

**RIO DELL CITY COUNCIL
REGULAR MEETING
NOVEMBER 21, 2017
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, Mayor Pro Tem Johnson, Councilmembers
Garnes, Marks and Strahan

Others Present: City Manager Knopp and City Clerk Dunham

Absent: Acting Chief of Police Beauchaine, Community Development
Director Caldwell, Water/Roadways Superintendent Jensen,
and Finance Director Woodcox (excused)

CEREMONIAL MATTERS

Proclamation – Human Rights Awareness Month

Mayor Wilson read the proclamation in recognition of December as Human Rights Awareness Month and presented it to Carol Larsen, Commissioner from the Humboldt County Human Rights Commission.

Ms. Larsen accepted the proclamation and thanked the city council for recognizing human rights awareness in Rio Dell. She provided some background on the establishment of the Humboldt County Human Rights Commission in 1965 and announced that the Commission is searching for new members, encouraging anyone who is interested to contact the Humboldt County Board of Supervisors.

PUBLIC PRESENTATIONS

Nick Angeloff provided an update on Christmas decoration efforts and invited volunteers to meet at City Hall on Saturday morning to help with the installation of the town's lights and decorations. He also announced the annual holiday kickoff will begin with the Dennis Wendt Annual Tree Lighting Ceremony on December 2, 2017 beginning at 5 p.m. downtown with caroling, refreshments and Santa.

CONSENT CALENDAR

Mayor Pro Tem Johnson asked that the minutes of the November 7, 2017 regular meeting be removed from the consent calendar for separate action.

Motion was made by Garnes/Johnson to approve the consent calendar including approval of Pay Request No. 9 to Wahlund Construction in the amount of \$53,007.33 for work related to the Metropolitan Wells Project; to receive and file the Check Register for October 2017; and

approval of amendment to the Scope of Services for the Sanitary Sewer Evaluation Study (SSES) as approved by Resolution No. 1352-2017. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Minutes of the November 7, 2017 Regular Meeting

Mayor Pro Tem Johnson stated that the reason for removing the minutes from the consent calendar was so that he could abstain from vote since he was not in attendance at that meeting.

Motion was made by Garnes/Marks to approve the minutes of the November 7, 2017 regular meeting. Motion carried 4-0; 1 abstention.

SPECIAL CALL ITEMS

Introduction of Regional Curbside Collected Recycling Materials MOU, Preparing the Question of Participation in a Regional Process to Procure Curbside Recycling Services and Related Possible Redirection of Recyclable Materials Flow Control

City Manager Knopp provided a staff report and said the council considered participation in the regional recycling process in April of 2015 and at that time declined to participate but reserved the option to enter into the agreement at a future date.

He noted that Humboldt Waste Management Authority (HWMA) adopted a ten-year strategic plan in 2013 with a goal to work with the member agencies and provide them with comprehensive, stable and cost effective recycling processing and marketing services. He said combining tonnage and recycling processing contract management responsibilities into the Authority's system would reduce duplicative administrative efforts for member agencies to solicit and manage individual recyclable material contracts and could maximize leveraging opportunities to secure more competitive proposals for the combined tonnage.

He further explained that in order for HWMA to act as a regional coordinator member agencies must enter into a MOU and commit to give flow control of curbside collected recyclable materials to HWMA; the Board would then consider issuance of an RFP related to regional recycling processing and marketing of curbside collected materials; and then evaluate and select the successful proposer and enter into an agreement for services.

City Manager Knopp noted that the City is not required to participate in the regional recycling effort however; may do so under the current solid waste and recycling franchise agreement which became effective January 1, 2017.

Staff's recommendation was to enter into HWMA's regional recycling framework because it would offer streamlined administrative functions and increased leverage of public agency negotiators, and maximize recycling market highs and reduce risk to ratepayers during recycling market lows.

Jill Duffy, Executive Director of Humboldt Waste Management Authority (HWMA) addressed the Council and explained that when they formed the agency in 2013 they were facing losing the local landfill disposal location so rather than the smaller entities going out and securing a transportation contract on their own, the decision was made to work together regionally for the purposes of solid waste management. She said at that time there was a carve out for recycling and Arcata Recycling Center was the only entity doing community recycling besides the private vendors doing CRV buy-back of recyclables so they wanted to protect the integrity of those different operations.

