

**TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING
TUESDAY, DECEMBER 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 Tony Caldwell called to order and presided over the Regular Council Meeting of Tuesday, December 3, 2013, at 7:05 PM.

ROLL CALL:

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

Also in attendance: Joseph Mills, Chuck Sundsmo, Buzz Grant, Brenda Harter and Wendy Birnbaum, citizens; Mart Kask, Town Planner; James Morgan, Town Engineer; Larry Harter, Utility Operator; and Marla Nevill, Clerk-Treasurer.

FLAG SALUTE:

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

REVIEW AND APPROVAL OF AGENDA FOR DECEMBER 3, 2013:

Request tabling the following items under New Business until the January Council Meeting: 2) Ordinance No. 537; 3) Ordinance No. 538; 4) Ordinance No. 539 and 6) Review Nuisance Ordinance.

❖ **Councilor Laura Heideman** moved to approve the Agenda for December 3, 2013, with the requested amendments. **Councilor Phil Marshall** seconded the motion. **Motion carried unanimously.**

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

James Morgan said there were issues with relocating utilities at the fire station; but Century Link, Comcast and Puget Sound Energy (PSE) are communicating. They are still working on the design; and they will apply for a right-of-way permit as soon as the design is complete. He said when the phone company work is completed; the utility providers will repair the parking lot as required. (See Exhibit “A” attached). Discussion followed.

James Morgan said he has requested a scope and budget from three surveyors to prepare the lot segregation for the Fire Station property. He said this is not a regular procedure; so they are asking Pierce County to clarify the submittal requirements. He asked if the Town wanted to dedicate Rainier Avenue as public right-of-way in conjunction with this project. (See Exhibit “A” attached). Discussion followed.

PLANNER REPORT – Mart Kask, Town Planner:

Code Enforcement:

Mart Kask said there was one outstanding code enforcement issue. He wrote them a letter requesting that junk vehicles be removed from the property. The property owner requested additional time to comply. He said the Mayor said to give them the extra time to comply. Discussion followed.

Comp Plan Update Grant Application:

Mart Kask said he made some minor adjustments to the application to shorten the time to complete the Comp Plan Update. He said if it doesn’t get granted, we will do less on the work schedule. He said the money would stay the same. He said the extra time costs more money. He said the project would kick off in January 2014 and be completed by January 2015. Discussion followed.

Marijuana Law:

Mart Kask said this issue was addressed in his memo for the November Council meeting. He said if an application is brought to the Town of South Prairie, they probably could not meet the 1,000 foot setback from any park. Discussion followed.

Shoreline Master Plan Update (SMP):

Mart Kask said he met with the Mayor and the approach is to seek out what Pierce County and Bonney Lake are doing. He and Mayor Caldwell went to a meeting regarding the Shoreline Master Plan; and there were 200 – 300 people in attendance at the meeting. He said Pierce County Council was represented and Senator Pam Roach also attended the meeting. He said there were no representatives from the Washington Department of Ecology (WDOE). He said with the WDOE required buffer zone, it would render most of those properties useless. He said he would have more information for the Mayor and Council after the first of the year. He thought we could make a good argument that the fifty foot buffer zone is sufficient and convince WDOE. He said State law allows Ecology to have the final word. **Mayor Tony Caldwell** asked if the property owners would be able to file a lawsuit. Discussion followed. **Mart Kask** said he thought we could make our case that the one-hundred-foot buffer zone could affect the property owners’ ability to do anything with their property.

Metal Building:

Mart Kask said the metal building on Emery Avenue South is progressing. He sent a letter to the property owner that the Site Plan application was time sensitive; and that prompted them to apply for the building permit. He said they are moving forward. He said must meet the off-street parking requirements; and they have committed to making the off-street parking on the lot west of their building. Discussion followed.

