

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 20, 2024**

Mayor Garnes called the regular meeting of the Rio Dell City Council to order at 5:00 p.m.

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

Others Present: City Manager Knopp, Community Development Director Caldwell, Interim Chief of Police Conner, Water/Roadways Superintendent Jensen, Wastewater Superintendent Kelly, Sergeant Landry, Senior Fiscal Assistant Maciel, and City Clerk Dunham

Absent: Finance Director Sanborn (excused)

ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Public Employee Performance Evaluation Title: Chief of Police

Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation

RECESS INTO CLOSED SESSION

The City Council recessed into a closed session with City Manager Knopp and City Attorney Gans at 5:00 p.m. to discuss the above-listed matters.

RECONVENE INTO OPEN SESSION/ORAL ANNOUNCEMENTS

The Council reconvened into an open session at 6:00 p.m. Mayor Garnes announced that there was nothing to report out of the closed session.

PUBLIC PRESENTATIONS

Mayor Garnes 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.

Councilmembers Orr and Woodall removed consent calendar item (8) "Letter Supporting SB 620: Re: Low Impact Camping Areas."

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Sharon Wolfe, 3 Painter St., asked that consent calendar item (4) "Confirm Appointment of Corporal Landry as Interim Chief of Police." be removed for a separate discussion.

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

- 1) Minutes of the August 6, 2024 Regular meeting;
- 2) Resolution No. 1616-2024 Approving the Revised Gann Appropriations Limit for FY 2024-25, rescinding Resolution No. 1607-2024;
- 3) Resolution No. 1617-2024 Amending Resolution No. 1281-2015 Establishing Water Fees and Charges for Water Customers Pursuant to Chapter 13.05 of the Rio Dell Municipal Code (RDMC);
- 4) Contract with Kelly O'Hearn Associates for Land Surveying Services in the amount of \$30,300 for the Painter St. Sewer Upsizing Project;
- 5) Authorizing the City Manager to sign on behalf of the City of Rio Dell an amended agreement for Cable/Video Services with Access Humboldt;
- 6) Resolution No. 1618-2024 to authorize the reimbursement of expenditures related to the Water System Project; and
- 7) The Check Register for July.

Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Letter Supporting SB 620 Re: Low Impact Camping Areas

Councilmember Orr thought that the information related to SB 620 was vague and wanted clarification on what the Council would be supporting.

Councilmember Woodall questioned where the proposed camping would be allowed in Rio Dell and if the City could restrict the length of time people could camp. She said that she felt like the bill was designed to accommodate the potential incoming homeless population.

Mayor Garnes said that she asked that this item be put on the agenda at the request of the Great Redwood Trail board. She said that she wasn't able to answer the Councilmember's questions and suggested the item be tabled.

The consensus of the Council was to bring the item back on a future agenda.

Confirm Appointment of Corporal Landry as Interim Chief of Police

Sharon Wolfe commended Corporal Landry for her service and dedication and said that she is a fantastic asset to the community. She noted that her daughter and grandson participated in the bike rodeo at the school and Corporal Landry was great with the kids. She said that she appreciates her community involvement and her service to the community as an outstanding officer. She added that she has earned this promotion on

her own merits and that she was not able to find any references to women police chiefs in Humboldt County so this is wonderful.

Councilmembers agreed.

A motion was made by Woodall/Carter to confirm the appointment of Corporal Landry as Interim Chief of Police. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and said that the Eel River Trail Project was underway, and the contractor for the Water Capital Improvement Project (CIP) revised the start date to January 2025 except for some minor prep work.

Councilmember Woodall questioned the status of the installation of the bollards at Memorial Park.

City Manager Knopp explained that the project was on the to-do list and that an engineer would be needed for the preliminary site work.

Councilmember Woodall asked if the bollards would be the stationary type that pull up from underground or the movable type.

City Manager Knopp explained that the stationary-type bollards are significantly more expensive and would require deeper excavation and possible conflicts with underground utilities so the movable bollards would probably be the best option however, the engineer would need to identify the best option.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

Discuss Possible Ordinance Changes Banning the Sale, Provision, or Distribution of Nitrous Oxide within the City limits

City Manager Knopp provided a staff report and said that this item is coming before the Council as a preliminary discussion on the potential ban on Nitrous Oxide. The request came from the City of Eureka following a fatal vehicle vs. pedestrian accident where the driver allegedly was using or had very recently used nitrous oxide and was impaired and as a result, caused the fatal accident. He said that Eureka adopted a resolution to pursue a ban on the sale of Nitrous Oxide and provided Eureka's draft Ordinance for the Council's review.

City Manager Knopp said that it is unclear how the ban would impact or be enforceable for the online sales of nitrous oxide as there are several legal and legitimate uses for the product.

