

TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 2006, 7:00 PM

CALL TO ORDER:

Mayor Peggy Levesque called to order and presided over the Regular Council Meeting of Tuesday, September 5, 2006 at 7:03 PM.

ROLL CALL:

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

Also in attendance: Eric, Alicia and Mason Satterthwaite, citizens; and Marla Nevill, Clerk/Treasurer

FLAG SALUTE:

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

APPROVAL OF REGULAR COUNCIL MEETING/PUBLIC HEARING MINUTES OF AUGUST 1, 2006:

- ❖ Councilor Virginia Thompson moved to approve the Council Meeting/Public Hearing Minutes of August 1, 2006. Councilor Dave Lykstad seconded the motion. Mayor Peggy Levesque called for discussion. Mayor Peggy Levesque questioned the spelling of eave. Marla Nevill and Councilor Dave Lykstad stated the spelling was correct. No further discussion. Mayor Peggy Levesque called for the vote. Motion carried unanimously.

APPROVAL OF RECESSED COUNCIL MEETING MINUTES OF AUGUST 8, 2006:

- ❖ Councilor Laura Heideman moved to approve the Recessed Council Meeting Minutes of August 8, 2006. Councilor Dave Lykstad seconded the motion. Mayor Peggy Levesque called for discussion; and seeing none, she called for the vote. Motion carried unanimously.

APPROVAL OF RECESSED COUNCIL MEETING/PUBLIC HEARING MINUTES OF AUGUST 15, 2006:

- ❖ Councilor Dave Lykstad moved to approve the Recessed Council Meeting/Public Hearing Minutes of August 15, 2006. Councilor Virginia Thompson seconded the motion. Mayor Peggy Levesque called for discussion. She asked that the spelling of "Lawrence Levesque" be corrected to "Laurence Levesque." No further discussion. Councilor Dave Lykstad moved to amend his motion to approve Recessed Council Meeting/Public Hearing Minutes of August 15, 2006, as corrected. Councilor Virginia Thompson seconded the amended motion. Mayor Peggy Levesque called for discussion; and seeing none, she called for the vote. Motion carried unanimously.

APPROVAL OF RECESSED COUNCIL MEETING MINUTES OF AUGUST 24, 2006:

- ❖ Councilor Virginia Thompson moved to approve the Recessed Council Meeting Minutes of August 24, 2006. Councilor Dave Lykstad seconded the motion. Mayor Peggy Levesque called for discussion; and seeing none, she called for the vote. Motion carried unanimously.

APPROVAL OF BILLS FOR AUGUST 2006, IN THE AMOUNT OF \$30,516.38:

- ❖ Councilor Laura Heideman moved to approve the bills for August 2006 in the amount of \$30,516.38 (thirty thousand five hundred sixteen dollars and thirty-eight cents). Councilor Virginia Thompson seconded the motion. Mayor Peggy Levesque called for discussion. She explained that we received the invoice from Parametrix for work performed on the Water Comp Plan and the Council requested clarification on several other bills. No further discussion. Mayor Peggy Levesque called for the vote. Motion carried unanimously.

NEW BUSINESS:

1) Resolution No. 277 – Authorizing Mayor to enter into Law Enforcement Agreement with Pierce County:

"A Resolution of the Town of South Prairie, Pierce County, Washington authorizing the Mayor to execute an agreement between the Town of South Prairie and Pierce County to provide Law Enforcement Services."

- ❖ Councilor Dave Lykstad moved to approve Resolution No. 277, authorizing the Mayor to execute an agreement with the Pierce County Sheriff's Department to provide Law Enforcement Services. Councilor Laura Heideman seconded the motion. Mayor Peggy Levesque called for discussion. She said she had to do some research because of the threat of a lawsuit by the current judge. She said she had to get information

