

**CITY OF RUSTON
REGULAR COUNCIL MEETING
Tuesday, July 6, 2021**

The City Council of the City of Ruston met on this date via Virtual Teleconference

MEETING CALLED TO ORDER

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Hardin, Councilmember Kristovich, and Councilmember Huson. Councilmember Syler was excused. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Hardin, passed 4-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of June 15, 2021, with a second from Councilmember Hardin, passed 4-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS – Nothing at this time.

BUSINESS –

ORD 1548 – Updating 18.04.010 and 18.05.020 – Undergrounding Electricity (1st reading) - In accordance with RCW 35.92.050 the City of Ruston is the electrical provider within the city limits of Ruston. When electrical distribution lines are placed underground, electrical reliability is increased as the lines cannot be taken down in windstorms, by tree growth, or by auto accidents that may occur on city rights of way. In addition, when electrical and communications lines are removed from city rights of way, utility poles are also removed which makes the city streets and sidewalks less cluttered, more aesthetically pleasing, and safer as automobiles, other vehicles, bicycles, and pedestrians will not collide with utility poles. In Ruston, the public enjoys views of Puget Sound and mountain views from many public places within the City of Ruston and overhead wires and facilities can obstruct these views and are unsightly. For all of these reasons, the City has adopted many policies over the years to support conversion of electrical and communications facilities from aerial to underground. Some examples of these policies are found in the following documents:

- ROW Use Master Permits and Utility Relocation RMC 14.06.230 which request relocation of aerial facilities underground. (Adopted in 2012.)
- RMC 18.04.010 – “The installation of underground cable service from the transformer to the point of use shall be at the expense of the user of such service.” (Adopted in 1979.)
- RMC 18.04.020 – “The maintenance of underground cable service from the transformer to the point of use shall be at the expense of the user of the service.” (Adopted in 1979.)

- RMC 29.02.020 requires all electrical and telephone distribution systems to be placed underground in all subdivisions (In the code since at least 2004.)
- Importance of undergrounding is emphasized in all franchise agreements entered into by Ruston over the past 20+ years.
- Ruston Comprehensive Plan Policies also demonstrate City’s policy of undergrounding utilities:
 - Ch. 2 – Vision, Goals and Framework - Capital Facilities and Services Policy: “**FW-48** Aerial utilities should be located and relocated underground. Seek opportunities to achieve this.” (p. 22.)
 - Ch. 3 – Community Character – CC Policy: “**CC- 24** Enhance the scenic views and aesthetic quality of Ruston by placing overhead utilities underground.” (p. 27.)
 - Chapter 4 – Land Use Vision, Utility Services, includes: “In addition, Ruston also requires new development to underground aerial utilities and provide at a minimum, conduit for future telecommunication facilities.” (p. 31.)
 - Ch. 7, Transportation Vision, re: Alleys, says: “When the vehicle driving surface is less than 12’ wide, opportunities to place aerial utilities underground, (thus eliminating the need for utility poles which limit drive aisle width), should be considered.” (p. 91.)
 - Ch. 8 – Utilities – Utilities Goals in Comp Plan includes: “Pursue funding and other opportunities to place overhead utilities underground. All utilities related to new construction should be required to be placed underground.” (p. 154.)
 - Ch. 8 – Utilities - Comp Plan Policy UT-13 and UT-14:

“**UT-13** All new electrical and telecommunication wires should be located underground. Existing overhead utilities should be placed underground when impacted by new development and whenever possible.” (p. 155.)

“**UT-14** Support feasible co-location of new public and private utility distribution facilities **in shared trenches**. Promote coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. Provision of an efficient, cost effective and reliable utility service is encouraged by ensuring land will be made available for the location of utility lines and utility facilities.”

It is the Council's vision for the City that eventually all overhead wires and facilities will be moved underground to make power more reliable, make City rights of way safer and less cluttered, and to provide better aesthetics throughout the City. In order to codify this practice, a new chapter 14.10 RMC is being proposed to be added to the Ruston Municipal Code to address facility undergrounding. For consistency with this new Chapter, amendments to the City's Electric Utility Title 18 RMC should be made, specifically amending 18.04.010 and 18.05.020. RMC 18.04.010 was adopted in 1979 and RMC 18.05.020 was adopted in 1994 and neither of these sections have been updated since adoption. These revisions have been reviewed by the City's electrical engineer and special projects manager, both of whom support approval of this Ordinance.

ORD 1549 – Utility Undergrounding CH 14.10 RMC (1st reading) - In accordance with RCW 35.92.050 the City of Ruston is the electrical provider within the city limits of Ruston. When electrical distribution lines are placed underground, electrical reliability is increased as the lines cannot be taken down in windstorms, by tree growth, or by auto accidents that may occur on city rights of way. In addition, when electrical and communications lines are removed from city rights of way, utility poles are also removed which makes the city streets and sidewalks less cluttered, more aesthetically pleasing, and safer as automobiles, other vehicles, bicycles, and pedestrians will not collide with utility poles. In Ruston, the public enjoys views of Puget Sound and mountain views from many public places within the City of Ruston and overhead wires and facilities can obstruct these views and are unsightly. For all of these reasons, the City has adopted many policies over the years to support conversion of electrical and communications facilities from aerial to underground. Some examples of these policies are found in the following documents:

- ROW Use Master Permits and Utility Relocation RMC 14.06.230 which request relocation of aerial facilities underground. (Adopted in 2012.)
- RMC 18.04.010 – “The installation of underground cable service from the transformer to the point of use shall be at the expense of the user of such service.” (Adopted in 1979.)
- RMC 18.04.020 – “The maintenance of underground cable service from the transformer to the point of use shall be at the expense of the user of the service.” (Adopted in 1979.)
- RMC 29.02.020 requires all electrical and telephone distribution systems to be placed underground in all subdivisions (In the code since at least 2004.)
- Importance of undergrounding is emphasized in all franchise agreements entered into by Ruston over the past 20+ years.
- Ruston Comprehensive Plan Policies also demonstrate City's policy of undergrounding utilities:

- Ch. 2 – Vision, Goals and Framework - Capital Facilities and Services Policy: “**FW-48** Aerial utilities should be located and relocated underground. Seek opportunities to achieve this.” (p. 22.)
- Ch. 3 – Community Character – CC Policy: “**CC- 24** Enhance the scenic views and aesthetic quality of Ruston by placing overhead utilities underground.” (p. 27.)
- Chapter 4 – Land Use Vision, Utility Services, includes: “In addition, Ruston also requires new development to underground aerial utilities and provide at a minimum, conduit for future telecommunication facilities.” (p. 31.)
- Ch. 7, Transportation Vision, re: Alleys, says: “When the vehicle driving surface is less than 12’ wide, opportunities to place aerial utilities underground, (thus eliminating the need for utility poles which limit drive aisle width), should be considered.” (p. 91.)
- Ch. 8 – Utilities – Utilities Goals in Comp Plan includes: “Pursue funding and other opportunities to place overhead utilities underground. All utilities related to new construction should be required to be placed underground.” (p. 154.)
- Ch. 8 – Utilities - Comp Plan Policy UT-13 and UT-14:

“**UT-13** All new electrical and telecommunication wires should be located underground. Existing overhead utilities should be placed underground when impacted by new development and whenever possible.” (p. 155.)

“**UT-14** Support feasible co-location of new public and private utility distribution facilities **in shared trenches**. Promote coordination of construction timing to minimize construction-related disruptions to the public and reduce the cost to the public of utility delivery. Provision of an efficient, cost effective and reliable utility service is encouraged by ensuring land will be made available for the location of utility lines and utility facilities.”

