

**CITY OF RUSTON  
REGULAR COUNCIL MEETING  
Tuesday, May 1, 2018**

**MEETING CALLED TO ORDER**

At 7:00PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Lyle Hardin, Deb Kristovich, Lynn Syler and Bradley Huson. Following the flag salute, Mayor Hopkins called for approval of the agenda. Councilmember Hedrick moved to approve the Agenda, with a second from Councilmember Hardin, passed 5-0.

**MINUTES**

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of April 17, 2018, with a second from Councilmember Hardin, passed 5-0.

**STAFF REPORT –**

Ruston Engineer – Jerry Morrissette – Was excused.

**GENERAL PUBLIC COMMENTS –**

**Doug Hammond** – Asked Mayor Hopkins to speak to traffic mitigation measures and a status update on the Public Market.

**BUSINESS –**

**ORD 1501 – Update Utility Taxes RMC Chapter 5.20 (2nd reading).** The City of Ruston has the authority to levy utility taxes under Washington law. Under Washington law the City may levy utility tax upon Cable TV, electricity, gas, sewer, storm water, solid waste, steam, telephone services, and water. The City first adopted its utility tax code (Chapter 5.20 RMC) was first enacted in 2010 and the chapter needs an update, including language cleanup. Given that the City is in the process of negotiating a solid waste collection permit for collection at Point Ruston with the City of Tacoma, the City investigated the Tacoma utility taxes. The City of Tacoma levies 8% utility tax on solid waste and sewer / storm water. While telephones, electricity and gas are limited to a 6% utility tax rate without a vote of the people, solid waste and sewer/storm water are not so limited. To bring Ruston in line with Tacoma, the City's utility tax code revisions are recommended. The revisions to Chapter 5.20 RMC include:

- Housekeeping amendments (Sections 5.20.010, 5.20.050, 5.20.060);
- Additional definitions in Section 5.20.030, including adding definitions for cable television, gross proceeds of sale, gross revenue, gas distribution business, light and power business, network telephone business, person, sewer system business, solid waste, solid waste collection business, tax payer, telecommunication company, telephone business and water distribution business;
- Adding new categories of utility taxes (solid waste and sewer/storm water) in Section 5.20.030;
- Adding new categories of deductions in Section 5.20.040;
- Updating and improving underpayment procedures in Section 5.20.080;
- Adding the following new sections:
  - Addressing misallocation of cellular service income (Section 5.20.035);
  - Creating a right of the City to audit (Section 5.20.070);
  - Providing for late payment penalties (Section 5.20.090);
  - Providing an appeals process (Section 5.20.100);
  - Establishing the right of the Clerk-Treasurer (Section 5.20.110); and
- Providing a referendum clause for portion of this ordinance as required by law

Councilmember Hedrick moved to approve Ordinance 1501, with a second from Councilmember Hardin, passed 5-0.

**ORD 1503 – Updated Chapter 1.07 RMC – Planning Commission (1<sup>st</sup> reading)**

Chapter 35A.63 RCW and the Growth Management Act (Chapter 36.70A RCW) establish the planning process for cities, which includes the establishment of a Planning Commission. The City has previously created a planning commission and such commission has continued to operate and provide a valuable service to the people of Ruston and the Ruston City Council. The City adopted its current chapter on the planning commission in February of 2006 by adoption of Ordinance No. 1184. Since that time the practices and procedures of the City’s planning commission have evolved and thus the chapter is need of an update to capture current practices and provide more detailed guidance to the planning commission.

Ordinance No. 1503 makes the following revisions to Chapter 1.07 RMC:

<b>Section</b>	<b>Revision proposed</b>	<b>Purpose of Revision</b>
1.07.010 Planning Commission Created	Changes “town” to “city”	Housekeeping
1.07.020 Members and Appointment	<ul style="list-style-type: none"> <li>• Adds a residency requirement for commissioners (this has been an “unwritten rule” but now is added to the code</li> <li>• Outlines process for dealing with vacancies</li> <li>• Provides the Council the authority to remove a commission member</li> </ul>	Clarify eligibility and vacancy rules
1.07.030 Powers	The powers section was very general and did not address specific powers and duties as are outlined in state law. The amendment provides greater specificity and should provide the Commission and the public with more information as to the role and responsibilities of the Planning Commission.	Provides greater detail on the planning commission role and responsibilities
1.07.040 Chair of the commission	The code did not provide for a vice chair or explain the role of the vice chair. It also limited the chair role to one year. The current practice of the planning commission includes electing a vice chair and allowing repeated terms as chair. The amendment now conforms the code to current practice.	Adopts current practices into the code
1.07.050 Quorum (renamed “Quorum; meetings”)	The amendment adds a subsection on meetings, including how such meetings are conducted to comply with state law, to allow telephonic participation in certain circumstances and the expected regularity of meetings (at least quarterly)	Provides greater detail on the operation of planning commission meetings which was not included in the code.
*NEW* 1.07.060	Many cities provide guidance to commission members on the limitations of their role (i.e. don’t speak for the City, don’t supervise staff, etc.). This new section provides such guidance for Ruston Commissioners.	Further clarifies the role of the planning commission.