Foothills Trail through the South Prairie RV Park and Relocation of RVs:

Mart Kask said Pierce County and the South Prairie RV Park reached an agreement for the Foothills Trail to go through the RV Park. (See Exhibit “B” attached). He said they would locate the trail in the former railroad right-of-way. He said Pierce County is the title holder and will lease the property back to the RV Park for two years. Pierce County will be ready to start construction of the trail in January 2015. He said Pierce County established the route for the trail; and the RVs would be moved on to the property to the north. He said the RV park owner has to submit a new site plan for review that shows the storm drainage, number of pads, etc. He said the engineer would have to review the roadway plan to make sure it meets the standards; and also the sewer and water plans. He said the building and fire review must be submitted to Pierce County for review and approval. It is up to the developer how they want to service these sites. The fire flow should be there to meet so much flow for so many minutes. He said once all items are checked off, the Council can approve. He said Section 16 in Resolution 151 deals with minor issues like garbage collection; which has to be placed in an enclosed area. He said he would take it upon himself to look at these issues. Discussion followed. **Mart Kask** said if the Council agrees with this approach, they could authorize him to set down with the developer to go over these issues, such as sites being too close together. He said if a fire occurs one could catch fire to another RV and so forth. If the Fire Marshall investigates and finds the Town at fault, there could be litigations against the Town because we issued the permit. Discussion followed. It was the consensus of the Council for Mart to proceed per his recommendation.

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF NOVEMBER 5, 2013:

❖ **Councilor Phil Marshall** moved to approve the Regular Council Meeting Minutes of November 5, 2013. **Councilor Stu Terry** seconded the motion. **Motion carried unanimously.**

APPROVAL OF BILLS FOR NOVEMBER 2013, IN THE AMOUNT OF \$43,603.41:

❖ **Councilor Laura Heideman** moved to approve the bills for November 2013, in the amount of \$43,603.41 (forty-three thousand six hundred three dollars and forty-one cents). **Councilor Stu Terry** seconded the motion. Several questions were asked and answered regarding the November bills. **Motion carried unanimously.**

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1) Ordinance No. 541 – Amending the 2013 Budget:

❖ **Councilor Stu Terry** moved to approve Ordinance No. 541, amending the 2013 Budget. **Councilor Laura Heideman** seconded the motion. **Marla Nevill** said we received Loss Control grant funding from AWC and Shoreline Master Plan Update grant funding from Washington Department of Ecology. Discussion followed. **Motion carried unanimously.**

2) Ordinance No. 537 – Adopting New Provisions Related to Vehicle and Traffic:

Tabled until the January 7, 2014 Council Meeting.

3) Ordinance No. 538 – Adopting New Provisions Related to the Criminal Code:

Tabled until the January 7, 2014 Council Meeting.

4) Ordinance No. 539 – Repealing Ordinance No. 534 and Adopting New Provisions Relating to Business Licenses and Regulations:

Tabled until the January 7, 2014 Council Meeting.

5) Resolution No. 325 – Adopting the Regular Property Tax Levy for Collection in 2014:

This Resolution was not numbered correctly and changed by staff to Resolution No. 327

6) Review Nuisance Ordinances from Other Jurisdictions – Direct Town Attorney to Draft Revised Ordinance:

Tabled until the January 7, 2014 Council Meeting.

7) Council Discuss Possibly Changing the Annual Increase for Water and Sewer Rates from 10% to 3-5% - Reference Ordinance No. 533 – Utility Connection Regulations, Rates and Charges:

(Direct Town Attorney to Repeal Ordinance 533 and Draft New Ordinance for These Changes)

❖ **Councilor Laura Heideman** moved to reduce the annual increase for water and sewer rates from 10% to 5% and direct the Town attorney to draft an ordinance repealing Ordinance 533 and redraft the ordinance to change the annual increase from 10% to 5%. **Councilor Phil Marshall** seconded the motion. **Marla Nevill** said the information we received from Betty Vance, Valley Water District, indicates that the annual increase has to be 5%. Discussion followed. **Motion carried unanimously.**

CITIZENS' COMMENTS:

Shoreline Master Plan and Agenda 21:

Wendy Birnbaum addressed the Council to discuss the Shoreline Master Plan issues and Agenda 21, Understanding Sustainable Development. (See Exhibit “C” attached). She said what is happening in South Prairie is happening all over the country. She said Pam Roach would be taking on the Agenda 21 issue. She said if you go towards Orting, all of the dairies have been taken over by environmental groups that are purchasing the properties with tax dollars. This is making property values go down. She said many of the small towns cannot grow and expand your boundaries. We have got to start taking more control back. Discussion followed. **Chuck Sundsmo** said what Wendy is talking about is regulatory taking that is consistently taking away land rights. It is limiting property owners’ rights every year under Growth Management. He said right now the RV Park is leasing land from the government. Discussion followed.

