date, the county requires a Resolution, amended Note and amended Note Purchase Agreement, copies of which are included with this report. The terms of these documents are almost identical to the documents approved by the Council on August 22, 2012. The primary difference is that the dates have been changed.

This arrangement with the County remains very favorable to Colfax. There is no reason not to extend the loan maturity date on the terms provided. The loan can be prepaid at any time, without penalty, in increments of not less than \$500,000 each. Staff will likely make various prepayments as wastewater treatment facility grants are received.

Staff is available to answer any questions or provide any additional information the Council requests.

City of Colfax

Resolution 22 -2013

Whereas, the City of Colfax (the “City”) is under Federal, State and Regional mandate to upgrade its wastewater treatment facilities and sewer system infrastructure; and

Whereas, the City has secured a loan (the “Loans and Grants”) from the State Water Resources Control Board in the preliminary amount of \$5,064,600; and

Whereas, the City has secured a Rural Development Grant (the “Loans and Grants”) from the United States Department of Agriculture in the amount of \$1,000,000; and

Whereas, the City has entered into contracts for the construction of required improvements to the City’s wastewater treatment facilities and sewer system infrastructure; and

Whereas, the City must pay its contractors, and the State grants and loans will become available after required contract payments; and

Whereas, the City determined that the amount of \$3,000,000 was needed for short-term financing of the wastewater treatment facility improvements and does not exceed the amount that the City will receive from Loans and Grants; and

Whereas, the City required an amount not to exceed \$3,000,000, by September 21, 2012, to be repaid by April 21, 2013, with interest payable at a rate not to exceed 1.5 percent; and

Whereas, the Placer County Treasurer (the “Treasurer”) assisted the City by purchasing short-term debt issued by the City to finance cash flow associated with the receipt and payment of money to upgrade its wastewater treatment facilities; and

Whereas, the City has pledged the future Loans and Grants, and future Property Tax Revenues for the repayment of debt issued by the City and purchased by the Treasurer and;

Whereas, in conjunction with the foregoing, the City executed and delivered to the Treasurer the Colfax Wastewater Treatment Facility Note, 2012 dated September 19, 2012 with a Face Amount (Maximum Principal Amount) of Three Million Dollars and a maturity date of April 21, 2013 (the “Note”); and

Whereas, the City desires to extend the maturity date of the Note from April 21, 2013 to June 30, 2014; and

Whereas, in order to accommodate extension of the Note maturity date to June 30, 2014, the County requires a Facility Note Amendment and a Note Purchase Contract; and

Whereas, the City Council hereby finds and determines that extending the Note maturity date to June 30, 2014, providing the Facility Note Amendment and Note Purchase Contract are in the best interests of the City.

Therefore be it resolved, the City hereby dedicates its Loans and Grants, and future Property Tax Revenues to the repayment of short-term debt issued by the City to finance its cash flow associated with the receipt and payment of money to upgrade its wastewater treatment facilities; and

Be it further resolved, that the Mayor and the City Manager are hereby authorized to take any and all necessary action to execute a short-term debt instrument, and to take any and all necessary action for the repayment thereof, to finance the cash flow of contractor payments pending the receipt of State grants and loans for improvements to the wastewater treatment system.

Be it further resolved, that the Facility Note Amendment and Note Purchase Contract are hereby approved and the City Manager is hereby authorized to execute and deliver them on behalf of the City and to make such principal Note payments prior to the extended maturity date as the City Manager deems advisable.

The foregoing Resolution was duly and regularly adopted at a special meeting of the City Council of the City of Colfax held on the 24th day of April, 2013 by the following roll call vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk

First Amendment To Colfax Wastewater Treatment Facility Note, 2012

Dated Date: April 21, 2013 Maturity Date: June 30, 2014

Registered Owner: Placer County Treasurer

Face Amount (Maximum Principal Amount): Three Million Dollars

The City of Colfax (the "City") is an incorporated city, duly organized and existing under the laws of the State of California (the "State") and for value received hereby promises to pay, subject only to the provisions of that certain Note Purchase Contract dated April 21, 2013 (the "Note Purchase Contract"), between the City and the Placer County Treasurer (the "Note Holder"), providing for the allocation and application of amounts received and held by the City, by wire transfer or deposit to an account specified by the Note Holder, the principal amount hereof, on the date described below, with interest on the unpaid principal balance hereof at the rates determined as described below and on the dates described below (each date as "Maturity Date"), in lawful money of the United States of America. Capitalized terms used herein shall have the meanings ascribed thereto in the Note Purchase Contract.

Pledge; Limited Obligation

To secure the payment of principal of and interest on this Note, the City hereby pledges all Loans and Grants and Revenues and all other funds and accounts held from time to time by the City, subject only to the provisions of the Note Purchase Contract permitting the application of Loans and Grants and Property Tax Revenues of the City for the purposes and on the terms and conditions set forth in the Note Purchase Contract.

