

**CITY OF RUSTON  
REGULAR COUNCIL MEETING**

**Tuesday, September 3, 2024**

**MEETING CALLED TO ORDER**

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Syler, Councilmember Huson, Councilmember Jensen and Councilmember Holland. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Syler, passed 5-0.

**MINUTES** - Councilmember Hedrick moved to approve the minutes for the regular Council Meeting of August 20, 2024, with a second from Councilmember Syler, passed 5-0.

**STAFF REPORT** – Nothing at this time.

**GENERAL PUBLIC COMMENTS** –

**Doug Hammond** – Inquired about EV charging stations in Ruston and asked if Mayor Hopkins would speak on this matter during Mayor's time.

**Patricia Turner** – See attached.

**Cheryl Hansen** – Wanted to know if the City of Ruston would hold the annual Christmas Tree lighting again this year and if so, who would do the lighting of the tree. Ms. Hansen shared she had a Santa Claus lined up and wanted to get Santa scheduled.

**Talia Thepvongsa** – Would like to invite high school students to sing Christmas carols at the annual Christmas Tree lighting event.

**Ryan Morris** – Agreed with Patricia Turner and felt strongly about the issues that surrounded the Unicorn. Mr. Morris wanted to share he was not anti-business and hoped the business would care about their community. Mr. Morris shared his concerns related to the parking lot and cars going in and out onto the street, the parking lot not zoned commercial, and a telephone pole that impedes into the sidewalk. Mr. Morris wanted to maintain the quality of life with increased walkability, property values and general beauty of the neighborhood.

**Vivian Lafrancoeur** – Spoke to her proximity to the Unicorn and her need to place security cameras on her property to record the many occasions of loud, crude raucous behavior. Ms. Lafrancoeur noted the number of times she had to call 911 and described the types of things she witnessed at that location that were unacceptable behavior in a residential neighborhood. Ms. Lafrancoeur encouraged the Council to review residents' concerns and petitioned the Council to consider adoption to stop the sale of alcohol after midnight.

**BUSINESS –**

**RES 797– Master Fee Resolution Update** - The City updates its Master Fee Resolution from time to time. This occurs generally once per year with an effort made to consider these fees contemporaneously with the budget. The last update was September 19, 2023 with the adoption of Resolution #771.

The changes to the Fee Resolution since last year include:

- Increasing fees by 5 percent to keep up with inflation;
- The language in Section 2.1.C regarding administrative fees has been clarified so that the 5 percent administrative fee will be based on each invoice. The gets rid of the flat fee of \$173 per application. This will more closely match the administrative costs of preparing multiple invoices for a project.
- The permit fee for street tree alterations has been deleted as the Council decided not to adopt that procedure.
- The legal review fees have been modified to not be a set fee, but rather to be a passthrough fee based upon the amounts the City is charged.

The updated fees will support the services provided and keep up with the City's increased costs. Councilmember Jensen moved to table Resolution 797 and place it to the Council Meeting of September 17, 2024 so Council could review the Master Fee Update in its entirety, with a second from Councilmember Hedrick, passed 5-0.

**RES 799– Update of Public Records Act Rules** - The State Legislature adopted revisions to the Public Records Act in order to protect the personal information of qualified government employees or their family members who are victims of domestic violence, sexual assault, sexual abuse, stalking, or harassment. The change to the law also provides a procedure for cities to verify the qualification for the exemption. The City plans to adopt an Employee Survivor Exemption Policy (Resolution No. 798) which includes this procedure. The proposed change to the Public Records Rules is in Rule 10(3), under redactions and exemptions, and provides the following information regarding the exemption:

**(2) Employee-Survivor Exemption.** The City's Administrative Policy and Procedure for Employee-Survivor Exemption, adopted pursuant to RCW 42.56.250(i), exempts from disclosure the personal information of qualified government employees if the employee is or has family members who are victims of domestic violence, sexual assault, sexual abuse, stalking, or harassment, or who are included in the Address Confidentiality Program (ACP). Once the employee has established their qualification for this exemption, the City is required to redact the employee's information from public records that would otherwise not be redacted under Chapter 42.56 RCW, the Public Records Act.

