

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 6, 2024**

The regular meeting of the Rio Dell City Council was called to order at 6:00 p.m. by Mayor Pro Tem Carter.

ROLL CALL: Present: Mayor Pro Tem Carter, Councilmembers Orr, and Wilson

Absent: Mayor Garnes and Councilmember Woodall (excused)

Others Present: City Manager Knopp, Finance Director Sanborn, Interim Chief of Police Conner, Wastewater Superintendent Kelly, Community Development Director Caldwell, Senior Fiscal Assistant Maciel, and City Clerk Dunham

Absent Water/Roadways Superintendent Jensen

PUBLIC PRESENTATIONS

Mayor Pro Tem Carter invited public comment on non-agenda matters. No public comment was received.

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public would like to remove any item from the consent calendar for a separate discussion. No items were removed.

A motion was made by Orr/Wilson to approve the consent calendar including the following items:

- 1) Minutes of the July 16, 2024 Regular meeting;
- 2) Minutes of the July 31, 2024 Special meeting;
- 3) Resolution No. 1612-2024 and 1613-2024 Related to Administration and Examination of the City's (0.75%) Transaction and Use (Sales) Tax;
- 4) Resolution No. 1615-2024 Approving an Amendment to the City of Rio Dell Employee Handbook Related to Jury Duty;
- 5) Authorizing staff to amend the Agreement with Redwood Community Action Agency for Non-Infrastructure Work Related to the Eel River Trail Project;
- 6) Authorizing Staff to Periodically Close Vehicular River Access at Edwards Drive through December 2024; and
- 7) Authorizing Amendment to the Scope of Services with City Engineer, GHD in the amount of \$11,500 for the Eel River Trail Project

Motion carried 3-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that the elections office will be opening an in-person voting center in Rio Dell at the Monument Middle School for the upcoming November election. The voting center will be open for four (4) days beginning on Saturday, November 2, 2024 through election day on November 5, 2024. Any registered voter, in or out of Rio Dell can vote at the center and said that the elections office is seeking volunteers to operate the voting center.

He said that a news article entitled *"CalFire is Planning to Move its North Coast Headquarters to Rio Dell, So Why Are City Officials Worried?"* on the *Lost Coast Outpost* and encouraged everyone to read the article.

Mayor Pro Tem Carter asked Interim Chief Conner how Wildwood Days went from a police perspective.

Interim Chief Conner reported that the event was very calm and had no incidents to report.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Introduction and First Reading (by title only) of Ordinance No. 405-2024 amending the Rio Dell Municipal Code (RDMC) Chapter 15.05 "Construction Codes" to establish construction activity noise regulations and Chapter 2.60 Planning Commission regulations to elect the Chair and Vice-Chair on a bi-annual basis

Community Development Director Caldwell provided a staff report recommending approval of two minor text amendments to the Rio Dell Municipal Code (RDMC).

The first amendment was related to construction noise and hours of construction. He said that currently there is nothing in the RDMC regarding allowed hours and days of construction and staff has on occasion received calls from contractors and neighbors questioning noise regulations for construction.

The recommended language would restrict construction activity from 7:00 a.m. to 6:00 p.m. Monday through Friday with no work permitted on Saturday unless prior written approval is granted by the Chief Building Official. No construction activity would be allowed on Sunday or recognized holidays. If there are exceptions allowed to work on a Saturday, they would be required to post it on the construction site.

He said that based on his review of other city ordinances up and down the State, 7:00 a.m. to 6:00 p.m. seemed to be the most common times for construction activity.

The second amendment was related to the election of Planning Commission Chair and Vice-Chair. The current regulations require that the election be held each January. Staff

discussed the current election requirements with the Planning Commission and the consensus was to modify the language to elect the Chair and Vice-Chair every other year in January or as soon thereafter.

Mayor Pro Tem Carter opened the public hearing to receive public input on the proposed test amendments.

Sharon Wolfe addressed the Council and expressed strong opposition to the construction noise provisions as recommended. She said that limiting hours of construction to Monday through Friday would prohibit homeowners from doing repairs on weekends and pointed out that people are still in the process of doing home repairs from the earthquake.

She said that the County of Humboldt attempts to define construction noise in their General Plan but Rio Dell's code simply says that no construction activity can occur earlier than 7:00 a.m. or later than 6:00 p.m. Monday through Friday which is when people get home from work and still have a couple of hours to get work done. She commented that prohibiting any construction work on weekends is absolutely unnecessary and unreasonable for homeowners that are trying to repair homes with very little assistance. She added that she doesn't believe there is a citywide problem to justify the noise provision and certainly not a construction ban. She said that there are all kinds of reasons why the proposed provisions are insufficient and need to be defined.

In addition, the current penalty language is up to \$1,000 so people trying to repair their earthquake damage without quitting their day job could incur that fine. She noted that she personally likes to hear construction going on in the City which means that things are finally getting done after the earthquake.

There being no further public comment, Mayor Pro Tem Carter called for questions or comments from the Council.

Councilmember Orr agreed with Sharon Wolfe and said that he likes to do things to his home at different times and without clarification of what type of construction can occur the language is too vague. He said that construction can include anything from home modifications, to crafts or gardening and said that he uses a Bob Cat to do landscaping at his home which he can only do on Saturday or after 6:00 p.m. He agreed whole-heartedly that the language needs more clarity.

