

**CITY OF RUSTON  
REGULAR COUNCIL MEETING**

**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.

**Maryanne Bell** – Was not in favor of Ordinance 1570 as it was written. Ms. Bell explained that trees were an important part of the landscape, helping improve air quality, preventing erosion and the destruction of the flora and fauna. Ms. Bell requested additional detail and restrictions be written into Ordinance 1570 to protect the decision making when altering, maintaining or removing trees.

**Ginger Kryger** – See attached.

**BUSINESS** –

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

**ORD 1570 – Permit for Alteration of Street Trees – 1<sup>st</sup> 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 rather than formalizing a program. 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 52<sup>nd</sup> 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.

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Mayor Bruce Hopkins

ATTEST:

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Judy Grams

Tue, Sep 5, 2023 at 4:10 PM

Good afternoon,

I just finished reading the proposed ordinance 1570 and I wanted to voice my concerns.

The destruction of mature trees merely to increase a view and therefore increase the Ruston tax base seems short sighted. The calm and tranquility trees afford are worth so much more than a view for one or two homeowners or businesses. I feel business should not be given a voice at all in this matter because profit is their motivation whereas WE live here. (And businesses have the ability to write off all this expense on taxes.)

Granted, if there is a diseased or dying tree it must be carefully tended. But after seeing the appalling job of topping trees on the BN property (I assume), every single tree removal, pruning, tending would need careful and complete supervision by a knowledgeable and unbiased professional. Is Ruston prepared for that expense?

For clarification:

Monitoring tree health for 24 months?

If I understand, a homeowner could approach the mayor or his designee with a request to remove a Ruston tree to improve his view. (Homeowner supposedly has all the money and bond and insurance.) But it would essentially be an agreement with these two with no input from any other citizens.

What about trees in our "parks"? Winnifred Street median is considered a park. Destruction of those trees to increase a view? It could happen under this ordinance.

It seems this ordinance would benefit very few. So many visitors to Ruston love the big spruces and atlas cedars in the center median. Please don't (possibly) destroy that beauty by allowing a paltry tax base increase to sway your opinion.

This ordinance is bad for the City of Ruston.

Respectfully,

Ginger Kryger

## 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.