

**CITY OF RUSTON
REGULAR COUNCIL MEETING - AMENDED**

Tuesday, September 5, 2023

MEETING CALLED TO ORDER

At 7:05PM Mayor Hopkins called the regular Council Meeting to order. Councilmembers present were Councilmember Kristovich, Councilmember Syler and Councilmember Jensen. Councilmember Huson was excused, and Councilmember Hedrick arrived late. Following the flag salute, Councilmember Syler moved to approve the Agenda, with a second from Councilmember Kristovich, passed 3-0.

MINUTES - Councilmember Syler moved to approve the minutes for the Regular Council meeting of August 15, 2023, with a second from Councilmember Kristovich, passed 3-0.

STAFF REPORT – Nothing at this time.

GENERAL PUBLIC COMMENTS –

Kevin Moser – Was not in favor of Ordinance 1570 as it was written. Mr. Moser requested additional detail and restrictions be written into Ordinance 1570 to protect the decision making when altering, maintaining or removing trees.

Marvonne Bell – See attached.

Ginger Kryger – See attached.

BUSINESS –

Steven Hopkins – Provided an overview of Murrey’s Disposal 2023 City of Ruston Garbage Rate Increase. See attached.

ORD 1570 – Permit for Alteration of Street Trees – 1st Reading – The City of Ruston has a number of trees along its roads and rights-of-way, some of which adjoin private property of Ruston residents. From time to time, residents have expressed a wish to alter, maintain, or remove trees in City rights-of-way which adjoin residential property for the purpose of improving views or reducing the trees’ impact on their property. Instead of having informal requests, the City may create a permit process which will allow private individuals to maintain aesthetic appeal and standards of street trees within the City of Ruston under specific conditions if such action is consistent with the public interest. The attached Ordinance creates a new code, Chapter 14.11,

to regulate the alteration, maintenance, and removal of street trees, requiring residents to apply for and receive a permit if they wish to alter, maintain, or remove a street tree. If granted, this will allow residents to bear the costs of alteration, maintenance, removal, and replacement of street trees, resulting in cost savings to the City. The key components of this ordinance include the following:

1. Issuance of a permit is solely in the City's discretion as it involves alteration of the City's property;
2. Only Ruston residents are eligible to apply for this permit;
3. If a tree is altered or replaced, it must be done or overseen by a certified arborist;
4. The tree plan must be prepared by a certified arborist;
5. Any trimming, alteration or replacement must be performed on all street trees on the block to maintain a uniform appearance; and
6. The applicant must have insurance, bonding, and indemnify the city, including replacing any replacement trees that die within 24 months.

The City would need to add this permit to its Master Fee Resolution to ensure full cost recovery for the City. In addition, to the extent this results in private individuals performing maintenance work on City trees, it may save the City these maintenance costs. Mayor Hopkins provided an overview of Ordinance 1570 and the need to memorialize a process when dealing with trees in the City right of way. Councilmember Jensen, Councilmember Syler and Councilmember Hedrick discussed this ordinance recognizing that it was in draft form and understood there would be further discussion to better define the language. Mayor Hopkins welcomed the discussion and feedback from residents and would take their recommendations back to the City Attorney for further review and additional consideration. Mayor Hopkins shared that it was not the City's intent to green light the destruction of trees.

RES 772, 774, 775 –

- **RES 772 - Denying Cole-Gosciniak Objection**
- **RES 774 – Denying Hardin-Mitchell Hardin Objection**
- **RES 775 - Denying Kelley Objection**

On August 15, 2023, the City Council continued deliberations on the three objections to the City's notice requiring undergrounding of electrical lines. The Council voted 4-0 to deny each objection. These decisions were based on the substantial public benefits that are created by placing the power lines underground, including:

- Increased electrical reliability;
- Increased security of the electrical system;
- Reduced maintenance costs for the electrical lines;
- Safer roadways when the utility poles are removed;
- Reduced maintenance for the utility poles; and
- General benefits to the public at large, the traveling public, and residents.