It is the Council’s vision for the City that eventually all overhead wires and facilities will be moved underground to make power more reliable, make City rights of way safer and less cluttered, and to provide better aesthetics throughout the City. In order to codify this practice, a new chapter 14.10 RMC is being proposed to be added to the Ruston Municipal Code to address facility undergrounding. This new chapter requires that utilities and communications companies install their lines underground in the following circumstances:

1. When it becomes necessary to remove/relocate existing overhead facilities for a distance of five hundred (500) feet because of a roadway widening project or other similar reason;
2. When existing overhead facilities for a distance of over five hundred (500) feet are to be replaced. This subsection does not apply if the purpose of the replacement is due solely to casualty damage or for the replacement of wire only;
3. When any facilities are extended beyond those facilities existing on the effective date of this chapter;
4. When another utility having facilities along the same street or easement places its facilities underground for a distance of over five hundred feet.

RMC 14.10.020(a). It also requires utility services located on private property to be installed underground in the following circumstances:

1. All new utility or communications services from an overhead or underground facility to service connections of structures shall be located underground;
2. All rebuilt or relocated utility or communications service lines from an overhead or underground facility to service connections of structures shall be installed underground unless such rebuilding or relocation involves a change in the overhead service line only without a change in the corresponding service entrance facilities;
3. All existing utility or communications services shall be converted to underground by the owner or owners of the property upon which said services are located within ninety (90) days after notification by the City in accordance with RCW 35.96.050 that underground facilities are available.

RMC 14.10.020(b). It also provides that the City may underground facilities by the creation of a local improvement district. RMC 14.10.020(c). The new chapter also creates a variance procedure whereby an applicant may seek to avoid the undergrounding requirement by requesting a variance from the City's Hearing Examiner. RMC 14.10.030. Enforcement of this new chapter will utilize the code enforcement procedures contained in Chapter 12.40 RMC. For consistency with this new Chapter, amendments to the City's Electric Utility Title 18 RMC are proposed, specifically amending 18.04.010 and 18.05.020. These consistency revisions are found in proposed Ordinance No. 1548. These revisions have been reviewed by the City's electrical engineer and special projects manager, both of whom support approval of this Ordinance.

CLAIMS and PAYROLL – Councilmember Hedrick move to pass Claims for July 6, 2021 and Payroll for July 5, 2021, with a second from Councilmember Hardin, passed 4-0.

MAYOR’S TIME – Mayor Hopkins would like to hold open public meetings again. Governor Inslee’s Re-Opening Washington Proclamation requires public meetings to be held virtually as well. In order to accommodate both in person and virtual meeting simultaneously it would require an upgrade to the equipment in Council Chambers at the Mary Joyce Community Center. Until the equipment upgrade is in place the City will continue to hold virtual Council meetings. Mayor Hopkins reached out EPA to invite them to a Council meeting for an update on the Point Ruston development. EPA noted the federal government only allows them to attend virtual, not in person, meetings. Mayor Hopkins asked Council to let him know, via email, if they wish an in person or a virtual meeting with EPA. Mayor Hopkins will address the outcome at the next Council meeting.

Councilmember Hedrick – Nothing at this time.

Councilmember Hardin – Thanked Councilmember Hedrick for organizing the 4th of July Bicycle Parade and appreciated Ruston Police and Ruston Fire for their contribution this year. On a personal note Councilmember Hardin shared that at the end of each month he sends out reports to his clients and mentioned the City of Ruston Bicycle Parade. Many of Councilmember Hardin’s clients responded that they remembered times when they had 4th of July parades in their own little towns.

Councilmember Kristovich – Complimented Councilmember Hedrick, Ruston Police and Ruston Fire for their efforts in making the 4th of July Bicycle Parade the best ever. Councilmember Kristovich noted there was a good turnout.

Councilmember Syler – Was excused.

Councilmember Huson – Nothing at this time.

MEETING AJOURNED – At 7:15PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Hardin, passed 4-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams