

**CITY OF RUSTON  
REGULAR COUNCIL MEETING**

**Tuesday, July 18, 2023**

**MEETING CALLED TO ORDER**

At 7:02PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Hedrick, Councilmember Huson and Councilmember Jensen. Councilmember Kristovich and Councilmember Syler were excused. Following the flag salute, Councilmember Hedrick moved to approve the Agenda, with a second from Councilmember Jensen, passed 3-0.

**MINUTES** - Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of June 20, 2023, with a second from Councilmember Jensen, passed 3-0.

**STAFF REPORT** –

Ruston Police Officer Vela – See attached.

Ruston Fire Chief Allen – See attached.

**GENERAL PUBLIC COMMENTS** –

**Jody Coulston** – Questioned the construction on Bennett street and what the start time to begin work was? Mayor Hopkins noted construction start time was 7AM. Ms. Coulston wanted to know what would be done with the construction equipment and street parking? Mayor Hopkins shared the builder had an approved street excavation permit and encouraged Ms. Coulston to speak with City Associate Planner for details on the traffic control measures which are required for one way traffic.

**Angelino Guron** – Questioned the Levy and what the Council Retreat was about and if it was related to the Ruston community. Mayor Hopkins shared that the Council held a retreat which was open to the public. The retreat provided the Council an opportunity to discuss and set goals for the City and its community. Councilmember Jensen explained the retreat was used to brainstorm ideas and defined two to three years as short-term goals.

**BUSINESS** –

**Objection Hearing – Rust Phase 2 Electrical Undergrounding** – Mayor Hopkins opened the objection hearing providing a description of the matter, the process of the hearing, and the swearing in of staff and objectors. City Attorney Robertson presented an overview and brief description of the general process, policies and history of the Electrical Undergrounding project. Kevin Moser spoke to the specifics of the project and his communication with the objectors. See Mr. Moser's notes attached. The Council held three public hearings on objections that were filed in the Rust Way-Phase 2 Power Undergrounding Project. There were six objections filed but three were withdrawn. The three remaining objections were filed by the following parties:

1. Terry Cole and Michael Gosciniak
2. John Hardin
3. Shawn and Jesse Kelley

Each objection had a separate hearing. In each of these hearings, the City Council considered information provided by staff, documents that were filed by the objecting parties, along with testimony and any additional submittals from the objecting parties. See the three objections attached. There was no opportunity for public testimony, only the objecting parties could provide testimony and documents to the Council. The staff presented a brief description of the matter, and the Council asked questions of the staff or the objecting parties. Councilmembers asked objector's the length of time they had owned their home, the price they paid for their home, what the value of their home was today and if they qualified for the City of Ruston Electrical Utilities Grant which provides funding to low-income customers for the cost of undergrounding their power lines. There were no more questions. Mayor Hopkins closed the public hearing. Councilmember Hedrick noted that the City adopted a Power Undergrounding Grant program to assist low-income customers, the City waived permit fees to mitigate costs for this project, the electrical undergrounding puts value in the home, and Rust Way Phase 1 was completed with additional phases to come. Councilmember Jensen requested that a decision be made after the Council discussion tonight. Councilmember Jensen noted that undergrounding added value and viability to City residents, was glad that the City had implemented a grant program and would consider changing the grant policy to include special needs consideration. Councilmember Huson requested that the Council move deliberations to the next Council meeting of August 15, 2023. This would give Councilmember Huson the opportunity to walk the properties and do more research before making a decision, with a second from Councilmember Hedrick to continue deliberations until August 15, 2023, passed 3-0.

**RES 770 TIB Court Street Chipseal Project – Project Description.** The Court Street pavement surface has deteriorated to the extent where the timing for surface restoration by chip sealing is optimum, before additional cracks appear. This project will apply a chipseal (also called seal coating) to the pavement surface of Court Street between Baltimore Street and the westerly cul-de-sac west of Bennett Street which will renew the entire pavement surface of 3100 square yards of pavement after a previous City-wide project has filled the cracks.

**Funding and Implementation Schedule.** Back in 2021, City staff arranged for TIB grant funding of 95% of the cost of Court Street Chip sealing, with the Ruston matching funds being 5% at that time.

TIB committed to funding \$54,523 for this project on December 20, 2021. Since 2021, construction costs have increased but the TIB commitment has not yet increased. An increase in TIB funding has been applied for and was granted on July 13, 2023 with an administrative increase of \$5,327 for a total grant of \$59,850. The City commitment will be \$3,150. This matter is being brought forward for the Council to approve the award of the construction contract and to give Mayor Hopkins authority to sign it.

**Public Bidding Process.** In accordance with State law, small public works may be awarded using the Small Works Roster (MRSC) process. That is the process used for this contract. Bids were solicited from more than 150 pavement specialty Contractors on the MRSC list and opened on June 29, 2023. Doolittle Construction, LLC was the only bidder. See tabulation below:

	<u>Contractor Name</u>	<u>Bid for All work</u>
1	Doolittle Construction LLC	\$63,000.00

The City Engineer’s Office recommended awarding the Project Contract to the lowest responsible bidder, which is Doolittle Construction LLC. This was also the same Contractor as for the City’s 2023 City-Wide TIB Pavement Crack Sealing. If the Council authorized this Contract to be awarded at the July 18, 2023 Council Meeting, the City Engineer would prepare a Notice of Award to Doolittle Construction, LLC and finalize the contract using the City’s forms. The contract was for \$63,000.00 which would be primarily funded through the TIB grant in the amount of \$59,850.00. The City’s participation was currently \$3,150.00 which is available in the approved budget. Councilmember Hedrick moved to approve Resolution 770, with a second from Councilmember Jensen, passed 3-0.

**CLAIMS & PAYROLL** – Councilmember Hedrick moved to approve Claims for July 5, 2023 and Payroll for July 5, 2023, with a second from Councilmember Huson, passed 3-0.

**MAYOR’S TIME** – Shared the City’s surplus property on 49<sup>th</sup> Street, which had been on the market for three years, would close on July 31st and the new owner planned to build a home on the lot. Mayor Hopkins thanked Ruston City Planner, Rob White, for his work in grant funding. The City will receive an additional \$50,000 next year. for the Comprehensive Plan update, with the total grant funding for this project at \$100,000. Mayor Hopkins thanked Ruston Police Chief Bautista for his efforts in applying for grant money to reimburse the City for Officer Jason Vela’s Police Academy training, as well, his efforts in search of ongoing grant possibilities. Mayor Hopkins thanked Councilmember Hedrick for meeting both himself and the City Planner to discuss Metro Parks and Park Avenue with the opportunity for additional grant funds.

Washington State Commerce reached out to Ruston City Planner, Rob White, inviting him to present at the American Planning Association conference in the fall. City Planner White was unable to attend. Mayor Hopkins shared a message from Washington State Commerce who commended City Planner Rob White for his great work on the Racial Equity Analysis. City Planner Rob White's work set the bar for other small Cities, as they work through their Racial Equity Analysis. There will not be a Council Meeting on August 1, 2023 in observance of National Night Out and Mayor Hopkins would not be in attendance for the August 15, 2023 Council meeting.

**Councilmember Hedrick** – Wanted to thank Ray, the Ruston Police and Fire departments who supported the annual 4<sup>th</sup> of July Bicycle Parade and for keeping the City safe on July 4<sup>th</sup> and invited anyone to present fresh ideas for next year's bike parade. Councilmember Hedrick met with Metro Parks regarding plans for Point Defiance laydown yard and 54th in hopes to coordinate with the City of Ruston on updating Park Avenue.

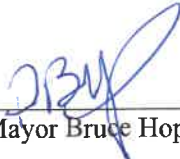
**Councilmember Kristovich** – Was excused.

**Councilmember Syler** – Was excused.

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

**Councilmember Jensen** – Would like to get ideas for a volunteer program helping with City events and Ruston website support. This program would require documentation to bring volunteers on board. Councilmember Jensen stated she would be happy to take the lead in drafting the proper documentation to begin the implementation process. Councilmember Jensen wanted to remind and encourage everyone to attend National Night Out which takes place on August 1, 2023 and is located at 52<sup>nd</sup> and Highland and 49<sup>th</sup> and Baltimore.

**MEETING AJOURNED** – At 8:58PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Jensen and Councilmember Huson, passed 3-0.

  
\_\_\_\_\_  
Mayor Bruce Hopkins

ATTEST:

  
\_\_\_\_\_  
Judy Grams



**Chief's Report  
Ruston Police Department  
Tuesday, August 15, 2023**

In a previous 28 days period (July 12-Aug 9), the Department recorded 283 calls for service, 108 of which were traffic stops. A breakdown comparing the percent of change from the same period in 2022 is shown below:

<u>Calls/Service (non-traffic)</u>	<u>2023</u>	<u>2022</u>	<u>PERCENT OF CHANGE</u>
	175	135	+30%
<u>Traffic Stops</u>	<u>2023</u>	<u>2022</u>	<u>PERCENT OF CHANGE</u>
	108	57	+89.5%

Sergeant Clayton Grubb is being recognized by the Washington Traffic Safety Commission and the National Highway Traffic Safety Administration (NHTSA) for his efforts in traffic enforcement. Sergeant Grubb is within the top 5 performers of all police and sheriff deputies in Pierce County and has been invited to receive his award the NHTSA annual conference in Wenatchee next month.

Prepared by Nestor Bautista

## **Ruston Fire Department Monthly Review for July 2023**

Tuesday, August 15, 2023

Presented by Chief Bruce Allen

**Total Incidents (YTD) 103, July 22 (9 Fire/Service, 13 Medical Aid)**

**Volunteer Hours: July 2137 Hours, YTD 9590 Hours**

**Membership Roster (24 out of 25): (20 Members, 4 Officers)**

### **State of the Business**

- We had 3 people start the Firefighter 1 class through Riverside Fire yesterday.
- We have 2 people starting EMT class in September at Pierce College.
- Engine 339 will be going in for its annual pump test late this month.
- We will need to replace our stretcher soon now that we are transporting.
- All fire tools are fully operational.

City of  
**Ruston**  
WASHINGTON

April 30, 2019

? MICHAEL  
Terri Cole  
4908 N. Winnifred  
Ruston, WA 98407

425 233-0304  
myclaritetist@gmail.com

Dear Resident,

The City of Ruston has started Phase 1 of the Rust Way Utility Conversion. The time frame will be from mid-May 2019 thru mid to late July 2019, depending on many variables. That means, work will be performed in the alley of Rust Way just West of Bennett St. to Argyle St. (formerly Winnifred Place).

A City of Ruston employee will be contacting you in person to inform you of the proposed location for your Service Box and answer any questions.

During working hours, the alley will be closed to thru traffic. The alley will be open to get in and out of your driveway in the morning and evening hours. During the middle of the day it may be necessary to park on the street. If you have garbage, recycle or yard waste totes that need to go out, just put them out where you normally would for pick up. If needed, the totes will be moved to a location where the garbage truck can pick them up. Totes will be moved back to original location after pick up.

The purpose of this project is to convert overhead utilities for power, cable and telephone, i.e. Ruston Power, Comcast and CenturyLink, to underground.

More to come on specifics and requirements by the residents.

Regards,



Kevin Moser  
Special Projects Manager  
City of Ruston  
253-759-3544 ex101

5/30 @ 1:35pm, CALLED LEFT MESSAGE,

10/10/22 - SPOKE W/ MICHAEL WHO SAID HE IS AN OWNER.

3:22p I EXPLAINED EXACTLY WHAT IS GOING TO HAPPEN.

HE WAS VERY UPSET. I GAVE HIM A CARD FOR  
TERLcom.

3/13/23 - CALLED LEFT MESSAGE FOR TERRI, OFFERING A

2:56p NO OBLIGATION BID TO INSTALL UG POWER TO  
HOUSE, ASKED HER TO CALL OR TEXT WHERE SHE  
WOULD LIKE THAT TO BE SENT.

3:49 TERRI CALLED BACK AND WOULD BE HAPPY TO GET  
PRICING FOR UG POWER TO HOUSE.



City of  
**Ruston**  
WASHINGTON

April 30, 2019

John Hardin  
5427 N. 49th  
Ruston, WA 98407

253 988-5084 NG

IT APPEARS TO BE DISCONNECTED  
10/10 TRIED AGAIN DISCONNECTED

Dear Resident,

253-376-5135

The City of Ruston has started Phase 1 of the Rust Way Utility Conversion. The time frame will be from mid-May 2019 thru mid to late July 2019, depending on many variables. That means, work will be performed in the alley of Rust Way just West of Bennett St. to Argyle St. (formerly Winnifred Place).

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The purpose of this project is to convert overhead utilities for power, cable and telephone, i.e. Ruston Power, Comcast and CenturyLink, to underground.

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Regards,



Kevin Moser  
Special Projects Manager  
City of Ruston  
253-759-3544 ex101

TUES 8:00

4:30 5/8 - CALLED, # APPEARS TO BE DISCONNECTED.

10/10/22 - KNOCKED ON DOOR. NO ANSWER.  
2:10 pm

10/11/22 - CALLED LEFT MESSAGE  
10:04 A NEW PHONE # IS 253-376-5135

10/13/22 - CALLED LEFT MESSAGE AT 253-376-5135,  
10:01 A

3/13/23 - CALLED LEFT MESSAGE AT 253-376-5135 @ 1:32 p  
TO GET PERMISSION TO WALK ON PROPERTY IN  
ORDER TO PROVIDE A BID WG WORK.

City of  
**Ruston**  
WASHINGTON

April 30, 2019

Shawn & Jessie Kelley  
5433 N. 49th  
Ruston, WA 98407

253-314-5909 Home  
253-507-0141 Jessie  
206-276-1297 Shawn

Dear Residents,

The City of Ruston has started Phase 1 of the Rust Way Utility Conversion. The time frame will be from mid-May 2019 thru mid to late July 2019, depending on many variables. That means, work will be performed in the alley of Rust Way just West of Bennett St. to Argyle St. (formerly Winnifred Place).

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The purpose of this project is to convert overhead utilities for power, cable and telephone, i.e. Ruston Power, Comcast and CenturyLink, to underground.

More to come on specifics and requirements by the residents.

Regards,



Kevin Moser  
Special Projects Manager  
City of Ruston  
253-759-3544 ex101

4:41 p 5/8 - CALLED, LEFT MESSAGE

5/23 + 5/24 - MET W/ SHAWN + JESSIE. VERY COOPERATIVE. THEY HAVE CONCRETE STEPS IN ROW I AGREED TO RELOCATE BACK ON THEIR PROPERTY. THEY ALSO WOULD LIKE THE DIRT IN OUR TRENCH LINE RETURNED TO ALLEY GRADE AND NOT SLOPED UP. WE HAVE ROOM AT PARK FOR THIS LITTLE BIT.

10/10/22 - MET W/ JESSIE. SHE IS VERY COOPERATIVE.  
- NEEDS INFO ON WHAT EXACTLY SHE NEEDS TO DO.

10/14/22 - MET W/ CLINT + JESSIE TO REVIEW OPTIONS FOR TRENCHING NEXT TO GAS, AND WEATHERHEAD VS. METER.

3/13/23 - SPOKE W/ JESSIE LET HER KNOW WE WOULD BE OUT  
3:38 p TO GET MEASUREMENTS FOR UG UTILITIES SHE WAS IN FAVOR OF GETTING A PRICE AND HOPEFUL THIS WILL BRING THE COST DOWN.

EMAIL BID TO: SHAWN.M.KELLEY@COMCAST.NET.

3/22/23 - EMAIL REGARDING THEIR BID FROM PUGET SOUND ELECTRIC ASKING QUESTIONS ABOUT CONDUIT SIZES.



Town Clerk <townclerk@rustonwa.org>

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## Objection to underground electrical conversion

1 message

Terri Cole

Mon, Mar 27, 2023 at 10:39 AM

To: "kevinm@rustonwa.org" <kevinm@rustonwa.org>, "townclerk@rustonwa.org" <townclerk@rustonwa.org>

Cc:

4908 N. Winnifred St Ruston, WA 98407

Dear City Clerk,

We are officially objecting to the requirement by the City of Ruston to require us to put electrical to our home underground by March 2, 2024. We just received a bid from Charlie's Electric LLC for just over \$9,100 ( attachment). This is an exorbitant cost to us and places us in financial hardship even giving us a year's time to save up. Please let us know where we can find out more information on this project in upcoming meetings or online. Please consider this our filing for objection in writing. If there is another process you require for official filing of objection please let us know ASAP.

Best,

Terri Cole and Michael Gosciniak

 **Estimate\_20837\_from\_Charlies\_Electric\_LLC\_dba\_Puget\_Sound\_Electric\_C.pdf**  
69K



Town Clerk &lt;townclerk@rustonwa.org&gt;

**Objection to the Removal of Electrical Wires**

1 message

Fri, Mar 24, 2023 at 12:39 PM

**John Hardin**  
To: townclerk@rustonwa.org

To Whom It May Concern:

This letter is to formally object to the conversion from overhead to underground electrical service lines and disconnection and removal of the electrical service lines. As a resident of Ruston for over a decade we understand the want to "beautify" the city. However, requiring the residents to incur the exorbitant cost is completely appalling.

We received 1 letter in 2019 stating the plan to bring the overhead lines underground, at no point in this letter was it ever discussed or even hinted that the residents would be responsible for paying for the conversion to their homes. If we had known at the time we would have objected immediately. The 2<sup>nd</sup> letter that we received was a complete shock with threatening verbiage to cut off our electricity if we did not pay the \$10,000 that we are being quoted to change our electrical lines. This letter did not in any way provide guidance as to who needs to be contacted, what permits are required or estimates as to what this may cost us. Such an unprofessional way for a City Government to be abusing their power. If you have the ability to help your residents, don't you think that should be the route to take, instead of causing duress on already stressed-out residents.

In this time of increased cost of living it is irresponsible for the City to require the residents to incur this cost with no assistance. The lack of transparency, lack of understanding about the cost put on the homeowners, the difficulty due to inflation and other hardships, and the disregard for any community vote are absolutely abhorrent.

We have now had multiple estimates out to multiple neighbor's properties and the number of discrepancies the companies are up charging some homeowners and not others is completely imbalanced and should be addressed by the city. At no point should this have been placed on the shoulders of the residents, this should have been addressed by the city. There should be absolutely no additional costs to the residents for trips made out by the city, service hook ups and disconnections, permitting through the city and any sort of conversion fees.

The City of Ruston should have been upfront with all of the discrepancies, legalities, and expenses for this project. I am appalled by your lack of professionalism and I absolutely object to the removal of the electrical service lines.

John Hardin &amp; Dr. Jessica Mitchell-Hardin

5427 N 49<sup>th</sup> St, Ruston WA 98407



Town Clerk &lt;townclerk@rustonwa.org&gt;

## Objection of electrical service lines conversion

1 message

Thu, Mar 9, 2023 at 8:02 AM

SHAWN KELLEY

To: Town Clerk &lt;townclerk@rustonwa.org&gt;

This email is sent to formally object to the surprise and hidden requirements requiring homeowners to convert electrical service lines to underground that will create financial hardship to a multiple disabled five member residential family with astronomical medical needs on a single family income.

During the last three years, knowing that the city has planned on this project, we have received two correspondence notifications never mentioning homeowner out of pocket cost or upgrades required. If I was not proactive and hunted the project manager down I would not have any information at all other than cut the weeds in the back alley three years ago and then this one stating change over in a year or be disconnected. Thankfully I am very proactive since our home is over 100 years old and has a 3 foot border on one side. I did stop the project manager last year when he was in the alley, he had an engineer look at the gas line and property boarder. There are many tree that belong to our neighbor and we came up with a semi good plan for a trench and conduit with a loop system on the house. He stated last year he would have estimates sent. Never heard from anyone again. Then I received a certified letter stating convert over or be disconnected. No guidelines on how, who to contact, what needs to be done, etc until I reached out. Then I was handed in person yesterday by the project manager when I reached out for a face to face meeting regarding our neighbors situation, guidelines overhead to underground service connection. It states that the homeowner will need a service application, an L and I permit with fee, electrician to hire but no list of who can do the job in Ruston, cable fee schedule for disconnecting/ reconnecting and trip service fee schedule, if a meter is required or not and the fee attach, along with having to hire to dig the trench but no list of who to hire that is authorized in the city of Ruston, order sand and conduit along with all inspection fees. These are all hidden costs that never were revealed to the homeowner nor has the city came forward with a contractor that they are contracting with to do this large scale project if the homeowner wants to contact out at a reasonable price since it is a large scale project and not individually contracted which is much more costly. It sounds like the homeowner has no say at. This could cost us up to anywhere from 4-7 thousand or upwards due to our yard is double in length and has more tree roots and problems than our neighbor that was quoted this amount in a rough estimate.

There should be no additional service hooks up/ disconnect and trip charges if we are being forced to do this. This was never a public vote for the Ruston residents and the city of Ruston has never been truthful nor forthcoming on the charges the homeowner will pay out of pocket. Per the project manager, if you can't afford it the city of Ruston does not have resources to help towards the homeowner cost, so they will put a lean on the residents property for payment. This is the financial solution for hardships? During a pandemic and a recession this has already caused great hardship for so many of us and with my own personal financial situation with our exorbitant medical expenses we will not be able to pay these hidden expenses especially on a stringent deadline. Washingtons weather only allows for work to be done during non raining months so summertime is a short window., if the homeowner is to do the some of the work themselves. A three month period with no leniency or payment plan is outrageous along with the threat of disconnection which would be life threatening and detrimental for my family that has severe medical and psychological conditions that is dependent on refrigeration. The city of Ruston has taken almost 4 years to even get this project down half the ally. Clearly there timeline is not within a scheduled timeframe like required by the homeowners nor are there notifications or correspondence to keep us informed about this project and the timeline details and requirements. 3-4 years would have given residents reasonable timeframe but no information was provided.

The city of Ruston should be upfront with all the expenses and the legalities for this project for homeowners. I request this be sent to all homeowners that this project will impact, information allowed through the Public Information Act. I am requesting the following information be sent to myself an all Ruston homeowners impacted:

1. All documents related to the City of Ruston's approval for under grounding the city's electrical lines, project budget and project timelines
2. All documents related to the City of Ruston's plan and approval to require Ruston residents to be fully responsible for disconnection of overhead lines and connection to the underground lines.
3. All correspondences to residents before the undergrounding project began, during the project and after completion of the project

1/13/23, 1:45 PM

rustonwa.org Mail - Objection of electrical service lines conversion

4. All public work notification rules, requirements and processes

I look forward to your response on this time sensitive matter.

Jessie and Shawn Kelley