

**CITY OF RUSTON  
REGULAR COUNCIL MEETING  
TUESDAY, January 17, 2017**

**MEETING CALLED TO ORDER**

At 7:02PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Jane Hunt, Lyle Hardin, Deb Kristovich and Lynn Syler. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hedrick moved to approve the Agenda of January 17, 2017, with a second from Councilmember Hunt, passed 5-0.

**MINUTES**

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting minutes of January 3, 2017, with a second from Councilmember Hunt, passed 5-0.

**STAFF REPORT –**

Ruston Police – Interim Chief Estes – See Attached.  
Ruston Fire – Chief Torbet – See Attached.

**GENERAL PUBLIC COMMENTS –**

**Karen Bamberger – Betts, Patterson & Mines** – Represented Mr. John Schroeder at 5107 N. Bennett Street, Ruston, WA. Ms. Bamberger has worked with City Attorney Jennifer Robertson and encouraged Council to approve Resolution 641 – Schroeder Litigation Settlement.

**BUSINESS-**

**Ruston Point Defiance Business District** – Nothing at this time.

**Executive Session – 15 Minutes (Pending Litigation RCW 42.30.110(1)(i).)** – Council entered Executive Session at 7:12PM. Council concluded Executive Session at 7:27PM and reconvened into open session.

**RES 641 – Schroeder Litigation Settlement** – There is a currently pending code enforcement case in Pierce Co. Superior Court brought by the City against John Schroeder (“Schroeder”) based on the condition of his property located at 5107 N. Bennett. The enforcement is the result of the December 8, 2015 collapse of Schroeder’s retaining wall which spilled debris onto the 51st Street motor travel lanes and sidewalk. The City commenced emergency measures to remove the soil and wall debris from the travel lanes, and on December 16, 2015, installed approximately 27 ecology blocks to temporarily stabilize the remainder of the wall and retain the soil. The temporary measures are protective of both the Schroeder property (keeping it from further collapse) and the City road way but the repair configuration obstructs the sidewalk, which has forced a closure of the sidewalk in this area. The City expended \$12,006.27 for this emergency repair work. The sidewalk is currently closed and must remain closed until the wall is repaired and the ecology blocks removed. The City commenced a code enforcement action against Schroeder on February 1, 2016 by issuance of the NOV under the City’s adopted International Property Maintenance Code (“IPMC”) using the City’s code enforcement procedures.

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On February 1, 2016, Schroeder filed a defective request for a hearing and failed to pay the appeal fee. The City moved the Hearing Examiner for dismissal, which was granted on March 31, 2016. The Hearing Examiner held there to have been no timely appeal filed. Following the entry of the Hearing Examiner's Findings of Fact and Order of Dismissal, Schroeder filed a Petition under the Land Use Petition Act (Ch. 36.70C RCW also known as "LUPA") in Pierce County Superior Court. The City moved the Court to dismiss this appeal. The Court dismissed the Petition with prejudice on June 3, 2016, holding that "Dismissal of this LUPA Petition renders the Notice of Violation as the final order of the City." This Order was not appealed. Since Schroeder failed to commence corrective action or comply with the NOV, on July 27, 2016, the City filed a lawsuit in Pierce County Superior Court against Mr. Schroeder to enforce the NOV and collect the per diem civil penalties, the costs of the emergency repair, and attorneys' fees and costs. Following some initial proceedings in Court, the parties agreed to broad terms of settlement, including the payment to the City in the amount of \$175,000.00 for repair and replacement of the wall and reimbursement of costs, the mutual release of claims and the waiver by Schroeder of any right to sue the City for the wall construction. This waiver also applies to all contractors and consultants assuming the construction and design is done by professionals and meets code. The parties have worked toward a mutually acceptable agreement for the Council's consideration. This Agreement is recommended by the Mayor for approval. Mr. Schroeder and his legal counsel understand that no representation by the City Attorney or other City staff is binding on the Council and that the Council has the ultimate authority to accept or reject the proposed Settlement Agreement. After all parties, have executed the Settlement Agreement, Mr. Schroeder's insurance carrier will deliver \$175,000 to the City within 10 business days. The City will use this money to reconstruct the failed retaining wall and reimburse its costs. The City's costs are approximately \$60,000 to date, including the cost of the emergency repair. Councilmember Hedrick moved to approve Resolution 641, with a second from Councilmember Hunt, passed 5-0.