This Note is a limited obligation of the City payable solely from, Loans and Grants, and Property Tax Revenues of the City, and is not secured by a legal or equitable pledge, or lien or charge upon, any other property of the City or the Project. Neither the faith and credit nor the taxing powers of the State, any public agency or any political subdivision of the State is pledged for the purpose of the principal of or interest on this Note. Neither the City Council, nor any person executing this Note, are personally liable on this Note by reason of its issuance. No City Council member, officer or employee of the City shall be individually or personally liable for the payment of the principal of or interest on this Note or in respect of any undertakings by the City under the Note Purchase Contract.

Interest

Interest on the Note shall be due and payable at the interest rate determined as set forth below on the principal amount of the Note on, the Maturity Date of the Note.

From the Dated Date of this Note through the Maturity Date, the Note shall bear interest on the outstanding principal balance at the rate of .40 per annum which is the

closing yield on September 14, 2012 of the United States Treasury Note maturing on April 21, 2013 plus 1/2% per annum. The amount of interest due and payable on the Maturity Date will be computed on the actual/360 day count basis for the number of days elapsed.

In the event of prepayment of principal, as described below, the City will pay interest from the Dated Date to the Principal Prepayment Date on the amount of the principal prepayment being prepaid.

Principal

The principal amount of this Note as of any given date shall be equal to the total amount advanced by the Note Holder less any Principal Prepayment in accordance with the terms of the Note Purchase Contract as principal on this Note.

Principal on this Note shall be due and payable on the Maturity date.

Advances of Principal

Principal shall be advanced on the Dated Date.

Prepayment of Principal

Principal on this Note may be prepaid at the option of the City, in whole or in part, without premium, on any date upon the provision of two days' prior written notice to the Note Holder. Principal prepayments must be in amounts of \$500,000 or greater.

Incorporation of Bond Purchase Contract

All of the agreements, covenants, conditions, limitations, provisions and stipulations contained in the Note Purchase Contract are hereby made a part of this Note to the same extent and with the same effect as if they were fully set forth herein.

Actions and Remedies Upon Default

Upon the occurrence of a default, the Note Holder may take any or all of the actions authorized by the Note Purchase Contract. In the event of a default, all principal and interest amounts due together with any attorney's fees incurred by the Note Holder in collecting or enforcing payment hereof, whether suit be brought or not, and all other sums due hereunder or under the Note Purchase Contract, notwithstanding anything to the contrary therein and payment thereof may be enforced and recovered in whole or in part, at any time, by one or more of the remedies provided in this Note or the Note Purchase Contract.

The remedies of the Note Holder, as provided herein and in the Note Purchase Contract, may be pursued at the sole discretion of the Note Holder and may be exercised as often as occasion therefore shall occur. The failure to exercise any such right or remedy shall in no event be construed as a waiver or release thereof.

The Note Holder shall not be deemed, by any act of omission or commission, to have waived any of its rights or remedies hereunder unless such waiver is in writing and

signed by the Note Holder and then only to the extent specifically set forth in the waiver.

A waiver with reference to one event shall not be construed as a continuing waiver or as a bar to or waiver of any right or remedy as to a subsequent event.

Registration; Transfer Only to Legal Successor

This Note is transferable upon the books of the City by the registered Note Holder hereof in person or by its attorney duly authorized in writing, upon surrender of this Note together with a written instrument of transfer satisfactory to the City, duly executed by the registered Note Holder or its duly authorized attorney; provided, this Note may be transferred only to a legal successor of the Note Holder. Upon such transfer, the City will note the date of registration and the name and address of they newly registered Note Holder on the books of the City. The City may deem and treat the person in whose name this Note is last registered upon the books of the City as the absolute owner hereof for the purpose of payments so made to the registered Note Holder or upon such Note Holder's order shall be valid sums so paid, and the City shall not be affected by any notice to the contrary.

It is intended that this Note is made with reference to and shall be construed as a contract governed by the laws of the State of California.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts and things required to exist, happen and be performed precedent to or in the issuance of this Note do exist, have happened and have been performed in regular and due form as required by law.

IN WITNESS WHEREOF, the City has caused this Note to be executed and attested on its behalf by the manual signatures of its duly authorized officers, all as of the date first set forth above.

CITY OF COLFAX

By: _____
Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk

NOTE PURCHASE CONTRACT

This NOTE PURCHASE CONTRACT, dated April 21, 2013 (this "Note Purchase Contract"), between the City of Colfax (the "City"), an incorporated city, duly organized and existing under the laws of the State of California (the "State"), and the Placer County Treasurer (the "Note Holder").