South Prairie RV Park – Relocating RVs for Foothills Trail:

Chuck Sundsmo asked what is the Council decision regarding the RV Park relocating RVs for the Foothills Trail. **Mayor Tony Caldwell** said the Council approved the Town Planner to meet with the owner of the RV Park to come to some sort of agreement. **Chuck Sundsmo** said Resolution 151, South Prairie RV Park Land Use Permit, runs to perpetuity. **Mayor Tony Caldwell** said we would like you to meet with the Town Planner to come to an agreement. **Chuck Sundsmo** said this contract is to perpetuity. **Mayor Tony Caldwell** said we are not going to come to an agreement tonight. Discussion followed. **Mayor Tony Caldwell** said we will let the Town Planner set up the meeting.

MAYOR'S REPORT:

Mayor Tony Caldwell said as the engineer mentioned, we received quotes for the lot segregation. Discussion followed.

Mayor Tony Caldwell said the Fire Department agreement is coming up for renewal. Discussion followed.

Mayor Tony Caldwell addressed issues with the Community Center rentals. He said the freebies have been a thorn. They are not cleaning the facility and we have to have someone clean it. He requested Council input. **Councilor Phil Marshall** suggested leaving it as a freebie but require them to put down a deposit. He said we should require a deposit no matter who is renting the facility. **Councilor Stu Terry** asked if we receive rental fees from non-profit organizations. **Councilor Laura Heideman** said they cleaned the facility and were told it was not clean. **Councilor Stu Terry** suggested changing to keypad locks. Discussion followed. It was the consensus of the Council to charge a cleaning deposit for all rentals and change the locks on the interior door. Discussion followed.

Mayor Tony Caldwell said the road was getting icy and he told Pierce County to put de-icer on Tubbs Road and SE Second Street. Discussion followed.

Mayor Tony Caldwell said we received comments back from Valley Water District. They can't commit to hiring Larry in the transfer agreement as it is a violation. He said it is mainly language and money issues that have to be addressed in the agreement. We have to continue operations until the transfer. Discussion followed. **James Morgan** said they are required by law to advertise the job; but Mr. Harter would probably be the only one that is qualified. **Larry Harter** said he is comfortable with the agreement. **Mayor Tony Caldwell** said he is trying to hold down costs by negotiating with Betty Vance, Valley Water District. Discussion followed.

PUBLIC WORKS' REPORT:

Larry Harter said he sent the Council a question he and Tony had. He said he spent \$2,000 to replace tools that were stolen. He said some were the Town's and some were his. He said Valley Water District does not need tools for the water department but they need tools for the sewer department. Discussion followed.

- ❖ It was the consensus of the Council for Larry to replace all of his tools and only the tools for the Town that he needs to do his job. He is to continue to use his tools and the Town's tools needed to do his job, based off of the Theft Report. When the water and sewer utilities are transferred to Valley Water District, he is to take his tools home and the Town's tools would be included with the transfer.

Larry Harter said he got called out to the RV Park and they have had an illegal laundry that has been going on for fifteen years and it's still in operation. He said per the code they should have a filter on the system. **James Morgan** said it sounds like a Code Enforcement issue. Discussion followed.

CLERK'S REPORT:

None

COUNCIL MEMBERS REPORT:

Councilor Phil Marshall asked about relocating the sandbags. **Mayor Tony Caldwell** said he has a meeting with the Fire Department and he'll talk to them about relocating them to the fire station. Discussion followed.

Councilor Stu Terry said he had a water leak. Discussion followed.

Councilor Laura Heideman read her "Letter of Resignation" for the record. She said her resignation would be effective January 1, 2014. (See Exhibit "D" attached). Discussion followed. The Mayor and Council thanked her for her service.

ADJOURNMENT:

- ❖ At 9:40 PM, **Councilor Phil Marshall** moved to adjourn the Regular Council Meeting of December 3, 2013. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

Date Approved: January 7, 2014