

**TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING/PUBLIC HEARING
TUESDAY, NOVEMBER 5, 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 Tony Caldwell called to order and presided over the Regular Council Meeting/Public Hearing of Tuesday, November 5, 2013, at 7:00 PM.

ROLL CALL:

Council Members: Stu Terry, Phil Marshall, Les Rossich and Jim Frank were present. Laura Heideman was absent.

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

FLAG SALUTE:

Mayor Tony Caldwell requested everyone stand for the “Pledge of Allegiance.”

REVIEW AND APPROVAL OF AGENDA FOR NOVEMBER 5, 2013:

Request Amendment to Agenda: New Business – Item 1 – Ordinance No. 537, Item 2 – Ordinance No. 538, Item 3 – Ordinance No. 539 and Item 7 – Review Nuisance Ordinances from Other Jurisdictions – Table to the end of the meeting or until the December 3, 2013 Council Meeting.

- ❖ **Councilor Stu Terry** moved to approve the Agenda for November 5, 2013, with the requested amendments. **Councilor Phil Marshall** seconded the motion. **Motion carried unanimously.**

OPEN PUBLIC HEARING – FY2014 BUDGET & SETTING TAX LEVY RATES FOR FY2014:

- ❖ At 7:04 PM, **Councilor Jim Frank** moved to open the Public Hearing for the Fiscal Year (FY) 2014 Budget and setting the Tax Levy Rates for Fiscal Year (FY) 2014. **Councilor Les Rossich** seconded the motion. **Motion carried unanimously.**

No citizens were present. **Judy Tremblay** went over the budget for FY2014 and setting the Tax Levy Rates for FY2014. **Councilor Jim Frank** asked for the projected income for 2014. **Judy Tremblay** said it is \$927,644. **Councilor Jim Frank** asked for the projected expenditures for 2014. **Judy Tremblay** said it is \$927,644. She said we will also have ending Fund balances for each of the Funds. Discussion followed. **Judy Tremblay** said we usually have money left in the Funds at the end of each year. **Councilor Stu Terry** had questions about the EMS (Emergency Medical Services) Fund. **Judy Tremblay** explained that this is a pass through. She said any tax revenue we receive would be passed onto East Pierce Fire and Rescue for Emergency Medical Services. Discussion followed.

CLOSE PUBLIC HEARING:

- ❖ At 7:10 PM, **Councilor Stu Terry** moved to close the Public Hearing for the FY2014 Budget and Setting the Tax Levy Rates for FY2014. **Councilor Phil Marshall** seconded the motion. **Motion carried unanimously.**

ENGINEERING REPORTS - James Morgan, Town Engineer – On-Call Services:

James Morgan asked about PSE, Comcast and CenturyLink relocating the lines in front of the Fire Station and repairing the asphalt. **Marla Nevill** said PSE and Comcast had relocated their lines and we were waiting for CenturyLink to submit a Right-of-Way Permit application and complete their portion of the work. Discussion followed. **Mayor Tony Caldwell** asked James Morgan to contact the respective utilities to complete their work

to relocate the utilities and coordinate between them to repair the asphalt. Discussion followed. **James Morgan** said he would follow up on this issue.

PLANNER REPORT – Mart Kask, Town Planner:

Marijuana Law:

Mart Kask said the major issue is the marijuana law which takes effect November 15, 2013. He said there has been a lot of discussion on how to make that happen. He said the issue for us is there are seventeen licenses allocated to Pierce County at-large; and there is a good probability that the Town will receive applications from retailers, growers or processors. (See attached Exhibit “A”). Discussion followed. **Mart Kask** said the Liquor Control Board shall not issue a license for any premises within one thousand feet of the perimeter of any school, playground, recreation center of facility, child care center, public park or public transit center. He said there is a clear indication that the Trail would be considered a Park. Our Code does not permit this activity within 1000 feet of Parks. It is probably best to do nothing at this time. Discussion followed regarding the Federal Law. **Mart Kask** said since Washington State adopted the law, the Feds have said they would not prosecute violators. He said it is stated in the State Law that they cannot smoke marijuana in public. **Councilor Jim Frank** asked if the Wagon Wheel could apply for a license. **Mart Kask** said they applied for a Smoking Area permit and could not meet the distance requirement from the building and withdrew their application. He said Pierce County is going to challenge the whole thing and not allow these activities in the whole county. Discussion followed.

Floodplain Management Audit:

Mart Kask said he would address the issues from the Floodplain Management Audit when we see the report from Washington Department of Ecology. Discussion followed.

