

**RIO DELL CITY COUNCIL
REGULAR MEETING
NOVEMBER 1, 2016
MINUTES**

The regular meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Wilson.

ROLL CALL: Present: Mayor Wilson, Councilmembers Garnes, Marks and Thompson

Absent: Mayor Pro Tem Johnson (excused)

Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell and City Clerk Dunham

Absent: Chief of Police Hill, Water/Roadways Superintendent Jensen and Wastewater Superintendent Trainee Yapple (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

Public Employee Performance Evaluation – Title: City Manager

Conference with Labor Negotiator – City Manager – Concerning Labor Negotiations with Rio Dell Employees Association, Rio Dell Police Officers Association, and all Contract Employees
Mayor Wilson announced that the closed session as scheduled was cancelled.

CEREMONIAL MATTERS

Proclamation in Support of the Great American Smokeout

Mayor Wilson read the proclamation in support of the American Cancer Society's Great American Smokeout on November 17, 2016. Katherine McKeown and Sylvia Jutila were present to receive the proclamation.

Ms. McKeown addressed the Council as a volunteer of the American Cancer Society and a breast cancer survivor. She said she volunteered for the American Cancer Society because she knows the importance of good health. She said the Society along with County Public Health supports the Great American Smokeout because it gives people the opportunity to start a new way of life by not smoking for one day and that one day will initialize a huge transformation for nicotine users who participate. She provided quit smoking kits as part of their community outreach efforts to encourage smokers to quit and become healthier.

Sylvia Jutila stated that once again they are talking about the dangers of e-cigarettes and said many young people start vaping or using e-cigarettes before they ever start smoking cigarettes. She said on Sunday there was a passenger de-boarding a plane in Alaska when his backpack caught on fire from an e-cigarette charger. She noted that it takes the FDA a billion dollars and four years of research to get an asthma inhaler on the market yet e-cigarettes aren't required to follow the same research rules. She said vaporizing is not a safe alternative to smoking and said kids can be addicted in as little as three days of using e-cigarettes.

She also pointed out that Rio Dell is one of the cities that has not passed an ordinance to prohibit the smoking of e-cigarettes like regular cigarettes in public and encouraged the Council to consider adopting an ordinance.

PUBLIC PRESENTATIONS

Nick Angeloff reported on behalf of the Chamber of Commerce and announced they would be hosting the Annual Tree Lighting Event again this year and tentatively will be held on the first weekend of December.

Councilmember Garnes asked him if they have any plans to hire a full-time staff person at the Chamber office.

Nick responded that there are no plans and at this time and currently the Eagle Prairie Arts District is manning the office on a volunteer basis.

CONSENT CALENDAR

Motion was made by Thompson/Garnes to approve the consent calendar including approval of minutes of the October 4, 2016 regular meeting; approval of minutes of the October 18, 2016 regular meeting; approve the appointment of Robert Agnew as the public member to the Wildwood Avenue Sculpture Committee; and approve Resolution No. 1309-2016 authorizing the bid award for the Old Ranch Road Water Line Replacement project to JZ Contracting in the amount of \$33,423.00 authorizing the City Manager to execute the Construction Agreement. Motion carried 4-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

City Supply of Redwood and Related Proposal by Dias Artistries for the Use of the Material
City Manager Knopp provided a staff report and stated that staff approached Adam Dias of Dias Artistries and the Eagle Prairie Arts District (EPAD) regarding rehabilitation of the old growth redwood boards for use as fencing material at the Downtown City Parking Lot. He said the idea was to invest in the parking lot by constructing a fence and improving the aesthetics of the downtown area after installation of the EV charging station.

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He said Mr. Dias took a look at the proposal to use the redwood to construct a fence and felt the cost to rehabilitate the redwood may be expensive and not the best use of the material.

As an alternative, he provided a written proposal which included the construction of two conference tables for the City using the reclaimed old growth redwood boards. In exchange for building the tables, Dias Artistries would receive a portion of the remaining materials equal to his normal shop rate of \$50.00/hr.

City Manager Knopp explained that if the Council decides to pursue the project, staff will need to draft an agreement between the City and Dias Artistries to ensure that the transaction is appropriate and fair. He pointed out that one thing in the proposal that he wouldn't be able to move forward with is the sale of any remaining redwood as it is an asset of the Water Fund and would have to be disposed of through the surplus/bid process.

City Manager Knopp stated one option would be for Mr. Dias to construct the two (2) conference tables as proposed with the City reimbursing him for his labor and any unused redwood coming back to the City to be declared surplus and disposed of pursuant to the law. He noted that staff came up with a value of the redwood of \$8,100; similar to what Mr. Dias valued it for. He noted that there are several other options for the Council to consider including declaring it surplus and soliciting bids in which Mr. Dias could then bid on the material.

Adam Dias then reviewed his proposal and said the former City Manager; Jim Stretch had approached him to see if he was interested in purchasing the redwood some time ago.

He clarified that the amount quoted in his proposal related to the value of the redwood was the retail price rather than the wholesale price. Also, he said he was told the material was clear redwood; if not the value would change. He said the idea is to construct two small conference tables for the City from the reclaimed redwood boards from the City's old water tank thus helping the City to preserve the history of the redwood.

He commented that he believes the wood could best be used for conference tables or other city projects but not suitable for a fence. He noted that second growth redwood fence boards could be purchased much cheaper than the value of the old growth redwood boards. His proposal included trading his labor for the excess redwood not used for the project.

Councilmember Garnes asked staff if there were plans to replace the existing conference tables.

City Manager Knopp responded that there were no specific plans at this time.

Mr. Dias commented that the reclaimed wood has historical value and if the Council doesn't want the material used for conference tables they could discuss other ideas.

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Mayor Wilson agreed the redwood would not be suitable for the fence and noted that repurposed redwood does have a lot of uses although he had not considered tables. He said he would like to see the Council put some thought into possible uses and have the item come back to the Council at a subsequent meeting. He pointed out that if the redwood sits around too long it won't be as valuable.

Councilmember Marks commented that he is not in any hurry to make a decision and suggested the Council give it more thought.

Councilmember Thompson said since the wood belongs to the Water Fund, the City needs to go through the legal process to dispose of it. He said the proposal as presented doesn't interest him.

Councilmember Garnes said if the redwood were to be used for tables, what would be the plan for constructing the fence.

City Manager Knopp explained there is approximately \$6,100 dedicated in the budget for the parking lot improvements. If the redwood was used for the fence, since it is a water fund asset, it's simply a matter of transferring one asset to another and if the tables were sold, the proceeds would go back into the Water Fund. He said as long as the asset remains in the City, there is no problem.

Councilmember Thompson commented that he would like to see other ideas for use of the redwood and can visualize something beautiful but is not interested in using it for a "rustic antique" in City Hall.

Mr. Dias said another idea would be to make it into benches or use it for redwood carvings but encouraged the Council to not use it for a fence.

Mayor Wilson called for public comment.

Julie Woodall commented that the water fund is an enterprise fund and has to be self-sufficient. She noted that if that fund falls short, the water rates would likely need to be increased. She said with the recent reduction in rates for the RV/Mobile Home Parks, it represents a \$26,000 reduction in revenue in the water fund annually which the City will potentially have to make up. She said since the reclaimed wood is an asset of the water fund, suggested it be declared surplus and sold to the highest bidder with the proceeds going back into the water fund to help with the revenue shortfall. She also commented that the City had a beautiful redwood conference table which doesn't even seem to be around anymore.

Councilmember Thompson asked if staff obtained a quote for a two or three rail fence as discussed at the prior meeting.

City Manager Knopp said during the last discussion of this item the Council asked staff to find out what it would cost to rough saw or plane the redwood so it could be used for the fence. He said the cost to do that is pretty significant and indicated it would be much cheaper to buy finished fence boards.

Councilmember Thompson suggested staff be directed to come back with a cost estimate to construct a two or three rail fence.

Mayor Wilson commented that there was no definitive decision by the Council to even construct a fence at the downtown city parking lot.

Councilmember Thompson said his understanding was that the consensus of the Council was to construct a two or three rail fence and the only thing to determine was the type of materials to be used.

The consensus of the Council was to table the item and bring it back with a full Council.

ORDINANCES/SPECIAL RESOLUTIONS

Introduction and First Reading (by title only) of Ordinance No. 350-2016 Amending Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040 and 17.40.050 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a corrected staff report (Attachment 1 to these minutes) and said during preparation of the Commercial Cannabis Medical Land Use Ordinance (CMMLUO), staff discovered that the enforcement provisions of the Zoning Regulations seemed to be outdated and were not consistent with the enforcement provisions of the Nuisance Regulations.

He explained that the current "Enforcement" provisions under Chapter 17.40.020 of the RDMC establishes a fine of \$500.00 for violation of any of the provisions of the regulations whereas; the Nuisance Regulations establishes a \$1,000 fine and is cumulative each day and every day the violation continues to exist. He said the idea is to incorporate the same provisions in the "Enforcement" provisions under Chapter 17.40.020 as the Nuisance Regulations so they are consistent. He said the amendment will also provide greater ability for the City to enforce the regulations and recover costs.

Mayor Wilson opened the public hearing to receive public input on the proposed ordinance.

There being no public comment, the public hearing closed.

