

**CITY OF RUSTON  
REGULAR COUNCIL MEETING  
Tuesday, December 4, 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. 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 November 20, 2018, with a second from Councilmember Hardin, passed 5-0.

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

**GENERAL PUBLIC COMMENTS** –

**BUSINESS** –

**Ordinance 1515 – Public Hearing**

**Ordinance 1515 –YE2019 Budget (2<sup>nd</sup> reading)** - In accordance with State law, the Mayor of the City of Ruston completed and placed on file with the City Clerk-Treasurer a proposed budget and estimate of the amount of monies required to meet the public expenses, interest, reserve funds, and expense of government of the city of Ruston for the fiscal year ending December 31, 2019. The Council is required to adopt its budget ordinance prior to January 1, 2019.

The City Council Budget consideration schedule for Fiscal Year 2019 is as follows:

Mayor’s Budget Message to Council:	November 20, 2018
Council discussion of revenue sources:	October 15 & November 6, 2018
<b>Public Hearing on Proposed Budget:</b>	<b>December 4, 2018</b>
Public Hearing on Revenue Sources:	November 6, 2018
Budget Discussion #1:	November 20, 2018
<b>Budget Discussion #2:</b>	<b>December 4, 2018</b>
Budget Discussion #3:	December 18, 2018
Adoption of Tax Levy:	November 6, 2018
Adoption of Final Annual Budget for 2018:	December 18, 2018

Prior to budget adoption, the City Clerk will have fully complied with state law by publishing notice of the availability of the budget for public review and publishing notice of the required public hearings on the City’s proposed tax levy (November 6<sup>th</sup>) and budget (December 4<sup>th</sup>). The Final Budget’s beginning balance is \$4,268,653 plus taxes, license fees, service charges, fine, forfeitures and other revenues totaling \$3,877,322. Adding the inter-fund transfer(s) of \$500,000 are combined in the Final Budget for total expenditures and ending balances amount of \$8,645,975.

The Public Hearing is on for December 4, 2018. The Council needs to open the public hearing, take testimony and close the public hearing. Following the public hearing, the Council may provide input on the budget. It is anticipated that this Ordinance will return to Council on December 18, 2018 for Third Reading and Action. The City is required to pass the budget before the end of this calendar year. Approval of this Ordinance adopts the 2019 Budget and establishes the appropriations necessary to authorize expenditures for each of the City's funds as detailed in Ordinance #1515 and the attachment thereto.

<b>Fund Name</b>	<b>Resources</b>	<b>Uses</b>
Fund 001 – General Fund	\$1,761,690	\$1,761,690
Fund 005 – Surplus Real Estate	\$1,550,864	\$1,550,864
Fund 101 – City Street Fund	\$478,400	\$478,400
Fund 102 – Equipment Reserve	\$0	\$0
Fund 105 – Street Reserve	\$108,000	\$108,000
Fund 110 – Winnifred Street	\$1,000	\$1,000
Fund 301 – Capital Construction	\$426,400	\$426,400
Fund 401 - Electric Utility	\$967,800	\$967,800
Fund 402 – Electric Utility Reserve	\$270,000	\$270,000
Fund 403 – Sewer Utility	\$1,460,000	\$1,460,000
Fund 404 – Sewer Reserve	\$373,000	\$373,000
Fund 405 – Garbage Utility	\$367,800	\$367,800
Fund 406 – Garbage Utility Reserve	\$67,000	\$67,000
Fund 407 – Storm Sewer Utility	\$258,000	\$258,000
Fund 410 – Sewer Capital Projects	\$182,000	\$182,000
Fund 622 – WR Rust Playfield	\$37,921	\$37,921
Fund 623 – Electric Meter Deposits	\$117,800	\$117,800

Fund 624 – School Building	\$218,200	\$218,200
Total	\$8,645,975	\$8,645,975

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**Ordinance 1516 –Street Vacation – Public Hearing**

**1. Ordinance 1516 – Street Vacation (1<sup>st</sup> reading) History of Point Ruston’s Street Vacation Application.**

State law permits cities to vacate rights of way that it no longer needs. In 2010 Point Ruston LLC filed a Petition for a Right of Way Vacation with the City. Point Ruston sought to vacate portions of Yacht Club Road, Gallagher Way, N. 51<sup>st</sup> Street, and Old Ruston Way which would no longer be needed for rights of way as Point Ruston was reconstructing Ruston Way and other streets as part of the Point Ruston development project. Point Ruston dedicated the new rights of way to the City on May 14, 2010. A copy of the Dedication Deed is attached to the Application which is attached to Agenda Bill. The Dedication Deed acknowledges that the dedication was made as consideration for this street vacation by Ruston. This language has been highlighted. All surrounding and underlying property for the areas sought to be vacated is owned by Point Ruston, LLC.