WITNESSETH:

WHEREAS, the City of Colfax is responsible for wastewater treatment for the benefit of the people of the City of Colfax; and

WHEREAS, the City has incurred costs and will continue to incur costs in connection with the improvement of the City's wastewater treatment facilities as required by State and Federal authorities (the "Project") , and desires to have interim short-term financing of those costs; and

WHEREAS, the City has determined to issue the First Amendment To Note dated April 21, 2013 (the "Note") and has offered to sell the Note to the Note Holder; and

WHEREAS, the Note Holder has determined that the Note is an appropriate investment for the funds held in the Placer county Treasurer's Investment Pool and is willing to purchase the Note on the terms and conditions set forth herein; and

WHEREAS, in order to induce the Note Holder to purchase the Note on such terms and conditions, the City has delivered to the Note Holder that certain Letter of Representations of the City (the "Letter of Representations"), dated hereof;

NOW, THEREFORE, in consideration of the premises and of the mutual agreements and covenants contained herein and for other valuable consideration, the parties hereto do hereby agree as follows:

1. Definitions. Unless the context otherwise requires, capitalized terms used herein and not otherwise defined shall have the meaning set forth in Appendix A attached hereto.
2. Terms of Note. The Note shall be issued in physical form in a face amount (maximum principal amount) of \$3,000,000 and shall mature on June 30, 2014. The Note shall be in the form of Appendix B attached hereto and shall be executed by the Mayor of the City and attested by the City Clerk.

The principal amount of the Note as of any given date shall be equal to (i) the total amount advanced by the Note Holder less any Principal Prepayment in accordance with the terms of this Note Purchase Contract as principal on this Note, provided the principal amount shall at no time exceed \$3,000,000. The Note Holder shall maintain

accurate records with respect to the principal amount of the Note from time to time outstanding.

3. Advances of Principal on the Note.

- (a) General. The Note Holder shall on the Dated Date; advance the amount of \$3,000,000 to the City for the purpose paying costs associated with the Project as required by State and Federal authorities.
- (b) Conditions to Purchase. The obligation of the Note Holder to advance principal on the Note on the Closing Date shall be subject to the receipt by the Note Holder of the following.
 - i. The Note, validly issued and delivered to the Note Holder,
 - ii. A copy of the City resolution, adopted by the City Council on April 24, 2013, certified by the City Clerk as having been duly adopted in accordance with applicable law and as being in full force and effect,
 - iii. A fully-executed copy of the City Letter of Representations in the form of Appendix C attached hereto,

4. Representations, Warranties, Covenants and Agreements of the City. The City hereby represents, warrants and covenants to and agrees with the Note Holder that:

- (a) The City is incorporated, duly organized and existing under the laws of the State, and has full legal right, power and authority to (i) execute and deliver this Note Purchase Contract, (ii) issue the Note and sell and deliver the Note to the Note Holder on the terms and conditions set forth in this Note Purchase Contract, (iii) pledge the Loans and Grants and Property Tax Revenues described in the Note to secure the payment of principal of and interest on the Note and (iv) perform its obligations under this Note Purchase Contract;
- (b) The City has duly adopted the City Resolution, duly authorized and approved the issuance, sale and delivery of the Note, duly authorized and approved the execution and delivery of this Note Purchase Contract, duly authorized and approved the performance by the City of its obligations contained in, and the taking of any and all actions as may be necessary to carry out, give effect to and consummate the transactions contemplated by, the Note and this Note Purchase contract;
- (c) The Note has been duly and validly issued by the City and this Note Purchase Contract has been duly executed and delivered by the City and the Note and this Note Purchase Contract constitute valid and binding obligations of the City, enforceable in accordance with their respective terms, subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the enforcement of creditors' rights generally and to general principals of equity;

- (d) The Note creates a valid pledge of the City's Loans and Grants and Property Tax Revenues described in the Note to secure payment of principal of and interest on the Note, subject only to the provisions of this Note Purchase Contract permitting the application of the City's Loans and Grants and Property Tax Revenues held by the City for the purposes and on the terms and conditions set forth in this Note Purchase Contract;
- (e) The City is not in breach of or default under any applicable law or administrative regulation of the State, the United States of America, or of any department, division, agency or instrumentality of either thereof, or any applicable court or administrative decree or order or any loan agreement, note, resolution, certificate, contract, agreement or other instrument to which the City is a party or is otherwise subject; the execution and delivery of this Note Purchase Contract, the Note and the other instrument contemplated by any of such documents to which the City is or will be a party and compliance with the provisions of each thereof will not conflict with or constitute a breach of or default under any applicable law or administrative regulation of the State, the United States of America, or of any department, division, agency or instrumentality of either thereof, or any applicable court or administrative decree or order or any loan agreement, note, resolution, certificate, contract, agreement or other instrument to which the City is a party or is otherwise subject or bound;
- (f) No litigation is pending in any court or before any tribunal or administrative agency or, to the knowledge of the City, threatened in any way affecting the existence of the City or the titles of the members of its Council or officers of the City to their respective offices, or seeking to restrain or enjoin the issuance, sale or delivery of the Note, the pledge of the City's Loans and Grants and Property Tax Revenues or in any way contesting or affecting the validity or enforceability of the Note or this Note Purchase Contract or the powers of the City or its authority to perform its duties under this Note Purchase Contract.
- (g) All of the information provided by the City to the Note Holder in connection with the negotiation of the terms and the execution and delivery of the Note Purchase Contract is true, correct and complete in all material respects;
- (h) The City will punctually pay the principal of and interest on the Note in strict conformity with the terms thereof, and will faithfully observe and perform all the agreements, conditions, covenants and terms contained in the Note and in this Note Purchase Contract required to be observed and performed by it, and will not terminate this Note Purchase Contract for any cause whatsoever, including, without limiting the generality of the foregoing, any acts or circumstances that may constitute failure of consideration, destruction of or damage to the wastewater treatment facilities, commercial

frustration of purpose, any change in the tax or other laws of the United States of America or of the State or any political subdivision of either or any failure of the Note Holder to observe or perform any agreement, conditions, covenant or term contained herein required to be observed and performed by it, whether express or implied.;