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Mayor Garnes asked the Police Department staff to comment on the issue related to Rio Dell.

Corporal Landry said that she has a conviction for the use of Nitrous Oxide/DUI with a suspect using 100 of them in an hour and driving in Rio Dell so it is an issue in Rio Dell. She noted that she is no longer sees the smaller cartridges like you see in whipped cream cans as they are now selling tanks larger than a water bottle size in the local stores. She said that she sees them outside of stores, outside of drug houses where kids could easily pick them up so it is a problem and the safety of kids is something to take into consideration. She supported the proposed ban.

Mayor Pro Tem Carter commented that she got sick of the litter associated with the Nitrous Oxide canisters with pile of them disposed at the river bar.

Councilmember Wilson asked where the Nitrous Oxide is being sold in Rio Dell.

Corporal Landry indicated that it is being sold at E & J Liquors.

Councilmember Orr supported the ban, especially if the large tanks are being sold.

Councilmember Woodall asked if E & J Liquors sold the large tanks or just the "Whippets."

Corporal Landry said that over the years they have sold the small canisters (Whippets) but more recently they have been selling the large tanks.

Councilmember Woodall asked if there is an age limit for purchasing Nitrous Oxide.

Interim Chief of Police Conner said that it is prohibited to sell Nitrous Oxide to anyone under the age of 18.

Councilmember Woodall noted that she has seen the empty canisters all over town and that the City needs to do something about it.

The consensus of the Council was to direct staff to develop an ordinance banning the sale of Nitrous Oxide in the City of Rio Dell and present it to the Council for consideration.

Mayor Garnes called for public comment on the matter.

Alice Millington asked if the canisters or tanks are prone to explosion and said about three months ago she was driving on Highway 101 South coming into Rio Dell and heard a tremendous explosion coming from the Bellevue area.

Corporal Landry commented that there have been reports of explosions but she was not aware of any of them coming from Nitrous Oxide.

It was suggested that the explosion may have been from a transformer.

Sharon Wolfe addressed the Council and said that she did some research on the subject as the County of Humboldt was looking at doing a ban on Nitrous Oxide and was added to the County's legislative platform. She said that the problem is that there is no enforcement. Stores selling Nitrous Oxide are supposed to require identification and have a log for all sales but they don't. She commented that the ban is a worthy principle to have even though there is no enforcement regarding online sales. She added that the ban would establish that it is not acceptable to sell Nitrous Oxide to minors and until she started looking into it, she had no idea it was such a huge problem within the community. She encouraged the City to continue to consider adopting a ban and then look at ways to enforce the ban.

Spay and Neuter Voucher Program

City Manager Knopp provided a staff report and said that city staff developed a proposal to utilize funds from the current Spay and Neuter Fund (Fund 093), to implement a spay and neuter voucher program for Rio Dell residents. The current fund balance is \$3,400 and staff proposes to re-establish funding through Animal License and Animal Control fees, with anticipated annual contributions of approximately \$2,500 based on historical averages.

He reviewed the proposed program and said that the spay and neuter voucher program aims to reduce the pet population in Rio Dell by providing financial assistance to residents for sterilizing their animals. The program would be coordinated with the Rio Dell Community Resource Center to distribute vouchers to Rio Dell residents. The vouchers would be redeemed at **Critters Without Litters**, set up through the non-profit Humboldt Humane program offering low-cost sterilization services at their facility in Fernbridge. The City would directly reimburse Critters Without Litters for voucher redemptions with voucher values varying by animal type and size ranging from \$75 for male cats to \$350 for female dogs (under 65 pounds). The number of vouchers issued would depend on the amount of available funding, currently at \$3,400.

Staff recommended that the City Council approve implementing the spay and neuter voucher program as outlined in the report.

City Manager Knopp pointed out that Mayor Pro Tem Carter has been a huge advocate in pushing for this program with Critters Without Litters.

Mayor Pro Tem Carter emphasized the importance of the program and said that animal shelters are important and necessary but not the long-term solution for reducing the pet population. She said that she hopes to have Rio Dell set an example by implementing the spay and neuter voucher program rather than just taking the animals to the shelter and hoping for the best.

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She commented that Sara Reback from the Rio Dell Community Resource Center has a deep and thorough knowledge about the members of this community and that she will do a fantastic job making sure the vouchers get into the hands of the people who truly need them.

She commented that she is proud of the City for doing this and looks forward to helping with fundraising activities for this purpose.

She acknowledged Alice Millington for her years of commitment in helping to get animals spayed or neutered.

Alice Millington addressed the Council and said that her goal has always been for the City to develop a No Breeding Ordinance because it is a matter of health and safety to kids and other animals to have unfixed dogs on the street, especially when a female dog is in heat. She said that it was a plan to bring a draft ordinance forward then COVID happened and priorities changed.