**RES 645 – Ruston Police Car – Auction Contract** – From time to time the City finds it has unneeded property, such as police vehicles which are being replaced. One method for disposing of surplus property that is allowed under Washington law is to send the property to public auction. Ehli Industrial, LLC is a public auction house and is in the City of Tacoma and can dispose of surplus City property. The standard Auction Agreement needs to signed prior to the City utilizing these services. The cost for these services would generally come out of the sales proceeds. Councilmember Hedrick moved to approve Resolution 645, with a second from Councilmember Hunt, passed 5-0.

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

**MAYOR'S TIME** – Mayor Hopkins has had brief discussions with Councilmember Hardin and Councilmember Hedrick regarding the Ruston Police pay scale and will work with Interim Police Chief Estes to update the police department pay scale in support of retaining officers. We are currently close to entry level and not competitive in keeping officers on staff. Councilmembers are strongly in support of the Police Department and Mayor Hopkins would like to be proactive in providing the tools that Interim Chief Estes will need to build his department. Mayor Hopkins was reviewing utilities, sewer and storm, working with Tacoma on the potential rate increase that will be coming our way.

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**COUNCIL TIME –**

Councilmember Hedrick – Nothing at this time.

Councilmember Hunt – Nothing at this time.

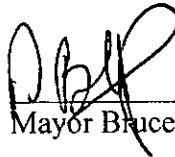
Councilmember Hardin – Nothing at this time.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

**MEETING AJOURNED -**

At 7:35PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hunt, passed 5-0.



\_\_\_\_\_  
Mayor Bruce Hopkins

ATTEST:



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Judy Grams



**Chief's Report  
Ruston Police Department  
Tuesday January 17, 2017**

**Chief of Police:**

During the month of December the Police Department responded to 145 calls for service in the City of Ruston. This does not include calls for service outside the city limits.

Officer Roberts made a traffic stop for a minor traffic infraction and found that the driver was suspended. The driver also had a Ruston PD warrants for suspended driving. Permission to search the car was obtained from the driver. The driver had a digital scale, packaging material and enough meth to charge him with possession of narcotics with the intent to distribute.

**Other Personnel Issues:**

Chief Celis resigned to take a position with Fircrest PD.

Officer Kaeka is still out for an undetermined amount of time after surgery. We are in the process of announcing two positions. The Chief of Police and an officer position. We have one viable candidate for a part time position that may also be a good candidate for the full time officer position.

**Civil Service Commission:**

The Chief of Police and Police Officer positions are in the process of being announced for hire.

**Equipment:**

Vehicle 1, the white impala, is ready to be sold once a contract with an auction company is signed.

**Training:**

There was no training in the month of December.

Please contact me by phone (253) 761-0272 or by email [anders.estes@cityofruston.net](mailto:anders.estes@cityofruston.net) if you have any questions or concerns regarding this month's report.

Submitted By:  
Anders "Andy" Estes  
Interim Chief of Police  
1/17/17



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

## Ruston Fire Department Monthly Review for December 2016

Tuesday, January 17, 2016

Presented by Chief Torbet

**Total Incidents:** 5 (0 Fire/ Service, 5 Medical Aid)

**Total Volunteer Hours:** Total 2491 Hours December 204 Hours

**Membership Roster (out of 25):** 20 (13 FF, 7 Officers)

**Recent Membership Changes:** Remove Ryan Gilletti

### State of the Business:

- Firefighter Ryan Gilletti was hired by Gig Harbor Fire
- One new hydrant on Orchard street
- We purchased a new AED trainer with donations from Sandy Freiboth's memorial
- All vehicles and fire tools are fully operational
- 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](mailto:rustonfire@rustonwa.org).
- **Fire Station tours** are provided to the public when resources are available. Please contact [rustonfire@rustonwa.org](mailto:rustonfire@rustonwa.org) for further information.

### Ruston Fire Department's Master Business Objectives for Decmeber 2016

OBJECTIVE	START DATE	TARGET COMPLETION	COMPLETE %	ACTION OWNERS
Recruitment	12/2016	<i>ongoing</i>	21 of 25	WHERRETT/SHERMAN
CPR Training	12/2016	<i>ongoing</i>	100%	ANDERSON