- (i) The City will preserve and protect the security hereof and the rights of the Note Holder to the payment of principal of and interest on the Note and will warrant and defend such rights against all claims and demands of all persons;
- (j) The City will, so long as the Note remains outstanding, apply amounts as provided herein, and will not make any use of or encumber the Grants and Loans except as provided herein;
- (k) The City will not issue any bonds, enter into any lease (other than equipment leases entered into in the ordinary course of business) or installment sale agreement or incur any other debt payable from amounts held by the City other than the Note;
- (l) The City will budget and appropriate funds sufficient to pay all Project costs as they become due and payable;
- (m) The City will comply with, keep, observe and perform all agreements, conditions, covenants and terms, express or implied, required to be kept, observed and performed by it contained in all contracts affecting or involving the Project to the extent that the City is a party thereto;
- (n) The City will not enter into any agreement that would impair the rights of the City with respect to the Loans and Grants and Property Tax Revenues;
- (o) The City will pay and discharge any and all lawful claims for labor, materials or supplies which, if unpaid might become a lien on the Loans and Grants or on Property Tax Revenues or any part thereof or on any funds in the hands of the City or which might impair the security of the Note;
- (p) The City will keep appropriate accounting records in which complete and correct entries shall be made of all transactions relating to the Loans and Grants and the expenditure thereof, which records shall be available for inspection by the Note Holder at reasonable hours and under reasonable conditions;
- (q) Promptly upon learning of such occurrence, the City shall provide written notice to the Note Holder of the occurrence of any of the following:
 - i. Discovery that a representation or warranty made by the City in this Note Purchase Contract, the City Letter of Representations is inaccurate in any material respect;

- ii. Any material breach by the City under this Note Purchase Contract or the City Letter of Representations;
 - iii. The filing of any claim or suit, or the threat of any litigation, or the commencing of any administrative proceedings against the City respecting the Note, this Note Purchase Contract, the City Letter of Representations or (if such claim, suit, litigation, or proceeding could materially adversely affect the interest of the Note Holder or the security for the Note) or the Project; or
 - iv. Discovery of any liabilities, current or contingent, arising from any regulatory compliance review of the Project;
- (r) The City will adopt, deliver, execute and make any and all further assurances, instruments and resolutions as may be reasonably necessary or proper to carry out the intention or to facilitate the performance hereof and for the better assuring and confirming unto the Note Holder of the rights and benefits provided to it herein; and
- (s) Any certificate signed by the Mayor, or the Vice Mayor of the City Council, the City Manager, Treasurer or Clerk of the City, or any other authorized representative of the City shall be deemed a representation and warranty by the City to the Note Holder as to the statements made therein.

5. Default, Events and Remedies.

- (a) The following shall constitute an Event of Default:
- i. Nonpayment of interest and/or principal when due;
 - ii. Default shall be made by the City in the performance of any of the other agreements or covenants contained in the Note or in this Note Purchase Contract, or the Letter of Representations and shall have continued for a period of thirty days after the City shall have been given notice in writing of such default by the Note Holder;
 - iii. Any representation or warranty made by the City in this Note Purchase Contract, or the Letter of Representations shall be untrue or incorrect in any material respect when made or deemed made; or
 - iv. If the City shall file a petition or answer seeking arrangement or reorganization under the federal bankruptcy laws or any other applicable law of the United States of America or any state therein, or if a court or competent jurisdiction shall approve a petition filed with or without the consent of the City seeking arrangement or

reorganization under the federal bankruptcy laws or any other applicable law of the United States of America or any state therein, or if under the provisions of any other law for the relief or aid of debtors any court of competent jurisdiction shall assume custody or control of the City or of the whole or any substantial part of its property.

(b) Upon the occurrence of default the Note Holder may:

- i. Attach the City's account of unapportioned Property Taxes held by the County Auditor in the County Treasury, and direct the Auditor to make such distributions to the Note Holder as may be required to satisfy any defaulted amounts.
- ii. By mandamus or other action or proceeding or suit at law or in equity to enforce its rights against the City or any member of the City Council, officer or employee thereof, and to compel the City or any such member of the City Council, officer or employee to perform and carry out its duties under agreements and covenants required to be performed by it or him or her contained herein;
- iii. By suit in equity to enjoin any acts or things which are unlawful or violate the rights of the Note Holder; or
- iv. By suit in equity to require the City and its City Council, officers and employees to account as the trustee of an express trust.

(c) Nothing in this Section 5 or in any other provision hereof shall affect or impair the obligation of the City, which is absolute and unconditional, to pay the principal of and interest on the Note when due as provided herein from the Loans and Grants and Property Tax Revenues pledged therefore in the Note, or shall affect or impair the right of the Note Holder, which is also absolute and unconditional, to institute suit to enforce such payment y virtue of the contract embodied herein.

