

**CITY OF RUSTON
REGULAR COUNCIL MEETING
TUESDAY, February 16, 2016**

MEETING CALLED TO ORDER

At 7:00PM City Clerk Grams called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Jane Hunt, Lyle Hardin, Deb Kristovich and Lynn Syler. Mayor Hopkins was excused. Councilmember Hunt moved to elect Councilmember Hedrick as Mayor Pro Tem, with a second by Councilmember Hardin, passed 5-0. Councilmember Hunt moved to approve the agenda, with a second from Councilmember Hardin passed 5-0.

MINUTES

Councilmember Hunt moved to approve the minutes for the Regular Council meeting of February 2, 2016, with a second from Councilmember Hardin, passed 5-0.

STAFF REPORT –

Ruston Police – Interim Police Chief Celis – See attached.

Ruston Fire – Chief Torbet – See attached.

GENERAL PUBLIC COMMENTS – No Public Comments at this time.

BUSINESS

1. **Ordinance 1467** – Fees Chapter (1st reading). For the past several years, the City has been in the process of cleaning up, clarifying and updating its development and construction codes. This work has included removing fees from the Code and placing them into a Master Fee Resolution which is updated regularly. In addition, the City created the office of hearing examiner and has been updating its codes to incorporate the change to a hearing examiner system. In the course of all the updating work, the City has reviewed codes from other jurisdictions to consider standard procedures of other Washington cities. Out of this work, the City has examined how to best impose and collect development fees.

The City is permitted to recover the cost to the City of processing permit applications, inspecting and reviewing plans or preparing detailed statements as required by Chapter 43.21C RCW. While the City has adopted a Master Fee Resolution which is amended from time-to-time, the City has not adopted specific procedures for when fees are collected, when refunds may be appropriate and what actions to take when fees become delinquent. Both the proposed updated Master Fee Resolution (RES 614) and new Chapter 19.10 RMC (Ordinance #1467) will work together to create a comprehensive set of guidelines and requirements for imposing, refunding, explaining and collecting development fees. The key provisions of these two pieces of legislation are summarized below.

Chapter 19.10 RMC – ORD 1467

Creation of Greater Responsibility for Payment of Fees.

Section 19.10.020 restricts the City from issuing any permits or certificates of occupancy when fees are unpaid. This section also requires the naming of a responsible party as part of the permit process, much like is required when you visit a doctor.

Delinquent Fees.

Section 19.10.050 spells out when fees become delinquent (unpaid for 30+ days), imposes interest (12% per year or \$1 minimum) and authorizes the use of a collection agency. This section also allows a \$25 NSF charge for bounced check. Most importantly, this section allows the issuance of a Stop Work Order, suspension of permit processing and cancellation of applications for projects with delinquent fees. If there is a history of delinquent fees, the Planning Director may also place delinquent accounts on a cash-only status.

Providing the Planning Director with Authority.

Under 19.10.060, the Director may stop work if work is proceeding without a permit or approval fee unpaid and may impose penalties in accordance with the Code Enforcement procedures set forth in Chapter 25.03 RMC.

Civil Penalties.

Section 19.10.070 allows the City to impose civil penalties in the amount of \$27/day for failing to comply with this new fee chapter. These fees would be in addition to any other code enforcement penalties, interest, NSF fees, etc.

By adopting Ordinance #1467, the City would provide greater clarity to applicants regarding what fees are due for development services, how those fees are calculated, when those fees are due and the consequences for failure to timely pay these fees. This would also provide a better process and mechanism for the City to recover these fees.

- 2. Resolution 614** – Update to the Master Fee Resolution (Companion to ORD 1467 – not for action). The proposed updated Master Fee Resolution includes new procedures for imposing Planning and Engineering Fees. These procedures are meant to work in concert with new Chapter 19.10 RMC to provide a full set of regulations with regard to development fees. The major new sections in the Master Fee Resolution are contained in Section 2 of the Resolution and are detailed below.

Base fee and hourly fee – Section 2.1.

The new “base fee” is changed to \$250 with hourly rates for land use review established at \$172.50 and other hourly rates at \$190. These rates are inclusive of administrative expenses borne by the City for the costs of billing and processing. Minimum increments are ¼ hour.

Miscellaneous fees – Section 2.2.

This section spells out when additional fees may be imposed, including for failure to cancel appointments, use of City planning/engineering officials as expert witnesses, re-inspection fees, changing addresses, and for copies of records.

Time and Collection of Fees – Section 2.3.

This specifies that the minimum fee is collected at the time of application with additional fees being billed and paid during the review process. All fees must be paid prior to issuance of the permit, approval, denial, decision or recommendation.

Refunds – Section 2.4.

This section provides a procedure for obtaining fee refunds for over-payment of fees when an application is canceled or withdrawn prior to completion of review. The applicant must request the refund within 90 days. This section allows the City to apply any refundable fees to outstanding balances due on other applications from the same applicant.