The three Resolutions (772, 774 and 775) captured the Council's discussion and decision. If the Council agreed the Resolutions reflected the Council's rationale and decision, then each Resolution should be approved. The City has spent \$360,000 on converting the electrical lines underground in the Rust Way Phase 2 project, not including staff costs. Completion of the project is contingent upon all of the residents converting the private portion of the lines to underground on their properties. Without the residents' completion of the conversion, the City cannot force Comcast or Century Link to underground their lines and thus the City would not be able to remove utility poles in the conversion area. Councilmember Hedrick moved to approve Resolution 772, 774 and 775, with a second from Councilmember Kristovich, passed 4-0.

Councilmember Jensen – Request to Create a City Volunteer Program Discussion. See attached. Councilmember Jensen shared there had been a lot of interest from Ruston citizens in forming a formalized City Volunteer Program which may require legal support and costs. In the discussions Councilmember Syler and Councilmember Hedrick suggested, in order to save money and time, that the City start small. Councilmember Jensen offered to draft legal documents for review by the City Attorney to save costs. The Council supported getting a program started. There are Ruston held events where Ruston residents were welcome to volunteer and support. Councilmember Hedrick suggested a formal tree committee. Mayor Hopkins noted there was a tree committee, however it was disbanded years ago.

CLAIMS & PAYROLL – Councilmember Hedrick moved to approve Claims for September 5, 2023 and Payroll for August 20, 2023 and September 5, 2023, with a second from Councilmember Kristovich, passed 4-0.

MAYOR'S TIME – Provided an update on the revised Point Ruston EIS which still remains with the City of Tacoma and Tacoma Fire. Tacoma Fire hired consultants to measure response times to the Point Ruston development and those response times did not meet required guidelines. City staff continues to receive interest from investors on lots 14, 15 and 16, which are currently in receivership. The Receivership received a low offer from a commercial bank to find the low offer bidder was Loren Cohen. Mr. Cohen was not successful, and the offer was repealed. Mayor Hopkins was disheartened with EPA and the contaminated dirt that has been placed within the City of Ruston. Mayor Hopkins felt that EPA should be held accountable.

Mayor Hopkins commended staff for tirelessly working on grants. The City submitted grants for a Grind and Overlay project on Shirley and Highland Streets between 52nd and Park Avenue and additional grant funding for Park Avenue. The Crack Seal project was underway around the City and the Chip Seal project was up next. Mayor Hopkins was sorry to have missed Joe Beck, Point Ruston resident, City of Tacoma. public comment at Ruston's last council meeting. Mr. Beck requested collaboration between Ruston, Metro Parks and City of Tacoma related to public safety issues. Mayor Hopkins announced there were restrooms, now available to use, just outside of the Mary Joyce Community Center and thanked Kevin Moser, Property Manager, for all his efforts in upgrading Ruston School. Mayor Hopkins held a meeting with staff to discuss the permitting system and to better understand the process by using tools we have at our disposal in making the system more user friendly for the applicant.

Councilmember Hedrick – Planned to tentatively meet with Joe Beck on Thursday to discuss collaboration efforts related to public safety as a homeowner at the Point Ruston development. Councilmember Hedrick met with former Ruston Police Chief Jeremy Kunkel, who is now with the City of Tacoma Police Department Task Force. Officer Kunkel shared that the Tacoma PD was working on an emphasis patrol to address speeding cars on Friday, Saturday and Sunday evenings. Councilmember Hedrick would like to look at all options for the residents at Point Ruston and would suggest that Mr. Beck look into private security patrols. Councilmember Hedrick wanted, for the record, fireworks were illegal in the City of Ruston.

Councilmember Kristovich – Nothing at this time.

Councilmember Syler – Nothing at this time.

Councilmember Huson – Was excused.

Councilmember Jensen – Noted, that as we go into budget season, Councilmember Jensen was reminded of the City Council Retreat, which was held in May. The City Attorney prepared a write-up and would like the write-up to be placed in the Council section of the Ruston website for public viewing.

MEETING AJOURNED – At 8:03PM Councilmember Hedrick moved to adjourn, with a second from Councilmember Kristovich, passed 4-0.

Mayor Bruce Hopkins

ATTEST:

Judy Grams

Good Evening Mayor, City Council Members and Staff. My name is _____ I live on _____

I just have some QUESTIONS AND CLARIFICATIONS on the **Proposed Street Tree Ordinance**.

So - The City already has total control over what goes on in right of ways, parking strips, streets and alleys – ***ITS ESSENTIALLY CITY PROPERTY***.

Residents already have LEGAL OBLIGATIONS UNDER THE RMC TO MAINTAIN TREES AND VEGETATION in their ADJACENT PARKING STRIPS AND ALLEYS

SEE FOR E.G. RMC CHAPTER 9 ON NUISANCE VEGETATION AND 25.01.102 that requires residents to cut limbs of street trees between 3 and 8 feet above grade

THE RUSTON NEWSLETTER OFTEN REMINDS RESIDENTS OF THEIR OBLIGATIONS TO KEEP THEIR TREES AND VEGETATION TRIMMED AND CLEAR FOR PUBLIC WALKWAYS AND CLEAR VISIBILITY FOR TRAFFIC ETC.

MANY RUSTON RESIDENTS TAKE GREAT PRIDE IN PRUNING, TRIMMING AND MAINTAINING THE TREES IN THEIR ADJACENT RIGHT OF WAYS

SO WHY DO WE NEED THIS PROPOSED 14.11 STREET TREE ORDINANCE

THE **PROPOSED LANGUAGE AS CURRENTLY DRAFTED**

LITERALLY REQUIRES A PERMIT FOR ALL OF THE ABOVE

I DON'T BELIEVE THAT IS THE INTENT

SO MY SUGGESTION IS TO MAKE SOME CHANGES TO THE LANGUAGE IN 14.11 TO

- 1) **EXEMPT** FROM PERMIT REQUIREMENTS ROUTINE MAINTENANCE OF STREET TREES BY ABUTTING PROPERTY OWNERS IN COMPLIANCE WITH OTHER RMC CHAPTERS
- 2) **DEFINE WHAT A "TREE" IS** – IS A 10 FOOT PRIVET HEDGE OR 20 FOOT WALL OF LAURELS A TREE? IS A 4 FOOT MAPLE A TREE FOR PURPOSES OF A VIEW ENHANCEMENT PERMIT?
- 3) BECAUSE THAT'S WHAT 14.11 IS REALLY ABOUT - **VIEW ENHANCEMENT PERMITS**
 - i) FOR RUSTON RESIDENTS
 - ii) SEEKING ACCESS TO VIEW BLOCKING TREES ON OTHER PEOPLE'S PARKING STRIPS OR ON CITY PROPERTY

4) **And IF THE APPLICANT FOR THE VIEW ENHANCEMENT PERMIT IS SEEKING TO TOUCH TREES ON OTHER RESIDENTS' RIGHTS OF WAY – THEN**

A) **PROVIDE RIGHTS OF NOTICE AND APPEAL TO ADJACENT HOMEOWNERS;AND**

B) **EXTEND THE INDEMNITY AND HOLD HARMLESS THAT THE APPLICANT GIVES TO THE CITY – TO ALL AFFECTED ADJACENT HOMEOWNERS**

FINALLYA WORD ABOUT **REPLACEMENT OF TREES** IN THIS ORDINANCE

AS CURRENTLY WRITTEN – **THE ORDINANCE CONTEMPLATES THE DESTRUCTION OF TREES REGARDLESS OF THE AGE OF THE TREE**

NOT BECAUSE THE TREE IS UNHEALTHY OR DISEASED

NOT BECAUSE THE TREE IS A DANGER TO LIFE OR PROPERTY DAMAGE

BUT – BECAUSE – AND I QUOTE “ **“THE TREE TO BE REMOVED IS THE WRONG SPECIES FOR MAINTAINING THE SIZE AND BEAUTY OF STREET TREES IN THE AREA...”** ”

PERFECTLY HEALTHY TREE – **NO DISEASE, NO THREAT TO LIFE OR LIMB – JUST TOO VIEW BLOCKING**

HONESTLY - I FIND THAT LANGUAGE TO BE QUITE CHILLING

THERE ARE ALL KINDS OF WAYS TO ENHANCE VIEWS WITHOUT DESTROYING PERFECTLY HEALTHY TREES.

ESPECIALLY IN THIS TOWN WHERE TREES ARE FILTERING IN TOXIC DUST

AND BREATHING OUT CLEAN AIR

THERE'S CLIMATE CHANGE AND CLIMATE INDUCED NATURAL DISASTERS

AT A TIME WHEN NEIGHBORING CITIES LIKE TACOMA ARE **SPENDING \$100K A YEAR TO EXPAND TREE CANOPY – RUSTON SEEMS TO BE GOING IN THE OTHER DIRECTION.**

PLEASE – WHATEVER ELSE YOU DO WITH 14.11

RUSTON DOES NOT NEED TO BE PERMITTING THE DESTRUCTION OF HEALTHY TREES

RUSTON CAN AND SHOULD ENHANCE VIEWS WITHOUT DESTROYING HEALTHY TREES

THANK YOU FOR YOUR TIME



WASTE CONNECTIONS

Connect with the Future®

June 16th 2023

City of Ruston
Judy Grams, City Clerk
5117 N. Winnifred St.
Ruston, WA 98407

Re: Notice of Rate Adjustment under Section 9(a), 9(b), and 9(d) of the Agreement for the Collection and Disposal of Solid Waste, Recyclables, and Yard Waste in the City of Ruston

Dear Ms. Grams:

Section 9(b) of the Franchise Agreement provides for disposal fee adjustments to be made to collection rates for all increases or decreases in landfill/disposal cost. We were notified that on March 1, 2023 the landfill rate in Pierce County increased from \$166.45 per ton to \$171.23 per ton.

Section 9(a) of the Agreement provides for an annual CPI adjustment equal to 100% of the change in the Consumer Price Index as maintained by the U.S. Department of Labor for All Urban Consumers – Water and Sewer and Trash Collection Services for the immediately preceding 12-month period from the then most currently published index. The CPI change for this period is 5.71%.

Section 9(d) of the Agreement allows for the Contractor to apply to the City for temporary rate adjustments to reflect unforeseen costs arising during the term of this Agreement. As a result of the implementation of Washington's Climate Commitment Act, Murrey's has begun incurring a carbon fee on all fuel purchases. The current impact of passing through the carbon fee for residential customers is \$0.19/month. The impact for commercial customers ranges from \$0.28/month to \$2.84/month depending on the customer's level of requested service.



WASTE CONNECTIONS

Connect with the Future®

Rates reflecting the disposal fee increase and changes in the CPI are detailed by level of service in the attached exhibit, while the State's carbon fee would be reflected as a stand-alone line item on customer invoices.

We take pride in providing you with comprehensive waste collection, disposal, and recycling services. If I can answer any questions, please contact me by phone at (253) 377-1927 or by email at joshm@wcnx.org.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Metcalf", is written over the printed name.

Josh Metcalf

District Manager

Murrey's Disposal

City of Ruston

EXHIBIT - B

Effective 8/1/2023

Type of Service:

Residential Cart Service

**Rate
per Unit
per Month**

Garbage Cart Service:

20 Gallon Cart	\$	34.12
35 Gallon Cart	\$	39.66
65 Gallon Cart	\$	51.88
95 Gallon Cart	\$	67.12
Recycle Plus	\$	18.00
50' Maximum Walk-in / Drive-in Fee (per cart)	\$	21.64

Occasional Rates:

Occasional Extra Garbage (limit 32 gallons)	\$	6.44
Return Trip Charge per Cart (limit 32 gallons)	\$	12.10
Stop and Restart within 12-month - per unit, per re-delivery	\$	26.43
Bulky Item per Yard	\$	31.43
Restart Fee (Each)	\$	26.43
Returned Check Fee (per item)	\$	26.43
Redelivery Fee (Each)	\$	26.43

Recycling Cart Service:

2nd Recycling Cart (65 gallon)	\$	7.97
Occasional Extra Unit	\$	6.44

Yard Waste Cart Service:

65 Gallon Cart (Yard Waste)	\$	19.79
2nd Yard Waste Cart (65 gallons)	\$	19.79
Occasional extra per unit	\$	6.35

Commercial Container Service

Garbage Container Service:

35 Gallon Cart Once per Week	\$	33.69
65 Gallon Cart Once per Week	\$	42.18
95 Gallon Cart Once per Week	\$	61.68
1 Yard Once per Week	\$	186.20
1 Yard Twice per Week	\$	372.39
1-1/2 Yard Once per Week	\$	259.20
1-1/2 Yard Twice per Week	\$	518.37

