

**TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING/PUBLIC HEARING
TUESDAY, OCTOBER 2, 7:00 PM
South Prairie Town Hall
121 NW Washington Street**

The following is a condensation of the proceedings and is not a verbatim transcript.

CALL TO ORDER:

Mayor Peggy Levesque called to order and presided over the Regular Council Meeting/Public Hearing of October 2, 2012, at 7:00 PM.

ROLL CALL:

Council Members: Tony Caldwell, James Frank, Laura Heideman, Phillip Marshall and Stu Terry were present.

Also in attendance: Chris Holden, Dwight Partin, Mary Roach, and Barb Wigton, citizens; Mart Kask, Town Planner; Larry Harter, Utility Operator; Judy Tremblay, Deputy Clerk-Treasurer and Marla Nevill, Clerk/Treasurer.

FLAG SALUTE:

Mayor Peggy Levesque requested everyone stand for the "Pledge of Allegiance."

REVIEW AND APPROVAL OF AGENDA FOR OCTOBER 2, 2012:

❖ **Councilor James Frank** moved to approve the Agenda for October 2, 2012. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

ENGINEERING REPORT:

Mayor Peggy Levesque read the engineering reports from James Morgan, PE (see Exhibit "A" attached) and Mike Horton, PE, WH Pacific (see Exhibit "B" attached). Discussion followed.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF SEPTEMBER 4, 2012:

❖ **Councilor Tony Caldwell** moved to approve the Regular Council Meeting Minutes of September 4, 2012. **Councilor Phillip Marshall** seconded the motion. **Motion carried unanimously.**

APPROVAL OF BILLS FOR SEPTEMBER 2012, IN THE AMOUNT OF \$38,207.67:

Councilor Laura Heideman moved to approve the bills for September 2012, in the amount of \$38,207.67 (thirty-eight thousand two hundred seven dollars and sixty-seven cents). **Councilor Tony Caldwell** seconded the motion. Several inquiries were made regarding the bills and Council requested two bills be pulled. **Councilor Laura Heideman** moved to amend her motion to approve the bills for September 2012; minus the payments to Mighty-Quip in the amount of \$5,395.00 and Kask Consulting in the amount of \$2,078.10. Revising the September Bills amount to \$30,734.57 (thirty thousand seven hundred thirty-four dollars and fifty-seven cents) **Councilor Tony Caldwell** seconded the motion. **Motion carried unanimously.**

OPEN PUBLIC HEARING – SHORELINE MASTER PROGRAM:

❖ At 7:28 PM, **Councilor Laura Heideman** moved to open the Public Hearing for the final draft of the Shoreline Master Program. **Councilor Phillip Marshall** seconded the motion. **Motion carried unanimously.**

Mark Kask, Town Planner, presented an overview of the status of the Shoreline Master Program (SMP). (See Resolution No. 320 attached). He said we received a request from the Muckleshoot Indians and B. Inglin for a copy of the SMP documents; and the documents were sent to them electronically. He said we sent the Shoreline Master Program and the 60-Day Notice of Intent to Adopt to the Washington Department of Commerce (WDOC) for review. We have not received any comments from the WDOC. He said we have produced the SEPA (State Environmental Policy Act) Checklist; we have published the notification in the newspaper; we have contacted neighboring government agencies and property owners. He said he thought this issue is finally drawing to a close; and we will send the final draft to the Washington Department of Ecology (WDOE). Then WDOE will evaluate and give their final approval. He said as part of the Public Hearing you should call for any public comment and make changes in the final report. **Barb Wigton** said we were trying to decide the setbacks. She did not think anyone should build along there; and it's not a good idea to build where it's going to flood. She understood that the setback went back to fifty feet (50'). **Mart Kask** said two hundred feet (200') is the ordinary high-water mark. **Barb Wigton** said she wanted to make sure setbacks are at fifty feet (50'). **Mart Kask** said the consultant was directed to change the setback to fifty feet (50'). He said say we send the document to WDOE and some environmental organization finds fault with our SMP and makes a case with WDOE; then we would have to call another meeting to deal with this issue. Discussion followed. **Mary Roach** said she had some concerns, but those concerns were stated by Barb Wigton and they have been answered. **Dwight Partin** said he had some people from Pierce County Parks and Recreation out to his property today; and they made comments that the Trail could not be built in a Flood Zone. **Mart Kask** said yes. **Dwight Partin** said I think we want to address that issue as soon as possible. He said I want to move the Trail south of the proposed location. Would the Trail be allowed to be built in the Flood Zone? **Mart Kask** said if the Trail was built within fifty feet (50') of the shoreline, there would have to be a substantial development building permit. He said it is not uncommon for trails to be built through wetlands. He said trails have a special place in the hearts of environmentalists. He said as far as the Town is concerned this is a non-issue. He said the Department of Ecology would probably require a non-pervious surface. Discussion followed.

CLOSE PUBLIC HEARING:

❖ At 7:48 PM, **Councilor Tony Caldwell** moved to close the Public Hearing for the Shoreline Master Program. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1) Resolution No. 320 – Shoreline Master Program – Final Draft:

❖ **Councilor Tony Caldwell** moved to approve Resolution No. 320, Shoreline Master Program final draft. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

CITIZENS' COMMENTS:

Chris Holden said they had forty-seven people turn out for the Treasure Hunt last Sunday; and he showed the items they found. He said they had twenty-five professional metal detector operators and five professional pirates. He thanked the Mayor and Town Council for the use of the Veterans Park for the event and offered them donuts. Discussion followed. **Chris Holden** said he would like to make this an annual event. Discussion followed.

NEW BUSINESS CONTINUED:

2) Dwight Partin – Discuss with Council the location of the Foothills Trail through his RV Park:

Dwight Partin said we should get on the stick and discuss Resolution No. 151. He said the Trail needs to be moved fifty feet (50') south of where Pierce County is proposing to build the Trail. Discussion followed. **Councilor Stu Terry** said to what extent, do we even have jurisdiction? Do you want a recommendation from the Town? **Barb Wigton** said where is the County at on this issue? **Dwight Partin** said they plan on constructing the Trail in 2014. **Mart Kask** said Dwight had referenced a 30% requirement. On Resolution No. 151, 30% has to be kept in open space. Discussion followed. **Mayor Peggy Levesque** said basically you want the Council to send a letter to Pierce County recommending they move the Trail fifty feet (50') south to the edge of the 200' right-of-way. Discussion followed.

❖ **Councilor Tony Caldwell** moved to table until we receive further information from Dwight Partin. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

Appoint Committee to review Resolution No. 151:

Discussion ensued regarding the review of Resolution No. 151. Councilor James Frank and Tony Caldwell volunteered for the committee to review Resolution No. 151.

Recess: **Mayor Peggy Levesque** called for a brief recess from 8:25 – 8:30 PM.

Review of Purchases in Excess of \$1,000:

Discussion ensued regarding purchases over \$1,000.

❖ **Councilor Stu Terry** moved to require Council review prior to approval for purchases over \$1,000, except in the event of an emergency. **No second. Motion dies on the floor.**

❖ **Councilor Tony Caldwell** moved to table this issue to a later date. **Councilor Phillip Marshall** seconded the motion. **Motion carried unanimously.**

3) Judy Tremblay – Review Draft Budget for FY 2013:

Judy Tremblay gave a presentation to the Mayor and Town Council regarding the draft Budget for FY 2013. She said the funding for the Water Tank replacement is included in the budget. Discussion followed.

4) Move the November Council Meeting from November 6th to November 13th:

❖ **Councilor Tony Caldwell** moved to move the November 6th Council Meeting to November 13, 2012. **Councilor James Frank** seconded the motion. Discussion followed. **Motion carried unanimously.**

5) Authorize Mayor to issue October payroll on or before November 7th:

❖ **Councilor Tony Caldwell** moved to authorize the Mayor to issue the October payroll on or before November 7, 2012. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

6) Schedule Public Hearing for November 13, 2012, 7:00 PM to discuss the (Fiscal Year) FY2013 Budget and Setting Tax Levy Rates for FY2013:

❖ **Councilor Laura Heideman** moved to schedule the Public Hearing for the FY2013 Budget and Setting the Tax Levy Rates for FY2013. **Councilor Tony Caldwell** seconded the motion. **Motion carried unanimously.**

7) Review Nuisance Ordinance No. 262:

❖ **Councilor Tony Caldwell** moved to table this issue until a later date. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

Councilor Stu Terry asked about the Mart Kask bill for planning services. **Judy Tremblay** said she would review the bill. Discussion followed.

MAYOR'S REPORT:

Mayor Peggy Levesque said she met with Dr. Chin, Tacoma-Pierce County Health Department; and he was very enthusiastic about putting fluoride in our water. **Larry Harter** said it would cost a lot of money to implement. Discussion followed.

Mayor Peggy Levesque said she went to the Hazard Mitigation Meeting. They gave us a little bit of hope that we might be able to get some money for our water tanks; and a meeting will be set up with Pierce County Department of Emergency Management to discuss mitigation strategies and writing this into our plan. Discussion followed.

PUBLIC WORKS' REPORT:

Larry Harter said a couple of pumps went out and he submitted a request for spares. Discussion followed.

Larry Harter said the battery went out on the Touch-Read gun and he had to take it into the shop to get it fixed. He said he would have to read the meters by-hand this month. Discussion followed.

Councilor Tony Caldwell said we are working on getting a contact to put together the paperwork for the Water Tank Replacement Project. He said we need approval from the Health Department before we can move forward. Discussion followed.

Councilor Tony Caldwell said the floors need to be refinished at the Community Center. **Mayor Peggy Levesque** asked Tony to get bids. Discussion followed.

CLERK'S REPORT:

Marla Nevill said the furnace needs to be cleaned at the Town Hall. **Mayor Peggy Levesque** asked Marla to get some estimates. Discussion followed.

Mayor Peggy Levesque said we have a meeting scheduled on October 11, 2012 with the Town Attorney to review water, sewer and garbage regulations. Larry Harter, Jim Morgan, Judy Tremblay, Marla Nevill and I will be attending that meeting. Discussion followed.

COUNCIL MEMBERS REPORT:

Councilor Stu Terry asked about getting the fire truck for the Salmon Run. **Councilor Laura Heideman** said she checked with Chief Thorson; and we would have to give them a six-month notice before we could get the fire truck. Discussion followed.

Councilor Stu Terry said the owner of the auto repair shop would like to put up a sign. **Councilor Tony Caldwell** said the sign application would have to be submitted to the Town Planner for review. Discussion followed.

Councilor Stu Terry asked why there was not a stop-bar on SE Third Street at Emery Avenue. **Councilor Tony Caldwell** said one was not there before the paving project; and if we put one there, we would have to put one at every stop sign in Town. Discussion followed.

Councilor Stu Terry asked about the complaint we received about the Salmon Run. **Councilor Laura Heideman** said we received a complaint regarding preferential treatment for one business during the

Salmon Run event. She said Marla Nevill told them it was probably too late to make any changes this year but she would pass on the complaint to the Salmon Run committee. Discussion followed.

Councilor Laura Heideman said the Salmon Run was a great success. She said we had seventy people participate in the event. Discussion followed.

Marla Nevill said someone reported a lost cell phone. She said Tony went out and looked and found the cell phone. She said the cell phone was returned to its owner. Discussion followed.

Councilor James Frank asked whose horse was galloping down road without a rider. Discussion followed.

ADJOURNMENT:

- ❖ At 10:05 PM, **Councilor Phillip Marshall** moved to adjourn the Regular Council Meeting of October 2, 2012. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

Date Approved: November 13, 2012

RESOLUTION NO. 320

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTH PRAIRIE ADOPTING A MASTER PROGRAM FOR THE MANAGEMENT AND PROTECTION OF THOSE SHORELINES WITHIN SOUTH PRAIRIE, INCLUDING GOALS, POLICIES, REGULATIONS, AND ENVIRONMENTAL DESIGNATIONS: PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF THE REGULATORY PROGRAM, INCLUDING A PERMIT SYSTEM: AND GENERALLY CARRYING OUT THE PROVISIONS OF THE SHORELINE MANAGEMENT ACT OF 1971.

WHEREAS, the people of the State of Washington enacted the Shoreline Management Act, RCW 90.58 (referred to herein as "SMA") by a vote of the people in 1971; and

WHEREAS, primary responsibility for initiation and administering the regulatory program of the SMA has been assigned to local governments; and

WHEREAS, the Town of South Prairie (referred to herein as "the Town") has taken the necessary steps, as required by state law (RCW 90.58 and Chapter 173-26 WAC); to prepare a Shoreline Master Program (referred to herein as "SMP"); and

WHEREAS, the SMP establishes regulatory provisions to manage and protect the shorelines of the state in a manner which promotes the welfare of the people of the Town and the state generally and which carries out the intent, policy and specific provisions of the SMA; and

WHEREAS, the Town is required to update its SMP pursuant to the SMA and WAC 173-26; and

WHEREAS, The Watershed Company, retained by the Town to assist them with the preparation of the SMP update, in June 2011 produced a Working Draft of the SMP; and

WHEREAS, the Town Council of South Prairie held a public workshop on 3 April 2012, with the State Department of Ecology representative in attendance, approved the Working Draft SMP, dated June 2011 with a number of amendments and asked The Watershed Company to prepare an SMP containing the requested amendments; and

WHEREAS, The Watershed Company produced the SMP, dated May 2012, containing the 3 April 2012 Town Council requested amendments; and

WHEREAS, on 18 June 2012, the Town's State Environmental Policy Act responsible environmental official issued a SEPA Determination of Nonsignificance to the Town's SMP, dated May 2012; and

Exhibit "C"

WHEREAS, the South Prairie Town Council on 3 July 2012, at an open public hearing, concluded that the May 2012 SMP is consistent with and implements the SMA and the Growth Management Act (RCW 36.70); and

WHEREAS, the State Department of Ecology is authorized under the SMA to approve, deny or propose modifications to the Town's SMP; and

WHEREAS, the Town Council instructed the Town staff to send the SMP dated May 2012 to the Department of Commerce for a 60-day review, and the Department of Ecology; and

WHEREAS, the 60-day review by the Department of Commerce has passed and no comments have been offered, the Town Council on 4 September 2012 set a public hearing date for 2 October 2012 to adopt the SMP and forward it to the Department of Ecology for their final approval; and

WHEREAS, on 13 September 2012, the Town's State Environmental Policy Act responsible environmental official issued a SEPA Determination of Nonsignificance to the Town's SMP, dated May 2012.

NOW THEREFORE, be it resolved by the Town Council of the Town of South Prairie as follows:

Section 1. The Town Council hereby adopts the Town of South Prairie Shoreline Master Program, dated May 2012 containing Shoreline Jurisdiction and Environmental Designations, General Policies and Regulations, Shoreline Modifications and Uses, Nonconforming Uses and Development Standards, and Shoreline Permits Procedures and Administration, with the supporting materials listed below and incorporated by reference:

Draft Shoreline Inventory & Analysis Report, dated June 2011

Environmental Designations Map, dated 17 April 2012

Shoreline Restoration Plan, dated May 2012

Cumulative Impact Analysis, dated May 2012;

No Net Loss Report, dated May 2012.

Section 2. The Shoreline Master Program as referred to in Section 15.14 of the Town of South Prairie Unified Development Ordinance is repealed and substituted by Town of South Prairie Shoreline Master Program, dated May 2012.

Exhibit "C"

Section 3. The Town Council directs the Town staff to forward the appropriate documents to the State Department of Ecology for their review and final approval.

The South Prairie Town Council approved by majority at the conclusion of a Public Hearing on 2 October 2012.

Signed in authentication thereof on 2 October 2012.

Mayor Peggy Levesque

Attested:

Clerk-Treasurer, Marla Nevill

Exhibit "C"