She urged landlords to quit disallowing pets and suggested they allow tenants to have pets if the pets have been spayed or neutered.

Councilmembers Orr and Wilson expressed their support for the voucher program.

Mayor Garnes stressed the need to enforce the City's ordinances related to animals and to fine people who don't abide by the rules. She indicated that she would be bringing an item to the City Council at an upcoming meeting related to loose dogs and said that she supports the voucher program 100%.

Motion was made by Carter/Orr approving the implementation of the spay and neuter voucher program as outlined in the report. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption 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).

He said that the ordinance was presented to the City Council at their meeting on August 6, 2024. The discussion revolved around construction noise recommendations and it was brought up and suggested that the recommendation to limit the construction hours from 7:00 a.m. to 6:00 p.m. Monday through Friday was too restrictive and needed to be increased to accommodate people who work during the week.

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He presented two potential options for the Council's consideration.

- 1) 7:00 a.m. to 8:00 p.m., seven days a week, Monday through Sunday.
- 2) 7:00 a.m. to 8:00 p.m., Monday through Saturday, Sundays and holidays 9:00 a.m. to 8:00 p.m.

Community Development Director Caldwell commented he believed that Option 1 closely reflected the Council's direction from the previous meeting.

The Council discussed the options and Mayor Garnes called for public comment on the matter.

Sharon Wolfe addressed the Council and said that either option would be acceptable. She said the only issue she saw was concerning where it stated that construction activity shall include any physical activity on the property outside of those time limits and said that a reasonable person would abide by that but an unreasonable person in a neighbor fight would have a little bit of room to argue.

She said that she did some research on other noise ordinances and provided language from the City of Galt related to noise exemptions. She pointed out that because construction projects usually don't end on time it makes sense to allow for exemptions. She referred to a highlighted portion of the language that read the following:

Provided, however, when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in the process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work after 8:00 p.m. and to operate machinery and equipment necessary until completion of the specific work in progress can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner.

She noted that they also have an exception for pouring concrete because of the heat, so from June through September, they are allowed to start at 5:00 a.m. on weekdays.

Community Development Director Caldwell referred to page 77 of the packet outlining the exceptions to Rio Dell's noise ordinance.

He said that the staff's recommendation is to approve the ordinance under Option 1 or 2 as discussed or suggest revisions and direct staff to bring the ordinance back at a subsequent meeting for adoption.

Motion was made by Orr/Carter to adopt Ordinance No. No. 405-2024 amending the Rio Dell Municipal Code (RDMC) Chapter 15.05 "Construction Codes" to establish construction activity noise regulations (under Option 2) and Chapter 2.60 Planning Commission regulations to elect the Chair and Vice-Chair on a bi-annual basis. Motion carried 5-0.

Second Reading (by title only) and Adoption 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 was presented to the City Council for its first reading and introduction at the August 6, 2024, regular meeting and is back for its second reading (by title only) and adoption.

Mayor Garnes 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.

A motion was made by Carter/Woodall to approve the second reading (by title only) and adopt 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. Motion carried 5-0.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Carter reported on recent meetings and events and said that she attended the Rio Dell School Board meeting and the Rio Dell Fire District meeting. She announced that there would be a Nuisance Advisory Committee meeting tomorrow at 3:00 p.m. at City Hall.

Councilmember Orr reported that he attended an HCAOG meeting last week and said that the Regional Climate Action Plan is now live on the HCAOG website. He mentioned that from September 30 - October 6 is a "Week Without Driving" to remind us about those who can't afford to drive or are unable to drive. On September 22-34 the "Ride Humboldt" campaign will kick off and the Humboldt Transit Authority (HTA) is going through a fair change to make the fares easier to understand. In addition, the hydrogen bus that is expected to arrive in December and will run to Mendocino County and back and is the first of its kind in the United States so the board is very anxious to see how it works out.

Councilmember Wilson reported that he would be attending a Redwood Coast Energy Authority (RCEA) meeting on Thursday.

Councilmember Woodall asked that an item be placed on the next agenda related to recommendations from the Beautification, Walkability and Pride Committee related to improvements at the Triangle (Blue Star) Park. The Council concurred.

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Mayor Garnes announced that at the HCAOG meeting last week, the board appointed her to the Great Redwood Trail Board and thanked Councilmember Orr for the nomination. She noted that Rio Dell is now at the table which is great.

She reported that on August 29th she will be manning the table at the Humboldt County Fair with information on tsunamis and earthquake safety.

ADJOURNMENT

A motion was made by Carter/Woodall to adjourn the meeting at 6:56 p.m. to the September 3, 2024 regular meeting. The motion carried 5-0.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk