



AGENDA
RIO DELL CITY COUNCIL
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING - 6:30 P.M.
TUESDAY, DECEMBER 5, 2017
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE

WELCOME . . . *By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
AS FOLLOWS:
 - 1) 2017/1205.01 – **Public Employee Performance Evaluation**
Title: City Manager (Pursuant to §54957 of the
Government Code)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE INTO OPEN SESSION – 6:30 P.M.
- G. ORAL ANNOUNCEMENTS
- H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

J. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

K. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council embers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS"

- 1) 2017/1205.02 - Approve Minutes of the November 21, 2017 Regular Meeting **(ACTION)** 1
- 2) 2017/1205.03 - Approve Pay Request No. 3 to DCI Builders, Inc. in the amount of \$141,251.10 for work related to the CDBG Architectural Barrier Removal (Porch) Project **(ACTION)** 9
- 3) 2017/1205.04 - Approve Resolution No. 1366-2017 Accepting the Certification of Votes for the November 7, 2017 Consolidated Districts Election **(ACTION)** 13

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

M. SPECIAL PRESENTATIONS/STUDY SESSIONS

N. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2017/12.05.05 - Consider Perkett Alley Abandonment Request **(DISCUSSION/POSSIBLE ACTION)** 17

O. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2017/1205.06 - Approve Resolution No. 1367-2017 Approving North Coast Regional Water Quality Control Board Compliance Project and Approval of Related Budget Adjustment
(DISCUSSION/POSSIBLE ACTION)

28

- P. REPORTS/STAFF COMMUNICATIONS
- Q. COUNCIL REPORTS/COMMUNICATIONS
- R. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, December 19, 2017 at 6:30 p.m.*

**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

The official final tally for Measure X Cannabis Tax was received today. Of the total vote, the measure received a yes vote of 80.96% and a no vote of 19.04%. This compares to the 2016 advisory Measure T Advisory Measure on Cannabis which received a yes vote of 53.41% and a no vote of 46.59%.

Tentatively scheduled for January 2, 2018, representatives from the Scotia Community Services District will appear before the Council to present a status update on the District, a recap of events from 2017 and what can be expected in 2018.

Staff continues to work through a process required in statute to move forward with the hiring of a new Chief of Police.

Staff is looking into a program through the State called the Local Update of Census Addresses Program (LUCA). There has been some discontent regarding census figures for the City of Rio Dell. The best way of addressing this is to work towards greater citizen participation in the census and helping to make sure the Census has accurate addresses.

The median replacement trees have been planted at City Hall.

Doors, railings and windows for the porch project are scheduled to be installed next week.

There is a Holiday Giving Tree in the City Hall lobby for anyone who would like to donate gifts prior to Christmas. There is also a canned food drive available in the lobby – this will be in place through January.

The Rio Dell-Scotia Chamber of Commerce welcomes one and all to the Dennis Wendt Annual Tree Lighting Ceremony Saturday, December 2, 5 - 6 p.m. 406 Wildwood Avenue Rio Dell Corner of Columbus, by the clock.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)
E-mail: kknopp@cityofriodell.ca.gov



CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
December 5, 2017

TO: Mayor and Members of the City Council
THROUGH: Kyle Knopp, City Manager *Y*
FROM: Brooke Woodcox, Finance Director *BW*
DATE: December 5, 2017
SUBJECT: CDBG Architectural Barrier Removal Pay Request #3 – DCI Builders

Recommendation

Receive and File Pay Request #3

Background and discussion

The City Council approved construction at City Hall for architectural barrier removal (ABR) on June 6, 2017. Construction for the project began September 18, 2017 and is scheduled to be completed on December 8, 2017. Pay request #3 totals \$141,251.10. Amount is partly funded through CDBG program income (PI) and General Fund monies.

Total Contract Cost	\$296,785.00
Change order #1 – Removal of Decorative Walls	(7,000.00)
Change order #2 – Rot Removal	<u>553.17</u>
Total Costs	\$290,338.17
Less Pay Request #1	(25,940.25)
Less Pay Request #2	(45,047.25)
Less Pay Request #3	<u>(141,251.10)</u>
Remaining Balance	\$ 78,099.57
Less 10% Retention to Date	<u>(23,582.07)</u>
Total amount to finish	<u>\$ 54,517.50</u> (19%)

DCI BUILDERS
118 PORT KENYON ROAD
FERNDALE, CA 95536
(707) 786-5450 Fax (707) 786-4566

CUSTOMER #: CORD
INVOICE #: 68410
INVOICE DATE: 11/25/17
DUE DATE: 11/30/17

BILL TO:
CITY OF RIO DELL
675 WILDWOOD AVENUE
RIO DELL, CA 95562

JOB: 17260
CITY OF RIO DELL
ARCHITECTURAL BARRIER
REMOVAL IMPROVEMENTS
RIO DELL, CA 95562

CODE	DESCRIPTION	CURRENT CONTRACT	PREVIOUS BILLED	PREV %	% COMPL	CURRENT BILLING
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PLEASE SEE ATTACHED SCHEDULE OF VALUES FOR A MORE COMPREHENSIVE BILLING DETAIL.

00	Contract	296,785.00	80,975.00	27.3	81.0	159,542.50
	TOTALS:	296,785.00	80,975.00	27.3	81.0	159,542.50
C001	REMOVE DECORATIVE	-7,000.00	-2,100.00	30.0	75.0	-3,150.00
C002	REMOVE ROT	553.17			100.0	553.17
	CHANGE ORDER TOTALS:	-6,446.83	-2,100.00	32.6	72.9	-2,596.83
SUBTOTAL:						156,945.67
LESS RETENTION:						-15,694.57
NET DUE:						141,251.10

Thank you! We appreciate your business!