Any documentation maintained by the City to administer the qualified employee's exemption is confidential and is also exempt from disclosure. The Public Records Act exempts documents from production if any "other statute" exempts or prohibits production. Since the last update to the Rules, the State Legislature has enacted many additional statutes that create exemptions that may be used under the Public Records Act. These new "other statutes" have been added to PRA Rule 14(1). Councilmember Jensen moved to amend the agenda bill paragraph two from Rule 10(2) to Rule 10(3). Councilmember Hedrick move to approve Resolution 799, as amended, with a second from Councilmember Syler, passed 5-0

**CLAIMS/PAYROLL** – Councilmember Hedrick moved to approve Claims for September 3, 2024, with a second from Councilmember Syler, passed 5-0.

**MAYOR'S TIME** – Presented an update on the Park Avenue project which was to begin on Monday. Mayor Hopkins hoped it be completed before winter sets in. Mayor Hopkins planned to meet with EPA and Terracotta on September 27 to discuss lot 15 at Point Ruston. The City has worked with EPA on a grant in support of remedial action which should be heard in November. The City is working with EPA and Ecology to sample soil for arsenic, lead and any other toxins which may require remediation. Mayor Hopkins responded to Mr. Hammond's request for an EV station within the City of Ruston and shared City staff were evaluating usage, demand, cost and location. 51<sup>st</sup> and Winnifred would be one option since there is a power source at that location. The Ruston School has been ruled out as it is cost prohibited. Mayor Hopkins wanted to clarify that the Unicorn lot was not zoned commercial, it is classified as residential. Mayor Hopkins introduced Monday.com, a project workflow system, and thanked the Council for their support of this new system. Mayor Hopkins responded to Ms. Hansen noting that the City would be holding its annual Christmas tree lighting in December with the help of Mark Shingledecker, our Public Works Maintenance Technician.

**Councilmember Hedrick** – Thanked Councilmember Huson for sponsoring a great Ruston car show given the poor weather and hoped everyone that attended enjoyed the cars and a good breakfast burrito. Councilmember Hedrick thanked the residents for their concern and thanked the Ruston Police and Ruston Fire for their immediate response at an accident scene on Commercial Street which took place two weeks ago on Saturday. Councilmember Hedrick shared his concern regarding an establishment in Ruston and the related issues residents brought before Council. For decades this neighborhood business has had a reputation, and their business model was to sell alcohol between 11PM to 2AM. After the accident that took place on Commercial Street, and the direct impact it had on residents, Councilmember Hedrick noted that something needed to be done. There are responsible business owners such as Macaluso's, Coles and North End, which Councilmember Hedrick has taken his family to. If an ordinance is written to restrict alcohol sales after midnight it would impact all businesses.

Councilmember Hedrick thanked City Attorney Jennifer Robertson who took great effort in getting Comcast and Lumen Communications to start up and complete the work on the 49<sup>th</sup> Street Undergrounding project.

**Councilmember Syler** – Commented on citizens' concerns regarding the neighborhood bar. Councilmember Syler has lived in Ruston for 25 years and chose to purchase a home not located on a busy street or near a bar because of the activities that surround these locations. Councilmember Syler understood residents' concerns and, living two blocks away, Councilmember Syler realized she could be affected as well. Councilmember Syler would like to be fair when making any change and with the ongoing incidents hoped the Washington State Liquor Control Board would get involved. Councilmember Syler continues to gather information before making a decision.

**Councilmember Huson** – Listened to residents' concerns and the issues at the Unicorn and noted that long ago it was a tavern and not a bar. Councilmember Huson addressed the cars parking on the lot across the street from the Unicorn. The lot was zoned residential not commercial and parking cars on the lot becomes a code enforcement issue. Councilmember Huson reached out to the City Attorney to write up an ordinance restricting alcohol service after midnight for all businesses in Ruston. This would be the first step in managing the issues. Councilmember Huson thanked Charles McKenna, the Police and Fire Departments, Councilmember Hedrick and all who supported the soggy car show.