A waiver of any default or breach of duty or contract by the Note Holder shall not affect any subsequent default or breach of duty or contract or impair any rights or remedies on any such subsequent default or breach of duty or contract, and no delay or omission by the City to exercise any right or remedy accruing upon any default or breach of duty or contract shall impair any such right or remedy accruing or shall be construed to be a waiver of any such default or breach of duty or contract or an acquiescence therein, and every right or remedy conferred upon the Note Holder by applicable law or by this article may be enforced and exercised form time to time and as often as shall be deemed expedient by the Note Holder.

- (d) No remedy herein conferred upon or reserved to the Note Holder is intended to be exclusive of any other remedy, and each such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing in law or in equity or by statute or otherwise and may be exercised without exhausting and without regard to any other remedy conferred by applicable law.
 - (e) If an Event of Default shall exist under the Note or this Note Purchase contract and the Note Holder employs attorneys or consultants or incurs other expenses for the collection of any amounts due on the Note or hereunder, or for the enforcement of performance of any obligation or agreement on the part of the City under the Letter of Representations, the City shall upon demand pay to the Note Holder reasonable fees, whether suit be brought or not, of such attorneys or consultants and such other expenses so incurred.
- 6. Expenses. The Note Holder shall have no obligation to pay, and the City shall pay or cause to be paid, all expenses incident to the execution and delivery of this Note Purchase Contract, the Note issuance, sale, and delivery of the Note, and all expenses incident to the performance of the City's obligations under this Note Purchase Contract and any fees of the California Debt and Investment Advisory Commission, if applicable.
- 7. Amendment; Emergency.
 - (a) Except as otherwise specifically provided in this Note Purchase Contract, this Note Purchase Contract may not be amended, changed, modified, altered or terminated without the written consent of both the Note Holder and the City.
 - (b) Upon the occurrence of an Emergency, the Note Holder and the City will negotiate in good faith such amendments to this Note Purchase Contract and the Note as shall be necessary to address such Emergency; provided, no such amendment shall materially adversely affect the interests of the Note Holder or the security for the Note without the consent of the Note Holder, which consent shall be given in the Note Holder's sole and absolute discretion.
- 10. Miscellaneous.
 - (a) Notwithstanding anything contained herein, the City shall not be required to advance any money derived from any source of income other than the Grants and Loans and Property Tax Revenues held by the City. The obligation of the City to pay the principal of and interest on the Note is a limited obligation of the City and is payable from funds and accounts held from time to time by the City as provided herein and in the Note.

- (b) No member of the City Council, officer or employee of the City shall be individually or personally liable for the payment of the principal of or interest on the Note, but nothing contained herein shall relieve any member of the City Council, officer or employee of the City from the performance of any official duty provided by any applicable provisions of law or hereby.
- (c) The headings or titles of the several articles and sections hereof and the table of contents appended hereto shall be solely for convenience of reference and shall not affect the meaning, convenience or effect hereof, and works of any gender shall be deemed and construed to include all genders. All references herein to "Sections" and paragraphs are to the corresponding sections or paragraphs hereof; and the words "hereby," "herein," hereto," "herewith," "hereunder," and words of similar import refer to this Note Purchase Contract as a whole and not to any particular article, section, subdivision or clause hereof.
- (d) Whenever either the Note Holder or the City is named or referred to herein, such reference shall be deemed to include the successor to the powers, duties and functions that are presently vested in the Note Holder or the City, and all agreements and covenants required hereby to be performed by or on behalf of the Note Holder or the City shall bind and inure to the benefit of the respective successors thereof whether so express or not.
- (e) Except as provided in paragraph (d), nothing contained herein, express or implied, is intended to give to any person other than the Note Holder, the City and their assigns any right, remedy or claim under or pursuant hereto, and any agreement or covenant required herein to be performed by or on behalf of the Note Holder, the City and their assigns.
- (f) This Note Purchases Contract and the Note constitute the entire agreement and supersede all prior agreements and understandings, both written and oral, between the Note Holder and the City with respect to the subject matter hereof.
- (g) If any one or more of the agreements or covenants or portions thereof required hereby to be performed by or on the part of the Note Holder or the City shall be contrary to law, then such agreement or agreements, such covenant or covenants or such portions thereof shall be null and void and shall be deemed separable from the remaining agreements and covenants or portions thereof and shall in no way affect the validity hereof, and the Note Holder and the City hereby declare that they would have executed this Note purchase Contract and each and every other article, section, paragraph, subdivision, sentence, clause and phrase hereof irrespective of the fact that any one or more articles, sections, paragraphs, subdivisions, sentences, clauses or phrases hereof or the application thereof to any person or circumstance may be held to be unconstitutional, unenforceable or invalid.

