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CITY OF BLUE LAKE

CALIFORNIA

111 Greenwood Road

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Blue Lake, CA 95525

Blue Lake City Council Minutes

Tuesday, December 19, 2023~ 6:30 p.m. ~Regular Council Meeting
Skinner Store Building-111 Greenwood Road, Blue Lake-Behind City Hall

Unless Otherwise Noted, All Items on the Agenda are Subject to Action.

Meeting Called to Order at 6:30 PM

1. Pledge of Allegiance and Establish a Quorum of the Council

Council Members Present:

Adelene Jones, Mayor
Elizabeth Mackay,
Mayor Pro Tem Angela Shull
Elise Scafani
Christopher Edgar

Staff Present:

Amanda Mager, City Manager/City Clerk
Anali Gonzalez, Administrative Assistant
Tonie Quigley, Office Assistant

Public Present:

Darcy Lima

Erin McClure

Kent Sawatzky

Lisa Hoover

Dennis Whitcomb

Alicia Rousseau

Ray Thornton

2. **Approve Agenda**

Public Comment:

Kent Sawatzky: Suggests closed session be held at the end of the meeting instead of mid-term meeting.

Julie Christie: Agrees with Kent Sawatzky comment.

Motion: To Approve the Agenda as presented

Motion by: Councilmember Mackay, **Second:** Councilmember Shull

Vote: Ayes: Jones, Mackay, Shull, Scafani, Edgar **Nays:** None **Absent:** None

Motion Summary: Motion Passed

3. **Public Comment** – *The Public is invited to present petitions, make announcements, or provide other information to the City Council that is relevant to the scope of authority of the City of Blue Lake that is not on the Agenda. The Council may provide up to 15 minutes for this public input session. To assure that each individual presentation is heard, the Council may uniformly impose time limitations of 3 minutes to each individual presentation. The public will be given the opportunity to address items that are on the agenda at the time the Council takes up each specific agenda item.*

Mayor reads and opens public comment:

Darcy Lima: Comments on Winter Wonderland event and thanks the city for the partnership in the event. Comments on negotiations on sheriff contract.

Kent Sawatzky: Comments on Narcissistic Personality Disorder. Thanks, the council, for the opportunity to speak.

Julie Christie: Thanks, the council for the opportunity to comment through zoom. The connection is unstable, and the rest of the comment is hard to decipher.

Erin McClure: Thanks, the City of Blue Lake for inviting Erin McClure to participate in the Winter Wonderland Event. Erin Clarifies the City’s water tank situation is under the Richard McClure trust and not under the Patricia Charlie Trust.

4. **Appoint Real Property Negotiators:**

Mayor reads agenda report.

Property: Blue Lake (City Owned) Parcel Nos. 025-201-019 and 025-201-009

Agency Negotiators: Amanda Mager (City Manager); Russell Gans (City Attorney); Adelene Jones (Mayor)

Negotiating Parties: Kenneth Eisner and Tasha Eisner

Under Negotiation: Exclusive Negotiating agreement: potential lease or sale of City owned property, price and/ or terms of payment.

Comments from the Council-

City Manager Mager: Clarifies the recommended motion should include a council member to be a part of the negotiations. In the past it has been Mayor Adelene Jones.

Tasha Eisner: Introduces herself and Kenneth Eisner and provides professional background.

Comments on potential of a mix of retail space and some housing for the parcels but they don’t have any predetermined plans at this point.

Councilmember Mackay: Surprised there is no plan for parcel Nos. 025-201-019 and 025-201-009

City Manager Mager: Clarifies the Eisner's do not have the ability to develop a plan because they don't have an agreement in place.

Councilmember Mackay: Understands but prior to purchasing parcels a plan typically is in place.

City Manager Mager: Explains part of the ENA allows the Eisner's to work with the city to develop a plan.

Councilmember Shull: Asks if the Eisner's have a timeframe on getting their structure up and running.