Code Enforcement:

Mart Kask said he would follow up on the Code Enforcement issues after he discusses the issues with the Mayor. Discussion followed.

Comp Plan Update Grant Application:

Mart Kask said he just filed an accelerated grant funding application with the Washington Department of Commerce for the Comp Plan Update. He said if it is not approved, we have to split the grant funding up; one-half in 2014 and one-half in 2015. He said any time extension would cost more money. Discussion followed.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF OCTOBER 1, 2013:

❖ **Councilor Jim Frank** moved to approve the Regular Council Meeting Minutes of October 1, 2013. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

APPROVAL OF BILLS FOR OCTOBER 2013, IN THE AMOUNT OF \$41,637.37:

❖ **Councilor Jim Frank** moved to approve the bills for October 2013, in the amount of \$41,637.37 (forty-one thousand six hundred thirty-seven dollars and thirty-seven cents). **Councilor Les Rossich** seconded the motion. Several questions were asked and answered regarding the October bills. **Three approved and one opposed. (Councilor Jim Frank opposed). Motion carried.**

UNFINISHED BUSINESS:

None

NEW BUSINESS:

- 1) **Ordinance No. 537 – Adopting New Provisions Related to Vehicle and Traffic:**
Tabled until the end of the meeting or the December 3, 2013 Council Meeting.
- 2) **Ordinance No. 538 – Adopting New Provisions Related to the Criminal Code:**
Tabled until the end of the meeting or the December 3, 2013 Council Meeting.

- 3) **Ordinance No. 539 – Repealing Ordinance No. 534 and Adopting New Provisions Relating to Business Licenses and Regulations:**
Tabled until the end of the meeting or the December 3, 2013 Council Meeting.
- 4) **Ordinance No. 540 – Adopting a Budget for Fiscal Year Ending December 31, 2014:**
❖ **Councilor Jim Frank** moved to approve Ordinance No. 540, adopting a Budget for fiscal year ending December 31, 2014. **Councilor Phil Marshall** seconded the motion. **Motion carried unanimously.**
- 5) **Resolution No. 325 – Adopting the Regular Property Tax Levy for Collection in 2014:**
❖ **Councilor Stu Terry** moved to approve Resolution No. 325, adopting the Regular Property Tax Levy for collection in 2014. **Councilor Jim Frank** seconded the motion. Discussion followed. **Three approved and one opposed. (Council Jim Frank opposed). Motion carried.**
- 6) **Resolution No. 326 – Adopting the Regular Property Tax Levy for Collection in 2014 for South Prairie EMS (Emergency Medical Services):**
❖ **Councilor Stu Terry** moved to approve Resolution No. 326, adopting the Regular Property Tax Levy for collection in 2014 for South Prairie EMS (Emergency Medical Services). **Councilor Phil Marshall** seconded the motion. Discussion followed. **Motion carried unanimously.**
- 7) **Review Nuisance Ordinances from Other Jurisdictions – Direct Town Attorney to Draft Revised Ordinance:**
Tabled until the end of the meeting or the December 3, 2013 Council Meeting.
- 8) **Review Draft Agreement from Valley Water District (VWD) and Recommended Changes from Town Attorney and AWC RMSA (Council Action to Forward Recommended Changes to Valley Water District for Approval and Revision of the Agreement):**
Mayor Tony Caldwell asked if the Council had any questions regarding the agreement so he could discuss any questions or concerns with the Town Attorney tomorrow. Discussion followed. **Mayor Tony Caldwell** said he would probably have more information for the Council at the December 3, 2013 Council Meeting. He said the Council could table until the December 3, 2013 Council Meeting and authorize him to meet with the Town Attorney
❖ **Councilor Phil Marshall** moved to authorize the Mayor to meet with the Town Attorney to discuss the agreement with Valley Water District (VWD) and possibly meet with the attorney from VWD to come up with a final draft agreement; and table this issue until the December 3, 2013 Council Meeting. **Councilor Jim Frank** seconded the motion. **Motion carried unanimously.**
- 9) **Shoreline Master Program Update – Review Changes from Sarah Lukas, Washington State Department of Ecology (WDOE). Status Report from Meeting with WDOE on October 16, 2013:**
Mayor Tony Caldwell said we had a meeting with WDOE two weeks ago. He said Senator Pam Roach and her attorney from Olympia attended the meeting. He said WDOE wants to change the buffer from fifty feet to one hundred feet. They are saying that if buildings are already in existence, they would be grandfathered in. They mentioned that a person could apply for a variance; but he spoke to some people at the meeting in Lake Tapps and they have spent a lot of money and still have not received approval from WDOE for the variance. **Councilor Jim Frank** said most importantly, we were denied representation from our Town Planner. Discussion followed. **Councilor Jim Frank** said if he wanted to build or expand toward the river, he would have to apply for a variance and it may or may not get approved. He said Senator Pam Roach was appalled that we were not allowed to use our Town Planner to prepare the Shoreline Master Program Update. Discussion followed. **Councilor Phil Marshall** said Wilkeson was brought up several times during the meeting and their SMP Update was accepted but ours was not. He said our Planner was not even allowed to represent the Town. Discussion followed. **Mayor Tony Caldwell** requested that the Town Clerk send a response to Sarah Lukas that we are working diligently to address her “Required Changes” and “Recommended Changes” and have a committee working on these issues; and it would probably be after the first of the year before we have a concrete response to submit to her. Discussion followed.