Point Ruston’s 2010 vacation application was processed and on May 3, 2010 the City Council held a public hearing. At that time, staff recommended that the vacation not be granted as a result of the incomplete status of the Ruston Way improvements. The Council did not take action on the vacation request. Many years have passed and Point Ruston LLC has now completed the Ruston Way realignment project, including closing the Ruston Way tunnel and realigning Gallagher Way. Ruston Way, Baltimore Street, and N. 51<sup>st</sup> Street, as well as creating Yacht Club Road (a portion of which is public). Staff is now recommending the approval of this street vacation.

Since the time of the 2010 hearing, the City has adopted Chapter 14.07 of the Ruston Municipal Code which contains the procedures for street vacations in Ruston. This chapter is consistent with State law.

On January 20, 2017, Point Ruston requested action on this prior street vacation application in 2017 by filing a new application (VAC 17-01) to reactivate the prior application. The City has processed the application and has verified the sufficiency of the petition and has verified the accuracy of the legal description. None of the area sought to be vacated abuts a body of water.

Although a prior public hearing was held on May 3, 2010, due to the length of time, the City Council set a second public hearing in accordance with RMC 14.07.050 by passage of Resolution No. 692 on November 6, 2018. All legal notices have been provided for this hearing.

## ***2. Council deliberations; Criteria for granting street vacation.***

RMC 14.07.070 requires that the City Council hold a public hearing to consider the vacation at which the Council shall determine:

- (a) Whether a change of use or vacation of the described portion will better serve the public good; or
- (b) Whether the street, alley or portion thereof is no longer required for public use; or
- (c) Whether the use thereof as a public way is of such public benefit as not to justify the cost of maintenance; or
- (d) Whether the substitution of a new and different thoroughfare would be more useful to the public; or
- (e) Whether conditions may so change in the future as to provide a greater public use or need than presently exists; and
- (f) Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the same.

Following the public hearing, the Council will need to consider the application and make findings on the above issues. A draft ordinance with language for either approving or denying the vacation is being provided to assist the Council in this process. Whichever the decision, the Council should discuss and make findings under the above criteria. In either case, the ordinance approving or denying the application will be tailored prior to Second Reading on December 18, 2018 to reflect the Council's decision.

## ***3. Recommended conditions.***

The City staff recommends approval of this vacation and also recommends conditioning the vacation on Point Ruston's payment of up to \$2,000 to reimburse the City for its attorney's fees in processing the application, including preparing the required legislation and attending the Council meetings where this matter is being considered. The language for this condition is included in the draft Ordinance No. 1516.

## ***4. Compensation.***

Under Chapter 14.07 RMC, compensation is generally required for street vacations. This property is Class I property under RMC 14.07.120 for which full compensation would normally

be due. However, the City agreed in 2010 that the street dedication from Point Ruston LLC to the City for the new Ruston Way would be just and fair compensation for this vacation, thereby meeting the requirements for compensation of RCW 39.17.030. In addition, because no compensation is being required, no appraisal is needed.

**5. Procedural next steps.**

**a. If Approved:**

Following the public hearing and deliberations, if the Council has decided to *grant* the application for street vacation, it should consider the suggested language in the attached draft Ordinance No. 1516 and direct the modification to the Ordinance to reflect the decision to grant the vacation. December 4<sup>th</sup> would be the First Reading of Ordinance No. 1516 with Second Reading and Action scheduled for December 18, 2018.

If the vacation is granted, then once Point Ruston meets any conditions established by the Council in the Ordinance, then the City's transfer of title in the vacated property will be by the recording of a Declaration of Street Vacation<sup>1</sup> along with recording the Ordinance granting the street vacation. This action will vest the vacated area to the abutting property owners, one-half each. However since Point Ruston LLC is both the abutting property owner on all sides of each area of the vacation, Point Ruston LLC will therefore be the sole recipient of title of the vacated property upon the recording of a Declaration of Street Vacation by the City.

**b. If Denied:**

Following the public hearing and deliberations, if the Council has decided to *deny* the application, then it should discuss the reasoning under RMC 14.07.070 and make a motion to deny the application. Council should consider the language in the attached draft Ordinance No. 1516 and direct the modification to the Ordinance to reflect the decision to deny the vacation. December 4<sup>th</sup> would be the First Reading of Ordinance No. 1516 with Second Reading and Action scheduled for December 18, 2018.

Vacation is recommended by the Mayor, the Planning Director, and the City Engineer.

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

**MAYOR'S TIME** – Nothing at this time.

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

**Councilmember Hardin** –

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

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<sup>1</sup> RCW 35.79.040

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

**Councilmember Huson** – Not in attendance.

**MEETING AJOURNED** -

At 7:54PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 4-0.

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Mayor Bruce Hopkins

ATTEST:

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Judy Grams

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