

TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING/PUBLIC HEARING
TUESDAY, DECEMBER 4, 2007, 7:00 PM

CALL TO ORDER:

Mayor Peggy Levesque called to order and presided over the Regular Council Meeting/Public Hearing of Tuesday, December 4, 2007 at 7:00 PM.

ROLL CALL:

Council Members: Dave Lykstad, Laura Heideman, Anthony Caldwell and Eric Satterthwaite were present. Virginia Thompson was absent.

Also in attendance: Mart Kask, Town Planner; Danny Oliveaux, Country Gazette Reporter; Mathieu and Hailey Cameron, Karen Shell and Gerald Boures, citizens; Judy Tremblay, Deputy Clerk/Treasurer; and Marla Nevill, Clerk/Treasurer

FLAG SALUTE:

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

EXCUSE COUNCIL MEMBER ABSENCE FROM REGULAR COUNCIL MEETING ON DECEMBER 4, 2007:

- ❖ Councilor Dave Lykstad moved to excuse Council Member Virginia Thompson from the Regular Council Meeting on December 4, 2007. Councilor Anthony Caldwell seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

SWEARING IN NEW COUNCIL MEMBERS:

Marla Nevill, Clerk/Treasurer, swore Mathieu Cameron, Council Position No. 2, and Karen Shell, Council Position No. 4, into office.

OPEN PUBLIC HEARING – BUDGET FOR FISCAL YEAR 2008:

- ❖ At 7:08 PM, Councilor Laura Heideman moved to open the Public Hearing for the fiscal year 2008 Budget. Councilor Dave Lykstad seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

Judy Tremblay, Deputy Clerk/Treasurer, stated the 2008 Budget basically stayed the same as the 2007 Budget except for the addition of grant funding. She said we can add the value of new construction, but we are sticking with the 1% increase on property tax revenue. Tony Caldwell asked if funds would be allocated for sidewalks. He said we only received \$57,290 on the TIB grant, which only covers the cost of construction. He said the engineering would cost about \$15,000 to \$16,000. Judy Tremblay asked why we are this far into the process without knowing that we need matching funds for the TIB grant for the sidewalk project? Mayor Peggy Levesque asked Tony what would have to be budgeted for the sidewalk project? Judy Tremblay said the budget could be amended next year. Discussion followed. Judy Tremblay said she would do some research to find out if the funding for the sidewalk project could be taken out of the Capital Improvement Fund. Mayor Peggy Levesque suggested discussing the sidewalk project under the Public Works Report and move on with the Budget discussions. Judy Tremblay said the Budget is adopted by Fund and has to be approved by the Town Council before the end of the year. She

said the Town Council could amend the Budget after it is adopted. Mayor Peggy Levesque asked if anyone had any further questions. Tony Caldwell asked if any funds were allocated for on-call planning services and preparing planning packets. Mayor Peggy Levesque said the Town could borrow and adapt forms from other cities. Discussion followed. Mayor Peggy Levesque said the Town Attorney is using retainer hours to review and codify the Town's ordinances.

CLOSE PUBLIC HEARING:

- ❖ At 7:20 PM, Councilor Laura Heideman moved to close the Public Hearing for the FY 2008 Budget. Councilor Karen Shell seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

OPEN PUBLIC HEARING – CLAUDE THOMAS VARIANCE APPLICATION:

- ❖ At 7:20 PM, Councilor Dave Lykstad moved to open the Public Hearing for the Claude Thomas Variance Application. Councilor Laura Heideman seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously. Marla Nevill said the notice stated a start time of 7:30 PM and requested delaying the Public Hearing until that time. Council tabled the Public Hearing until 7:30 PM.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF NOVEMBER 6, 2007:

- ❖ Councilor Dave Lykstad moved to approve the Regular Council Meeting Minutes of November 6, 2007. Councilor Laura Heideman seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

APPROVAL OF BILLS FOR NOVEMBER 2007 IN THE AMOUNT OF \$29,710.62:

- ❖ Councilor Dave Lykstad moved to approve the bills for November 2007 in the amount of \$29,710.62 (twenty-nine thousand seven hundred ten dollars and sixty-two cents). Councilor Karen Shell seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

NEW BUSINESS:

- 1) Resolution No. 289 – Approving the Variance Application filed by Claude Thomas:
Tabled until after the Public Hearing.

- 2) Ordinance No. 497 – Tax Levy Certification for Regular Levy:

“Whereas, the Town Council of Town of South Prairie has met and considered its budget for the calendar year 2008; and, Whereas, the districts actual levy amount from the previous year was \$71,142.67; and, Whereas, the population of this district is less than 10,000; and now, therefore, Be it resolved by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2008 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be \$930.39, which is a percentage increase of 1.31% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.”

- ❖ Councilor Laura Heideman moved to approve Ordinance No. 497, the Tax Levy Certification for the Regular Levy. Councilor Mathieu Cameron seconded the motion. Mayor Peggy Levesque called for discussion. Marla Nevill explained

the Regular Levy Certification to the Council. No further discussion. **Motion carried unanimously.**

3) Ordinance No. 498 – Tax Levy Certification for EMS Levy:

“Whereas, the Town Council of Town of South Prairie has met and considered its budget for the calendar year 2008; and, Whereas, the districts actual levy amount from the previous year was \$12,903.12; and, Whereas, the population of this district is less than 10,000; and now, therefore, Be it resolved by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2008 tax year. The dollar amount of the increase over the actual levy amount from the previous year shall be \$168.74, which is a percentage increase of 1.31% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.”

❖ **Councilor Dave Lykstad** moved to approve Ordinance No. 498, the Tax Levy Certification for the EMS Levy. **Councilor Laura Heideman** seconded the motion. **Mayor Peggy Levesque** called for discussion. **Marla Nevill** explained the EMS Levy Certification to the Council. No further discussion. **Motion carried unanimously.**

4) Ordinance No. 499 – Budget Amendment for 2007:

“An Ordinance of the Town of South Prairie, Pierce County, Washington, amending the 2007 Budget.”

❖ **Councilor Laura Heideman** moved to approve Ordinance No. 499, Budget Amendment for 2007. **Councilor Dave Lykstad** seconded the motion. **Mayor Peggy Levesque** called for discussion. **Judy Tremblay** said the budget was amended to include revenues from grant funding, loan from the Public Works Board and expenditures for the Water Comprehensive Plan Update. **Tony Caldwell** asked if the TIB grant for \$57,290 was included in the amendment. **Judy Tremblay** said no, it included the grant from AWC, the Local Records Grant and the CDBG and EPA Grant for the Wastewater Treatment Plant improvements. No further discussion. **Motion carried unanimously.**

PUBLIC HEARING CONTINUED – CLAUDE THOMAS VARIANCE APPLICATION:

At 7:30 PM, the Public Hearing for the Claude Thomas Variance Application was continued. **Mart Kask** said we received a Variance Permit application from Claude Thomas, and read into record his Findings and Conclusions. (See Exhibit “A” attached). **Councilor Dave Lykstad** asked if the setback is from the overhang or the foundation. **Mart Kask** said from the foundation. Discussion followed. **Mart Kask** recommended approving the Variance Permit Application. No further discussion.

CLOSE PUBLIC HEARING:

❖ At 7:39 PM, **Councilor Dave Lykstad** moved to close the Public Hearing. **Councilor Karen Shell** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

NEW BUSINESS CONTINUED:

1) Resolution No. 289 – Approving the Variance Application filed by Claude Thomas:

“A Resolution of the Town of South Prairie, Pierce County, Washington, approving the Variance Application filed by Claude Thomas.”