10) Update on Tree Trimming Project:

Mayor Tony Caldwell said they started trimming the trees on Emery Avenue North and tomorrow they will work on the trees at Veterans Park, Carriage Road and various locations. He said Larry contacted PSE and CenturyLink to cut trees away from their lines. Discussion followed.

11) Security for Town Hall:

Council discussed the issue of obtaining a security system for Town Hall.

- ❖ **Councilor Phil Marshall** moved to have Town staff obtain more bids and report back to the Council at the December 3, 2013 Council Meeting. **Councilor Les Rossich** seconded the motion. **Motion carried unanimously.**

12) Town Hall Bell – Authorize Mayor to Sign Paperwork to Loan the Town Hall Bell to the Foothills Historical Society in Buckley:

Mayor Tony Caldwell said Marla contacted Foothills Historical Society and the document in front of you has to be changed to “loan” not “a gift.”

- ❖ **Councilor Jim Frank** moved to authorize the Mayor to sign the agreement after it is corrected. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

CITIZENS’ COMMENTS:

None

MAYOR’S REPORT:

Mayor Tony Caldwell said he would like to move forward with the Lot Line Adjustment for the fire station property; and asked Mart what we have to do. **Mart Kask** said it would be a lot-segregation and does not require a public hearing. **Mayor Tony Caldwell** asked Mart to research this issue further. Discussion followed.

Mayor Tony Caldwell said a citizen on SE Third Street asked for a load of gravel to patch the potholes on SE Third Street. Discussion followed. It was the consensus of the Council to purchase a load of gravel and split it between Carriage Road and SE Third Street.

PUBLIC WORKS’ REPORT:

Larry Harter said the utility truck was stolen and he tried to do an inventory. He said he had about \$2,000 of personal tools on the truck and about \$5,000 worth of tools for the Town. He said he could not wait for a month and a half to get tools to do his work. He said he had previously bought tools for the Town and the Council made the Mayor at that time take them back. Discussion followed. It was the Council consensus to have Larry purchase the tools he needs to do his job, with a cap of \$2,000, pending reimbursement from the insurance. **Councilor Stu Terry** said he was under the impression that the tools belonged to the Town. Discussion followed.

Mayor Tony Caldwell said the utility truck was totaled. **Marla Nevill** said this only includes the cab and chassis and does not include the utility box. **Larry Harter** said we are able to salvage the utility box. **Mayor Tony Caldwell** said he talked with Betty Vance, Valley Water District, and the utility box will go with the transfer. Discussion followed.

CLERK’S REPORT:

Citizen’s Request to Include Safe Streets Information with the Utility Bills:

Marla Nevill said we received a request from a citizen to include Safe Streets information with the utility bills. Discussion followed. It was the consensus of the Council to include the information with the utility bills. **Larry Harter** suggested posting information on the reader board at the fire station. Discussion followed.

COUNCIL MEMBERS REPORT:

Councilor Jim Frank said he saw people working on the sign at the fire station and asked if they were done. **Mayor Tony Caldwell** said they are waiting on the roofing and still have to do the electrical work. He said the sign is a lot sturdier. Discussion followed.

Councilor Phil Marshall said the dead salmon smell is a lot worse this year. **Marla Nevill** said there hasn't been enough rain to wash the dead salmon downstream. Discussion followed

ADJOURNMENT:

- ❖ At 9:42 PM, **Councilor Stu Terry** moved to adjourn the Regular Council Meeting of November 5, 2013. **Councilor Phil Marshall** seconded the motion. **Motion carried unanimously.**

Date Approved: December 3, 2013