She further explained that shortly after the authority was formed, they purchased the Hawthorne St. Transfer Station in addition to the Cummings Road Landfill noting that the Cummings Landfill was the reason Fortuna left the authority.

She noted that they had flow control over recyclables and solid waste from the very beginning and had an agreement with Eel River Disposal and the member agencies solid waste went to the Fortuna Waste Transfer Station and from there would go to landfills as HWMA directed them to go whether it was Anderson or Dry Creek. She said today all materials are hauled by Bettendorf Trucking and go to Dry Creek whereas; Fortuna's materials go to Anderson.

She said Recology Eel River has since purchased Eel River Disposal and what is different is that the processing facility that was built by Eel River Disposal in 2011 is no longer there so all materials now go to the Samoa Processing Facility which Recology Eel River also purchased.

In 2013 the HWMA Board developed a broad strategic plan and one of the objectives was to ask the member agencies that when the time came if they would like the authority to act as the regional coordinator for the processing and marketing of recycled materials. The question was first asked in 2015 when the contract with Solid Waste of Willits was due to expire and only one entity was willing to participate. The contract with Solid Waste of Willits was then extended until September 2018 and since it takes approximately a year to get through the process, they are reaching out to the member agencies once again to see if they want to participate.

Jill continued with review of the authority goals and objectives as outlined in the proposed agreement and said as the Council goes through deliberations on this issue she would be happy to return to answer any additional questions the Council may have.

Mayor Pro Tem Johnson asked if she sees recyclables still having value five years from now noting that if the City decides to opt in it will be for a five-year commitment.

Jill indicated that recyclables will have value but the question is where that market is. She explained that currently most materials go to the international market; primarily Asia and what needs to happen is to develop the domestic infrastructure which will be necessary to process the materials.

She noted that the Chinese government has taken a series of policy directives in part because when they get low value products they get mixed in with hog fuel and burned for energy which is creating air pollution. As such, we will need to adapt to these changes.

She noted that Oregon is having a problem moving low value items into the international market and as such have stockpiled materials so there needs to be a solution domestically. She said it will take education and outreach and all the member agencies working together to improve quality control and insure identification of materials that are valuable in the commodities market.

Mayor Wilson said as he learned from discussions as a member of the HWMA Board, things have changed over the last two years and because of that, he is in support of the agencies working together collectively on regional recycling. He said it would seem to make more sense to use the Samoa facility if it is more economical than sending recyclables to Willits.

Jill confirmed that it would be more economical and commented that the most they can get on a truck is 18 tons of recyclable material and there is not a lot of efficiency transporting materials 130 miles to Willits which is why everyone wanted to see a local processor in operation.

Mayor Wilson questioned the percentage of residuals that end up in the landfill.

Jill noted that it's really up to consumers to reduce residuals which are why education and community outreach is important.

Jill said what they are asking at this time is for the City Council's approval of the memorandum of agreement to start deliberations. She commented that the cities of Eureka and Arcata have already approved participation in the program.

City Manager Knopp clarified that the Council needs to provide direction to staff to return to the Council, likely at the January 2, 2018 regular meeting with an agenda item to participate in the regional recycling effort, committing the flow control of the City's recyclable materials to Humboldt Waste Management Authority (HWMA).

Council concurred.

Linda Wise, General Manager of Recology Eel River pointed out that if everyone is doing the same thing the message is so much easier for people to do the right thing; this will help to strengthen that message.

Establishment of Personnel Ad Hoc Committee Pursuant to Open Door Policy

City Manager Knopp provided a staff report and said the Open Door Policy that was adopted as part of the Employee Handbook calls for an Ad Hoc committee consisting of two members

of the City Council to deal with personnel issues concerning complaints about the City Manager.

Mayor Wilson asked for volunteers to serve on the committee in which Mayor Pro Tem Johnson and Councilmember Garnes volunteered.

