

**CITY OF RUSTON  
REGULAR COUNCIL MEETING**

**Tuesday, September 6, 2022**

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

**MEETING CALLED TO ORDER**

At 7:00PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Kristovich, Councilmember Syler, Councilmember Huson and Councilmember Jensen. Following the flag salute, Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Kristovich, passed 5-0.

**MINUTES** - Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of August 16, 2022, with a second from Councilmember Kristovich passed 5-0.

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

**GENERAL PUBLIC COMMENTS** –

**Kevin Moser** – Opposed Ordinance 1560. Mr. Moser felt that 10PM was late enough for outdoor seating. Mr. Moser’s experience with restaurants and bars that stay open past 10PM, at his end of town, found the noise gets louder not quieter, which is nuisance for the neighborhood.

**Jeremiah Treacy** – Opposed Ordinance 1560. Mr. Treacy felt that 10PM was late enough for outdoor seating. Parking and crowd control should be considered.

**Unknown Gentleman** – Opposed Ordinance 1560. Noted the City had a great police department who could be challenged, especially on weekends, and believed this ordinance would make matters worse.

**Mark Shingledecker** – Opposed Ordinance 1560. Mr. Shingledecker also lives in a neighborhood where this are problems with noise after 10PM and was concerned this would be the same at 51<sup>st</sup> and Pearl. Mr. Shingledecker was supportive of all the current businesses at 51<sup>st</sup> and Pearl and was looking forward to new businesses opening up in this location, however, believed 10 PM was late enough for outdoor seating.

**Ginger Kryger** – Opposed Ordinance 1560 and urged Council reject this ordinance. Ms. Kryger asked Council to fully assess what this would have on current and future development. If neighbors have to adhere to 10PM than all businesses should also. Special privileges should not be given without Public Comment first.

**Angelino Guron** – Requested confirmation from Mayor, Councilmembers and City Clerk that they received his email regarding his opposition of Ordinance 1560. Mr. Guron was seeking clarification asking if the ordinance was related to outdoor seating past 10PM or did it mean closing shop at 10PM. Mayor Hopkins responded that it related to outdoor seating only.

**Nancy Sharkey** – Opposed Ordinance 1560. Ms. Sharkey was concerned about cars parking after 10PM and how emergency vehicles would get in and around the area.

**Charles McKenna** – Brought to Council’s attention that while he was perusing Pierce County GIS system, he found that Lot 12 at Point Ruston had been reduced to a value of \$100 where before it was assessed at approximately \$120,000. Mr. McKenna presented an exhibit to Mayor and Council. See attached.

**BUSINESS** –

**ORD 1560 – Amending RMC 9.24.010 Outdoor Seating (2nd Reading)** – Under RMC 9.24.010, the City has long required that businesses with open air seating areas close those areas by 10 PM in order to maintain peace and quiet for neighboring properties and people trying to sleep. The 10 PM ending time is also consistent with the City’s noise code (Chapter 9.19 RMC) which requires noise to be reduced by 10 dBAs after 10 PM and requires reduced noise to be both emitted and received by residential properties. *See* RMC 9.19.050. During the COVID-19 pandemic, more businesses have opened outdoor seating areas which have been very successful. Ruston is a growing City and there is increasing demand for dining and recreation space, including outdoor seating at businesses. Where a business is located wholly in a commercial zone and not abutting a residential zone, longer outdoor operating hours may be appropriate since louder noise levels are allowed in commercial zones under the City’s noise code when nearby properties are also commercial. *See* RMC 9.19.050. Allowing outdoor seating in commercial areas to remain open longer will enable more people to enjoy an evening out at Ruston businesses. Therefore, it is proposed to modify RMC 9.24.010 to allow properties that are located in a commercial zone and that are not abutting any residential zone to keep the open-air seating area open for entry and seating until midnight. However, the City’s noise code will still apply, so allowing longer hours of operations will not allow violation of Chapter 9.19 RMC “Public Disturbance Noises.” During discussion Councilmember Hedrick noted he would be voting no on Ordinance 1560 in its current form and heard from many citizens who were opposed to Ordinance 1560. Councilmember Hedrick was concerned about the long-term impacts and noted that he had not heard anything from the proponents who were requesting this consideration.