- (h) Note Holder's approval of any matter in connection with this Note Purchase Contract and the Note is for the sole purpose of protecting the security and rights of the Note Holder. No such approval will result in a waiver of any default of the City. In no event may the Note Holder's approval be a representation of any kind with regard to the matter being approved.
- (i) Any payment or act required to be done or made on a day that is not a Business Day shall be done or made on the next succeeding day that is a Business Day with the same force and effect as if it had been done on the date originally scheduled for such payment or act.
- (j) This Note Purchase Contract shall be governed exclusively by and construed in accordance with the applicable laws of the State.
- (k) All written notices to be given hereunder shall be given by mail to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other part in writing from time to time, namely:

If to the Note Holder:

Placer County Treasurer-Tax Collector
Jenine Windeshausen
2976 Richardson Drive
Auburn, CA 95603

If to the City:

City of Colfax
Attention: City Manager
33 S. Main Street
Colfax, CA 95713

- (l) It is agreed and acknowledged by the parties hereto that the provisions of this Note Purchase Contract have been arrived at through negotiation and that each of the parties has had a full and fair opportunity to review the provisions of this Note Purchase Contract and to have such provisions reviewed by legal counsel. Therefore, any rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Note Purchase Contract.
- (m) This Note Purchase Contract shall be in full force and effect from the date hereof until such time as the Note shall have been fully paid. Time is of the essence in the Note Purchase Contract.

- (n) The Note Holder will keep appropriate records regarding the Note, this Note Purchase Contract and the transactions hereunder, which records shall be available for inspection by the City at reasonable hours and under reasonable conditions.

IN WITNESS WHEREOF, the parties have executed this Note Purchase Contract as of the date first written above.

Jenine Windeshausen
Placer County Treasurer

CITY OF COLFAX

By: _____
Donna Barkle, Mayor of the City

Appendix A

Business Day

“Business Day” means any day that both the City and the County of Placer are normally open for business as declared by their respective governing boards, and the Federal Banking System open for money transactions.

Capital Improvements

“Capital Improvements” means any additions, betterments, extensions, improvement to the Project or any repair or replacement of components of the Project required by State or Federal regulatory agencies having jurisdiction over the Project.

Closing Date

“Closing Date” means April 21, 2013.

Dated Date

“Dated Date” means April 21, 2013.

Event of Default

“Event of Default” means the failure by the City to pay interest or to pay scheduled principal on the Note on the maturity date, or any event defined in Section ____.

Loans and Grants

“Loans and Grants” means State Water Resources Control Board revolving loan proceeds and Small Community Wastewater Grant proceeds allotted to the City by the State Water Resources Control Board.

Maturity Date

“Maturity Date” means June 30, 2014.

Principal Prepayment Date

“Principal Prepayment Date” means any date prior to June 30, 2014 wherein the City makes a payment to the Note Holder applicable to repayment of principal advanced.

Project

“Project” means the improvement to the City’s wastewater treatment facilities as required by State, Federal and Regional authorities.

**APPENDIX B
Form of Note**

**First Amendment To Colfax Wastewater Treatment
Facility Note, 2012**

Dated Date: April 21, 2013 Maturity Date: June 30, 2014

Registered Owner: Placer County Treasurer

Face Amount (Maximum Principal Amount): Three Million Dollars

The City of Colfax (the "City") is an incorporated city, duly organized and existing under the laws of the State of California (the "State") and for value received hereby promises to pay, subject only to the provisions of that certain Note Purchase Contract dated April 21, 2013 (the "Note Purchase Contract"), between the City and the Placer County Treasurer (the "Note Holder"), providing for the allocation and application of amounts received and held by the City, by wire transfer or deposit to an account specified by the Note Holder, the principal amount hereof, on the date described below, with interest on the unpaid principal balance hereof at the rates determined as described below and on the dates described below (each date as "Maturity Date"), in lawful money of the United States of America. Capitalized terms used herein shall have the meanings ascribed thereto in the Note Purchase Contract.

Pledge; Limited Obligation

To secure the payment of principal of and interest on this Note, the City hereby pledges all Loans and Grants and Revenues and all other funds and accounts held from time to time by the City, subject only to the provisions of the Note Purchase Contract permitting the application of Loans and Grants and Property Tax Revenues of the City for the purposes and on the terms and conditions set forth in the Note Purchase Contract.

This Note is a limited obligation of the City payable solely from, Loans and Grants, and Property Tax Revenues of the City, and is not secured by a legal or equitable pledge, or lien or charge upon, any other property of the City or the Project. Neither the faith and credit nor the taxing powers of the State, any public agency or any political subdivision of the State is pledged for the purpose of the principal of or interest on this Note. Neither the City Council, nor any person executing this Note, are personally liable on this Note by reason of its issuance. No City Council member, officer or employee of the City shall be individually or personally liable for the payment of the principal of or interest on this Note or in respect of any undertakings by the City under the Note Purchase Contract.

Interest

Interest on the Note shall be due and payable at the interest rate determined as set forth below on the principal amount of the Note on, the Maturity Date of the Note.

From the Dated Date of this Note through the Maturity Date, the Note shall bear interest on the outstanding principal balance at the rate of .40 per annum which is the closing yield on September 14, 2012 of the United States Treasury Note maturing on April 15, 2013 plus 1/2% per annum. The amount of interest due and payable on the Maturity Date will be computed on the actual/360 day count basis for the number of days elapsed.

In the event of prepayment of principal, as described below, the City will pay interest from the Dated Date to the Principal Prepayment Date on the amount of the principal prepayment being prepaid.

Principal

The principal amount of this Note as of any given date shall be equal to the total amount advanced by the Note Holder less any Principal Prepayment in accordance with the terms of the Note Purchase Contract as principal on this Note.

Principal on this Note shall be due and payable on the Maturity date.

Advances of Principal

Principal shall be advanced on the Dated Date.

Prepayment of Principal

Principal on this Note may be prepaid at the option of the City, in whole or in part, without premium, on any date upon the provision of two days' prior written notice to the Note Holder. Principal prepayments must be in amounts of \$500,000 or greater.

Incorporation of Bond Purchase Contract

All of the agreements, covenants, conditions, limitations, provisions and stipulations contained in the Note Purchase Contract are hereby made a part of this Note to the same extent and with the same effect as if they were fully set forth herein.

Actions and Remedies Upon Default

Upon the occurrence of a default, the Note Holder may take any or all of the actions authorized by the Note Purchase Contract. In the event of a default, all principal and interest amounts due together with any attorney's fees incurred by the Note Holder in collecting or enforcing payment hereof, whether suit be brought or not, and all other sums due hereunder or under the Note Purchase Contract, notwithstanding anything to the contrary therein and payment thereof may be enforced and recovered in whole or in part, at any time, by one or more of the remedies provided in this Note or the Note Purchase Contract.

The remedies of the Note Holder, as provided herein and in the Note Purchase Contract, may be pursued at the sole discretion of the Note Holder and may be exercised as often as occasion therefore shall occur. The failure to exercise any such right or remedy shall in no event be construed as a waiver or release thereof.

The Note Holder shall not be deemed, by any act of omission or commission, to have waived any of its rights or remedies hereunder unless such waiver is in writing and signed by the Note Holder and then only to the extent specifically set forth in the waiver.

A waiver with reference to one event shall not be construed as a continuing waiver or as a bar to or waiver of any right or remedy as to a subsequent event.

Registration; Transfer Only to Legal Successor

This Note is transferable upon the books of the City by the registered Note Holder hereof in person or by its attorney duly authorized in writing, upon surrender of this Note together with a written instrument of transfer satisfactory to the City, duly executed by the registered Note Holder or its duly authorized attorney; provided, this Note may be transferred only to a legal successor of the Note Holder. Upon such transfer, the City will note the date of registration and the name and address of they newly registered Note Holder on the books of the City. The City may deem and treat the person in whose name this Note is last registered upon the books of the City as the absolute owner hereof for the purpose of payments so made to the registered Note Holder or upon such Note Holder's order shall be valid sums so paid, and the City shall not be affected by any notice to the contrary.

It is intended that this Note is made with reference to and shall be construed as a contract governed by the laws of the State of California.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts and things required to exist, happen and be performed precedent to or in the issuance of this Note do exist, have happened and have been performed in regular and due form as required by law.

IN WITNESS WHEREOF, the City has caused this Note to be executed and attested on its behalf by the manual signatures of its duly authorized officers, all as of the date first set forth above.

CITY OF COLFAX

By: _____
Donna L. Barkle, Mayor of the City

ATTEST:

Karen Pierce, City Clerk

APPENDIX C
Form of Letter of Representations

April 21, 2013

Jenine Windeshausen
Placer County Treasurer
2976 Richardson Drive
Auburn, CA 95603

Re: City of Colfax Wastewater Treatment Facilities First Amendment To Note 2012

Dear Ms. Windeshausen:

We have delivered this letter to you in connection with your execution of a Note Purchase Contract (the "Note Purchase Contract"), dated April 21, 2013, pursuant to which the City has agreed to sell the above referenced Note (the "Note") to you, as Note Holder, which Note will be held as an investment in the Placer County Treasurer's Investment Pool in which are invested the funds of a number of public agencies, including school districts, the County and special districts, serving the residents of Placer County.

The City has read and is familiar with the terms of the Note Purchase Contract, and, unless otherwise defined in this letter, capitalized terms used herein which are defined in this Note Purchase Contract shall have the respective meanings therein specified.

In order to induce you to enter into this Note Purchase Contract, and to purchase the Note as therein contemplated, and to provide assurances to the investors in the Placer County Treasurer's Investment Pool, the undersigned, City of Colfax (the "City"), hereby represents, warrants and covenants to you that:

- (a) The City is a political subdivision of the State, and has full legal right, power and authority to (i) execute and deliver this Letter of Representations, and (ii) perform its obligations under this Letter of Representations;
- (b) The City has duly adopted the City Resolutions, duly authorized and approved the execution and delivery of this Letter of Representations, duly authorized and approved the performance by the City of its obligations contained in, and the taking of any and all action as may be necessary to carry out, give effect to and consummate the transactions contemplated by, this Letter of Representations;

- (c) This Letter of Representations has been duly executed and delivered by the City and constitutes valid and binding obligations of the City, enforceable in accordance with their respective terms, subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting the enforcement of creditors' rights generally and to general principles of equity;
- (d) The City is not in breach of or default under any applicable law or administrative regulation of the State, the United States of America, or of any department, division, agency or instrumentality of either thereof, or any applicable court or administrative instrument to which the City is a party or is otherwise subject, which breach or default could materially adversely affect the ability of the City to perform its obligations under this Letter of Representations; the execution and delivery of this Letter of Representations is or will be a party and compliance with the provisions of each thereof will not conflict with or constitute a breach of or default under any applicable law or administrative instrumentality of either thereof, or any applicable court or administrative decree or order or any loan agreement, note resolution, certificate, contract, agreement or other instrument to which the City is a party or is otherwise subject or bound;
- (e) All approvals, consents, authorizations, elections and orders of or filings or registrations with any governmental authority, board, agency or commission having jurisdiction that would constitute a condition precedent to the performance by the City of its obligations under this Letter of Representations have been obtained and are in full force and effect;
- (f) The City is in compliance, in all material respects, with the City Resolution, and this Letter of Representations;
- (g) No litigation is pending in any court or before any tribunal or administrative agency or, to the knowledge of the City, threatened in any way affecting the existence of the City or the title of the members of its City Council or officers of the City to their respective office, or seeking to restrain or enjoin the issuance, sale or delivery of the Note, the pledge of Loans and Grants and Property Tax Revenues to secure the Note or the application of the proceeds of the Note or in any way contesting or affecting the validity or enforceability of this Letter of Representations or the powers of the City or its authority to perform its duties under this Letter of Representations;
- (h) All of the information provided by the City to the Note Holder in connection with the negotiation of the terms and the execution and delivery of the Note Purchase Contract is true, correct and complete in all material respects;
- (i) The City will comply with, keep, observe and perform all agreements, conditions, covenants and terms, express or implied, required to be kept, observed and performed by it contained in all contracts affecting or involving the Project to the extent that the City is a party thereto;

- (j) Promptly upon learning of such occurrence, the City shall provide written notice to the Note Holder of the occurrence of any of the following:
- a. Discovery that a representation or warranty made by the City in this Letter of Representations is inaccurate in any material respect;
 - b. Any material breach by the City under this Letter of Representations; or
 - c. The filing of any claim or suit, or the threat of any litigation, or the commencing of any administrative proceedings against the City respecting the Note, or this Letter of Representations;
- (k) The City will adopt, deliver, execute and make any and all further assurances, instruments and resolutions as may be reasonably necessary or proper to carry out the intention or to facilitate the performance hereof and for the better assuring and conforming unto the Note Holder of the rights and benefits provided to it herein; and
- (l) Any certificate signed by the Mayor or Vice Mayor of the City of the City Manager, or any other authorized representative of the City shall be deemed a representation and warranty by the City to the Note Holder as to the statements made therein.

The words “hereby,” “herein,” “hereto,” “herewith,” hereunder” and other words of similar import refer to this Letter of Representations as a whole and not to any particular paragraph hereof.

Whenever either the Note Holder or the City is named or referred to herein, such reference shall be deemed to include the successor to the powers, duties and functions that are presently vested in the Note Holder or the City and all agreements and covenants required hereby to be performed by or on behalf of the Note Holder or the City with respect to the Note shall bind and inure to the benefit of the respective successors thereof whether so expressed or not.

Except as provided in the preceding paragraph, nothing contained herein, express or implied, is intended to give to any person other than the Note Holder and the Note Holders assigns any right, remedy or claim under or pursuant hereto, and any agreement or covenant required herein to be performed by or on behalf of the City shall be for the sole and exclusive benefit of the Note Holder and the Note Holder’s assigns.

The Note Purchase Contract and this Letter of Representations constitute the entire agreement and supersede all prior agreements and understandings, both written and oral, between the Note Holder and the City with respect to the subject matter hereof.

Note Holder’s approval of any matter in connection with this Note Purchase Contract and the Note is for the sole purpose of protecting the security and rights of the Note Holder. No such approval will result in a waiver of any default of the City. In no event may Note Holder’s approval be a representation of any kind with regard to the matter being approved.

All written notices to be given by the City under the terms of the Note Purchase Contract shall be given by mail to the party entitled thereto at its address set forth below, or at such other address as the City may provide to the Note Holder in writing from time to time, namely:

City of Colfax
Attn: City Manager
33 S. Main Street
Colfax, CA 95713

It is agreed and acknowledged by the City that the provisions of the Note Purchase Contract and this Letter of Representations have been arrived at through negotiation and that each of the parties has had a full and fair opportunity to review the provisions of the Note Purchase Contract and this Letter of Representations and to have such provisions reviewed by legal counsel. Therefore, any rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting the Note Purchase Contract and this Letter of Representations.

This Letter of Representations shall be in full force and effect from the date hereof until such time as the Note shall have been fully paid.

CITY OF COLFAX

By: _____