Given that the City is in the process of negotiating a solid waste collection permit for collection at Point Ruston, with the City of Tacoma, the City investigated the Tacoma utility taxes. The City of Tacoma levies 8% utility tax on solid waste and sewer/storm water. While telephones, electricity and gas are limited to a 6% utility tax rate without a vote of the people, solid waste and sewer/storm water are not so limited. To bring Ruston in line with Tacoma, the City's utility tax code revisions are recommended. The revisions to Chapter 5.20 RMC include:

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- Providing a referendum clause for portion of this ordinance as required by law.

**RES 678 – Approval of Special Collection Permit for City of Tacoma (RMC6.01.180).** The City of Ruston provides solid waste collection services within its borders in accordance with the authority granted in State law.<sup>1</sup> There are two properties (The Commencement and Point Ruston) in the City of Ruston that desire services that the City cannot provide. These services include utilizing 1-8-yard compactor boxes for solid waste and recycling. These are picked up with a fork attachment. The City of Ruston cannot provide these services because the Ruston garbage truck is not designed or equipped to handle these types of boxes. The City of Tacoma provides solid waste services within its borders and has the equipment to provide the services to the two properties that Ruston cannot currently serve. The Ruston Municipal Code contains a Special Collection Permit in RMC 6.01.180 which allows the City Council to issue permits to others to collect solid waste within the City of Ruston. The Permit may be canceled upon 30 days' written notice and is only for a one-year period. For ease of administration, the attached Resolution allows the Permit to automatically renew, unless the Council directs otherwise. Tacoma will bill the customers directly for these services. If code enforcement is needed, Ruston will perform this, and the costs will be reimbursed from Tacoma. Tacoma will pay solid waste utility tax on these services inside Ruston. Councilmember Hedrick moved to approve Resolution 678, with a second from Councilmember Hardin, passed 5-0.

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

**MAYOR'S TIME** – Mayor addressed Mr. Hammond's questions. The Public Market permit application had not been submitted. The City of Ruston met with City of Tacoma and Pierce County to discuss underlying issues they were dealing with one being the incomplete parking garage. The Public Market cannot begin until the parking garage is completed. With the increased traffic to Point Ruston and Point Defiance there has been significant traffic challenges. Point Ruston developer has traffic mitigation measures that will trigger the improvements. Mitigation would be in phases and is triggered by traffic counts. Included in the first phase is new curb, gutter and sidewalks on Baltimore Street from N 49<sup>th</sup> and N 46<sup>th</sup> Street. These improvements will widen the roadway and allow for better traffic flow in and out of Ruston. City of Fircrest approached Ruston to explore the opportunity of consolidating both city's courts. There was also discussion to consider a joint Police Chief approach. Fircrest has been a strong supporter of Ruston especially working together during the annexation period at the beginning of 2018.

**COUNCIL TIME** –

**Councilmember Hedrick** – Nothing at this time.

**Councilmember Hardin** – Thanked Jennifer Jensen for joining the City of Ruston Planning Commission. Councilmember Hardin spoke to the Point Defiance round about construction and the negative impacts the noise and the mess had to residents living near the work. Councilmember Hardin hoped it would be finished in the next month. Councilmember Hardin noted an observation about how people are being creative getting in and around our little City. We may want to look at measures in keeping our citizens safe as more cars are driving our streets.

**Councilmember Kristovich** – Nothing at this time.

**Councilmember Syler** – Nothing at this time.

**Councilmember Huson** – Nothing at this time.

**MEETING AJOURNED** -

At 7:27PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 5-0.

  
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Mayor Bruce Hopkins

ATTEST:

  
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Judy Grams