Revisions and additions to applications – Section 2.5.

This section allows the City to assess additional fees for revisions and amendments.

Fees for Land Use Review – Section 2.6.

This section spells out exactly how land use review fees are established and paid, provides the Planning Director with discretion to set initial payment amount for fees for work not already established provided that it is between the minimum fee of ½ hour of review time and a maximum of 10 hours review time. This section also describes how the fees charged by the City are credited and divided. A correction fee of \$345 is established for additional correction cycles/non-responsive applicants. This section contains the table of fees that is in every Master Fee Resolution. New this year is the fees for street vacations which is a procedure that the Council adopted in 2015.

By adopting Ordinance #1467 and the Resolution #614, the City would provide greater clarity to applicants regarding what fees are due for development services, how those fees are calculated, when those fees are due and the consequences for failure to timely pay these fees. This would also provide a better process and mechanism for the City to recover these fees.

- 3. Resolution 622** – Pierce County Flood Control Zone District Opportunity Fund. The Interlocal Cooperation Act, authorizes the City is to contract with other governmental agencies to provide services that the City is authorized to perform. On April 3, 2012, the Pierce County Council formed a Flood Control Zone District as authorized by Chapter 86.15 RCW. After formation, the District Board (which is made up of the Pierce Co. Councilmembers) allocated and set aside 10 percent of the District's regular property tax revenues as an "Opportunity Fund" for use by cities and towns in Pierce County for certain flood control projects. In order to be eligible to obtain funding from the Opportunity Fund for projects within the City of Ruston, Ruston is required to sign the Interlocal Agreement. As part of the agreement, Ruston agrees to satisfy project rules. The Agreement sets out the process for applications, eligibility, approval and implementation (including audits after completion). The Agreement contains a mutual indemnification clause. The Agreement is effective upon execution by both parties with no expiration date. The Agreement is terminable at the request of either party. The steps jurisdictions must take to receive funds from the Opportunity Fund are as follows:

- The steps jurisdictions must take to receive funds from the Opportunity Fund are as follows:
- Step 1: Adopt an Interlocal Agreement between the jurisdiction and the Flood Control District.
 - Step 2: Submit approved ILA to the District
 - Step 3: Submit a Notice of Intent to request funds for a specific project
 - Step 4: Submit a proposed Scope of Work for the Project
 - Step 5: Submit progress reports and reimbursement requests during Project implementation
 - Step 6: For final payment submit Project Completion Report

While the majority of the Opportunity Fund allocation is paid on a reimbursable basis following submittal of a jurisdiction's invoice, there are provisions to allow for some advanced funding. The complete guidelines and rules may be viewed on the Pierce County FCZD's website at <http://www.piercefloodcontrol.org/index.aspx?nid=112>. The City of Ruston 2013 to 2015 allocation from the Opportunity Fund is \$3,620 which may be "banked" for a future project. The Agreement will allow Ruston to be eligible for funding for flood control projects from the property tax revenue held in the Opportunity Fund by the Pierce Co. Flood Control Zone District. Councilmember Hunt moved to approve Resolution 622, with a second from Councilmember Hardin, passed 5-0.

4. **Ordinance 1482** – Comprehensive Plan Update (1st reading). The first Ruston Comprehensive Plan was adopted in 1996, and was later updated on April 2, 2003. On February 6, 2013, the City Council initiated the Comprehensive Plan update to respond to the requirement of the state Growth Management Act to periodically update such plans. The City received a grant in the amount of \$40,000 for the purposes of updating this plan. Since the last Comp Plan was adopted, Ruston has undergone tremendous changes, including development of the ASARCO site, population growth of about 120 people (with the population projected to approximately double by 2035), and demographic changes. In order to develop the new 2016 Comp Plan, the City engaged in a multi-year planning process that included public events and open houses; over eleven (11) meetings of the Planning Commission; an online strategy that included a project website; and meetings with stakeholders. Out of the process, a new Community Vision was created. The community envisions that in 2035 Ruston will be a vibrant, environmentally healthy and sustainable City with a rich history and unique character with safe, attractive neighborhoods; neighborhoods will remain connected to one another, offering diverse housing choices, gathering spaces, and local commercial services; and Ruston's people – its ultimate strength – will continue to define both the city and its neighborhoods. The Comprehensive Plan anticipates growth of - approximately 500 additional housing units and 334 jobs between 2015 and 2035.

The Comprehensive Plan identifies the infrastructure and capital investments to support growth and changing community needs, and is linked to facility plans for transportation, utilities, parks and other public facilities. The Comprehensive Plan seeks to achieve the following goals:

- Preserve and enhance quality of life, including economic opportunities, public safety, human and community services, housing, education, parks and natural areas, quality neighborhoods, art and culture.