17260 ~ City of Rio Dell- ADA Barrier Removal Project at City Hall

Application No: 3
 Application Date: 11/25/17
 Period To: 11/30/17
 Contract/SOV Date: 08/03/17

Schedule of Work Completed

Description of Work	Scheduled Value	From Previous Application	This Period	Materials Presently Stored(not in D or E)	Total Completed & Stored to Date (D+E+F)	% Complete (G/C)	Balance To Finish (C-G)	10% Retention
General Requirements/mobilization	9,375.00	7,500.00	937.50		8,437.50	90.00%	937.50	843.75
Demolition/disposal	18,700.00	9,350.00	7,480.00		16,830.00	90.00%	1,870.00	1,683.00
Site prep/layout	1,750.00	875.00	875.00		1,750.00	100.00%	0.00	175.00
Footing excavation	3,900.00	1,950.00	1,950.00		3,900.00	100.00%	0.00	390.00
Parking/stripping/signage	2,460.00				0.00	0.00%	2,460.00	0.00
Fill material	16,100.00	8,050.00	8,050.00		16,100.00	100.00%	0.00	1,610.00
Landscaping	1,075.00				0.00	0.00%	1,075.00	0.00
Concrete- forming	54,050.00	16,215.00	37,835.00		54,050.00	100.00%	0.00	5,405.00
Concrete- strip forms	7,950.00	1,192.50	6,757.50		7,950.00	100.00%	0.00	795.00
Concrete- rebar/ties	14,350.00	5,740.00	8,610.00		14,350.00	100.00%	0.00	1,435.00
Concrete- pour	45,475.00	18,190.00	27,285.00		45,475.00	100.00%	0.00	4,547.50
Concrete- decorative/stamp walls	17,500.00	5,250.00	7,875.00		13,125.00	75.00%	4,375.00	1,312.50
Metal fabrication/painting	40,650.00			20,325.00	20,325.00	50.00%	20,325.00	2,032.50
Carpentry- temporary access	4,500.00	2,250.00	1,125.00		3,375.00	75.00%	1,125.00	337.50
Storefront doors	24,500.00			12,250.00	12,250.00	50.00%	12,250.00	1,225.00
Windows	11,800.00		11,800.00		11,800.00	100.00%	0.00	1,180.00
Plumbing	2,900.00	1,450.00	1,450.00		2,900.00	100.00%	0.00	290.00
Electrical/light fixtures	19,750.00	2,962.50	4,937.50		7,900.00	40.00%	11,850.00	790.00
Total Contract:	296,785.00	80,975.00	126,967.50	32,575.00	240,517.50	81.04%	56,267.50	24,051.75
Changer Order #1: Remove Decorative Pattern Stamped Walls/Change to Standard Formed Walls & Colored/Pattern Stamped Walks	(7,000.00)	(2,100.00)	(3,150.00)		(5,250.00)	75.00%	(1,750.00)	(525.00)
Total Change Orders PR #1:	(7,000.00)	(2,100.00)	(3,150.00)	0.00	(5,250.00)	75.00%	(1,750.00)	(525.00)
Change Order #2: Remove Rot	553.17		553.17		553.17	100.00%	0.00	55.32



17260 ~ City of Rio Dell- ADA Barrier Removal Project at City Hall

Application No: 3
 Application Date: 11/25/17
 Period To: 11/30/17
 Contract/SOV Date: 08/03/17

Schedule of Work Completed

Total Change Orders PR #3:	553.17	0.00	553.17	0.00	553.17	100.00%	0.00	55.32
Total Adjusted Contract:	290,338.17	78,875.00	124,370.67	32,575.00	235,820.67	81.22%	54,517.50	23,582.07
Total to Bill:		156,945.67						

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Rio Dell City Council
FROM: Karen Dunham, City Clerk
THROUGH: Kyle Knopp, City Manager
DATE: December 5, 2017
RE: Accepting Certification of Votes

RECOMMENDATION

Approve Resolution No. 1366-2017 Accepting the Certification of Votes for the November 7, 2017 Consolidated Districts Election.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

The Humboldt County Elections Department officially certified the votes cast in the November 7, 2017 Consolidated Districts Election on November 22, 2017. The Resolution accepts the vote count and recognizes the passage of Measure X establishing a cannabis business tax.

ATTACHMENTS:

Resolution No. 1366-2017
Certificate of Results

RESOLUTION NO. 1366-2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ACCEPTING THE CERTIFICATION OF VOTES FOR THE
NOVEMBER 7, 2017 CONSOLIDATED DISTRICTS ELECTION**

WHEREAS, the Humboldt County Election Division has officially certified the votes cast in the November 7, 2017 Consolidated Districts Election for Measure X: City of Rio Dell Cannabis Business Tax as:

Measure X	353	Yes	80.96%		
	83	No	19.04%		

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO DELL DOES
HEREWITH RESOLVE:**

To accept the vote count as certified by the Humboldt County election Division (copy attached); and

To recognize the passage of Measure X; a new business tax of up to five dollars per square foot of space utilized for certain commercial cannabis cultivation activity and for other commercial cannabis activity, a tax of up to ten percent of gross receipts, with all proceeds placed in the City's General Fund to be used for any governmental purpose.

PASSED AND ADOPTED this 5th day of December 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, Certified Municipal Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Resolution No. 1366-2017 adopted by the City Council of the City of Rio Dell on December 5, 2017.

Karen Dunham, City Clerk

**Certificate of Results of Canvass
November 7, 2017
Consolidated Districts Election
City of Rio Dell
Measure X**

STATE OF CALIFORNIA)
) SS
COUNTY OF HUMBOLDT)

I, Kelly E. Sanders, Registrar of Voters of the County of Humboldt, do hereby certify that pursuant to the provisions of Section 15301 et. al., of the California Elections Code, I did canvass the return of votes cast in the November 7, 2017, Consolidated Districts Election, and that the Statement of Votes Cast to which this Certification is attached shows the total number of votes cast and the total number of votes cast for each candidate and/or measure in each respective precinct therein and that the totals for each candidate and/or measure are true and correct.

WITNESS MY HAND AND OFFICIAL SEAL this 22nd Day of
November, 2017.

KELLY E. SANDERS
REGISTRAR OF VOTERS

Signed:  (Deputy)



Final Canvass Report — Total Voters — Official
HUMBOLDT COUNTY — CONSOLIDATED DISTRICT ELECTION — November 07, 2017

Page 4 of 7

11/21/2017 10:25 AM

Total Number of Voters : 6,151 of 27,539 = 22.34%

Precincts Reporting 41 of 41 100.00%

MEASURE X CITY OF RIO DELL CANNABIS BUSINESS TAX

Precinct	Vote by Mail Ballots Cast	Mail Ballot Precincts Bal	Election Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	YES	NO	Totals
ZR-1	305	0	132	437	1649	26.50%	353	83	436
Totals	305	0	132	437	1849		353	83	436

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 5, 2017

To: City Council
From: Kevin Caldwell, Community Development Director
Through: Kyle Knopp, City Manager
Date: November 27, 2017
Subject: Perkett Alley Abandonment Request

Recommendation:

That the City Council:

1. Receive staff's report regarding Kerry Perkett's request to have the City abandon any interest in an alley located along the western boundary of the Todd parcel.
2. Discuss, Deliberate and Make a Motion and a Second; and
3. Take Public Comment; and
4. Provide direction to staff to either (1) Proceed with the request; or (2) Not support the request; or (3) Not support the request and notify those property owners with improvements in the alley that the improvements must be removed.