Tasha Eisner: No

Councilmember Scafani: Clarifies if the period of negotiation is 6 months. Asks if the six-month time frame is enough time to decide on a structure.

Tasha Eisner: Believes they will need more than six months in the meantime they will work with the architect and clean up the space.

Public Comment:

Julie Christie: Excited for local business owners interested in property.

Kent Sawatzky: States he is a developer and currently does his developing in Mexico. Comments on the timeframe for the negotiations. Comments on the Rousseau project in the City of Blue Lake and offers advice to the Eisner's.

Back to Council:

Mayor Jones: States she would be happy to assist in the Eisner's negotiations.

Councilmember Scafani: Expresses she would like to be the one to assist in the negotiations. States she is concerned with the timeframe of the negotiations.

City Manager Mager: Explains the 6-month process can produce different outcomes and this is the first step to the process.

City Attorney: Clarifies the action is agenized just for the appointment of the real property negotiators and those negotiators will work with the project components and bring back to council for approval at a later date. The actual exclusive negotiating agreement on tonight's action is simply to appoint the real property negotiators.

Motion: To authorize the City Manager, and the City Attorney, Mayor Adelene Jones, Councilmember Elise Scafani to negotiate an exclusive Negotiating Agreement with Tasha and Kenneth Eisner for Assessor Parcel Number 025-201-019 and 025-201-009; and authorize City staff, including the City Manager, the City Planner, and the City Engineer to explore development options for the parcels.

Motion by: Councilmember Edgar, **Second:** Councilmember Shull

Vote: Ayes: Jones, Mackay, Shull, Scafani, Edgar **Nays:** None **Absent:** None

Motion Summary: Motion Passed

5. Blue Lake Power Lease Agreement Update-

Mayor reads agenda report.

The City Attorney, Ryan Plotz, will provide an update on the status of the Blue Lake Power legal filings. The City Manager will provide an update on the site clean-up and equipment removal activities.

City Attorney: Provides council an update in October 2023 filed litigation against Blue Lake Power for both termination of the lease, damages including unpaid rent, attorney fees, penalties, and interest. Litigation has been filed and is working through the process once we reach a point of significance, we will agendize a closed session to discuss in detail.

Mayor Jones: Asks if the City has received any responses on the legal filings.

City Attorney: They have not yet responded to the litigation. States Blue Lake Power is a suspended limited liability company and technically cannot respond in the litigation.

Councilmember Edgar: Inquires of the timeframe to take control over the Blue Lake Power Plant property.

City Attorney: Explains how a summary action for unlawful detainer has been filed and explains the process. If Blue Lake Power respond to the filing within the time allowed by law, then the City can request a trial and a trial needs to be set 20 days of the request if the court finds in a favor, then a judgement would enter in our favor then rent possession would issue and the City would have control over the property. If Blue Lake Power doesn't respond within the time required by law, then we can seek a default judgment and get rid of possession. Estimated guess 15 to 45 days to finalize the process.

Councilmember Edgar: Clarifies the city should know within 45 days if they will take possession of the property.

City Manager Mager: The city has explored options for cleaning up the site. The City of Blue Lake has been working with Humboldt County and various agencies who have permits and authority over the site for various reasons. The City of Blue Lake recently had some contact with Glen Zane regarding the intent to remove the plant and fuels from the site. Glen Zane is the main spokesperson for the project.

Councilmember Shull: Inquires if Blue Lake Power doesn't respond to the legal filings, then a judgement would go straight to the City of Blue Lake?

City Attorney: If the party does not respond within five days of service, then the City of Blue Lake can file for default judgement and prevents Blue Lake Power from answering the complaint and allows the City to go to judgement.

Councilmember Shull: Inquires if the judgement could be part of what's being asked in the lawsuit or all what is being asked in the suit.

City Attorney: Initially it will be just for possession of the property and then the City of Blue Lake will file declarations and evidence supporting the number of damages and then the judgement will be amended to include monetary portion.

