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**RIO DELL CITY COUNCIL  
REGULAR MEETING MINUTES  
OCTOBER 15, 2024**

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

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

Absent: Mayor Garnes (excused)

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

Absent: Finance Director Sanborn and Water/Roadways Superintendent Jensen (excused)

**PUBLIC PRESENTATIONS**

Mayor Garnes invited public comment on non-agenda matters.

**Deborah Gregory Fisher**, a resident at the Rio Dell Apartments addressed the Council and asked if there was an attorney that would represent her to get filters off of cigarettes. She said that it has been discovered that the deep inhaling from cigarette butts is causing deep tissue cancer. She noted that cigarette smoking is not only a status symbol but also very addictive and the citizens here do not need to be stepping through cigarette butts on the ground. She said that she had been cleaning them up and while doing so was stabbed by a needle and also got her shoes soaked. She added that smokers drop their butts on the ground as a habit and don't even know they are doing it. She said that people should either smoke their fix or quit.

**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.

**Sharon Wolfe** asked that item 5 be removed for a separate discussion.

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

- 1) Minutes of the October 1, 2024 Regular meeting;
- 2) Authorize the service of annual preventative maintenance on the Fulton Fluid boiler by California Boiler for \$12,360.65;
- 3) Receive and file the Check Register for September; and

- 4) Adopt Resolution No. 1623-2024 amending the FY 2024-25 adopted budget approving the Spay and Neuter Budget Adjustment.

Motion carried 4-0.

## ITEMS REMOVED FROM THE CONSENT CALENDAR

Adopt Resolution No. 1624-2024 Amending the FY 2024-25 Adopted Budget Approving the CDBG Budget Adjustment

**Sharon Wolfe** commented that the staff report refers to three CDBG projects but doesn't identify what those projects are.

Community Development Director Caldwell explained that the CDBG Program Income (PI) funds were allocated for the rehabilitation of three earthquake-damaged homes in Rio Dell. The recipients were Steve Saunders, Darrel Ridenour, and Mary McGrath.

A motion was made by Orr/Woodall to adopt Resolution No. 1624-2024 amending the FY 2024-25 adopted budget and approving the CDBG budget adjustment. Motion carried 4-0.

## REPORTS/STAFF COMMUNICATIONS

### City Manager/Staff Update

City Manager Knopp provided highlights of the staff update and reminded the Council that a portion of the Eel River Trail was cut from the Clean California grant due to budget constraints which included the ADA ramp at Davis St.

He said that staff has been working on developing strategies to get that remaining portion of the trail completed. Multiple potential funding sources were explored with the most likely funding source being the Community Development Block Grant (CDBG) Program.

He said that there is a current Notice of Funding Availability (NOFA) circulating which staff intends to make an application for.

He said that the Department of Housing and Community Development (HCD) is aware of the project and is very excited about it. He said that as the Council may recall, part of the strategy is to create a shovel-ready project that would be attractive to funders.

He noted that Community Development Director Caldwell has been working diligently on updating some of the environmental documents needed to make an application for CDBG funding. One of the requirements for obtaining CDBG funding is to hold a public hearing which has been scheduled for Tuesday, October 22, 2024, at 5:30 p.m. at City Hall. This allows the community to provide input on the proposed use of funding.

Mayor Pro Tem Carter called for public comment on the staff update. No comments were received.

## **SPECIAL PRESENTATIONS/STUDY SESSIONS**

### Presentation by Redwood Coast Energy Authority (RCEA) on Diablo Canyon Power Plant Nuclear Allocation

City Manager Knopp explained that at the October 1, 2024 council meeting, the Council requested that RCEA provide a presentation related to the acceptance of nuclear power allocations to make the Council more aware of the issue and to provide Councilmember Wilson, as the City's representative on the RCEA board, the Council's position on the issue.

Eileen Verbeck, Interim Executive Director, and Richard Engel, Director of Power Resources from RCEA were present to provide the presentation.

Ms. Verbeck provided the background on the subject of Diablo Canyon Power Plant Nuclear Allocations and said that the RCEA Board of Directors, at their meeting on September 26, 2024, opted not to accept an allocation of nuclear power from the Diablo Canyon power plant. However, staff discovered there was an error in the process when staff mistakenly told the Board that all five voting members would need to vote affirmative for an action to pass. Since this was incorrect information which could have influenced the vote, the Board will be given the opportunity at their October 24, 2024 meeting to evaluate whether a correct understanding of the voting process would have changed the outcome of the Board's vote and the opportunity to reconsider their vote.