Discussion

The City recently received an application to abandon the City's interest in an alley located along the western boundary of the Todd parcel. Please refer to Map of the First Addition to New Rio Dell Tract, included as Attachment 1. In 2008 Paul Bareilles made application for a minor subdivision on behalf of the Matteucci family. A copy of the Staff Report is included as Attachment 2.

During the review of the application it was discovered that a portion of the existing improvements encroached into the 20 foot alley. Please refer to the survey included as Attachment 3. At that time the applicant requested that the City abandon the alley. However, at that time the City was interested in retaining the alley to provide additional access points to the Todd property. As such the subdivision was conditioned to remove the non-conforming structures prior to the sale or transfer of the parcel.

According to the County Assessor Office the home was built in 1943 and an apparent unpermitted (staff could not find evidence of a Building Permit) addition in 1979. As one can tell by Attachment 2, when the house was built in 1943 it was/is encroaching into the 20 foot alley.

Staff discovered the condition to remove the non-conforming structures prior to the sale or transfer of the parcel as part of the record's check of the parcel and notified the current owner, Kerry Perkett. Of course Mr. Perkett contacted Mr. Bareilles regarding the condition. Staff recently met with Mr. Bareilles to discuss possible options. Staff informed Mr. Bareilles that we would present the situation to the City Council for your consideration and direction.

It should be noted that there are at least two other structures (APN's 053-074-002 and 053-154-004) that appear to be encroaching into the 20 foot alley.

Should the Council decide to support the abandonment, staff is recommending that the portion of the alley extension of Third and Fourth Avenues not be abandoned so as to provide access to the Todd parcel. Please refer to Attachment 1. The residence on the Todd parcel is currently accessed by Fourth Avenue. If the Council supports this option, staff will return with the formal abandonment.

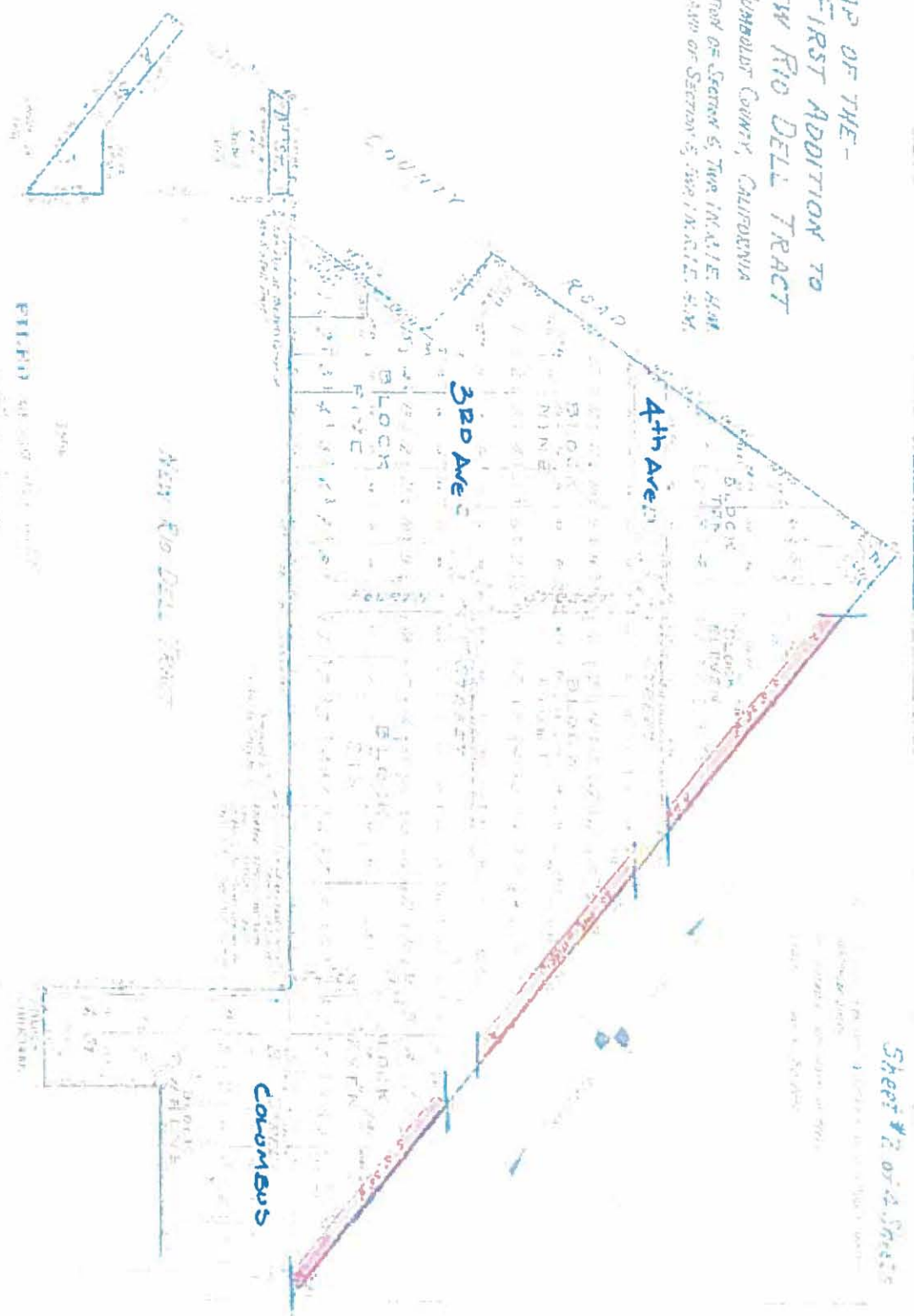
Attachments

Attachment 1: Map of the First Addition to New Rio Dell Tract.

Attachment 2: 2008 Subdivision Staff Report.

Attachment 3: Map of Survey Identifying the Alley Encroachment

MAP OF THE-
FIRST ADDITION TO
NEW RIO DELL TRACT
HUMBOLDT COUNTY, CALIFORNIA
A PORTION OF SECTION 5, TWP 12 N., E. 4 N.
AND OF SECTION 5, TWP 12 N., E. 4 N.