Councilmember Kristovich would be voting no on Ordinance 1560. Councilmember Kristovich heard from many residents who were opposed to Ordinance 1560 and their concern for the quality of life in Ruston. Councilmember Syler would be voting no on Ordinance 1560. Councilmember Syler appreciated everyone's public comments and letters. Councilmember Syler stated that she would consider this request if it was presented in a different form. Councilmember Huson would be voting no on Ordinance 1560. Councilmember Huson was Chairman of the Planning Commission when they wanted to extend the commercial zone in the area of 51<sup>st</sup> and Pearl Street. Councilmember Huson remembered the push back the Planning Commission received at that time. Councilmember Huson received many comments from those who opposed Ordinance 1560 and felt it would be a disservice to the City and its residents to continue to expand, not only the commercial zone, but the hours. Councilmember Jensen would be voting no on Ordinance 1560. Councilmember Jensen noted that there was not a lot of reason for outdoor seating after 10PM and stated that it was common practice for many cities, around the country, to shut down outdoor seating after hours. Councilmember Jensen created a spreadsheet of ten emails, sent by residents to the City, which included their comments and their opposition of Ordinance 1560. Councilmember Jensen had not received Angelino Guron's and asked that he forward it to her. Councilmember appreciated all the feedback and comments made. Councilmember Jensen presented the spreadsheet to the City Clerk as public record, attached. All Councilmembers voted no on Ordinance 1560. Ordinance 1560 did not pass, 0-5.

**CLAIMS/PAYROLL** – Councilmember Hedrick moved to approve Claims for September 6, 2022, Payroll for August 20, 2022, and Payroll for September 5, 2022, with a second from Councilmember Kristovich, passed 5-0.

**MAYOR'S TIME** – Mayor Hopkins apologized for arriving late. Mayor Hopkins noted that the EPA wanted to present a Point Ruston remediation update and they asked that it not be held during a council meeting. Mayor Hopkins planned to reach out to Council for dates and times that would work in holding this public meeting. Mayor Hopkins noted that Councilmember Hedrick and City of Attorney Robertson would be working with the Pierce County Assessor's office to determine why the value of Lot 12 at Point Ruston dropped from \$120,000 to \$100. The Silver Cloud Hotel has held many wonderful events this summer. One was a wedding ceremony which required the use of pyrotechnics. The Ruston Fire Marshall and Ruston Fire Department completed a review and approved this event. The Fire Department were onsite to ensure public safety. In addition, the Silver Cloud Hotel wanted to land a helicopter in the Ruston Market parking lot. During staff review it was determined that this location was not structural designed for such an event, nor would it be approved by the FAA. Mayor Hopkins took his family for a walk down to Point Ruston and discovered skimboarding at the Waterfront at Market Ruston. Mayor Hopkins' grandsons took part in skimboarding and enjoyed this summer sport.

Most recently the City received a proposal to hold a haunted house at the Ruston Market in October which is currently under review. These were some of the exciting things happening in the City of Ruston at Point Ruston and Mayor Hopkins wanted to get the word out to Ruston citizens on what was available right in their backyard.

**Councilmember Hedrick** – Noted that the City needed get a handle on the noise coming from all the screeching and racing cars which occurs past 10PM. Councilmember Hedrick thanked Chief Bautista and the Ruston Police Department for their continued efforts in managing this situation. Councilmember Hedrick thanked Mr. McKenna and City Attorney Robertson for drawing attention to Lot 12 which was directly east of Yacht Club road, across from the Ruston Market and below the OCF. Lot 12 was currently being used as a staging area for equipment and materials. Councilmember Hedrick planned to contact Mr. Lonergan, Pierce County Assessor, to understand why Lot 12 was devalued and to confirm if other parcels have had value changes. Councilmember Hedrick was pleased to hear that the EPA wanted to come back to present an update on the remediation at Point Ruston. On a walk down to the last Farmers Market, Councilmember Hedrick’s twelve-year-old daughter questioned why there was a mound of contaminated dirt in the City of Ruston. Mayor Hopkins noted that the City Code Enforcement Officer presented Notice of Violations to the property owner for both Lot 12 and Lot 14. It was illegal to use Lot 12 to store equipment and materials without a building permit and Lot 14 was never intended to be a parking lot.

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

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

**Councilmember Huson** – Questioned speed bumps in the alley on Highland and wanted to know private businesses were allowed to lay down speed bumps. Councilmember Huson wanted to understand what the process was so he could apply for 10 speed bumps around his home. Mayor Hopkins noted he would get back to Councilmember Huson with a response.