Motion was made by Thompson/Garnes to introduce and conduct the first reading (by title only) of Ordinance No. 350-2016 amending Chapter 17.40, "Enforcement", Sections 17.40.020, 17.40.030, 17.40.040, and 17.40.050 of the Rio Dell Municipal Code (RDMC) and

to continue consideration and adoption of the proposed Ordinance to the November 15, 2016 regular meeting. Motion carried 4-0.

Introduction and first reading (by title only) of Ordinance No. 351-2016 amending Chapter 13.10, Sewer Rates and Regulations of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a staff report and said staff was recently contacted by the Humboldt County Department of Environmental Health (DEH) regarding onsite septic systems and the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, and Maintenance of Onsite Wastewater Treatment Systems (OWTS) Policy*. He explained that while the majority of septic systems exist within the unincorporated areas of Humboldt County, there are some homes in the City which continue to be served by septic systems.

He further explained that under the State OWTS Policy, the City is allowed to develop and administer its own Local Agency Management Plan (LAMP) or continue to work with the County Division of Environmental Health (DEH). He said the City has relied on the County for their review and approval of onsite septic systems for decades and obviously it is more efficient to continue that arrangement.

Community Development Director Caldwell then reviewed the revisions under Section 13.10 of the Rio Dell Municipal Code to incorporate language referring to and adopting the County's Local Agency Management Program for onsite wastewater treatment (septic) systems. He noted that the City will also need to execute an agreement with the County for environmental health services as the City does not have an existing agreement with the County. He commented that the County is in the process of crafting the agreement and once the agreement is presented to the City, staff will return to Council requesting authorization for the City Manager to review and execute the agreement.

Mayor Wilson asked if the County will charge the City for their services and if it will include the Sawmill Annexation area.

Community Development Director Caldwell said the applicant applies for septic permits through the County and pays the County the appropriate fees; the City is not charged. He commented that it would include any permits in the City, including the Sawmill Annexation area.

A public hearing was opened to receive public input on the proposed ordinance.

There being no public comment, the public hearing was closed.

Motion was made by Garnes/Marks to introduce and conduct first reading (by title only) of Ordinance No. 351-2016 amending Chapter 13.10, Sewer Rates and Regulations, of the Rio

Dell Municipal Code (RDMC) and continuing consideration, approval and adoption of the proposed Ordinance to the meeting of November 15, 2016. Motion carried 4-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager update of recent activities and events (Attachment 2 to these minutes), including an update on the Metropolitan Wells Project; the Old Ranch Road Waterline Project; and the flow data for the Eel River.

Finance Director Woodcox reported on recent activities in the finance department and said it is pretty much business as usual and that staff is wrapping up the year-end as well as the quarterly reports.

Community Development Director Caldwell reported on recent activities in his department and said at the last Planning Commission meeting held on October 25th, the Commission discussed the use of cargo container as accessory structures; enforcement regulations; and approved a Conditional Use Permit for Brian and Stormi Davis at 1000 Pine St. He said cargo container regulations may be coming before the Council at the November 15th meeting depending on whether he attends the HCD (Department of Housing & Community Development) workshop in Sacramento. He said that HCD actually administers the CDBG program said currently the City is utilizing its Program Income (PI) for the Removal of Architectural Barriers project. He noted that the City received approval from Sacramento today to release the RFQ to solicit designers and architects to design the project and staff will then work with them to develop a price and once plans are developed, staff will send out an RFP to actually construct the project. He said the hope is to have the project completed by August 2017 at the latest. He said the intent here is to expend the City's PI in order to be eligible to apply for additional grants the following year. He noted that the City must spend at least 50% of its program income to be eligible to apply.

He said that since he's been employed with the City, there has not been a general CDBG workshop so he is looking forward to attending. He said CDBG is a difficult program to try and comprehend as there are constant changes to the program guidelines. He noted that the City is working with Paula Mushrush at the County who has probably 20 years' experience working with the CDBG program and she agrees there's always something new to the program.

Community Development Director Caldwell announced the next regular Planning Commission meeting is scheduled for November 22, 2016 and said staff received an application from Dennis Wendt for another lot line adjustment at the Sawmill Annexation site; expects to receive an application for a CUP on Hilda Ct. for an exception to the fence height; and is hoping to present the Safety Element although received an email from the Office of Planning & Research regarding a new law and the Safety Element must include some of the provisions of this new law so he will need to some additional research.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Wilson reported on his attendance at the last Redwood Region Economic Development Commission (RREDC) meeting and said they reviewed priorities and the biggest need identified had to do with qualified health care in the County and the need to try and acquire more health care providers. He said typically rural areas don't have housing costs as high as Humboldt County and because of that it is hard to get traveling nurses to come here.

ADJOURNMENT

Motion was made by Thompson/Garnes to adjourn the meeting at 7:17 p.m. to the November 15, 2016 regular meeting. Motion carried 4-0.

Frank Wilson, Mayor

Attest:

Karen Dunham, City Clerk