

COLFAX CITY COUNCIL
January 16, 2024

CALL TO ORDER:

Mayor Retzer called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Golden, McRae, Schaefer, Mackleit, Guenther, Sevedge and Huntwork: Present.

APPROVAL OF MINUTES:

A motion was entered by Golden, seconded by Schaefer to approve the minutes from the January 2, 2024 Council meeting. Roll Call: All Yes.

GOOD OF THE CITY:

The cold snap is over. There were 6 frozen meters around town and frozen/broken pipes at P1FCU.

Former school teacher/coach Tony Carter passed away.

There will be an upcoming School Enrichment Levy on the February ballot.

BILLS AND CLAIMS:

A motion was entered by Schaefer, seconded by Mackleit to approve all bills and claims as presented. Roll Call: All Yes.

CLAIMS

#9394-9416 & EFT
\$21,225.77

PAYROLL

#9366-9393 & EFT
\$88,727.12

GRAND TOTAL: \$109,952.89

CITIZENS REQUEST:

PUBLIC HEARING:

Petition to Vacate Ann Street:

Mayor Retzer opened the public hearing at 7:06

Retzer asked anyone speaking must stand and state name and address for the record and also asked that they keep it to 3 minutes in length.

Comment for the proposed vacation:

Bob Krikac- 103 N Cherry, Ann Street goes along behind his property. In the 80's there was a petition to vacate Ann Street but was not accepted as there was not a majority of surrounding

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land owners that approved so the process didn't go through. The current situation Ann Street is not wide enough to accommodate a city street. The current land owners are all in agreement to abandon it.

Krikac's main concern is there is a lot of land over on Solbrack's property and it will get fully developed eventually. And right now they want to put in a gravel driveway to accommodate one house but there isn't any stipulation of the drive being improved if land is further developed. These lots were laid out when planners didn't see any topography and platted straight streets as if it was flat land. You can tell this by all the area existing streets throughout Colfax. Allowing a driveway today turns into a street tomorrow, Krikac's would rather eliminate this possibility.

Carrie Vielle- 103 N Cherry confirmed the council has received all the supportive letters of 100% of landowner's approval. Vielle also pointed out that at the last meeting she informed the council that the traveled way of Ann Street is on their property and is pretty flat but the platted street is quite a sideways slope and not flat at all. It will not just require a gravel strip as it is very steep and will need erosion control.

Comments against the proposed vacation:

Dennis Solbrack- 510 W Moller

Solbrack read a statement regarding the proceedings on his property. Solbrack then stated reasons why the city should not vacate Ann Street:

- they are still in negotiations with the City to use Ann Street as legal access to their property
- Fire protection concerns
- the city should want access to water and electricity on Ruble Street, the city should not vacate their access to their own property
- The city can't prohibit reasonable access to your property, to get title insurance you have to reasonable access and can't have revocable access.

Robert Olson- Viola Idaho

RB Olson Construction for 27 years has been working with the Solbrack's for the past year. He has built 250 homes in Whitman County and has been in development for over 40 years. Olson asked if the city would just give the Solbrack's an easement to get to their property. Olson stated the other approach options are not feasible.

Milt Groom- 207 Cromwell

Groom is unsure what other access options there are and stated Ann Street is the best entry to this property.

Schaefer interjected neighborhoods are hard to come by in Colfax, previously the discussion was to have this developed into a city street and Solbrack's do not want to pay for that for their one

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house. Moving forward down the road if Solbrack's or family wants to develop the 14 lots then it would be necessary to develop into a city street.

Sevedge was hoping for someone to give reasons how vacating wouldn't be destructive to economic and future growth of the area. Another concern is other points of access.

Golden is generally in favor of vacating Ann Street and letting neighbors develop the area how they want to. That being predicated on Ruble Street being developable, if it is not developable we can't deny access to someone's property. There needs to be as many points of egress out of the top of that hill as possible. If Ruble is truly undevelopable his hands are tied on vacating Ann Street. That is a heavy burden on those neighbors putting a driveway and eventually a possible street through their backyard to have this future development on the Solbrack's land. If we have to develop Ann than it needs to be developed as a city street and the city will maintain. Golden also pointed out we are talking about two issues here, the vacation on one hand and then what to do with Ann Street and getting Solbrack's access to their property. Golden agrees we can't deny Solbrack's access to their property.

Mathis reminded the council the land use attorney we hired to help the city with this issue stated lots were platted 100 years ago very differently than they are platted now. Now they plat a development how it will really work.

Mathis stated the expert legal advice we received from our attorney we can't do a private agreement across the city right-of-way for just one person, it needs to be developed as a city street then turned over to the city to maintain.

Heather Steen- Summit Road

Ruble Street has an entrance from Ann but there is no exit and Ruble is so steep they couldn't traverse it in 4 wheel drive in the winter time.

Hammer clarified the platted Ann Street is not drivable right now. The traveled portion is not all on city right-of-way it is currently on private property. There is improvements on the platted Ann Street that would need to be done for Solbrack's to use it.