Mayor Jones: Inquires about the response deadline from Blue Lake Power.

City Attorney: Deadline for response is the end of December.

Public Comment:

Kent Sawatzky: Comments on the demolition of Blue Lake Power.

Julie Christie: Comments on the Blue Lake Power and the legal process.

6. City of Blue Lake Leash Law Ordinance Update:

Mayor Jones introduces and reads the agenda report.

At the request of the community, the City Council directed staff to update the City's Dog Ordinance to implement a leash law requirement. The City Attorney, Ryan Plotz, will provide an update on the status of the ordinance, including an implementation schedule.

City Attorney: Draft ordinance has been prepared and scheduled for introduction and first reading of the proposed ordinance at the next City Council meeting in January. Ordinances are a two-step process where you introduce it, conduct your first reading, and then go to a subsequent meeting for second reading and adoption, and then it's effective 30 days after that.

Mayor Jones: Clarifies the dog park at Perigot Park is exempt from ordinance.

Councilmember Mackay: Inquires if the levee is considered in the city limits.

City Manager Mager: Yes, the Levee has been a quasi-jurisdictional issue. Humboldt County manages the western Levee, but the City of Blue Lake also has some responsibilities and property. There are some cross jurisdictional issues.

City Attorney: States he will look in advance of the next meeting at the LAFCO Municipal Service Review that contains the City's boundary and sphere of influence.

Councilmember Mackay: Inquires who will be enforcing the ordinance.

City Manager Mager: States she assumes the ordinance will be under our animal control contract with Humboldt County.

City Attorney: Concurs with City Manager.

Public comment:

Kent Sawatzky: Comments on a copy of draft ordinance be available to the public prior to meeting.

Julie Christie: States she appreciates zoom. Comments on Leash law update and provides her opinions on the topic.

Dennis Whitcomb: Suggests the trails along the river be excluded from the leash law and that there be a larger dog park, perhaps at the old dump site.

Councilmember Scafani: Addresses Dennis Whitcomb's comment.

City Attorney: States as an enforcement mechanism the ordinance does incorporate the administrative citation process it's already built into our municipal code that allows our code compliance to cite and impose fines against violators.

7. Closed Session: Water Tank Negotiation Status Update.

Mayor Jones introduces and reads the agenda report.

The City Attorney, Ryan Plotz, will provide an update on the status of the water tank negotiation with the McClure Family Trust.

Public Comment:

Kent Sawatzky: Comments on water tank negotiations and wishes the City of Blue Lake good luck.

Julie Christie: Comments on closed session and water tank negotiations.

Motion: To go into closed session.

Motion by Councilmember Mackay, Second Councilmember Shull.

Vote: Ayes: Jones, Shull, Scafani, Edgar, Mackay **Nays:** None **Absent:** None

Motion Summary: Motion Passed

Mayor Jones: Coming out of closed session and no reportable action to be taken.

8. City of Blue Lake Community Visioning Report Review.

Mayor Jones introduces and reads the agenda report.

Council reviews and discusses the 1997 City of Blue Lake Community Visioning Report.

Mayor opens public comment.

Public Comment:

Dennis Whitcomb: Thanks, the people that did the original work on the Blue Lake Community Visioning Report.

Julie Christie: Comments on the 1997 Blue Lake Community Visioning Plan.

Erin McClure: Comments on property rights and private landowners' rights.

Kent Sawatzky: Comments on the 1997 Blue Lake Community Visioning Report.

Lisa Hoover: Comments the general plan should take precedence.

Councilmember Scafani: States she agrees with public comment. Comments on the priority issue of working on the community visioning report and how many hours staff would need. States she is afraid that so many of the projects that are being worked on already are kind of behind and expresses the burden this may bring on staff.

City Manager Mager: States the importance of updating the Blue Lake Community Visioning Report.

Councilmember Shull: Inquires if the 1997 Blue Lake Community Visioning Report can be used in conjunction with the general plan?

