

**TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 3, 2013, 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 Pro-Tempore Laura Heideman called to order and presided over the Regular Council Meeting of Tuesday, September 3, 2013, at 7:00 PM.

ROLL CALL:

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

Also in attendance: Mart Kask, Town Planner; James Morgan, Town Engineer; Larry Harter, Utility Operator; and Marla Nevill, Town Clerk/Treasurer.

FLAG SALUTE:

Mayor Pro-Tem Laura Heideman requested everyone stand for the “Pledge of Allegiance.”

REVIEW AND APPROVAL OF AGENDA FOR SEPTEMBER 3, 2013:

❖ **Councilor Stu Terry** moved to approve the Agenda for September 3, 2013. **Councilor Jim Frank** seconded the motion. **Motion carried unanimously.**

ENGINEERING REPORTS:

James Morgan – Town Engineer – On-Call Services:

Comcast’s Subcontractor Submitted an Application for Right-of-Way Permit:

James Morgan said a Comcast subcontractor submitted an application to install a conduit at the fire station/community center. The permit was approved with conditions. (See Exhibit ‘A’ attached). He said the question was asked regarding responsibility for permits within the right-of-way for SR 162. WSDOT (Washington State Department of Transportation) has indicated that within the incorporated Town it is the responsibility of the Town. If the project extends outside the Town limits, that portion outside the Town is to be reviewed by WSDOT. Discussion followed.

Valley Water District Authorized Staff to Pursue Taking over Town of South Prairie Utilities:

James Morgan said the Board of Valley Water District authorized staff to continue the pursuit of taking over responsibility for the Town of South Prairie utilities. (See Exhibit ‘A’ attached). He said the District is consulting with their attorney and consultants on the following: legal issues; boundary review board; etc. Discussion followed.

PLANNER REPORT:

Status Report – Constructing a 40’ x 60’ Metal Building on Tax Lot #0619182039, Jan Van Halder, Developer:

Mart Kask said the applicant filed a building permit application with Pierce County. He said approval was held up as the inspector was on vacation. There are minor issues that must be addressed. He said he would inform Pierce County not to grant occupancy until the outstanding issues have been addressed. We want to make sure we receive the parking lot design before certifying the conditions have been met. (See Exhibit ‘B’ attached). Discussion followed. **Mart Kask** requested a Council vote that sign-off is required before occupancy is issued. Discussion followed.

- ❖ **Councilor Jim Frank** moved to send a letter to Pierce County requiring that the occupancy permit not be issued until it is certified by the Town of South Prairie that all conditions have been met. **Councilor Phil Marshall** seconded the motion. Discussion followed. **Motion carried unanimously.**

Town Council Review and Approval of an Application to Erect a Sign on the South Prairie Fire Station Property:

Mart Kask said Scott Bramall filed an application to erect a sign on the South Prairie Fire Station property. The intent is to replace the existing aging and deteriorating sign at the site. Scott Bramall's teenage son will be doing the work to fulfill the requirement to reach Eagle Scout status. **Mart Kask** stated his Findings, Conclusions and Recommendations. (See Exhibit "C" attached).

Mart Kask recommendations are as follows:

1. That the South Prairie Town Council approves the erection of a new sign at the South Prairie Fire Station site as a replacement for the existing aging and deteriorating sign. Electric lighting will not be provided to the sign.
2. Since the proposed action of replacing an existing sign with a new sign should be considered as a maintenance and renewal action and thus, does not require the issuance of a permit.
3. The new sign will become the property of the Town of South Prairie and the Town of South Prairie will control the messaging that will go on the sign.
4. Since the Town will receive a benefit as a result of the erection of a new sign, the Town should excuse the applicant from payment of any and all fees, normally charged for this type of development.

Marla Nevill said she was told by a representative from East Pierce Fire & Rescue Volunteer Firefighters Association that the applicant has a licensed electrician who has volunteered to install the electrical for the sign at no cost. **Councilor Tony Caldwell** said technically that sign was never finished. He said we probably want that sign to come down. **Councilor Jim Frank** said they would be required to get an L & I (Labor & Industries) permit. **Councilor Stu Terry** said the location would be up to the Fire District. **Councilor Tony Caldwell** said the sign is located in the State right-of-way. The State right-of-way is seventy-five feet from the centerline of the road. **Mart Kask** said he recommended the location be determined by the Town of South Prairie. Discussion followed.