Motion was made by Wilson/Marks to approve the appointment of Mayor Pro Tem Johnson and Councilmember Garnes to the Personnel Ad Hoc Committee. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption of Ordinance No. 362-2017 Amending Section 17.30.235 of the Rio Dell Municipal Code (RDMC) Personal Cannabis Cultivation Regulations
City Manager Knopp provided a staff report on the proposed ordinance amending Section 17.30.235 of the Rio Dell Municipal Code (RDMC) related to the City's Personal Cannabis Cultivation Regulations. The amendment will allow cultivation within a residence since residents who live in apartment complexes or dwellings that do not have access to detached accessory buildings would not be able to cultivate cannabis for their personal recreational use since they typically don't have access to detached accessory buildings. Since the City's current regulations require that all cultivation activities occur in a detached accessory building, staff is recommending the ordinance be amended to comply with prop 64.

He explained that the ordinance was introduced at the November 7, 2017 regular meeting and is back before the Council for its second reading and adoption at this time.

He said one of the questions that came up at that meeting was the reason for deleting the definition of "purchaser" and "sell" or "sale" in the proposed ordinance.

City Manager Knopp explained the reason for deleting those definitions is that it is not relevant to personal cannabis since there are no sales or purchases of personal cannabis allowed.

Mayor Wilson reviewed some of the recent changes to Prop 64 noting that the State recently came out with a 270 page document related to a person's rights. He pointed out that this is a continual changing environment and no doubt staff will be coming back to Council with modifications to the ordinance multiple times over the next few years. He said his biggest concern is for the City to not lose local control.

Councilmember Strahan commented that the ordinance deals with personal use of cannabis but it references businesses. Also, the ordinance states a maximum cultivation area of 150 square feet which should read 50 square feet as previously discussed.

It was explained that the reference to businesses simply refers to promoting the health, safety and general welfare of both residents and businesses within the City.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Johnson/Garnes to approve the second reading and adoption of *Ordinance No. 362-2017 Amending Ordinance No. 358-2017, Personal Cannabis Cultivation Regulations, Section 17.30.235 of the Rio Dell Municipal code (RDMC)* as corrected to change the maximum cultivation area from 150 square feet to 50 square feet as intended. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Knopp distributed a written City Manager Update of recent activities and events (Attachment 1 to these minutes) and reported the election results for Measure X were certified with 80.96% yes votes and 19.04% no votes received; a tentative council meeting date of January 2, 2018 was scheduled for representatives from the Scotia CSD to present to the Council a status update on the District; reported the process related to the hiring of the new Chief of Police is still underway; staff is working with the State on the Local Update of Census Addresses (LUCA) to help with insuring accurate addresses for the 2020 census update; reported the median replacement trees were planted at City Hall; reported the doors, railings and windows for the ADA porch project were scheduled to be installed next week; announced there is a Holiday Giving Tree in the City Hall lobby for anyone who would like to donate Christmas gifts for kids; and announced that the Rio-Dell Scotia Chamber of Commerce will be hosting the Annual Dennis Wendt Tree Lighting Ceremony downtown on December 2nd beginning at 5:00 p.m. with refreshments, caroling and Santa.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson reported on his attendance at the 2017 Annual LAFCo Conference in San Diego and said one of the sessions included touring the Carlsbad Desalination Plant which is the largest and most technologically advanced desal plant in the nation, noting that it was a very interesting tour.

He said another session he attended had to do with ethics and the presenter was a former city manager of 27 years who did a fabulous job with the presentation and told the story about an unethical, corrupt councilmember who actually ended up in prison. He commented that corruption is a huge problem with public officials and stressed the need for council members and other city officials to take the issue seriously at all times.

Mayor Wilson reported on his attendance at the Redwood Coast Energy Authority meeting and said they are trying to finalize whether or not to bring in an additional biomass plant in Samoa and said he feels there is a need for it and it will be a topic of discussion in the near future.

He said they also discussed the Community Choice Energy (CCE) Program and noted that the program is working in that customers are paying less for electricity than they did with PG&E although the savings are minimal.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 7:32 p.m. to the December 2, 2017 regular meeting. Motion carried 5-0.

Frank Wilson, Mayor

Attest:

Karen Dunham, City Clerk