**Councilmember Jensen** – Asked for an update on the Ruston School lease and wondered if it was back on the market. Mayor Hopkins responded that it was back on the market. Councilmember Jensen spoke to signage throughout the City and the need to update street signs at several prominent places within the City. It was first brought to her attention when Ruston resident, Doug Hammond, came to a council meeting with recommendations for cleaning up street

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signs. There were several prominent places which need updating. Councilmember Jensen asked if there was any more thought on this issue. Mayor Hopkins responded that all street signage is covered under the Transportation Improvement Plan (TIP).

**MEETING AJOURNED** – At 7:34PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Kristovich, passed 5-0.

ATTEST:

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Mayor Bruce Hopkins

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Judy Grams

PUBLIC COMMENTS RECEIVED via eMAIL

- on -

CITY OF RUSTON ORDINANCE 1560  
AMMENDING RMC 9.24.010 TO ALLOWING LONGER OUTDOOR SEATING HOURS FOR  
BUSINESSES IN COMMERCIAL ZONES

	Name and Address	Date Received	Comment
1	Angelino Guron <a href="mailto:guronski@gmail.com">guronski@gmail.com</a> 5044 N Highland St	9/6/2022	<p>Hello Mayor, Council Members, &amp; City Clerk: Ms. Grams,</p> <p>Concerning the 'Extending of the outdoor seating hrs. frm 10:00pm to 12 midnight' to Our newly established Tavern/Bar ~ here's my two_cents !</p> <p>Beings I reside the closest { amongst two other residential homes } to this establishment, kindly view this consideration having the most significant warrant.</p> <p>I hereby propose that WE approve/allow these 'extended hrs.' ONLY on Fri. &amp; Sat. nights ! The rest of the other nights - we call it quit's @ 10:00 pm sharp !</p> <p>TY Much,</p> <p>Angelino M. Guron, Jr. { 5044 N. Highland St., Ruston, WA }</p>
2	Tim Khan <a href="mailto:Khanate1688@yahoo.com">Khanate1688@yahoo.com</a> 5118 N Highland St	9/6/2022	<p>To All at Town of Ruston</p> <p>I am writing to express my opposition to the passage of Ordinance 1560 which would extend the outdoor bar seating from 10pm to midnight. I live very close to a bar on N 51st and I oppose to the passage of Ordinance 1560 as it would increase noise and traffic to the area. This would negatively affect my ability to use my property for quiet peaceful enjoyment. As it is, at present, the increase in traffic is already affecting the quality of life in the area and quite peaceful enjoyment of private property in the area. So yes it will be noisier with more traffic once the new multi-story building on N Pearl St opens up for business. Therefore we do not need the extra noise and activity (potentially for more "riff raff") with the additional extensions in the open hours.</p>

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			<p>Thank you</p> <p>Tim Khan 5118 N Highland St</p>
3	<p>Liliya Koval <a href="mailto:lkoval@yahoo.com">lkoval@yahoo.com</a> 5019 N Highland St</p>	9/6/2022	<p>Hi Judy,</p> <p>In regards to ordinance number 1560, we strongly oppose the outdoor seating timeframe to be extended till 12 AM, I have small children and this will definitely affect them and their sleep. I am also concerned about the aftermath and the ramifications of late night drinking and partying. Since we have moved in recently there have been some late night party disturbances at the yacht club which affected us.</p> <p>Thank you, Lilly Koval 5019 N Highland St 253.261.5887</p>
4	<p>Beata Kaplinska <a href="mailto:beakaplinska@gmail.com">beakaplinska@gmail.com</a> 5026 N Highland St</p>	9/5/2022	<p>Hello,</p> <p>I OPPOSE ordinance 1560 to extend outdoor seating hours for businesses until 12am.</p> <p>I live in close proximity to the commercial zones and it is already loud in these areas late into the night -ESPECIALLY IN THE SUMMER SEASON</p> <p>For example, noise from the private events at the Totem Yacht Club is frequently heard well past 11pm/12am in the night. Noise from racing cars at night also disturbs our sleep. The days are already very noisy for hours at the time from screaming children playing outside at the Ruston Christian Childcare.</p> <p>For those of us that don't have AC, the only way to sleep is with the windows open. In our hot (and getting hotter) summer months ordinance 1560 would make this impossible.</p> <p>Ordinance 1560 would take away whatever peace and quiet that we have left and value as a residence of Ruston.</p> <p>Please don't pass this ordinance as it would take away from what makes Ruston a special place to live.</p> <p>Sincerely Beata(Bea) Kaplinska 5026 N Highland St</p>