2 Yard Once per Week	\$	313.25
2 Yard Twice per Week	\$	626.49
2 Yard Three Times per Week	\$	939.71
4 Yard Once per Week	\$	546.89
4 Yard Twice per Week	\$	1,093.78
4 Yard Three Times per Week	\$	1,640.66
6 Yard Once per Week	\$	773.35
6 Yard Twice per Week	\$	1,546.66
6 Yard Three Times per Week	\$	2,320.02
6 Yard five times per Week	\$	3,866.66

Commercial Compactor Service:

1 Yard compactor Once per Week (Customer Owned)	\$	1,016.95
2 Yard compactor Once per Week (Customer Owned)	\$	1,326.42
2 Yard compactor Twice per Week (Customer Owned)	\$	2,652.90
2 Yard compactor Three Times per Week (Customer Owned)	\$	3,913.35
3 Yard compactor Once per Week (Customer Owned)	\$	1,624.92
3 Yard compactor Twice per Week (Customer Owned)	\$	3,249.85
4 Yard compactor Once per Week (Customer Owned)	\$	1,923.41
Connect/reconnect fee	\$	76.45

Occasional Rates:

1 Yard Extra Pickup on Regular Route	\$	35.19
1.5 Yard Extra Pickup on Regular Route	\$	46.63
2 Yard Extra Pickup on Regular Route	\$	62.22
4 Yard Extra Pickup on Regular Route	\$	117.02
6 Yard Extra Pickup on Regular Route	\$	166.89
2 Yard Compactor Extra Pickup on Regular Route	\$	303.38
Return Trip Charge (per Container)	\$	23.81
Loose and bulky extra on regular Route per Yard	\$	54.85
Lock/Unlock (Service, per Month)	\$	5.71
Lock & Chain (Supplies, One Time)	\$	34.23

Permanent Drop Box Service:

20 Yard - Rent per Month	\$	125.51
25 Yard - Rent per Month	\$	136.92
30 Yard - Rent per Month	\$	148.34
40 Yard - Rent per Month	\$	159.74
50 Yard - Rent per Month	\$	164.02

Permanent Drop Box Collection per Haul (any size)	\$	251.04
---	----	--------

Temporary Drop Box Service:

Initial delivery	\$	131.22
20 Yard - Rent per Month	\$	205.39
25 Yard - Rent per Month	\$	216.81
30 Yard - Rent per Month	\$	228.21

40 Yard - Rent per Month	\$	273.85
50 Yard - Rent per Month	\$	328.03
Temporary Drop Box Collection per Haul (any size)	\$	308.09
Permanent Compactor Drop Box Service:		
Permanent Compactor Box Collection per Haul (any size)	\$	273.85
Other Charges:		
Disposal Dump Fee (plus tax)	\$	171.23
Excess Miles	\$	5.71
Tarping	\$	17.13
Connect/reconnect fee	\$	76.45
Tandem Axle Charge	\$	28.53
Time Charge (per Hour), Tandem Rear Drive Axle (Charged in 15-Min Increments)	\$	182.58
Clean	\$	11.41
Relocate	\$	142.63
Return Trip	\$	142.63

Councilmember Jensen Agenda Item – September 5, 2023

I would like to request an agenda item at the next council meeting to discuss creation of a city volunteer program.

Discussion:

A volunteer program would allow us to utilize the human resources of our residents to provide more opportunities in the city, from putting on social events, to helping with the website, to seeking out grant opportunities, to park planning and park and street cleanups - we have had people express interest in helping but have not been able to make the most of these offers. In order to properly use volunteers, we need: - A volunteer agreement If the volunteers are minors, we will want to have his/her parent sign the agreement. To protect the City from any liability - Guidelines for how we work with volunteers (a volunteer manual for city employees and well as the volunteer) - Volunteer Coordinator (Can be a volunteer, not necessarily staff) We have samples of the above documents provided by RMSA (the city's insurance, an arm of AWC) that could be reworked to suit Ruston needs Funding: Legal time spent writing above documents. - This could potentially be reduced if a volunteer rewrites these documents and presents the draft to the lawyer for review/finalization.

Action: Council would need to agree to add a volunteer program: maybe a minimal line item in the next budget to fund legal review and implementation.