- ❖ **Councilor Karen Shell** moved to approve Resolution No. 289, Variance Application filed by Claude Thomas. **Councilor Laura Heideman** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

5) Ordinance No. 500 – Budget for Fiscal Year 2008:

“An Ordinance of the Town of South Prairie, Pierce County, Washington, adopting a Budget for Fiscal Year ending December 31, 2008.”

- ❖ **Councilor Laura Heideman** moved to approve Ordinance No. 500, Budget for fiscal year 2008. **Councilor Karen Shell** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

6) Schedule Public Hearing for Shawn Williams Short Plat Application:

- ❖ **Councilor Laura Heideman** moved to schedule the Public Hearing for the Shawn Williams Short Plat Application for Wednesday, January 2, 2007, 7:00 PM or shortly thereafter. **Councilor Dave Lykstad** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

***Amend Agenda to add Ordinance No. 501, Adopting the 2007 Update to the Water System Plan and Schedule Public Hearing for Don Zgonc, Sidewalk Variance Application.**

7) Ordinance No. 501 – Adopting the 2007 Update to the Water System Plan:

“An Ordinance of the Town of South Prairie, Pierce County, Washington, adopting the 2007 Update to the Water System Plan.”

- ❖ **Councilor Dave Lykstad** moved to approve Ordinance No. 501, Adopting the 2007 Update to the Water System Plan. **Councilor Laura Heideman** seconded the motion. **Mayor Peggy Levesque** called for discussion. **Mart Kask** said the Water System Plan Update was approved by the Department of Ecology. He said he spoke with the Town Attorney because she had stated concerns about a State Statute, which only allows one amendment to the Comprehensive Plan per year. He said he had included the Water System Plan Update in the approval of the Comprehensive Plan, which was adopted by the Town Council in October. So, the Council could approve the Water System Plan Update and not have to amend the Comprehensive Plan. No further discussion. **Motion carried unanimously.**

8) Schedule Public Hearing for Don Zgonc, Sidewalk Variance Application:

- ❖ **Councilor Dave Lykstad** moved to schedule the Public Hearing for the Don Zgonc Variance Application for Wednesday, January 2, 2007, 7:00 PM or shortly thereafter. **Councilor Laura Heideman** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

OLD BUSINESS:

None.

CITIZENS' COMMENTS:

Mitzi McMahan, Office of the County Executive, gave a brief presentation highlighting the services offered by the County Executive's office in the areas of economic development, tourism, demographic analysis, and business retention and expansion services. She said these services are

extended to smaller cities that have limited staff. She distributed pamphlets that explained some of the services offered and the contact information. Discussion followed.

MAYOR'S REPORT:

Holiday Decorations Donated by the City of Buckley:

Mayor Peggy Levesque said we received a very nice donation from the City of Buckley. She said they donated their old Holiday decorations to the Town of South Prairie. She said the Fire Department offered to hang them up, but the gutters first have to be replaced at the Fire Station. She said hopefully the decorations would be hung up next year. Discussion followed.

Rails to Trails Coalition:

Mayor Peggy Levesque said the Rails to Trails Coalition want to make South Prairie the heart of the Trail. She said they have some great ideas to enhance the Trail. Discussion followed.

Storm Drains Cleaned:

Mayor Peggy Levesque said Tony was able to get the storm drains cleaned before the rains came. She said there was only one problem and that was at the corner of SW Third Street and South Prairie/Carbon River Road. She said South Prairie weathered the storm very well. Discussion followed.

Pierce County Sheriff's Department – Contracted Services Meeting:

Mayor Peggy Levesque said she and other representatives from contracted cities met with the Sheriff's Department to discuss issues or concerns. She said they are having another meeting next Wednesday to discuss staffing and any additional concerns. She said Deputy Jeff Galloway was injured and will be out for a while. She said Deputy Rob Sevedra would be covering for Deputy Galloway. She said the one complaint we have received from a citizen is that they are not notified if the Sheriff's Department responds to a complaint. Discussion followed. **Mayor Peggy Levesque** asked the Council Members to let her know before next Wednesday, if they have any issues they would like to see addressed.

PUBLIC WORKS' REPORT:

Catch Basins:

Tony Caldwell said the estimate was \$2,500 to clean the catch basins. He said some of them were pretty bad. He said the stormwater is now backing up at SW Third Street and South Prairie/Carbon River Road. He contacted Pierce County and they will work with the Town, but they have to have a Fish Biologist authorize cleaning the ditch. He said water from the Town and the County is going across private property, but we cannot clean the ditch on private property. He said it would cost the Town approximately \$200 for the Fish Biologist and requested Council approval to go forward. Discussion followed. **Marla Nevill** said she did not think a motion was needed. **Tony Caldwell** recommended putting in a culvert and catch basin at SW Third Street and South Prairie/Carbon River Road. Discussion followed.

TIB Grant for Sidewalk Project:

Tony Caldwell said we received the grant from TIB for the Sidewalk Project and requested permission from the Council to oversee the project. Council approved Tony's request. Discussion followed. **Mayor Peggy Levesque** said AWC has requested for quite some time that we replace the deteriorating sidewalks. Discussion followed.

CLERK'S REPORT:

Permanent Records to State Archives:

Marla Nevill said the State Archives picked up the Town's permanent records to copy to microfilm. She said Mike Saunders, our Regional Archivist, would be here in January to review the old records and identify those records to be archived and those we can dispose of. Discussion followed.

Fund Adjustments:

In response to a question about Budget Amendments, Judy Tremblay said if a Fund total is not changed, we could make adjustments in the Fund without doing a Budget Amendment.

COUNCIL MEMBERS REPORT:

Street Lights:

Councilor Dave Lykstad said a streetlight is out on Second Street. Councilor Karen Shell said there is a streetlight out at Rainier Avenue and Highway 162. Marla Nevill said they would have to get the streetlight numbers off of the pole and report it to PSE via their website at www.intolight.com. Discussion followed. Gerald Boures asked why there is a fixture but no light on SW Second Street. Tony Caldwell said eight years ago it was shut off due to budget constraints.

*Mayor Peggy Levesque said she would entertain a motion to go into Executive Session to discuss the Labor Agreement negotiations.

EXECUTIVE SESSION: Labor Agreement Negotiations – Approximately 30 Minutes

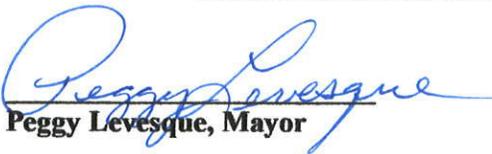
- ❖ At 8:35 PM, Councilor Laura Heideman moved to recess to Executive Session for approximately thirty minutes to discuss the Labor Agreement negotiations. Councilor Dave Lykstad seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

CLOSE EXECUTIVE SESSION:

- ❖ At 9:02 PM, Councilor Laura Heideman moved to close the Executive Session. Councilor Dave Lykstad seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.

ADJOURNMENT:

- ❖ At 9:07 PM, Councilor Dave Lykstad moved to adjourn the Regular Council Meeting of December 4, 2007. Councilor Karen Shell seconded the motion. Mayor Peggy Levesque called for discussion; seeing none, she called for the vote. Motion carried unanimously.


Peggy Levesque, Mayor


Marla Nevill, Clerk/Treasurer

Memorandum

TO: Mayor and Town Council
Town of South Prairie

FROM: Mart Kask, AICP, PE, Town Planner **M.K.**
Town of South Prairie

SUBJECT: Review of variance application by Claude Thomas
Reduce side-yard requirement from 8 feet to 3 feet
114 SW First Street, South Prairie

DATE: 19 November 2007

At Issue

Claude Thomas, residing at 114 SW First Street, South Prairie, has applied for a variance permit to reduce the required side-yard setback from 8 feet to 3 feet to build a 24 by 24 foot garage on his above named property. Mr. Thomas states in his application that to set the garage back 8 feet from the side-yard line would place the garage partially on top of the existing STEP wastewater collection tank, located on the back side of his property as shown on the attached sketch.

Findings of Fact

1. The lot upon which the variance is sought, 114 SW First Street, South Prairie, Assessor's lot number 2530200031, is zoned R – residential.
2. The site is occupied by a residential structure and a garage is a permitted accessory structure, provided it is properly set back from side and back yard lines, Section 17.04.010.E.1 South Prairie Unified Development Ordinance (UDO).
3. An accessory building that is located on a non-corner lot shall be set back eight (8) feet from the side and rear yard line, Section 17.08.160.A UDO.
4. On the site is a STEP wastewater collection tank, located about twenty seven (27) feet from the side-yard.

5. The applicant proposes to build a twenty four by twenty four (24 X 24) foot garage on the back side of his property.
6. Adhering to the eight (8) foot side-yard setback requirement would place part of the garage on top of the STEP wastewater tank.
7. In lieu of moving the STEP wastewater tank, the applicant is requesting a variance to reduce the side-yard requirement from eight (8) feet to three (3) feet to allow the garage to be built without conflicting with the location of the STEP wastewater tank.
8. The applicant proposes to build the garage eight (8) feet inside from the back lot line.
9. The variance application is categorically exempt from SPA regulations, WAC 197-11-800(6)(b).
10. The site of the variance application is within the mapped critical are area of the Town of South Prairie. Specifically it lies within the area identified as seismic hazard area and partially in the aquifer recharge area.

Conclusions

1. The application was filed on 5 November 2007 and a public hearing has been scheduled for 4 December 2007, meeting the required minimum of thirty (30) day advance notice, Section 17.09.040.A UDO.
2. The applicant has made an advance payment of \$500.00 toward the variance processing application fee.
3. The variance application is judged to be complete.
4. A public hearing on the variance has been scheduled for 4 December 2007, beginning at 7:30 P.M. at the Town Hall.
5. Filing a variance application and the scheduling of a public hearing has been sent to the newspaper meeting the ten (10) day advance notice requirement.
6. Notices to the property owners within 300 feet of the applicant's property informing them of the variance application and the public hearing have been mailed.

7. Signs have been posted, notifying of the proposed variance application and the scheduled public hearing, have been posted.
8. The Town Planner concludes that the variance shall not constitute a grant of special privileges inconsistent with a limitation upon such uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.
9. The Town Planner concludes that such variance is necessary, because of special circumstances relating to the size, shape, and location of surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
10. The Town Planner concludes the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situate.
11. Although the variance application site lies within the seismic hazard critical area and partially in the critical aquifer recharge area, a critical areas report is not required for the variance application due to the construction of an accessory building, a garage.

Recommendation

That the variance requested by Claude Thomas, residing at 114 SW First Street, South Prairie, to reduce the required side-yard setback requirement from 8 feet to 3 feet to build a 24 by 24 foot garage on his above named property be granted.

Period of Validity

Any variance authorized by the Town Council shall remain effective only for one (1) year, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one (1) year, the variance shall become invalid, Section 17.09.040.E UDO.

Appeal

The decision of the Town Council shall be final and conclusive unless within ten (10) days from the date of action the original applicant or an adverse party files application

to the county superior court for a writ of certiorari, writ of prohibition or writ of mandamus, Section 17.09.040.D.1 UDO.

Taxpayer Details

Taxpayer Name: THOMAS CLAUDE & JENNIFER
Mailing Address: 114 1ST ST SW
SOUTH PRAIRIE WA 98385

Property Details

Parcel Number: 2530200031
Site Address: 114 SW 1ST ST
Account Type: Real Property
Category: Land and Improvements
Use Code: 1101-SINGLE FAMILY DWELLING