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			Ruston, WA 98407
5	Lori Meldahl and Charles Ranes <a href="mailto:lorijane536@hotmail.com">lorijane536@hotmail.com</a> 5007 N Highland St	9/3/2022	<p>I am writing on behalf of Charles Ranes and myself. We live at 5007 N Highland. We are both opposed to Ordinance 1560, which would extend outdoor seating for businesses to midnight.</p> <p>As is most of the of the town, we are already subjected to the loud cars racing down Pearl or on 51st St. Let's don't add to that noise. We believe 10 pm is a reasonable to move folks inside.</p> <p>Thank you. Lori Meldahl &amp; Charles Ranes</p>
6	Sandra Alvstad and Ron Garcia <a href="mailto:sandy.alvstad@gmail.com">sandy.alvstad@gmail.com</a> 5200 N Highland St	9/3/2022	<p>To the Ruston mayor and town council,</p> <p>This is in regards to the proposed Ordinance 1560 to extend outdoor seating in commercial zones until 12AM. Ron &amp; I, along with our neighbors on the 50-51st block of Highland St are vehemently opposed to extending hours as we feel it would adversely affect our peace &amp; quiet in addition to increased potential of crime.</p> <p>We have lived here for 27 years at 5020 N Highland, so remember well the prior bars and casino where the North End Tavern will soon be opening. While we are looking forward to a new place to eat in town, we are not looking forward to the late hours. We frequently had to close our windows even on hot nights. We remember at least one guy getting hit by gunfire in the alley, and another stabbing victim stumbling thru a yard. While we may not be able to influence closing hours, we can at least say NO to outdoor seating after 10pm!</p> <p>Last Friday evening, we had a block party for the houses between 50th-51st &amp; Highland, with 38 attendees. We had just received the pink notification of the ordinance, and not a single resident was in favor of the extension! It is also worth calling out that we have more families with small children living on our block. We want to keep the neighborhood family friendly and safe. We are sure <u>you</u> would feel the same if the restaurant/bar was in your backyard.</p> <p>We feel the case against extending is much stronger than the request to extend. Not having outdoor seating after 10pm will not negatively affect revenues for these businesses. After 10pm it is <u>bar</u> business not outdoor seating for meals. Customers will move inside.</p> <p>We will not be able to attend the Council meeting on the 6th in person, but ask that you represent our interests by voting <b>NO</b> on Ordinance 1560. Please reach out direct to me if you have any questions — <a href="mailto:sandy.alvstad@gmail.com">sandy.alvstad@gmail.com</a> or by text to 253-861-8868.</p> <p>Thank you! Sandy Alvstad &amp; Ron Garcia</p>
7	Anne Huscroft <a href="mailto:thehuscrofts@comcast.net">thehuscrofts@comcast.net</a>	9/2/2022	Jen,



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	5210 N Highland St		<p>I am writing to you today regarding ordinance 1560 allowing outdoor seating to be extended until midnight. I honestly have not had the opportunity to look into this further as I just learned about this, however, I do have some concerns if approved.</p> <p>The new Carriage House being constructed by Wren and Willow does have a rooftop that will be available to rent for private parties after normal business hours. Will they be allowed to use the space until midnight if the ordinance is approved? I think this could adversely effect a large portion of our community as they overlook most of Ruston.</p> <p>Our home is on the west side of Highland Street so the lots behind us on Pearl are zoned multi use, I believe. I would not be happy to have a restaurant or bar to be allowed to serve outdoors until midnight in my back yard.</p> <p>It's not only the noise that concerns me, but the potential for crime to rise. Late night drinking may bring a different kind of clientele to our area, that is the real concern.</p> <p>Thank you for taking the time to listen to my concerns.</p> <p>Sincerely,</p> <p>Anne Huscroft 5210 N Highland Street 253-678-9075</p>
8	Mark Shingledecker <a href="mailto:mark.shingledecker@gmail.com">mark.shingledecker@gmail.com</a> 5302 N Court St	8/30/2022	<p>I am writing in response to Ordinance No. 1560 Amending RMC 9.24.010 to allow longer outdoor seating hours for businesses in Commercial Zones.</p> <p>To whom it may concern. Please vote no on extending outdoor patio hours after 10 pm 7 days a week for all commercial zones located within City of Ruston. And also those businesses not located in commercial zones.</p> <p>1. Ideal sleeping or rest is ideal at 40 decibels or less. I know there is traffic in most areas of commercial zones but that is passing by. Constant talking and music from one , two, or three locations is annoying. I live in a area that has that now! Very frustrating!</p> <p>2. Most people outside are smokers and in many instances within 25' of entrance areas, Now serve them Alcohol, then trying to control the noise level is impossible.</p> <p>Note: I know Coles doesn't allow smoking. But other are totally outside of building.</p> <p>3. Most businesses won't enforce noise outside theses buildings even at their own tables. Already experiencing that in my neighborhood.</p>

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			<p>4. Once you let hours be extend it will be a financial burden to the city resources with complaints.</p> <p>5. I do appreciate the local restaurants we have and do frequent them. Some are louder then I like inside, and that does determine weather I spend my money there.</p> <p>Mark Shingledecker 5302 n court st 253 312 9173</p>
9	Patricia Turner <a href="mailto:ptztjt@gmail.com">ptztjt@gmail.com</a> 5302 N Court St	8/29/2022	<p>I am writing in response to Ordinance No. 1560 Amending RMC 9.24.010 to allow longer outdoor seating hours for businesses in Commercial Zones.</p> <p>The amendments states that a business located wholly in a commercial zone and not abutting a residential zone should be allowed to keep their outdoor seating open until 12:00a.m. The businesses in question are Macaluso’s Coles and The North End on Pearl (when it opens at 5037 N Pearl).</p> <p>Commercial zones and residential zones <u>DO ABUT</u> each other in this town of approx. one square mile. Given the topographical layout of the town it allows for sounds i.e. voices and music to travel especially at night.</p> <p>It was suggested at the August 16 Town Council meeting that perhaps the businesses could serve only beer and wine in their outdoor seating areas from 10-midnight. I am not sure how this would keep noise levels toned down for residents and how it would be regulated. I feel if this amendment to the ordinance is passed and it does not get the desired results it will be too hard to walk it back. Also, any businesses that are in residential areas will feel slighted and lobby for equal liberties.</p> <p>I welcome these businesses into our City, I believe they are a great addition. The current 10pm outdoor seating closing time gives patrons adequate time to enjoy an “evening out at Ruston businesses”.</p> <p>The peace and quiet for Ruston residence must take priority.</p> <p>Respectively, Patti Turner 5302 N. Court St</p>
10	Dawnee <a href="mailto:dgossage5615@comcast.net">dgossage5615@comcast.net</a> 5615 N 52d St	8/26/2022	<p>In Response to Ginger Kryger’s Comments: My sentiments exactly! The residents of Ruston has always complied with the 10:00pm rule. Why should these businesses be the exception? And will residents start to use that same ordinance to keep their parties going til midnight? This is still a residential area and I would like it to stay that way. People do have jobs and need to go to sleep at a reasonable hour. AND the noise already carries throughout the neighborhood.</p>

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			Dawn Gossage 5615 No 52nd St
11	gingerkryger <a href="mailto:gingerkryger@comcast.net">gingerkryger@comcast.net</a> 5211 N Highland St	8/26/2022	<p>Good morning,</p> <p>Received a flyer regarding Ordinance 1560 yesterday.</p> <p>My comments for the record:</p> <p>Cole's and Macaluso's outdoor dining probably has little or no impact on residential "peace and quiet". However, it appears that the North End on Pearl could have an impact on the residents on the 5000 block of N Highland. It would seem that the additional 2 hours requested would mostly pertain to the milder temps. from late spring to mid fall for potentially 6 months of the year. With the addition of outdoor heaters this could be a year-round party.</p> <p>Of larger concern would be "future businesses in commercial zones". Somehow the commercial zoning was extended all the way to Pt. Defiance Park. There is nothing in that area now to take advantage of this ordinance, but there could be.</p> <p>Does the bar on 49th and Baltimore currently adhere to the 10:00 p.m. outdoor seating and noise limitations?</p> <p>The idea of enjoying a nice meal outside on a beautiful summer evening is attractive to most. Will this 12:00 a.m. courtesy extend to all residents as relates to all outdoor activity? It appears more time and resident input should be allowed for this potentially sensitive and divisive issue.</p> <p>I welcome a discussion.</p> <p>Sincerely,</p> <p>Ginger Kryger 5211 N Highland 253 752 3041</p>



**Tax Parcels:**

Tax Parcel Number	0221231109
Site Address	5301 N 51ST ST
Land Acres	1.93
Land Value	\$100
Improvement Value	\$0

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