Sheet # 12 of 12 Sheets

CITY OF RIO DELL
PLANNING COMMISSION
Wednesday June 25, 2008

**STAFF REPORT FOR THE BAREILLES
MINOR SUBDIVISION**

TO: Planning Commission
FROM: Nancy Flemming, City Manager
Prepared By: Planwest Partners, Contract City Planners
DATE: June 25, 2008

RECOMMENDATION

It is recommended that the Planning Commission of the City of Rio Dell:

1. Open the public hearing, receive a report from staff, and public testimony;
2. Close the public hearing;
3. Determine that the minor subdivision is categorically exempt from CEQA;
4. Find that the proposed subdivision is consistent with the Rio Dell General Plan;
5. Approve and adopt the conditions of approval contained in Resolution PC ____-2008- Attachment 1 taking an action on the Tentative Parcel Map and (Minor) Subdivision

PROJECT INFORMATION SUMMARY

APPLICANT:	Paul Bareilles
OWNERS:	Paul Bareilles
LOCATION:	390 Third Avenue
REQUESTED ACTION:	Parcel Map (Minor) Subdivision
PURPOSE:	To create two separate legal parcels from the existing parcel.
PLANNING COMMISSION AUTHORITY:	Approve, conditionally approve or deny the parcel map (Subdivision Ordinance §1.601.7). Conditions can include: frontage improvements; on-site and off-site improvements; dedications; fees; and soils/engineering reports(§1.601.10)
GENERAL PLAN/ZONING:	Town Center
APN:	053-104-008
SIZE:	12,921 Square feet (0.30 Acres)
USE OF LAND:	Residential
SURROUNDING LAND USES:	
NORTH:	Town Center
WEST:	Town Center
SOUTH:	Town Center
EAST:	Community Commercial

UTILITIES:	Electrical, gas, telephone, cable television, sewer and water services will be provided by existing infrastructure located on Third Avenue.
ZONING STANDARDS	
MIN. LOT AREA:	2,500 Square Feet
MAX. GROUND COVERAGE:	100%
MIN. LOT WIDTH:	25 Feet
FRONT YARD:	20 Feet
REAR YARD:	10 Feet
SIDE YARD:	5 Feet
BUILDING HEIGHT:	Minimum: Two Stories Maximum: Three Stories or 45 Feet
ENVIRONMENTAL ISSUES:	The project has been determined not to have a significant effect on the environment.
CAL. ENVIRONMENTAL QUALITY ACT:	The project is categorically exempt from CEQA under Article 19 § 15315.

ANALYSIS

Project Description: A Minor Subdivision proposed by Paul Bareilles, applicant: APN 053-104-008 (.30 acres or 12,921 square feet), located on 390 Third Avenue in Rio Dell. The proposed Minor Subdivision would create two separate legal parcels from the existing 12,921 square foot parcel. The proposed use is residential. Both Proposed Parcel 1 (6,000 square feet) and Proposed Parcel 2 (6,921 square feet) will meet the Town Center minimum lot size requirement of 2,500 square feet. The site slopes evenly to the east at approximately three percent. The northerly portion of the site (Proposed Parcel 1) is vacant with grass (lawn) groundcover. The southerly portion of the project site (Proposed Parcel 2) includes a single-family residence of approximately 1,450 square feet with a 750 square foot concrete patio and landscaping and a metal shed.

Standard City services are currently provided to the residence on Proposed Parcel 2, and will be available to the newly created parcel from the existing hookups on 390 Third Avenue. Utilities that are available to the site include: electricity and gas supplied by PG&E, telephone services from AT&T, cable and internet services from Suddenlink and water and sewer services provided by the City. Water service is currently provided to Proposed Parcel 2 through an existing city water meter on Third Avenue. Power and communication services are currently provided to the residence on Proposed Parcel 2 from overhead lines extending from a utility pole on Third Avenue, north east of Proposed Parcel 1. Any additional services would be installed consistent with the City of Rio Dell standards.

Discussion:

The subject property is bordered by Third Avenue on the west; Town Center designated parcels to the north and south, and Community Commercial to the east. The main point of access to the site is through an existing driveway extending from Third Avenue to the residence on Proposed Parcel 2.

Most of the Third Avenue roadway fronting both parcels is gravel, and there is no sidewalk, curbs or gutters along Third Avenue to the west of the project site. The City is currently making paving, drainage, utility and sidewalk improvements along Third Avenue fronting the project site.

Existing nonconforming structures, including the metal shed and house on Proposed Parcel 2 on are located within the 20' wide alley that borders the eastern boundary of the project site. The applicant has requested City abandonment of the alley; however, the City has expressed an interest in retaining the alley for potential future City use.

A slope analysis has been conducted and it has been determined that the proposed subdivision will result in two separate parcels with slopes of approximately three percent, which is in compliance with the 10 percent maximum, which is specified in Rio Dell's General Plan policy.

The proposed Minor Subdivision is governed by the Rio Dell Subdivision Ordinance Section 1.6. This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines §Section 15315, Article 15.

PROJECT CONSISTENCY

General Plan Consistency: Based on the review of the application materials, it is determined that with the incorporation of the conditions of approval, the proposed minor subdivision is consistent with the Rio Dell General Plan. The following references demonstrate consistencies between the proposed project and the General Plan:

Goal/Policy Number	General Plan Policy	Project Consistency
G2.1-5	To protect our citizens by regulating clearing and development of steep slopes and river, stream, and drainage channels, and their flood plains.	A slope analysis was conducted, and it was found that the proposed subdivision does not occur on land with steep slopes
P2.2.5-2	Encourage the provision of street trees and landscaping in new developments and consider ways that street trees, landscaping and other natural features can be provided in public rights-of-way.	The applicant shall submit a landscaping plan as a condition of approval.
G2.2-12	To provide a safe and balanced transportation system that recognizes the needs of pedestrians, transit riders, bicyclists, and vehicles.	Roadway, curb, gutter and sidewalk improvements will be made along Third Avenue fronting the project site.
P2.2.3-4	Encourage new development to contribute its fair share to providing all public services and infrastructure	As outlined in the Conditions of Approval, infrastructure improvements including sidewalks,

	necessary to serve that development	curbs and gutters shall be incorporated into the site design pursuant to the requirements of the City Engineer and Public Works Director.
P2.2.3-9	Require underground utilities throughout the neighborhoods as public improvements and new developments are planned and approved.	All utilities on the project site shall be undergrounded as a condition of approval. <i>Drainage, Erosion Control, and Sedimentation</i>

Subdivision Approval Requirements

Applications for subdivisions in Rio Dell are governed by the Rio Dell Subdivision Ordinance (Ordinance No. 165) as amended by Ordinance 176 and the California Subdivision Map Act (Sections 66410 to 66499.58 of the California Government Code). Subdivision Ordinance Section 1.6, Parcel Map (Minor) Subdivisions, describes the form and contents of the required parcel map and the procedure for approval.