City Manager Mager: Yes, it is directly reflective of the general plan.

Mayor Jones: Checks with staff's understanding on updating the Blue Lake Community Visioning document.

The council directs staff to provide an update on the status of identified initiatives and bring back the report to a future meeting for further discussion and direction. The Council anticipate it will take staff two months.

9. Humboldt County Sherriff Law Enforcement Contract Update.

Mayor Jones introduces and reads the agenda report.

At the request of the Humboldt County Sheriff, the City is in the process of setting up a meeting to discuss contracting options and opportunities. It is anticipated that a meeting will take place in mid-January; the City has appointed the City Manager, Mayor Jones and Councilmember Mackay to the negotiating team for the City.

Mayor Jones reads public comment from Beckie Hawethorn.

Council Discussion:

Councilmember Scafani: Inquires if one of the supervisors is going to be part of these meetings.

Mayor Jones: The City requested that at least Mike Wilson, our Supervisor be present at the meeting.

City Manager Mager: States that the City had specified that and the Sheriff Office stated that they would not be meeting with the City in partnership with Trinidad or any representatives of the county.

Public Comment:

Julie Christie: Thanks, the mayor for reading the public comment.

Kent Sawatzky: Comments on his own communications with the Sheriff's Office.

10. Council Correspondence

Mayor Jones reads correspondence from Kent Sawatzky.

11. Consent Agenda

Mayor Jones would like to pull the September 2023 Meeting minutes.

Motion to approve item 11 B warrants and disbursements.

Motion by: Councilmember Shull and Second by: Councilmember Mackay

Vote: Ayes: Jones, Shull, Scafani, Edgar, Mackay **Nays:** None **Absent:** None

Motion Summary: Motion Passed

Mayor: Item 11a, bottom of page four, Ayes needs to include Elizabeth Mackay. Page six, Ayes need to include Shull and Mackay.

Councilmember Scafani: Page six would like to have the statement "Regardless of skill set it's an issue of personality." States she did not make statement. States she reviewed the video and did not find any statement that may have sounded anything like that.

Mayor Jones: States the main concern in meeting minutes is motions, seconds, and votes.

Councilmember Scafani: Page seven would like to insert "income to the city." and "to the city" to her statements on page seven of the September meeting minutes.

11a. Motion to approve September meeting minutes with corrections.

Motion by: Councilmember Edgar, Second by: Councilmember Mackay

Vote: Ayes: Jones, Shull, Scafani, Edgar, Mackay **Nays:** None **Absent:** None

Motion Summary: Motion Passed

Public Comment:

Kent Sawatzky: Comments on meeting minutes.

12. Reports from Staff

Councilmember Edgar: Attended Blue Lake Public Safety Meeting.

Councilmember Scafani: Blue Lake Park and Recreation meeting cancelled. Provides a small update on City website.

Mayor Jones: HWMA does not meet in the month of December. Tree lighting event. HCAOG meeting on December 21st. Comments on the City's tree lighting event.

Councilmember Shull: No December RDEC meeting. The Blue Lake Chamber of Commerce met with new president Emily Wood. Justin Noydb is the new secretary for the Blue Lake Chamber of Commerce.

Councilmember Mackay: Nothing to report.

The City Manager Report is included in the agenda packet.

Public Comment:

Kent Sawatzky: Comments on ADA parking requirements and water tank.

13. Future Agenda Items

- First Reading of the ordinance for the Leash Law
- Sheriff contract update
- Presentation from RCCEA for power and battery storage

Public Comment:

Julie Christie: Comments on community events.

Kent Sawatzky: Comments on agendizing a downtown redevelopment project.

Motion to adjourn 9:18pm

Motion By: Councilmember Mackay **Second by**: Councilmember Edgar.

Vote: **Ayes**: Jones, Shull, Scafani, Edgar, Mackay **Nays**: None **Absent**: None

Motion Summary: Motion Passed