Mr. Engel proceeded with a PowerPoint presentation beginning with the background on the Diablo Canyon Nuclear Power Plant. He said that the plant which is located in Morro Bay, is the only nuclear power plant in California and provides 10% of the energy in the California grid. PG&E had plans to retire the plant in 2025 but due to heat waves and power outages across the state, the closure was extended through 2030. As such, ratepayers are required to pay the costs of keeping the plant in operation for an additional five years.

He explained that RCEA has prohibited the procurement of nuclear power since its 2016 Energy Risk Management Policy but due to increased costs of procuring carbon-free power from alternative sources, it has motivated RCEA and other CCA's to bring this matter to their Boards for consideration. Of the 25 CCA's across California, most or all have opted to accept the nuclear allocation.

Under RCEA's Energy Risk Management Policy, generation sources from nuclear generation, coal generation, or hydroelectric generation from existing dams on the main stem of the Klamath River are prohibited. Exceptions to this prohibition would be allowed for occasional short-term procurement. Since the extension allows for a 1-year option, the policy would not need to be amended should the Board accept the nuclear allocation.

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Mr. Engel reviewed the alternatives under 3 scenarios and how they could improve RCEA's financial position and/or reduce RCEA's greenhouse gases by replacing system power.

He said at the October 8, 2024, meeting the RCEA Community Advisory Committee voted in favor of recommending that the RCEA Board of Directors accept the nuclear allocation under Scenario 2, achieving cost savings by selling off an equivalent amount of carbon-free large hydropower.

Councilmember Wilson said that he would like the City Council to do something similar to what the RCEA Community Advisory Committee did to either recommend accepting or not accepting the nuclear allocation. He explained the voting process and said that the County has 39% of the vote whereas Rio Dell has 6%, pointing out that the County and the larger cities could swing the vote.

He commented that he supports the newer technology for nuclear power plants but not necessarily the older run plants such as Diablo Canyon. He asked the Council to weigh in on whether to accept or not accept, the nuclear power allocation.

The consensus of the Council was to recommend that the RCEA Board accept the nuclear power allocation from Diablo Canyon.

Mayor Pro Tem Carter called for public comment on the matter.

**Deborah Gregory Fisher** commented that everyone seems to want to kick the can down the road when it comes to solar and wind power and that Governor Whitmer of Michigan wants to cancel the production of coal. She said if you kick the can down the road too long, it will eventually kick back.

**Sharon Wolfe** expressed support for accepting the nuclear power generation allocation pointing out that ratepayers are already paying for it. She encouraged RCEA to revisit the policy noting that they have been very reactionary regarding nuclear. She said that the new nuclear technology is amazing but was shut down by the industry because it would have cost them profits and that the United States has fallen way behind as far as energy production because of being so reactionary. She said that there is some middle ground and policies for RCEA suggesting a policy that addresses the fact that new nuclear technology is worthy of being explored if the goal is to electrify everything whether that is a good idea or not.

Councilmember Wilson mentioned 3-mile island which still has one reactor in operation with the option to bring back one more through modernization because of the electricity shortage across the country.

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Second reading (by title only) and adoption of Ordinance No. 407-2024 Amending Chapter 13.20 "Water Wells" of the Rio Dell Municipal Code (RDMC) to clarify the County Department of Environmental Health administers the City's water well permitting process  
Community Development Director Caldwell provided a staff report recommending the adoption of Ordinance No. 407-2024 amending Chapter 13.20 "Water Wells" of the Rio Dell Municipal Code (RDMC).

He said as discussed at the September 17, 2024, Council meeting, the City was recently contracted by the Humboldt County Department of Environmental Health recognizing that the City's current regulations are not clear in identifying the County as the jurisdiction that administers the City's well-permitting process. The proposed changes identify the County as the permitting jurisdiction and include some additional definitions for "Agricultural Wells" and the "County". He said that there was a question at the last meeting regarding setbacks. He checked with the County and they don't have setback requirements at this time but he did share with them the City's recommended setbacks. He then reviewed the proposed setback requirements.

