

**CITY OF RUSTON  
REGULAR COUNCIL MEETING**

**Tuesday, July 19, 2022**

**The City Council of the City of Ruston met on this date via In Person and Virtually**

**MEETING CALLED TO ORDER**

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

**MINUTES** - Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of July 5, 2022. Councilmember Jensen requested an amendment to the Meeting Minutes of July 5 2022, to include Point Ruston development and permitting of buildings 9, 15 and 16, which was discussed during Mayors time. With a second from Councilmember Syler, Council Meeting minutes of July 5, 2022, as amended, passed 4-0.

**STAFF REPORT** –

Ruston Police – Chief Bautista – See attached.

Ruston Fire – Chief Allen – See attached.

**GENERAL PUBLIC COMMENTS** –

**Colleen at the Commencement** – Colleen observed police activity in Ruston and wanted to thank the Ruston Police department for all their efforts in keeping the City of Ruston and its residents safe.

**BUSINESS** –

**EPA Update - Kristine Koch** – See the Ruston website at [www.rustonwa.org](http://www.rustonwa.org) for the EPA Presentation and Public Comment.

**ORD 1559 – Repeal Sewer Connection Fees Credit (1<sup>st</sup> Reading)** – The City is authorized to provide sanitary sewer services to properties within the City and has the authority to establish charges for the sanitary sewer facilities and fix the rates for sanitary sewer services, including establishing connection fees. Sewer connection fees are meant to help ensure that “growth pays for growth” and that the new customers will pay into a system that has been created by existing customers. The City currently charges \$2,000 per connection for new sewer connections in accordance with RMC 21.01.040. This rate has not been changed in at least 20 years. In the past, the City has provided credits for development of sewer infrastructure that has includes construction of municipal parts of the sewer system and/or for construction private laterals that are a private part of the City’s sewer system that connects to Tacoma’s interceptor line or main line.

Since adopting the credit system under Ordinance No. 1540 on January 5, 2021, no complete application has been submitted to obtain sewer connection fee credits under the adopted code. In addition, two Washington appellate Courts have ruled on the issue of whether a city is required to offer credits for connection fees under RCW 35.92.025. Recent judicial decisions have made it clear that the City is not obligated to provide connection fee reductions, even if a customer has constructed a portion of the city's system. The recent City of Puyallup case made it clear that under the state law that allows the City to charge sewer connection fee, there is no requirement for a City to provide equitable adjustments or credits based on the unique circumstances presented by any particular parcel, including having built a portion of the system. The Court said that "Washington law does not require an equitable adjustment based on the [development] project's specific characteristics or infrastructure contributions." Since it now is clear that the City is not required to provide connect fees credits under RCW 35.92.025, the City Council may repeal the credits. If, in the future, the City finds it desirable to provide credits, it can do so via a City Council authorized development agreement with the developer in accordance with authority granted under RCW 36.70B.170. Since adopting the credit system, the City had not provided any credits for sewer connection fees, therefore, this Ordinance was not expected to have a fiscal impact.

**PAYROLL** – Nothing at this time.

**MAYOR'S TIME** – Mayor Hopkins brought before Council two expenditures which were not placed into the budget. The first was the placement of streetlights on the westside of Baltimore Street, from Commercial Street to the bridge, which would aluminate pedestrian walkability. The second expenditure would be to pave the alley between Court and Commercial Street with 150 feet of asphalt. The contractor who is currently doing the curb cut and sidewalk project, from Baltimore and 46<sup>th</sup> Street, would do this work. The cost for both projects would be \$9,313, which was the same price quoted thirteen years ago. With the next phase of undergrounding the City would look to pave the remainder of the alley. Mayor Hopkins noted that the cost, and the timing would be to the City's advantage and requested Council feedback. Councilmember Hedrick was concerned about storm drainage impacts past 150 feet in the Court and Commercial Street alley, Councilmember Jensen wanted to know where the funding would come from and Councilmember Syler noted it would be the City's advantage to move forward however she would recuse herself from voting on the Court to Commercial alley project because she lives on Court Street. Kevin Moser noted he would engage the City's Engineer before paving past 150 feet, with the next phase of undergrounding. Mayor Hopkins noted the funding required a budget amendment and would be paid from the sale of City owned real estate or additional revenue.