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- Encourage housing choices affordable to all income levels and a range of mobility options to serve the entire community.
- Protect and restore ecological systems of the natural environment, including reducing greenhouse gases, enhancing the city's overall tree canopy coverage, protecting critical areas, and preserving areas of open space.

The Comp Plan update includes the current Shoreline Management Element, which was recently updated and approved by the Washington State Department of Ecology as consistent with state law. It is hoped that the Comprehensive Plan Vision will be realized by the entire city organization, in concert with the Ruston community and regional partners. During the Council meeting on February 2nd, Planning Director Rob White provided the Council with a detailed overview on the process and vision that went in to creating the 2016.

The Comprehensive Plan has no direct fiscal impact to the City. The Plan, however, does provide policy direction to a wide range of City initiatives that may occur over the next 20 years. Funding impacts of these initiatives would be discussed during the city's annual budget process. In addition, updating the City's Comprehensive Plan will keep the City eligible for State grants.

5. **Resolution 623** – Comprehensive Plan Update. Council is asked to adopt Resolution #623 demonstrating its intention to adopt the new Comprehensive Plan so that PSRC review may commence. Ordinance #1482 which adopts the Plan will be proposed to adoption in March after Council has completed its review. Councilmember Hunt moved to approve Resolution 623 with a second from Councilmember Hardin, passed 5-0.
6. **Discussion** – Naming of Winnifred Street Linear Park. Councilmember Hedrick and Councilmember Hunt moved to take the naming of Winnifred Street Linear Park to the Planning Commission. Planning Commission along with community recommendations will identify three names to bring before Council at a future council meeting for a vote.

CLAIMS/PAYROLL – Councilmember Hunt moved to approve Claims and Payroll, with a second from Councilmember Hardin, passed 5-0.

MAYOR'S TIME – Was excused.

COUNCIL TIME -
Councilmember Hedrick – Nothing at this time.

Councilmember Hunt – Nothing at this time.

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Councilmember Hardin – Nothing at this time.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

MEETING AJOURNED -

At 7:47 PM Councilmember Hunt moved to adjourn, with a second from Councilmember Hardin, passed 5-0.



Mayor Bruce Hopkins

ATTEST:



Judy Grams



**Chief's Report
Ruston Police Department
Tuesday February 16, 2016**

Chief of Police:

During the month of January the Police Department responded to 213 calls for service. This number is made up of dispatched calls, officer initiated calls, and traffic stops. The most noteworthy of the calls was a strong arm robbery of alcohol that took place at the Chevron Station. All other calls were both misdemeanor and felony in nature and were documented in police reports. I wanted to remind the council and the citizens that the police department will be taking part in the Polar Plunge on February 20th at Owen Beach to raise money for Special Olympics. The event begins at noon and I welcome all those who wish to plunge alongside us or those just wanting to witness the big freeze. I would like to thank the business district for their donation to this great event.

Other Personnel Issues:

We are still in the process of looking for another part time officer but have no candidates at this time.

Civil Service Commission:

Nothing to report.

Equipment:

Nothing new to report, we are still working on the purchase of the new police vehicles at this time.

Training:

The police department will be recertified in First Aid/CPR on Thursday February 18th. I would like to thank the Ruston Fire Department for providing the training.

Please contact me by phone (253) 761-0272 or by email victor.celis@cityofruston.net if you have any questions or concerns regarding this month's report.

Submitted By:
Victor M. Celis
Interim Police Chief



Ruston Fire Department | 5117 North Winnifred | Ruston, WA 98407

Ruston Fire Department Monthly Review for January 2016

Tuesday, February 16th, 2016

Presented by Fire Chief Don Torbet

Total Incidents: 7 (2 Fire Service, 5 Medical Aid)

Total Volunteer Hours: 204 Hours

Membership Roster (out of 25): 17 (11 FF, 6 Officers)

Recent Membership Changes: removed Curtis Storer (hired)

State of the Business:

- Department members, John Lamb and Ryan Gilletti participated in Emergency Vehicles Incident Prevention (EVIP) driver's training.
- Emergency Planning discussions with Pierce County are being scheduled to finalize the City's Emergency Plan. Internal deadline of March 31st.
- All vehicles and fire tools are fully operational
- Fire crews are participating in the Browns Point Fire Academy as instructors and supplemental resources. This helps provide us with multi-agency operational training.
- Recurring CPR training is offered quarterly for the Ruston community. Over 160 people have been **CPR certified** since the training has been offered. Although we didn't meet our goal of 100% CPR certification for the city, we continue to provide training as needed. As always, community members may enroll at City Hall or by emailing rustonfire@rustonwa.org.
- **Fire Station tours** are provided to the public when resources are available. Please contact rustonfire@rustonwa.org for further information.

Ruston Fire Department's Master Business Objectives for January/February 2016

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE %	ACTION OWNERS
Recruitment	1/2016	<i>ongoing</i>	17 of 25	WHERRETT
CPR Training	1/2016	2/29/2016	100%	ANDERSON