from the AWC attorney because there was a conflict-of-interest with the Town Attorney. She said the AWC attorney said we could have two judges at the same time. She said the Town of South Prairie has never paid the judge directly. She said we could get out of the contract with the Town of Wilkeson by giving them a thirty-day notice. We sent a letter to the Town of Wilkeson, which was worded as advised by the AWC attorney. The letter basically stated that the Town of Wilkeson would keep all the fines and forfeits for the citations they had issued prior to the termination of the agreement on September 30, 2006, and the Town of Wilkeson would pay the judge. Mayor Kepka was upset and would not agree to the payment of the judge and requested that portion be removed. Discussion followed regarding the letter the Town of South Prairie sent to the Town of Wilkeson. **Mayor Peggy Levesque** said we had a verbal agreement with Mike from Pierce County to provide law enforcement services. She said we received a second letter from the Town of Wilkeson, which we forwarded to the AWC attorney. The AWC attorney said the second letter from the Town of Wilkeson stated mutual consent on termination of the agreement, but there was no guarantee that the judge would not file a lawsuit against the Town of South Prairie. She said the City of Bonney Lake is still willing to take South Prairie as of October 1, 2006. **Councilor Dave Lykstad** asked about the citations issued by the Town Marshall? **Mayor Peggy Levesque** said all the fines and forfeits would go to the Town of Wilkeson, and Mayor Kepka said they have \$150,000 (one hundred fifty thousand dollars) in fines and forfeits. She said after speaking with the AWC attorney about 4:00 PM today, everything looks good and we can proceed with the approval of the agreements for Law Enforcement Services through Pierce County and the Municipal Court Services through the City of Bonney Lake. **Councilor Dave Lykstad** asked about insurance coverage if the judge decides to sue the Town? **Mayor Peggy Levesque** said AWC would make that determination if he sues; she said they might or they might not cover the Town. She said we contracted with the Town of Wilkeson not the judge. **Councilor Anthony Caldwell** asked if there was any documentation that the Town of South Prairie paid the judge. **Mayor Peggy Levesque** said no, there is not any documentation that we paid the judge. Discussion followed. **Councilor Anthony Caldwell** said the proposed contract with the City of Orting is similar to the contract with the City of Bonney Lake. **Councilor Dave Lykstad** asked how the agreement would be corrected on the start date? **Marla Nevill** said either the corrections would be lined out or we could have the Bonney Lake Court Administrator send a corrected copy. No further discussion. **Mayor Peggy Levesque** called for the vote. **Motion carried unanimously.**

2) Resolution No. 278 – Authorizing Mayor to enter into Court Services Agreement with City of Bonney Lake:

“A Resolution of the Town of South Prairie, Pierce County, Washington authorizing the Mayor to enter into an agreement with the City of Bonney Lake for the providing of Municipal Court Services to the Town of South Prairie.”

- ❖ **Councilor Laura Heideman** moved to approve Resolution No. 278, authorizing the Mayor to enter into an agreement with the City of Bonney Lake for Municipal Court Services and Facilities. **Councilor Virginia Thompson** seconded the motion. **Mayor Peggy Levesque** called for discussion. She explained the addendum to the agreement regarding the judge’s salary. Discussion followed. **Mayor Peggy Levesque** said she had not received the Prosecuting Attorney Agreement. She said the agreement with the judge does not have an ending date. **Councilor Anthony Caldwell** asked about having a separate resolution for the judge? **Mayor Peggy Levesque** said the City of Bonney Lake preferred to just add an addendum to the agreement to cover the payment for the judge. **Councilor Anthony Caldwell** said in order to break even Pierce County would have to issue 200 (two hundred) citations. **Mayor Peggy Levesque** said she was trying to give the Council an idea of how the process would work. Discussion followed. **Councilor Laura Heideman** moved to amend her motion to include approval of the addendum to the Municipal Court Services Agreement with the City of Bonney Lake. **Councilor Virginia Thompson** seconded the amended motion. No further discussion. **Mayor Peggy Levesque** called for the vote. **Motion carried unanimously.**

3) Proclamation – Youth Voting Awareness Week:

Mayor Peggy Levesque read the Proclamation for the Youth Voting Awareness Week. (See Exhibit “A” attached).

- ❖ **Councilor Anthony Caldwell** moved to approve the Proclamation for the Youth Voting Awareness Week. **Councilor Dave Lykstad** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

OLD BUSINESS:

None.

CITIZENS' COMMENTS:

Councilor Dave Lykstad asked about the complaint from Karen Leming? **Mayor Peggy Levesque** said the complaint was forwarded to the Washington State Liquor Control Board. Discussion followed.

MAYOR'S REPORT:

Mayor Peggy Levesque said she spoke to Donna Hopkins, Manager Wagon Wheel Restaurant and Lounge, last week. She said she tried to call her before she received the letter from the Liquor Control Board, (LCB) but she received the letter from the LCB five minutes prior to her phone call. She said Donna told her they should talk, but she would be bringing her attorney. **Councilor Laura Heideman** said she needed to get the problems under control. **Mayor Peggy Levesque** said it was not appropriate to advise Donna during the Public Hearing, but it would be okay as a condition of the Liquor License. Discussion followed. **Councilor Anthony Caldwell** asked how would the Town of South Prairie know if Donna would follow through with the recommendations? He said we have received complaints from the neighbors and they have a right to call in their complaints. **Mayor Peggy Levesque** said she is trying to create an environment where she could run her business. **Councilor Laura Heideman** asked if we could set up a contract with the Wagon Wheel? **Mayor Peggy Levesque** said she did not know, but she would check with the Liquor Control Board tomorrow. **Councilor Dave Lykstad** said we could put restrictions on the existing business. **Councilor Anthony Caldwell** suggested the possibility of speaking to the Liquor Control Board about issuing a 30, 60, or 90-day liquor license. Discussion followed. **Mayor Peggy Levesque** said some of the suggestions she had received are entering and exiting from Highway 162, a fence installed on the NW Washington Street side of the property, and installation of emergency exit doors. **Alicia Satterthwaite** asked how the fence would work if the property did not belong to the Wagon Wheel? Discussion followed. **Alicia Satterthwaite** said she would like to have the area blocked away from her children. She said Tyler saw a male expose himself to a woman. **Councilor Anthony Caldwell** said this has been going on for years and finally we can address these issues through their liquor license. Discussion followed. **Mayor Peggy Levesque** said she would speak to the Liquor Control Board and we might have to schedule another Recessed Council Meeting. She said we do not want to put them out of business. **Councilor Anthony Caldwell** said to ask the LCB if they could get a temporary license. Discussion followed regarding the installation of a fence, moving the entrance to the front of the building, hiring a bouncer and/or security, over serving patrons, and getting the problems under control. **Mayor Peggy Levesque** said the Town could not require them to put up a fence unless they have a long-term lease on the parking area. She said the Town Planner said we could waive the Conditional Use Permit for the fence. Discussion followed.

PUBLIC WORKS' REPORT:

Speed Limit Signs:

Councilor Anthony Caldwell said the Utility Operator received the speed limit signs.

Clean-up of Sewer Outfall:

Councilor Anthony Caldwell said he was trying to get approval to dig in the creek to clean out the sewer outfall. **Mayor Peggy Levesque** said rocks rolled into the creek and covered up the sewer outfall. Discussion followed.

Fountain at Third Street Park:

Councilor Anthony Caldwell asked if the Council would still like to have a drinking fountain installed at the Third Street Park? **Mayor Peggy Levesque** said it would be nice to have a fountain at the park. The general consensus of the Council was to have the drinking fountain installed at the Third Street Park. Discussion followed.

CLERK'S REPORT:

Community Center – Possible Door Replacement:

Marla Nevill, Clerk/Treasurer, said the front door at the Community Center should be replaced, because it was not locking. **Councilor Anthony Caldwell** said the locking mechanism is inside the door. **Mayor Peggy Levesque** asked Councilor Anthony Caldwell to get some price quotes. Discussion followed.

Grant Writing Workshop:

Marla Nevill, Clerk/Treasurer, said she would be attending a Grant Writing Workshop on September 6 – 7, 2006.

COUNCIL MEMBERS' REPORT:

Tree Hanging over the Roadway:

Councilor Anthony Caldwell said the tree that was hanging over the roadway east of Arnold's Grocery has been cut back. Discussion followed.

Yard Maintenance at Town Hall:

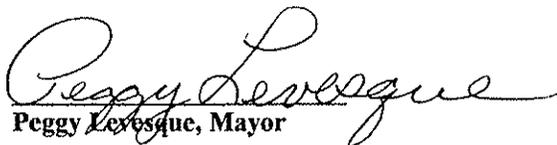
Mayor Peggy Levesque said she has a gentleman from the RV Park doing some yard maintenance at Town Hall, removing old shrubbery, spraying for weeds and spreading beauty bark. Discussion followed.

Loss Prevention Control Grant:

Councilor Anthony Caldwell suggested removing the chips at the playground area and putting down pea gravel. **Mayor Peggy Levesque** said we received a \$1,000 (one thousand dollar) grant from AWC for chips for the playground area, and she thought it would be too expensive to replace the chips with pea gravel and stated concerns about kids putting the pea-gravel up their noses and in their mounts. She asked Councilor Anthony Caldwell to check into getting this project completed. **Marla Nevill, Clerk/Treasurer**, said she thought we had to spend the AWC grant money by October 1, 2006. **Councilor Anthony Caldwell** suggested trying to get a donation from Weyerhaeuser. Discussion followed.

RECESS:

- ❖ At 8:40 PM, **Councilor Dave Lykstad** moved to recess the Regular Council Meeting to September 12, 2006, 7:00 PM. **Councilor Anthony Caldwell** seconded the motion. **Motion carried unanimously.**


Peggy Levesque, Mayor


Marla Nevill, Clerk/Treasurer