He commented that one of staff's concerns is the allowance of wells in general. The City's water rates are based on the number of water connections so if the City is going to lose water subscribers, that means that the rates would go up for the other ratepayers. He noted that one option would be to prohibit all new wells within the City since all parcels in the City have community water available to them. He noted that the Council also has the option of prohibiting new water wells on all parcels within 300 feet of an existing public water main. Wells used exclusively for agricultural or irrigation purposes would be allowed under the proposed ordinance.

Mayor Pro Tem Carter asked if the City Council could prohibit private wells at a later date.

Community Development Director Caldwell said that they could.

Mayor Pro Tem Carter opened a public hearing to receive public input on the proposed ordinance. There being no public comment, the public hearing was closed.

A motion was made by Woodall/Wilson to adopt Ordinance No. 407-2024 amending Chapter 13.20 "Water Wells" of the Rio Dell Municipal Code (RDMC) to clarify the County Department of Environmental Health administers the City's water well permitting process. Motion carried 4-0.

Introduction and first reading (by title only) of Ordinance No. 409-2024 amending Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) Vacation Dwelling Unit Regulations appeal period to be consistent with Section 17.35.060 of the RDMC  
Community Development Director Caldwell provided a staff report recommending the introduction of Ordinance No. 409-2024 amending the Vacation Dwelling Unit

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Regulations appeal period to be consistent with Section 17.35.060 of the Rio Dell Municipal Code (RDMC).

Staff recently discovered an error in the Vacation Dwelling Unit regulations regarding appeals. The current provisions state that appeals may be filed within 30 days following approval on a vacation dwelling unit property however, the intent of the ordinance was that the appeal period be 10 days, consistent with other applications under Section 17.35.060 of the Rio Dell Municipal Code (RDMC).

Staff recommended that the Vacation Dwelling Unit regulations related to the appeal period be amended to be consistent with the other appeal provisions identified in the RDMC which is 10 days.

Mayor Pro Tem Carter opened a public hearing to receive public comment on the proposed ordinance. There being no public comment the public hearing was closed.

Councilmember Wilson asked if the appeal period applies to all other applications and if the 10-day appeal period allows the applicant enough time to appeal a decision.

Community Development Director Caldwell explained that most appeals are related to the Conditions of Approval for a project and appeals rarely come from a neighbor.

Councilmember Wilson asked if notices are sent to the surrounding neighbors when a vacation dwelling unit application is approved so they have the opportunity to appeal the decision.

Community Development Director Caldwell said that notices are sent and clarified that the appeal period is 10 working days rather than 10 calendar days.

A motion was made by Orr/Woodall to approve the introduction of Ordinance No. 409-2024 amending Section 17.30.360(4) of the Rio Dell Municipal Code (RDMC) Vacation Dwelling Unit Regulations appeal period to be consistent with Section 17.35.060 of the RDMC and to continue the second reading and adoption of the Ordinance to the November 5, 2024 regular meeting. Motion carried 4-0.

## **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Woodall reported that the Pack Out Green Team would be having a Eel River Cleanup on Saturday, October 19 from 9-10:15 a.m. starting at the south side of the bridge; and there would be a Nuisance Advisory Committee meeting at City Hall tomorrow at 3:00 p.m.

Councilmember Orr reported that he would be attending an HCAOG meeting on Thursday.

Councilmember Wilson reported that he would be attending an RCEA meeting next week.



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Mayor Pro Tem Carter announced that there would be a Beautification, Walkability, and Pride Committee meeting on October 25; she would be attending a RREDC meeting next Monday; the quarterly COAD meeting was rescheduled; and reminded everyone of the Trunk & Treat event on Halloween at the Fire Hall from 6-9 p.m.

She requested an item be placed on the next agenda regarding the graffiti on the green wall on Edwards Dr. and potential interest in creating an art project for kids to deter graffiti at that location. Council concurred.

**ADJOURNMENT**

A motion was made by Wilson/Orr to adjourn the meeting at 6:55 p.m. to the November 5, 2024 regular meeting. Motion carried 4-0.

Attest:

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Amanda Carter, Mayor Pro Tem

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Karen Dunham, City Clerk