- ❖ **Councilor Stu Terry** moved to approve the application for sign replacement at the Fire Station/Community Center. **Councilor Tony Caldwell** seconded the motion. **James Morgan** said you want to make sure it's located away from the Clear Zone. **Councilor Jim Frank** asked who issues the permit if it's in the State right-of-way. Discussion followed about keeping the old sign and installing a new sign. **Mayor Pro-Tem Laura Heideman** said she did not believe we needed two signs. **Larry Harter** said the existing sign should be rebuilt or replaced. Discussion followed. **Mart Kask** recommended the applicant work with the Town of South Prairie and East Pierce Volunteer Firefighters Association on the location. **Councilor Phil Marshall** requested that the old sign be removed prior to installing the new sign. **Motion carried unanimously.**

Brief Recess: 7:27 – 7:32

Citizen Complaints on Restricting Access to the Foothills Trail at the Abandoned Railroad Bridge, Crossing South Prairie Creek:

Mart Kask said in early August, the Town received three complaints about the closure of pedestrian access to the Foothills Trail at the abandoned railroad bridge crossing South Prairie Creek. (See Exhibit "D" attached). The complaints also pointed out that someone had smeared heavy grease on the wooden planks on the bridge and on the wire fence blocking entrance to the trail. He said upon receipt of the three complaints, the Town Clerk referred the matter to the Pierce County Parks Department. The blockage of the pedestrian access to the Foothills Trail and smearing of grease took place on Pierce County property. Discussion followed. **Councilor Laura Heideman** asked if anyone could make him take down the fence. **Mart Kask** since Pierce County is in negotiations for purchasing the neighboring property; they could not discuss any issues with the Town of South

Prairie or anyone else. **Larry Harter** said he was over at the Park when Dwight Partin was nailing up the fence; and Dwight made a comment that he was blocking it to keep thieves from accessing his property from the Trail. Discussion followed.

Environmental Checklist Review, Foothills Trail South Prairie to Buckley:

Mart Kask said he reviewed and commented on the Environmental Checklist for the Foothills Trail – South Prairie to Buckley. (See Exhibit “E” attached). He said it is critical for the Town to pay attention to the Environmental Checklist. A good portion of the Trail is in South Prairie. They have to obtain permits from the Town of South Prairie. He said the Trail is not entirely located in rural unincorporated Pierce County as stated in their environmental checklist. He said the comments would be sent in tonight. Discussion followed.

Code Enforcement:

Mart Kask said letters were written to violators of the nuisance ordinance for junk vehicles. Discussion followed.

Councilor Tony Caldwell asked if a response was received from GES. **Mart Kask** said we have not received a response; and we would have to send a follow-up letter. Discussion followed.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF AUGUST 6, 2013:

❖ **Councilor Jim Frank** moved to approve the Regular Council Meeting Minutes of August 6, 2013. **Councilor Stu Terry** seconded the motion. **Councilor Tony Caldwell** asked if Peggy Levesque’s letter of resignation was attached. **Marla Nevill** said yes. **Motion carried unanimously.**

APPROVAL OF BILLS FOR AUGUST 2013, IN THE AMOUNT OF \$34,341.21:

❖ **Councilor Phil Marshall** moved to approve the bills for August 2013, in the amount of \$34,341.21 (thirty-four thousand three hundred forty-one dollars and twenty-one cents). **Councilor Tony Caldwell** seconded the motion. Several questions were asked and answered regarding the August bills. **Motion carried unanimously.**

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1) Ordinance No. 532 – Adopting New Provisions for the Town Related to Animal Control:

❖ **Councilor Jim Frank** moved to approve Ordinance No. 532 adopting new provisions for the Town related to Animal Control. **Councilor Stu Terry** seconded the motion. Discussion followed. **Motion carried unanimously.**

2) Animal Control Services Agreement with Pierce County:

❖ **Councilor Tony Caldwell** moved to approve the Animal Control Services Agreement with Pierce County. **Councilor Jim Frank** seconded the motion. Discussion followed. **Motion carried unanimously.**

**3) Ordinance No. 537 – Adopting New Provisions Related to Vehicle and Traffic:
Tabled until the October 1, 2013 Council Meeting**

4) Authorization for partial repayment to the General Fund from the Water Fund for Funds Expended for new Water Tank in the amount of \$40,000:

❖ **Councilor Stu Terry** moved to authorize the partial repayment to the General Fund from the Water Fund for funds expended for the new Water Tank in the amount of \$40,000. **Councilor Tony Caldwell** seconded the motion. **Councilor Tony Caldwell** said we negotiated with Valley Water District and gave approval to repay the General Fund \$40,000 for partial repayment of funds that were expended for the new water tank. He said

Valley Water District did not want the Town to pay off the loan for the Wastewater Treatment Plant. Discussion followed. **Councilor Tony Caldwell** said they have to meet with the Superintendent for White River School District (WRSD) on Thursday to discuss the lease agreement. **Larry Harter** said we have had a perpetual easement for Well #1 on Third Street since 1967. This easement is in effect as long as the property is used for potable water. **Councilor Jim Frank** said we need to develop a flowchart to show the Town's people what is going on with the utilities. He suggested that a memo be sent out to the citizens. Discussion followed. **Motion carried unanimously.**