In approving or conditionally approving a Tentative Parcel Map, the Planning Commission shall find that the proposed subdivision is consistent with the Rio Dell General Plan. Staff has proposed a list of conditions (see Attachment 1) intended to address public health and safety and public infrastructure standards and requirements that must be satisfied prior to Final Parcel Map approval. The Planning Commission may modify or delete any of the conditions of approval recommended by staff, except for those conditions required by ordinance or related to public health and safety.

As presented on the tentative map, and as specified in the conditions of approval, the proposed subdivision is consistent with the Rio Dell General Plan. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15315 (Class 15): Minor Land Divisions of four or fewer parcels in areas zoned for residential use. There are no unusual circumstances precluding this project from qualifying for this exemption, and there are no outstanding issues associated with this project. Lots 2 and 3 are located adjacent to the Highway 101/Davis off ramp, where noise issues related to traffic have been identified.

The filing of a Notice of Exemption starts a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply. Should the Planning Commission hear testimony during the public hearing, or have concerns of their own that the project may have a significant effect on the environment, they may determine that the project does not qualify for a Categorical Exemption and direct staff to prepare an Initial Study.

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

A minor subdivision is a discretionary action, which is subject to the California Environmental Quality Act (CEQA), which requires environmental review. It has been determined that if all of the condition of approvals have been met, the proposed project will not have a significant effect on the environment. Based on the project as described in the administrative record and a review

of the applicable regulations discussed herein, there is no evidence to indicate the proposed project will have:

- the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community or eliminate important examples of the major periods of California history or pre-history;
- the potential to achieve short-term goals to the disadvantage of long-term environmental goals;
- impacts that are individually limited but cumulatively considerable; or
- environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

CEQA Compliance steps followed for this action

CEQA review for the proposed project consisted of findings that the project is a ministerial action, and qualifies for a categorical exemption under CEQA. The following excerpt describes how a minor subdivision is determined not have a significant effect on the environment, and is declared to be categorically exempt from the requirement for the preparation of environmental documents under Article 19 Categorical Exemptions §15315 Minor Land Divisions for projects consisting of the:

division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

List of Application Attachments

The following attachments accompany the BAREILLES application for a Minor Subdivision Parcel Map:

1. Parcel Map (Minor) Subdivision Application
2. Environmental Information Form
3. Preliminary Report prepared by Fidelity National Title Company
4. Legal Description (Exhibit "A")
5. Tentative Map
6. Title Report
7. Assessors Parcel Map 53-10
8. Certified Property Owner's List Affidavit
9. Minor Subdivision Tentative Parcel Map for 390 Third Avenue

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF RIO DELL
Resolution Number PC ____-2008

**MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY
APPROVING THE BAREILLES MINOR SUBDIVISION APPLICATION FOR
ASSESSOR PARCEL NUMBER: 053-104-008**

WHEREAS, Paul Bareilles has submitted an application and evidence in support of approving the application for a parcel map (minor) subdivision; and

WHEREAS, the City has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the City has reviewed the submitted application and evidence for conformance with General Plan policy, goals and regulations and applicable zoning and the City Subdivision Ordinance as required to allow for the proposed minor subdivision; and

WHEREAS, The project consistency section of this staff report includes evidence in support of making all of the required findings for approving the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell approves that the proposed project is subject to the conditions contained in Attachment 1.

The above action is final unless an appeal is filed pursuant to Section 1.601.12 of the Subdivision Ordinance of the City of Rio Dell; within ten (10) calendar days following Planning Commission action.

PASSED AND ADOPTED by the Planning Commission of the City of Rio Dell this 25th day of June, 2008 by the following vote:

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

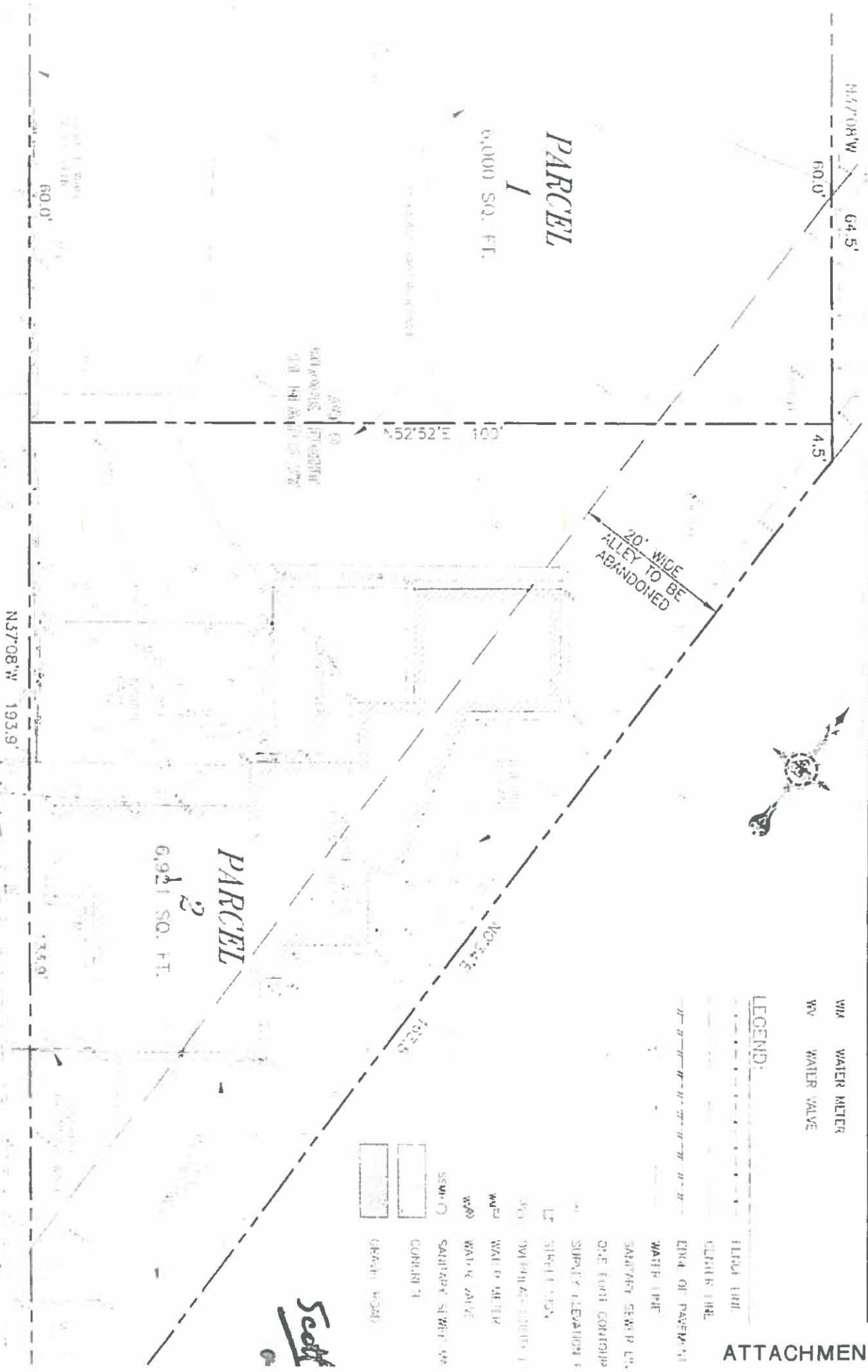
ABSENT: Commissioners:

ATTACHMENT 1

CONDITIONS OF APPROVAL

The Planning Commission approval of the minor subdivision is subject to the following conditions:

1. Place all utility service connections underground. General Plan Policy P2.2.3-9 requires underground utilities throughout the neighborhoods as new developments are planned and approved;
2. The applicant shall submit a landscaping plan. General Plan Policy P2.2.5-2 encourages the provision of street trees and landscaping in new developments. The landscaping plan shall show all existing and proposed landscaping, driveway access for the new lot, drainage and improvements to the satisfaction of the Public Works Director;
3. Grading and drainage improvements, such that no site drainage runs onto neighboring parcels. All site drainage should be directed to Ireland Street or to the 101 Right of Way as approved by the City Public Works Director;
4. A Final Parcel Map shall be prepared pursuant to Section 1.602 of the Rio Dell Subdivision Ordinance and the Subdivision Map Act, that includes any corrections that have been requested based on the review by the City Engineer and Public Works Director;
5. Upon approval by the City Engineer, the City Clerk shall transmit, or shall require that the applicant transmit, the approved Parcel Map to the County Recorder to be recorded;
6. The payment of all fees as established by the City of Rio Dell Prior to recordation of Final Parcel Map;
7. The Final Parcel Map shall show access and utility easements to the project site prior to recordation of Final Parcel map;
8. No abandonment of the 20' alley shall be permitted; the alley shall be shown on the Final Parcel Map and deed for both parcels; and
9. Condition for removal of non-conforming structures prior to any sale or transfer of title for Proposed Parcel 2.



*Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



December 5, 2017

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action to Approve Resolution No. 1367-2017 Approving the North Coast Regional Water Quality Control Board Compliance Project and Approval of Related Budget Adjustment.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve Resolution No. 1367-2017.

BACKGROUND AND DISCUSSION

The City of Rio Dell received twelve effluent limit violations from the North Coast Regional Water Quality Control Board (NCRWQCB) between the period of January 31, 2014 and March 31, 2015. These violations were primarily a consequence of bringing the City's new wastewater treatment plant online. Nine of these violations are subject to Mandatory Minimum Penalties (MMP's). The remaining three violations are exempt. Penalties are listed in Attachment A. On October 31, 2016 the North Coast Regional Water Board issued, under the authority of California Water Code section 13323, Administrative Civil Liability Complaint No. R1-2016-0050 related to the effluent limit violations. These MMP's total \$27,000 related to exceeding the limitations on Nitrogen, Ammonia and Nitrate.

The City of Rio Dell proposed a compliance project to the NCRWQCB in order to apply the penalty towards an improvement to the Waste Water Treatment Plant (WWTP). A compliance project allows the City to make an improvement to the WWTP and have those costs applied towards the fine, so long as the improvement is related to the violation. In this case, staff is recommending some modifications to the WWTP that will help prevent future violations of State standards. Total budget impacts are expected to be \$47,075. The project has been reviewed by the State and approved by the Regional Water Quality Control Board. Project details are listed in Attachment B. Once completed, all fines will be forgiven and the plant will have received needed improvements to help prevent future violations.

Current State Approved Timeline:

Milestone	Description	Completion Date
1	Present CP to council for approval	March 6, 2018
2	Order equipment from Aeromod	March 7, 2018
3	Submit Progress Report	April 30, 2018
4	Install equipment	March – July 31, 2018
5	Submit Progress Report	August 31, 2018
6	Technician from Aeromod to reprogram, update and calibrate equipment	August-September 30, 2018
7	CP completed	November 30, 2018
8	Submit Final Report/Certification of Completion	December 31, 2018

ATTACHMENTS

Resolution No. 1367-2017

Attachment A: Listing of Effluent Limitation Violations

Attachment B: Administrative Civil Liability Complaint No. R1-2016-0050

Attachment C: Letter from the City to NCRWQCB with Settlement Proposal

///



**RESOLUTION NO. 1367-2017
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL FOR A TRANSFER OF
RESERVE AMOUNTS AMENDING THE BUDGET FOR WASTEWATER
AND APPROVING RELATED COMPLIANCE PROJECT
RESULTING FROM NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R1-2016-0050**

WHEREAS, the North Coast Regional Water Quality Control Board issued Administrative Civil Liability Complaint No. R1-2016-0050 placing a Mandatory Minimum Penalty (MMP) of \$27,000 for effluent limitation violations; and

WHEREAS, the City has proposed a Compliance Project (CP) to improve the treatment facility thereby reducing the risk of future effluent limitation violations and also having the cost of this project applied against the MMP.

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby ordain the following:

- 1) The proposed and attached Compliance Project is hereby approved.
- 2) \$47,075 shall be made available from the City's Wastewater Reserve for the Sewer Capital project and the budget amended accordingly.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 5th day of December 2017 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Frank Wilson, Mayor

ATTEST:

Karen Dunham, City Clerk

Attachment A

Compilation of Violations

Rio Del City WWTF

WDID No 19831340HLM NPOES No CAC022748

Effluent Limitation Violations Requiring Mandatory Minimum Penalties

#	Violation Number	Violation Date	Constituent	Pollutant Group	Limitation Period	Limit	Result/Average	Units	Exempted from MMP ^a	Exempt Reason or otherwise not subject to MMPs	% Over Limit	Date 180 Days Prior	Serious, Chronic or Exempt Violation ^b	Type of Exceedance	Mandatory Fine ^c	Water Code	Penalty
1	964207	01/31/2014	Ammonia, Total (as N)	Group I	Monthly Average	2.8	4.7	mg/L	N		68%	08/04/2013	Serious	Cl. 1	Y	13385(h)	\$3,000
2	966053	02/28/2014	Ammonia, Total (as N)	Group I	Monthly Average	2.4	14	mg/L	N		483%	09/01/2013	Serious	Cl. 2	Y	13385(h)	\$3,000
3	966054	02/28/2014	Nitrogen, Total (as N)	Group I	Monthly Average	10	14	mg/L	N		40%	09/01/2013	Serious	Cl. 3	Y	13385(h)	\$3,000
4	1011622	02/28/2014	Ammonia, Total (as N)	Group I	Daily Maximum	5.6	14	mg/L	N		150%	09/01/2013	Serious	>Cl. 3	Y	13385(h)	\$3,000
5	969664	04/15/2014	Total Coliform	Other	Daily Maximum	230	1600	MPN/100	N		N/A	10/17/2013	Chronic	>Cl. 3	Y	13385(i)	\$3,000
6	969662	04/15/2014	Ammonia, Total (as N)	Group I	Daily Maximum	7.9	15	mg/L	N		90%	10/17/2013	Serious	>Cl. 3	Y	13385(h)	\$3,000
7	969663	04/30/2014	Nitrogen, Total (as N)	Group I	Monthly Average	10	18	mg/L	N		80%	11/01/2013	Serious	>Cl. 3	Y	13385(h)	\$3,000
8	1011625	04/30/2014	Ammonia, Total (as N)	Group I	Monthly Average	2.3	15	mg/L	N		552%	11/01/2013	Serious	>Cl. 3	Y	13385(h)	\$3,000
9	985047	12/30/2014	Nitrate, Total (as NO3)	Group I	Monthly Average	8	9.6	mg/L	N/A	a	12%	7/3/2014	Exempt	Cl. 1	N		\$0
10	985048	12/30/2014	Nitrogen, Total (as N)	Group I	Monthly Average	10	11	mg/L	N/A	a	10%	7/3/2014	Exempt	Cl. 2	N		\$0
11	989522	3/31/2015	Nitrogen, Total (as N)	Group I	Monthly Average	10	13	mg/L	N/A	a	30%	11/11/2014	Exempt	Cl. 3	N		\$0
12	989523	03/31/2015	Nitrate, Total (as NO3)	Group I	Monthly Average	8	12	mg/L	N		50%	10/02/2014	Serious	>Cl. 3	Y	13385(h)	\$3,000
																Total Penalty	\$27,000

Legend of Table

a The first three violations in a six month period shall not receive MMP assessment unless serious

Cl. Count - The number that follows represents the number of exceedances in the past 180 days, including this violation. A count = Cl. 3 means that a penalty under Water Code section 13385 (i) applies.

1 - Violation occurs on sample date or last date of averaging period

2 - For Group I pollutants, a violation is serious when the limit is exceeded by more than 40%

- For Group II pollutants, a violation is serious when the limit is exceeded by more than 20%

3 - When a serious violation occurs on the same day as a chronic, the serious violation is only assessed an MMP once and is counted last for the day when determining the number of chronic violations to be assessed a penalty

Violation period ending the last day of April 2016

Group I Violations Assessed MMP 8

Group II Violations Assessed MMP 0

Other Effluent Violations Assessed MMP 1

Violations Exempt from MMP 3

Total Violations Assessed MMP 12

Mandatory Minimum Penalty = (8 Serious Violations + 1 Non-Serious Violation) x \$3,000 = \$27,000



North Coast Regional Water Quality Control Board

October 31, 2016

Mr. Kyle Knopp, City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, 95562
cm@riodellcity.com

Dear Mr. Knopp:

Subject: Administrative Civil Liability Complaint No. R1-2016-0050

File: The City of Rio Dell Wastewater Treatment Facility (WWTF),
Humboldt County, WDID No. 1B83134OHUM

Enclosed is Administrative Civil Liability (ACL) Complaint No. R1-2016-0050 (Complaint) issued by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) in the matter of the City of Rio Dell Wastewater Treatment Facility. The Complaint covers the period from May 1, 2012 through April 30, 2016, and alleges that the Rio Dell Wastewater Treatment Facility violated effluent limits in Waste Discharge Requirements (WDRs) Order No. R1-2011-0054 (NPDES Permit No. CA0022748) twelve (12) times during that period. Of the twelve effluent limit violations, nine (9) are subject to Mandatory Minimum Penalties (MMPs), and three (3) are exempt from MMPs. The specific violations alleged are listed in Attachment A to the Complaint. The Complaint proposes that, pursuant to California Water Code section 13385, subdivisions (h) and (i), mandatory minimum penalties in the amount of \$27,000 must be imposed.

Additionally, a Fact Sheet is enclosed, along with a Waiver Form. The Fact Sheet describes the Complaint process and explains what the City of Rio Dell (Discharger) can expect and its obligations as the process proceeds. **Please read each document carefully. This Complaint may result in the issuance of an order by the Regional Water Board requiring that the City pay a penalty.**

In accordance with Water Code section 13323, subdivision (b), the Discharger has a right to be heard by the Regional Water Board regarding this matter in a public hearing within

ninety (90) days of issuance of the Complaint. A hearing has been scheduled for January 26, 2017 as described in the enclosed Notice of Public Hearing and Hearing Procedures. If the Discharger wishes to waive its right to a hearing and either pay the MMPs in full or take other action as described in the waiver form, please sign the enclosed waiver form and return it by November 30, 2016. The matter may be settled without a public hearing provided no significant comments are received during the public comment period, which begins with the issuance date of the Complaint and ends on November 30, 2016. The Discharger will be notified of any issues brought forth during the comment period and my decision to settle the matter.

You may contact Nancy Robinson of my staff by telephone at (707) 576-2657 or by email at Nancy.Robinson@waterboards.ca.gov if you have any questions regarding this Complaint.

Sincerely,

 **Shin-Roei Lee**
2016.10.31
15:42:21 -07'00'

Shin-Roei Lee, P.E.
Assistant Executive Officer

161031_NKR_dp_RioDell_ACLC_Transltr

Enclosures:

1. Complaint No. R1-2016-0050 (with Attachment A)
2. Complaint Waiver Form
3. Notice of Public Hearing and Hearing Procedures
4. Administrative Civil Liability Fact Sheet

Certified-Return Receipt Requested

cc: Matthias St. John, Executive Officer, RWQCB, Matt.StJohn@waterboards.ca.gov
Elizabeth Beryt, OCC, Elizabeth.Beryt@waterboards.ca.gov
Cris Carrigan, OE, Cris.Carrigan@waterboards.ca.gov

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



June 30, 2017

Nancy Robinson
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

**Re: Administrative Civil Liability Complaint No. R1-2016-0050 for the City
of Rio Dell Wastewater Treatment Facility (WWTF), Humboldt County,
WDID No. 1B831340HUM – Settlement Proposal**

Dear Nancy,

The City of Rio Dell is proposing a compliance project (CP) to be used in the place of offsetting the fines for the violations detailed in Administrative Civil Liability Complaint No. R1-2016-0050. The project that the City would like to present would be to upgrade the wastewater plant's computer, installation of 4 new Dissolved Oxygen (DO) probes, and installation of 4 air sensors with actuating valves to better control the air flowing to each aeration tank. Aeromod has implemented the changes described above in all of their new facilities after the completion of the Rio Dell Treatment Plant back in 2013. This a proven standard in the design of their newer facilities.