**Councilmember Hedrick** – Thanked Ms. Koch for coming before Council to present an update of the Point Ruston development and thanked the public for turning out for public comment and expressing how much they care about Ruston. Councilmember Hedrick noted it had been years since he had seen so many attend a council meeting. Councilmember Hedrick invited EPA back to present updates periodically. Councilmember Hedrick has had sleepless nights about the mound located at 10C and the contaminated soil that has sat and moved around within the City of Ruston for years on end. Councilmember Hedrick reminded everyone that as part of the mitigation the developer was supposed to build for the Point Ruston development a public safety facility. Mayor Hopkins and Councilmember Hedrick met with Tacoma Fire with discussions on a site to place such a facility. Tacoma Fire was interested in a location in the City of Ruston. Councilmember Hedrick will keep the community updated as further discussion takes place. As a point of clarification, City Planner Rob White noted that the existing EIS did not state that the developer would build a public safety facility via location.

**Councilmember Kristovich** – Excused.

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

**Councilmember Huson** – Noted that it was nice to have Kristine Koch present an EPA update and to tell the City everything would get done in a month. Councilmember Huson shared that he has lived in Ruston since 1994 and participated on Council since 2005. Councilmember Huson noted that, because of the lack of due diligence by the federal government and the EPA in the beginning, the City got saddled with a contractor who had no capacity to do what he should have done. The first thing the contractor did was to sue the City of Ruston for Quiet Title for property on Stack Hill and then came to the City after asking that the City deviate from the Master Plan to allow two more houses on Stack Hill. Councilmember Huson shared that the developer was a home builder from Thurston County and Stack Hill was their first project in Ruston was to build homes on Stack Hill, which was the easiest for them to do and they made a lot of money. The developer then completed the Tacoma side of the development and have made a lot of money. Through the years the developer appealed to the legislature for annexation to Tacoma, they wanted to install a 30,000-gallon propane tank which could have caused a major explosion instead of building infrastructure for natural gas, and they failed to pay their taxes. Ruston began as good neighbors twenty years ago and during this time has received nothing but resistance from the developer ever since. Councilmember Huson stated that remediation is so close to being completed and expressed his wish that everyone, along with the Mayor and Council, hold this developer's feet to the fire in getting the development finished and then get out of Ruston.

**Councilmember Jensen** – Was proud to be part of the Ruston community. Councilmember Jensen thanked everyone for attending and expressing how much they care about their City. Through good conversation Councilmember Jensen learned a lot and shared that she believed there was a misrepresentation by the Tacoma paper stating that “relations had reached a boiling point between Ruston and Point Ruston.” Councilmember Jensen did not agree with the paper’s statement and noted that Mayor Hopkins had written a letter to the EPA, and she has seen progress made. Mayor, Council and the Ruston community continue to ask the right questions even when the City is accused of being obstructive. Councilmember Jensen wanted to thank all those who participated in a very successful blood drive. The Totem Yacht Club donated their space and the American Red Cross collected 32 units of blood. It was great to meet citizens of Ruston at this event and hoped to do another blood drive in the future.

In closing, Mayor Hopkins reminded everyone that there would not be a council meeting on August 2<sup>nd</sup> in observance of National Night Out against crime. Mayor Hopkins directed anyone interested in holding a block party in their neighborhood to contact the City Clerk at City Hall.

**MEETING AJOURNED** – At 9:06PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Syler, passed 4-0.

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Mayor Bruce Hopkins

ATTEST:

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Judy Grams



**Chief's Report  
Ruston Police Department  
Tuesday, July 19, 2022**

**Chief of Police:**

During the previous 28 days the Police Department logged 205 calls for service. This is 42 more calls than the same period in 2021. We continue to focus on SOAR violations and one of those violators struck one of our patrol cars as it approached to make a traffic stop. The suspect fled and we were unable to pursue and apprehend because the incident doesn't qualify for more police actions under current state law.

The 4<sup>th</sup> of July event this year was the first of such which included Point Ruston and Dune Peninsula. All officers were on-duty and were able to handle all of the problems associated with the event; in fact, there were no calls to 911 during the event. Our egress plan to use both lanes as exit lanes positive, but some lessons were learned to help us make it even more effective next year.

We still have one FTE to fill and we will move forward with our selection process as soon as the Civil Service Commission meets to certify two more applicants.

Prepared by Nestor Bautista

## **Ruston Fire Department Monthly Review for June 2022**

Tuesday, July 19, 2022

Presented by Chief Bruce Allen

**Total Incidents (YTD) 52, June: 11**(1 Fire/Service, 2 Medical Aid)

**Volunteer Hours: June 591 Hours, YTD 4195 Hours**

**Membership Roster (16 out of 25): (13 Members, 3 Officers)**

### **State of the Business:**

- Firefighter/EMT Brian Bernard took a job with Everett Fire Department.
- We have three new members- FF/EMT Nicolas May, EMT Ethan Correa and EMT Kyohei Kodama.
- Tyler Grover graduated Firefighter I
- We have 3 strong applicants to start with the hiring process.
- All fire tools are fully operational.