5) Appointment of Mayor to fill vacant position until after the General Election results have been certified:

- ❖ **Councilor Stu Terry** moved to appoint a Mayor to fill the vacant position until after the General Election results have been certified. **Councilor Jim Frank** seconded the motion. **Councilor Stu Terry** said Tony Caldwell is the only one that ran for Mayor and is the logical choice. **Councilor Tony Caldwell** said no one signed up for the position. **Councilor Stu Terry** stated he would like to amend his motion to appoint Tony Caldwell as Mayor. **Councilor Phil Marshall** said he was okay with that. **Councilor Jim Frank** seconded the motion. **Marla Nevill** read the information from Municipal Research Service Center regarding filling a vacancy. Discussion followed. **Motion carried unanimously.**

Councilor Tony Caldwell said we need a motion to move forward with the transfer of the water and sewer utilities to Valley Water District. **James Morgan** said the Board of Commissioners for Valley Water District authorized their staff to move forward with the transfer.

6) Review of Ordinance No. 534 – Business License Regulations (Possible Council Action to Direct Town Attorney to Revise Ordinance for Business License Regulations):

- ❖ **Councilor Jim Frank** moved to direct the Town Attorney to review and revise Ordinance No. 534 – Business License Regulations. **Councilor Stu Terry** seconded the motion. **Marla Nevill** explained that the ordinance as it is written requires that every business that delivers goods and services to residents or businesses located in the Town of South Prairie must purchase a business license. She explained the dilemma staff would encounter trying to enforce this ordinance. She requested the ordinance be rewritten to require only those businesses located within the corporate boundaries of the Town of South Prairie purchase a business license and include a clause to cover solicitors and mobile vendors. Discussion followed. **Motion carried unanimously.**

Amend Agenda: Add Council Action Authorizing Town to Move Forward with Transferring Water and Sewer Utilities to Valley Water District (VWD) and allow staff to prepare documentation for VWD:

- ❖ **Councilor Tony Caldwell** moved to authorize the Town of South Prairie to move forward with the transfer of the Water and Sewer Utilities to Valley Water District (VWD) and allow staff to prepare documentation for VWD. **Councilor Stu Terry** seconded the motion. Discussion followed. **Motion carried unanimously.**

CITIZENS' COMMENTS:

None

MAYOR'S REPORT:

Mayor Pro-Tem Laura Heideman said she's been the interim Mayor for two week and Marla has been awesome but she is a busy gal.

Mayor Pro-Tem Laura Heideman said she received a complaint about Third Street Park and she would like to have the rope put back up after dark. She said people were out there hitting golf balls into Third Street; and she would bring this up at the next Council meeting. Discussion followed. **Mayor Pro-Tem Laura Heideman** requested that Larry get reflectors and fix the cable. **Larry Harter** asked if the cable would be left up 24/7. Discussion followed.

PUBLIC WORKS' REPORT:

Larry Harter said there are property owners that have planters in the Town right-of-way. He asked if we need to send them a letter. Discussion followed. **Councilor Tony Caldwell** said we probably need to send a letter to the property owner that has a garden on Town property. **Mayor Pro-Tem Laura Heideman** asked Larry and Tony to get the information to Marla so we can send out the letters. **Larry Harter** asked about vehicles stored in a fenced lot. **Mart Kask** said our Code states that if there is a change in the Land Use, it has to be approved by the Town Council. Discussion followed.

Larry Harter said in regards to the Park damage, is there any way we could go after his insurance? Discussion followed. **Councilor Jim Frank** said it is probably easier to fix the damages and move on. **Councilor Tony Caldwell** asked if we could turn the issue into our insurance and have them go after him. **Councilor Jim Frank** said we should put a cable across the entrance and fix the ruts. **Councilor Tony Caldwell** we could try again to get the person to fix the damages; and turn it over to our insurance if he does not repair the damages. Discussion followed.

CLERK'S REPORT:

Marla Nevill requested a current inventory of the trees that need to be inspected; so we can go out to bid for the arborist. **Larry Harter** said he would the information to Marla Nevill.

COUNCIL MEMBERS REPORT:

Councilor Tony Caldwell said when he meets with White River School District (WRSD) he would find out if they would be willing to sell the well site on SW Third Street to Valley Water District (VWD). Discussion followed. **Councilor Tony Caldwell** said we'll have to make sure we have all of the documents and easements for the Water and Sewer Utilities.

Mayor Pro-Tem Laura Heideman directed Marla Nevill, Town Clerk-Treasurer to swear in Tony Caldwell as Mayor before the next Council meeting.

ADJOURNMENT:

- ❖ At 8:50 PM, **Councilor Tony Caldwell** moved to adjourn the Regular Council Meeting of September 3, 2013. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

Date Approved: October 1, 2013