Guenthner stated the city council is not here to end neighborly disputes especially ending them by vacating a street halting any development or progress further on down the road, you can't unvacate a street. If there are no other reasonable access points other than Ann Street, which sounds like the actual platted Ann Street will need extra development, the current traveled way can't be used. Vacating is not a proper response.

Scott Ackerman-

Doesn't understand why the city is having such a hard time with this. This is the way it has been driven on for many years. It was an access to a house, if the house was still there someone would still be driving on it today. There are several roads in town that are not where they were platted

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today. Colfax has very few places that could be built without tremendous amounts of work. Ackerman stated this is the best access for this property.

Mackleit pointed out that Ann Street is not the flat area; it actually sets above the traveled way.

Huntwork stated all we are here for is to make a decision on if we are going to vacate this street or not, all the other stuff is between the owners of each property. We can't make decisions on other people's property we can only decide on the vacation.

Mayor Retzer closed the public hearing at 8:15 p.m.

Retzer stated the vote for this will be next council meeting.

PRESENTATION/WORK STUDY:

UNFINISHED BUSINESS:

NEW BUSINESS:

Water Use Efficiency Goals:

Public Works Director Matt Hammer stated as part of the water system plan that we have been working on, the city council needs to adopt Water Use Efficiency Goals for the next six years. Hammer sent out goals that he and the engineer came up with that would be easy to achieve without causing too much harm or danger to city residents. Hammer stated we need to set a public hearing for the council to discuss and then pass the goals. One of the goals is to reduce water usage for parks, golf course and cemetery that are high users. We want green lawns but also want to make sure we are not having spongy or over watered grass. Another goal is to set three tier rate structures depending on income and water usage. The public hearing will be set February 5th.

DEPARTMENT REPORTS:

Public Works:

Hammer spoke about WSDOT holding a public meeting January 31st at the Center regarding the 195/26 Bridge replacement project. 2024 is the full design phase and March of 2025 they will go out to bid.

Police:

Officer Perry Tate reported they are hiring for 2 positions and as of now they have 5 on the list that have applied.

COMMITTEE/BOARD/COMISSION REPORTS:

OTHER BUSINESS:

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CITY ATTORNEY'S REPORT:

MAYORS REPORT:

Retzer stated that we have heard a lot about the Ann Street Vacation and hopes the council goes away with the information they received and make a good decision for our next council meeting for the vote.

Retzer appreciates all the comments tonight. Retzer informed the council he received an explanation from Ben Kovanda from Palouse River Rock regarding different access points for the Solbrack property and what would need to be done to gain access. Kovanda included percentages of grade for each approach. Retzer will have Mathis email this information out to the council.

Retzer stated there are city streets in Colfax that are above the 11% grade standard i.e. Thorn Street, Orchard Street and Hauser Addition to name a few. The Solbrack's have exhausted all their options with surrounding landowners asking to access their property that would meet the 11% grade standard. To have a private drive you don't have to be limited to 11% grade. For the Solbrack's to say the city is denying them access to build their dream home is not accurate. The city is not denying access for the Solbrack's.

McRae understands the impact of high traffic volumes has on neighboring residents and feels for them. McRae went on to say we need to put our emotions to the side and make the best decision for the City of Colfax.

Building and Community Development Shawn McSweeney stated he issued a building permit to the Solbrack's because they have access to this property through their current property they live on.

Mathis interjected the Solbrack's also purchased their permit so they could get in under the current building code standards, in March we will go to 2021 Standards that would cost them more to build their home.

Retzer reminded the council the city hired experts to help with this process to see if we could make it work legally. We want to make sure we do it correct and legally as this will effect a lot of people.

Retzer has been up to visit the Solbrack's land and spent a lot of time, this is important to Retzer and he wants to be fair to all involved.

McRae thanked Retzer, Mathis, Hammer, McSweeney and Kramlich for all their work on this. The accusations that we approved then it was taken away is not correct and we have gone off the advice and directive we have gotten from the professionals we hired to help with this.

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Mathis stated there were two drafts of agreements that were rejected by Solbrack's to allow access through Ann Street.

Retzer stated some things Olson said went against what our legal advice recommended. If you hire an attorney you listen to your legal advice. Retzer wanted to make it clear he has told the Solbrack's he would love them to build their house.

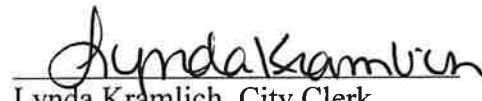
Huntwork stated public hearings are usually formatted that the public has comments for and against then the public hearing is closed and the council then has their comments. The council and public don't have back and forth conversations. He just wanted to remind everyone the procedure for public hearings with the new council members.

EXECUTIVE SESSION:

ADJOURNMENT:

Mayor Retzer adjourned the meeting at 8:38 p.m.


Jim Retzer, Mayor


Lynda Kramlich, City Clerk