

City of Blue Lake
City Council Regular Meeting
Skinner Store – 111 Greenwood Ave., Blue Lake, CA
April 14, 2015
MINUTES

The Meeting called to order at 7:00 p.m.

Councilmembers Present: Jean Lynch, John Sawatzky, Stephen Kullmann, Michele McCall-Wallace

Councilmembers Absent: Lana Manzanita

Staff Present: Deputy City Clerk April Sousa, City Manager John Berchtold

Motion to Approve the Agenda

Councilmember Kullmann *motioned to approve the agenda after moving item 5, Annie & Mary Trail Status Presentation, to occur before item 4, Levee Update Presentation, and item 17, Correspondence, to occur after item 4, Levee Update Presentation.* Councilmember Sawatzky seconded. Motion carried unanimously.

Public Input

Kent Sawatzky, Blue Lake resident, spoke about State water restrictions and an exemption request to the State by Humboldt Bay Municipal Water District.

Hank Seemann, Humboldt County Public Works: Annie & Mary Trail Status Presentation

Seemann passed out handouts to Council and Public which illustrated updates on the trail project development, background information from the Railroad Authority, and a timeline of the project so far.

Seemann asked the Council if they would wish for him to return at a future meeting to discuss a Memorandum of Understanding (MOU) with the City.

Clarification was made that the MOU would be a conceptual agreement expressing an interest to collaborate with details to be decided later.

Public input was offered regarding reservations of proposed project, landowner involvement, and rights of way options.

Consensus was made that this item and an MOU will be appropriate for a future meeting.

Hank Seemann, Humboldt County Public Works: Blue Lake Levee Update Presentation

Seemann passed handouts out to Council regarding levee updates and current Flood Insurance Rate Map (FIRM).

Currently, FEMA is deferring making any changes to the FIRM.

Mitigation is the next step, however more data is needed to develop mitigation work plan.

Public comment was made regarding financing and protection for the Rancheria and the City's treatment plant.

Correspondence – Dell’Arte Letter Regarding Revised Ordinance for Special Events in Blue Lake

Deputy City Clerk Sousa read the correspondence from Dell’Arte. Fran Beatty, Managing Director, was present to answer questions. Councilmember Kullman would like this to be placed on a future agenda. Mayor McCall-Wallace asked that a full package be presented on the subject so that Council can address this issue quickly and directly with a clear and transparent permit process.

Public input was made regarding difference between Special Event permit and Conditional Use permit, which were both stated in the letter.

Correspondence – Public Agency Risk Sharing Authority of California (PARSAC)

Deputy City Clerk Sousa read the correspondence from PARSAC regarding the Gymkhana/Horse Arena. Public comment was given regarding the letter and if the City had current plans of changes, as well as support for the horse community. Clarification was made that this correspondence is the first the City has been made aware of the situation, and because it has come from the City’s insurance carrier, the Council must act upon it at a future date. Consensus was made that Council will discuss the options offered in the letter at a future Council meeting.

Resolution No. 1050: A Resolution of the City Council of the City of Blue Lake Amending the Appendix to the Blue Lake Conflict of Interest Code

Deputy City Clerk Sousa gave background information and introduced Resolution 1050.

Councilmember Kullmann *motioned to adopt Resolution No. 1050: A Resolution of the City Council of the City of Blue Lake Amending the Appendix to the Blue Lake Conflict of Interest Code.*

Councilmember Sawatzky seconded. Motion carried unanimously.

Consider First Reading of Ordinance No. 511: An Ordinance of the City of Blue Lake, California Adopting the City of Blue Lake Emergency Operations Plan, Defining and Emergency, Appointing a Director of Emergency Services, and Repealing Ordinance No. 255

City Manager Berchtold gave an overview of Ordinance 511. Clarification was given that Ordinance No. 511 is the framework that reflects the 2015 Emergency Operations Plan (EOP).

Councilmember Kullmann gave reservations about wording of definitions paragraph. He gave a suggested rewording.

Councilmember Lynch would like to change Section 3 to state that the Mayor be named Director of Emergency Services, siting Ordinance 255 and location of City Manager residence as reason for change.

Clarification was made that Ordinance 255 was passed in 1974 prior to the City Manager form of government taking place in 1996, at which time Ordinance 255 became out of compliance with itself. Council tasked the City Manager with updating the Ordinance so that it will coincide with the EOP.

Councilmember Kullmann made a point of clarification that the Alternate Director would be labeled in the EOP, not the ordinance.

Public comment was made in agreement that the EOP was logical and the new Ordinance should coincide with the plan.

Point of Order was made by Councilmember Kullmann, clarifying that at this moment, the motion was to be for a first reading only.

Councilmember Kullmann *motioned to accept the first reading of Ordinance No. 511: An Ordinance of the City of Blue Lake, California Adopting the City of Blue Lake Emergency Operations Plan, Defining and Emergency, Appointing a Director of Emergency Services, and Repealing Ordinance No. 255, by title only.* Councilmember Sawatzky seconded. Motion carried with the following vote:

Ayes: Kullmann, Sawatzky, McCall-Wallace

Nays: Lynch

Absent: Manzanita

Abstain: none

City Manager Berchtold stated for the record that the final reading would happen after all other updates to the EOP had been made.

