

**COLFAX CITY COUNCIL**  
**October 16, 2023**

**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, Kackman and Huntwork: Present.

**APPROVAL OF MINUTES:**

A motion was entered by Guenther, seconded by McRae to approve the minutes from the October 2, 2023 Council meeting. Roll Call: All Yes.

**GOOD OF THE CITY:**

Colfax Bulldogs won a football game.

Downtown fall décor looks great.

Downtown trick or treat is set for October 27<sup>th</sup>.

**BILLS AND CLAIMS:**

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

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**CLAIMS**

#9146, 9153, 9177-91910

\$57,525.40

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**PAYROLL**

#9147-9152, 9154-9176 & EFT

\$67,746.10

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**GRAND TOTAL: \$125,271.50**

**CITIZENS REQUEST:**

**PUBLIC HEARING:**

**PRESENTATION/WORK STUDY:**

**CDA Recap:**

Whitney Bond distributed remodel plans for 102 N Main (old WaFed building) and pictures of the completed remodel for 203 N Main. The current tenants at 203 N Main are Coco Bee and The Cellar are working together on fun events and supporting each other's activities in their business ventures.

**UNFINISHED BUSINESS:**

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**NEW BUSINESS:**

**Resolution 23-12 – Revocable Licensing Agreement-**

Attendees:

Dennis and Diane Solbrack  
510 W Moller Rd

Bob Krikac and Carrie Vielle  
103 N Cherry

Greg Nolan  
806 W Summit Rd

DeWayne and Gerry Gass  
121 N Ann St

Georgie Leinweber  
520 W Orchard

Jody and Krista Boyd  
717 W Orchard

City Attorney John Kragt briefed the council on the Revocable Licensing Agreement before them. It was prepared by Mike Connelly he is an expert on municipal law.

This will not be a city road more of a driveway concept and not built to city code. This will require each property owner to come on board to get a licensing agreement to drive on this driveway. The owners/license agreement holders would need insurance to be on this road and take responsibility. In the future if you have several lot owners that want to develop the area then they would have an option to enter into a developer agreement on a second phase. This agreement would suffice for now but maybe not forever, that is the concept of a revocable agreement because it might need to change. There are a lot of roads on plat map that were not put together for 100 years down the road; several are hard to get around if there are 2 cars one has to pull over. This is not ideal from planning standpoint. This agreement will take care of this immediate need, but not forever.

Bob Kricak and Carrie Vielle concerns:

Owns upper and lower lots between platted Ann Street, they are not in favor of this anymore and have a few questions- how will road be engineered, what standards will the road be built to, how/where will the runoff be directed, erosion control and who will be liable for upkeep/maintenance.

Vielle asked what it would look like in the future if they owners want to develop further, would adjacent landowners have a say.

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Vielle also clarified that one of the pictures in the packet was misidentified, the picture identified as Ann Street a grassy flat area is actually their property. Ann Street sits below it, she wanted to clarify it won't be an easy flat gravel project it will be very steep and that is one reason they are worried about erosion control and run off.

Nolan's biggest concern is fire suppression; with Fonk's fire and Labor Day fire he had no water out of his faucets. Another concern is Deanway and Cherry Streets are one way streets, 2 cars can't go through at the same time. The Labor Day fire they had to exit the hill through farm fields as there was no way to get down these streets.

Gass' are concerned with water run off coming down the hill. There is a 17 foot drop on the north edge of his property too steep to navigate with a vehicle, the rock was put up there by wheel barrow. Telephone, gas lines, water and sewer also run through this area. They also asked why this is the chosen route to make a driveway, there are other areas of access for this property from the Solbrack's current residence.

Leinweber reiterated the water issue, for the Labor Day fire she put a sprinkler on her roof to protect her home and no water came out.

Boyd's is happy to have a home where they do but her concern is the driveway for this easement would be a U type turn making it tricky to get up, particularly in winter.

Solbrack's stated prior to purchasing property he asked the city if Ann Street was vacated, based on the information they received they purchased the Boones Addition. They have been working with the city to come to some agreement to make a road work that doesn't infringe on the neighbors too much. One option is a 20 ft roadway vs 40 ft roadway. Their concern is for the future, if their heirs want to develop this land they would be limited by this agreement. This has been a long process; the Solbrack's want to use Ann Street to be able to access their property to build their home.

Kragt stated this is a good indication for the council this is a complicated matter and hopes the city can figure out a resolution and request that we rely on Mike Connelly's advice as he is the best person for any questions or concerns regarding this issue. Some of these concerns are private citizen matters not necessarily a city council discussion.

Schaefer asked how he currently accesses the property.

Solbrack stated he goes cross country from his current property. The summer of 2022 Solbrack got permission to mow Ann Street so if people wanted to come and look they could see where the street is. He went as far as Gass property and turned around.

From his current property Solbrack stated it is too steep to access Boones Addition.

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Kackman stated this went from a variance application to this license agreement that would allow a private driveway inside of a public right of way which would indemnify the city for anything they do within the right of way. This is still a public right of way, Kackman would call it non-exclusive. Kackman is glad Solbracks don't want to sign as Kackman doesn't want to sign it either. This property is zoned R-1 single family residential, single family homes or duplexes. We have to think of it in terms of 15 duplexes, it is the highest efficient use up there. The purpose of a right of way is to allow public access. Coming off of Ann down to Cherry is a complex situation. Kackman went on to say the city is now on notice of encroachments in the right of way with garages built on the right of way in the past.

In most cities development pays its own way, the city is not having staff and resources take care of a things. We are in the business of providing access, water and sewer. This is a tall order, there will be no agreement tonight, Solbrack's do not want the agreement we don't want agreement.

### DEPARTMENT REPORTS:

Fire:

Mathis reported for the fire, they have updated the SCBA system. Firefighters Lautenslager and Buckley performed CPR on someone Saturday and were able save them, that doesn't happen to often so kudos to them.

### COMMITTEE/BOARD/COMMISSION REPORTS:

### OTHER BUSINESS:

### CITY ATTORNEY'S REPORT:

### MAYORS REPORT:

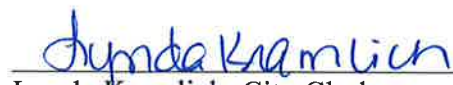
Retzer reported he heard back from Lyle Smith from WMS, he is back from vacation and will be working on numbers for the pool upgrade.

### EXECUTIVE SESSION:

### ADJOURNMENT:

Mayor Retzer adjourned the meeting at 8:00 p.m.

  
Jim Retzer, Mayor

  
Lynda Kramlich, City Clerk