Councilmember Wilson agreed with the recommended language for general contractors but not for homeowners because it is a whole different thing. He suggested there be language to protect homeowners.

Mayor Pro Tem Carter agreed that the language should be clear regarding restrictions for contractors versus homeowners and to define construction noise.

Community Development Director Caldwell agreed that these are valid concerns and suggested as an alternative that the language be modified to allow construction noise from 7:00 a.m. to dusk Monday through Saturday or Monday through Sunday and have an exemption for homeowner activity.

Councilmember Orr asked what the time limitations are in other jurisdictions.

Community Development Director Caldwell indicated that most restrict construction noise from 7:00 a.m. to 6:00 p.m. and some allow noise up to 8:00 p.m. He agreed that in the summer time, it stays light to almost 9:30 p.m. allowing people to be working outside.

The consensus of the Council was to modify the language to allow construction noise from 7:00 a.m. to dusk seven days a week.

Community Development Director Caldwell agreed to modify the ordinance and bring it back to the Council at the next meeting on August 20, 2024.

Introduction and First Reading (by title only) of Ordinance No. 406-2024 Amending Chapter 13.10, "Sewer Rates and Regulations", Sections 13.10.170, 13.10.210, 13.10.220 and 13.10.467 of the Rio Dell Municipal Code (RDMC)

Wastewater Superintendent Kelly provided a staff report recommending approval of amendments to the Sewer Rates and Regulations to clarify the language related to shared sewer laterals, sewer connections, installation of sewer cleanouts and backflow devices, and sewer lateral testing requirements at the sale or transfer of property.

She noted that the ordinance is presented for its first reading (by title only) and said that the City Attorney reviewed the ordinance and approved the ordinance as amended.

Councilmember Wilson asked if the homeowner is responsible for the sewer lateral from the house to the street.

Wastewater Superintendent Kelly confirmed that to be correct.

Councilmember Orr mentioned sewer laterals serving two or more parcels and asked if this now becomes a homeowner problem with approval of the amendments.

Wastewater Superintendent Kelly explained that when someone is selling their home and this occurs, the lateral test won't pass when they are connected to their neighbor's lateral. This revised language will clarify the responsibility of the homeowner.

Councilmember Orr asked if this requirement would only be enforced when a property sells rather than the staff going out looking for these shared laterals.

Wastewater Superintendent Kelly clarified that it would only occur when someone is selling their property and the lateral test fails due to a shared lateral.

Councilmember Wilson mentioned houses on higher elevations where laterals run across the back yards of properties to connect to the main.

Wastewater Superintendent Kelly reiterated that when a property owner attempts to sell their home and discover during the lateral test that they are connected with the neighbors lateral they could plug off the connection to pass the test and not necessarily replace their lateral.

Mayor Pro Tem Carter opened the public hearing to receive public input on the proposed amendments to the Sewer Regulations. There being no public comment. the public hearing closed.

Motion was made by Orr/Wilson to approve the introduction and first reading (by title only) of Ordinance No. 406-2024 amending chapter 13.10, "Sewer Rates and Regulations", Sections 13.10.170, 13.10.210, 13.10.220, and 13.10.467 and to continue consideration, approval and adoption of the proposed Ordinance to the meeting of August 20, 2024 for the second reading and adoption. Motion carried 3-0.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Wilson reported that Humboldt Waste Management Authority (HWMA) meetings are not held in the months of August or December but he would be attending a Redwood Coast Energy Authority (RCEA) meeting later in the month.

Councilmember Orr reported that he would be attending an HCAOG meeting this month. He commented that this year's Wildwood Days event was really nice and that the Police Department did a great job reining it in.

Mayor Pro Tem Carter thanked the Rio Dell Volunteer Fire Department, the Rio Dell Chamber of Commerce, the Rio Dell Police Department, City staff, and everyone that helped to make Wildwood Days a big success. She said that this is one weekend a year where people can come together and celebrate how much they love living in Rio Dell. She thanked the community for not allowing any trash build up around town.

She reported that this Thursday she would be attending a Fire Board meeting and a School Board meeting.

She also announced that Proper Wellness scheduled another citywide cleanup event for Friday from 3:30 to 5:30 and invited volunteers to meet at Proper Wellness if they would like to help and get entered into a drawing for a \$100.00 gift card for Proper Wellness.

She said that the Parks Master Plan Survey went live online and paper copies of the survey would be out tomorrow throughout town. The purpose of the survey is to gauge the community's input on what people would like to see for future city owned parks. She encouraged everyone to go online and complete the survey.

Councilmember Orr said that he had a chance to talk to one of the old-timers in town that said that Wildwood Days was moving in the right direction compared to Wildwood Days events in the past.

Councilmember Wilson agreed that the event is more family oriented than it was in past years.

ADJOURNMENT

A motion was made by Orr/Wilson to adjourn the meeting at 6:30 p.m. to the August 20, 2024 regular meeting. The motion carried 3-0.

Attest:

Amanda Carter, Mayor Pro Tem

Karen Dunham, City Clerk