**Councilmember Jensen** – Agreed with Councilmember Huson. Councilmember Jensen noted it was time to take action and engage the City Attorney to write up an ordinance restricting the serving of alcohol and/or the business hours to midnight. An ordinance provides for first and second readings and would generate good discussion. Councilmember Jensen hoped all businesses would participate in those discussions. Councilmember Jensen also agreed that parking cars on the lot across from the Unicorn should be directed to code enforcement. Thanked Mayor Hopkins for his update on EV stations in the City of Ruston and invited anyone in the community, with grant writing skills, to step up in search of grants to support the cost of an EV station.

**Councilmember Holland** – Requested clarification on Resolution 797 asking if the fees were based on inflation. Mayor responded that it was. Councilmember Holland had an opportunity to review Monday.com and found many grants that support projects within the City of Ruston. Councilmember Holland was excited to participate in the Council Retreat and looking forward to planning realistic and achievable long- and short-term goals. Councilmember Holland commented on the difference between the owners of Coles, Macaluso's and the owner of the Unicorn. Those businesses were good neighbors and the Unicorn was not. Councilmember Holland agreed that it was time to do something and engage the City Attorney to write an ordinance restricting the serving of alcohol after midnight.

CITY OF RUSTON  
Regular Council Minutes  
September 3, 2024

**MEETING AJOURNED** – At 7:56PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Syler, passed 5-0.

  
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Mayor Hopkins

ATTEST:  
  
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Judy Grams

Good evening. I am here before you tonight, representing myself and a group of residents. We would like the Council to strongly consider amending the ordinance of alcohol sales to end at midnight, seven days a week.

Our hope is that this will quell ongoing disruptive behavior in our town.

In the last week and a half alone, we had an incident involving an inebriated patron that had come from one of our local establishments that proceeded to hit three vehicles on a city street, totaling at least two, one being his and the other was an \$80,000 truck. Less than a week later, on a different city street, another inebriated driver ended up with their vehicle on top of jersey barriers after pushing them well off the road. This driver had come from another local establishment. Luckily no one was seriously injured or killed. Incidents like the second one incur cost to the city to repair the damage done

We residents in the South end of town experience almost nightly disruptions due to an establishment in our residential area that is open until 2 A.M., 7 nights a week. We have endured for years loud, crude, raucous behavior; public drunkenness; public urination and defecation; fist fights; verbal altercations; damage to personal property; garbage; increased late night traffic – often – with their radio bass blasting as they are coming and leaving.

We have been asking for help for years to no avail. We hear comments that this establishment was there when we moved in. While that is true for some, there are many of us that when we moved in it was a tavern, now it is a bar. A big difference. In its early days it catered to locals and the smelter workers. Its business model has changed drastically and so has the neighborhood.

We recently asked our police chief for tools to use to deal with this situation.

1 was to call 911 when disruptions occur – the patrons and the establishment could be cited for noise violations. However, first a call has to be made then witnessed by the responding officer. Their response time is dependent on what other matters they may be dealing with at the time. Most often they arrive after the offending parties have left. If they do arrive in time their hands are tied when it comes to dealing with patrons lingering outside, often until well after 2 A.M. The officers can't ask them to get in their cars and leave for fear that they

will be involved in a drunk driving accident and the city could be held liable. This establishment refuses to police their patrons – stating that once the folks are outside they are not their problem.

The 2<sup>nd</sup> tool was to petition the Council to adopt a midnight stop to the sale of alcohol. We feel this will help not only the police department but give us a better quality of life, especially in the S end and make our community as a whole a safer place in which to live.

This one particular establishment pays on average \$106.15 a month in tax revenue. We just voted a tax increase with the emphasis on public safety. Do we feel that this is a good use of the City's time, resources and efforts?

Thank you for your consideration. We do understand that there will still be drunk drivers out there.

We also know that boisterous patrons are going to happen. But if we knew that we could look forward to peace and quiet from midnight on we could deal with the disruptions.

Also, hopefully, it will send a message to these businesses, which we do appreciate, to adhere to our 10p.m. noise ordinance and monitor their patron's behavior, encouraging them to respect the community. Especially the establishments in residential zones. Thank you