Purpose of the Project: The Wastewater Treatment Plant will greatly benefit from aeration processes to each aeration basin allowing the treatment plant to benefit from more precise control on the nitrification/denitrification process. The City believes that this project will lower the potential for future violations within the nitrification/denitrification process of the Rio Dell Wastewater Treatment Facility.

Project Description: The project consists of replacing the 2 original DO probes at the first stage of aeration process. Then installing new mounting hardware and wiring followed by the addition of 2 more DO probes on the second stage of the aeration basins. In addition, fabrication of the current air supply lines to house the new air sensors and electronic controlled air positioning valves. Once all the parts have been installed, a technician will be sent out from Manhattan, Kansas to install the new software on the plant's computer. The technician will also be adjusting the parameters of the newly installed parts to make sure they are operating properly and calibrated. From this point, the project should be done and operational.

Estimate of Cost: Please see the attached Quote, dated January 16, 2017 and sent on January 17, 2017 and March 15, 2017. We have contacted Aeromod during the week of June 26, 2017 to identify if the quote would need to be adjusted and we were informed that the quote remains valid. This quote is for \$47,075, and does not include installation labor, which will be performed by City Staff. This amount is clearly well in excess of the \$27,000 ACLC.

Task	Description	Deadlines	Estimate of Costs
1	Present compliance project to council and move forward with the project once it is approved by council.	October, 2017	\$664 (staff)
2	Order the equipment from Aeromod. (Roughly 30 days to receive equipment.)	October, 2017	\$332 (staff)
3	Install equipment from Aeromod.	January, 2017	\$39,307 (Aeromod) \$883 (staff)
4	Coordinate with Aeromod to have their technician come out to Rio Dell from Kansas to reprogram, update, and calibrate the Treatment Plant's computer to except the new installed equipment.	April, 2018	\$7,768 (Aeromod)
5	Turn in documents to the SWRCB to show the project is completed and operational.	June, 2018	\$664 (staff)
Total	The total is broken down into costs for materials and services from Aeromod and estimated costs for staff time.		\$47,075 (Aeromod) \$2,543 (staff)

Thank you,



Kyle Knopp
City Manager
City of Rio Dell



November 22, 2017

To: Randy Jensen

From: Brooks Newbry

Re: Upgrade to Digester & 2nd Stage Aeration System

Randy:

Attached are preliminary drawings for the valve and piping changes proposed for the 2nd Stage Aeration Basins and the Digesters. The upgrade would include a factory fabricated piping arrangement with new electric positioning valves to control the amount of air being sent to the 2nd Stage Aeration Basins and the Digesters along with the flow conditioner and air flow sensor.

Proposed Scope of Services

Two (2) Digester Pipe Assemblies - Each including:

- RCEL Electric Positioning Actuator with new 4" butterfly valve
- 4" Vortab Air Flow Conditioner
- 4" Air Flow Sensor – FCI
- 4" Sch. 10 SS piping
- Two (2) 6" to 4" SS reducers
- 6" SS Flanges on each end

Two (2) 2nd Stage Aeration Basin Pipe Assemblies – Each including:

- RCEL Electric Positioning Actuator with new 6" butterfly valve
- 6" Vortab Air Flow Conditioner
- 6" Air Flow Sensor – FCI
- 6" Sch. 10 SS piping
- Two (2) 8" to 6" SS reducers
- 8" SS Flanges on each end

These assemblies will be factory welded together ready for installation. The existing air piping will need to be cut and a flange added to bolt this assembly in place. The drawing shows an expansion joint to allow for some forgiveness in the vertical distance,

Aero-Mod, Inc.

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www.aeromod.com • aeromod@aeromod.com

but that is a field/contractor decision. The existing pneumatic valves will be used and be bolted in place as per the proposed layout.

In addition, the following items are proposed:

- (4) DO Probes by Insite
- (1) MPA-48 DO Analyzer by Insite

The Insite DO Analyzer will be able to add another two (2) DO probes if the existing Hach DO probes are replaced with new DO probes by Insite.

The existing control panel would need to be modified and have the following installed in the field:

- (1) Input I/O module
- (1) Output I/O module
- (1) Prosoft switch for Modbus communication

Aero-Mod would provide a Field Technician to install the modules/switches required in the existing control panel. The owner is to have all wiring brought to the existing panel ready for the Aero-Mod technician to land them inside the panel. During the site visit the technician will establish communication with the new modules and the existing PLC, download updated programming to the PLC, and update/program the touchscreen to reflect the latest upgrade.

Contractor Equipment/Piping Requirements:

1. Remove existing pneumatic valve on each Digester and 2nd Stage Aeration Basin pipe.
2. Cut out piping and weld in new flange for installation of new pipe assemblies.
3. Install power and communication wiring in conduit as per Aero-Mod schematic – this schematic will be provided at a later date in order to assist owner in getting contractor pricing.

Contractor Wiring Requirements (Power) provided by contractor:

1. RCEL Actuator – 115 V Power –
2. FCI Air Flow Sensors – 24V DC – this is twisted shield 18 AWG min and is routed from the sensor to the Aero-Mod panel in the blower building.

Contractor Communication Wire Requirements:

1. Air Flow Sensors - Twisted Shield Communication Wire (Total of 1 pair per

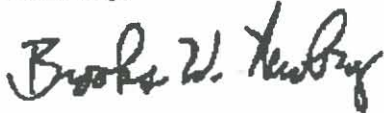
- Sensor)
2. RCEL Actuator – Twisted Shield Communication Wire (Total of 2 pair per Valve)
 3. Twisted Shield wiring from new MPA-48 Analyzer to the existing plant control panel.

Price:

Aero-Mod will supply the equipment and field trip services for \$47,075. Terms are payment due within 30 days of receipt of the invoice.

If you have any questions, please call me directly (480-364-6439) or call our office and ask for either Brian Thiemann or myself.

Sincerely,



Brooks W. Newbry, PhD, PE
Regional Manager, Aero-Mod, Inc.

Approval Signature-_____

P.O.# - _____