Council took a 5 min break.

E-Cigarette Regulation Discussion and Direction to Staff

Mayor McCall-Wallace gave a quick overview of the process of this agenda item so far.

Councilmember Sawatzky asked about estimated costs. Clarification was made that costs would depend upon the process that Council wishes to go with.

Clarification was made that this would be a new Ordinance that would amend the Smoking Ordinance.

Councilmember Kullmann motioned to direct staff to move forward with the Ordinance. There was no second. The motion did not go to a vote.

Clarification was made regarding enforcement of this Ordinance as well as how the Ordinance will affect businesses. Further clarification was noted that since E-cigarettes are not in the current smoking ordinance, the public can make an argument to use them in various public spaces.

Mayor McCall-Wallace reads excerpts of the current Smoking Ordinance. She also posed two questions to Council: 1 – Does Council want an E-Cigarette Ordinance, and 2 – if yes, to what extent.

It was decided by vote (yes – Kullmann, Sawatzky, McCall-Wallace, No – Lynch, Absent – Manzanita) that Council desires an E-Cigarette Ordinance.

After discussion, it was decided that the Ordinance should mirror the Smoking Ordinance in regards to public places, places of employment, etc. with the exception of multi-residence multi-use areas, such as apartment parking lots or balconies of apartment units.

Public comment suggested using the free legal advice that was being offered at the previous meetings. A letter was passed out from Lou Moerner, of the Tobacco Education Network, supporting E-Cigarette regulations.

Councilmember Lynch commented on how the Ordinance should be worded.

Mayor McCall-Wallace gave a recap on the conversation.

Councilmember Sawatzky called the question.

Councilmember Sawatzky motioned to direct City staff to draft a stand-alone Ordinance regulating the use of electronic smoking devices. Councilmember Kullmann added the friendly amendment of utilizing free and low cost resources available. Councilmember Sawatzky restated the motion with amendment. Councilmember Kullmann seconded. Motion carried unanimously.

Councilmember Kullmann raised the **9:30 p.m. check-in**, suggesting tabling some items to the next meeting.

Councilmember Kullmann motioned to extend the meeting, but tabling item 9, Guidance to City Commission Members, and item 12, City Manager's Report of Potential Community Development Block Grants Projects, and keeping item 13, Reports of Council and Staff, as brief as possible. Councilmember Sawatzky seconded. Motion carried unanimously.

Status of Council Seat Held by Councilmember Manzanita

City Manager Berchtold gave a report on the status of Councilmember Manzanita.

Councilmember Kullmann *motioned for the Mayor to send a letter to Councilmember Manzanita at her most recent know address asking for her intentions of her council seat, stating the need for a full council and extending well wishes for recovery.* Councilmember Sawatzky seconded. Motion carried unanimously.

Consent Agenda

Councilmember Lynch pulled item a, Warrants/Disbursements March 2015 from the Consent Agenda.

Councilmember Kullmann *motioned to accept item b, Budget Adjustment for Headwaters Project, and item c, Set Joint Meeting with PARSAC, on the Consent Agenda.* Councilmember Sawatzky seconded. Motion carried unanimously.

Warrants/Disbursements March 2015

Expense clarifications were made.

Councilmember Sawatzky *motioned to accept item 11a, Warrants/Disbursements March 2015.* Councilmember Kullmann seconded. Motion carried unanimously.

Reports of Council and Staff

Councilmember Lynch - none

Councilmember Kullmann reported that the Humboldt Waste Management Authority (HWMA) Final Draft RFP is complete.

Mayor McCall-Wallace mentioned that Humboldt County Association of Governments (HCAOG) will be looking at their JPA agreement.

Councilmember Sawatzky noted that it was Autism Awareness Month and gave some personal reflection regarding Autism Awareness.

Mayor McCall-Wallace also mentioned a recent incident near the industrial park where staff was needed after hours on a weekend. She wanted to thank Glenn Bernald, Public Works Supervisor, for his service and dedication.

City Manager Berchtold gave a budget report, stating an increase in the general fund, as well as a note on the process for working on the upcoming budget.

Motion to Adopt Minutes from March 10, 2015 – Special Meeting

Councilmember Sawatzky *motioned to adopt the minutes from the Special Meeting held on March 10, 2015.* Councilmember Lynch seconded. Motion carried with the following votes:

Ayes: Sawatzky, Lynch, McCall-Wallace

Nays: none

Abstain: Kullmann

Absent: Manzanita

Motion to Adopt Minutes from March 24, 2015

Councilmember Kullmann *motioned to adopt the minutes from the Regular Council Meeting held on March 24, 2015.* Councilmember Sawatzky seconded. Motion carried with the following votes:

Ayes: Sawatzky, Lynch, Kullmann

Nays: none

Abstain: McCall-Wallace

Absent: Manzanita

Future Agenda Items

- HWMA – Proposed Memorandum of Understanding and RFP
- Closed Session with Realtor, Dave Wells
- Councilmember Lynch: City Financials

Motion to Adjourn

Councilmember Kullmann *motioned to adjourn.* Councilmember Sawatzky seconded. Motion carried unanimously. Meeting adjourned at 9:45 p.m.