

**TOWN OF SOUTH PRAIRIE
REGULAR COUNCIL MEETING
TUESDAY, MAY 3, 2011, 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 Peggy Levesque called to order and presided over the Regular Council Meeting of May 3, 2011, at 7:02 PM.

ROLL CALL:

Council Members: Laura Heideman, Gerald Boures, Mathieu Cameron, Karen Shell and Tony Caldwell were present.

Also in attendance: Jerry and Geanellen Kuranko, Gary and Lois Erath, Stuart Terry, Laura Lawrence, Randy Clark, and Gary Nybo, citizens; Judy Tremblay, Deputy Clerk-Treasurer; and Marla Nevill, Clerk/Treasurer

FLAG SALUTE:

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

REVIEW AND APPROVAL OF AGENDA FOR MAY 3, 2011:

- ❖ **Councilor Tony Caldwell** moved to approve the Agenda for May 3, 2011. **Councilor Laura Heideman** seconded the motion. **Mayor Peggy Levesque** requested the following amendments to the Agenda: 1) Move Citizen Comments to after Approval of Agenda, 2) Add Executive Session before Labor Agreement under Unfinished Business, and 3) Change Adjournment to Recess to May 10, 2011. **Councilor Tony Caldwell** moved to amend his motion to approve the Agenda with the requested amendments. **Councilor Laura Heideman** seconded the amended motion. **Motion carried unanimously.**

APPROVAL OF REGULAR COUNCIL MEETING MINUTES OF APRIL 5, 2011:

- ❖ **Councilor Laura Heideman** moved to approve the Regular Council Meeting Minutes of April 5, 2011. **Councilor Karen Shell** seconded the motion. **Motion carried unanimously.**

APPROVAL OF RECESSED COUNCIL MEETING MINUTES OF APRIL 12, 2011:

- ❖ **Councilor Karen Shell** moved to approve the Recessed Council Meeting Minutes of April 12, 2011. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

APPROVAL OF BILLS FOR APRIL 2011, IN THE AMOUNT OF \$31,991.44:

- ❖ **Councilor Laura Heideman** moved to approve the bills for April 2011, in the amount of \$31,991.44 (thirty-one thousand nine hundred ninety-one dollars and forty-four cents). **Councilor Karen Shell** seconded the motion. Discussion followed. Council requested the payment to LIUNA for the pension be held. **Councilor Laura Heideman** moved to amend her motion to approve the bills for April 2011 but hold the payment to LIUNA for the pension fund. **Councilor Karen Shell** seconded the amended motion. **Motion carried unanimously.**

CITIZENS' COMMENTS:

1) **Noise Complaints at Arena on SW Third Street:**

Stuart Terry stated he lives on Carriage Road; and he stated concerns about the noise coming from the arena on SW Third Street. He said he did not have a problem as long as they follow the rules. He said it was unfair that the neighbors had to hear that noise; and that he can hear it over his TV inside his house. He said when he moved here he was told they couldn't fire weapons or have a fire in Town. He said according to the flyers for the event they are having horsemanship lessons. He said there has to be some sort of repercussions. He said he was sure other people have plenty to say. He was not sure why they were allowed to do this, because another business tried to purchase the property and would be required to install sidewalks and meet all the necessary requirements. Mr. Terry felt he was being deprived the enjoyment of his property. **Councilor Tony Caldwell** said he met with the property owner's representative and the event coordinator. He said the property owner is not happy with the way things are being done. He said the Liquor Control Board and the Department of Health have been contacted. He said they would not be required to put in sidewalks unless they purchased the property. He said the property owner is having his attorney check the legality of the lease agreement. He said the Town has no control over the sale of alcohol or food at these events. He said we have also received complaints about speeding. Discussion followed. **Mayor Peggy Levesque** said according to the Pierce County Sheriff's Department this is Code Enforcement issues. **Stuart Terry** asked if the noise complaints were a Code Enforcement issue. **Councilor Tony Caldwell** said he spoke to the Sheriff's Department and they cannot enforce and recommended that the Town hire a Code Enforcement Officer. **Geanelen Kuranko** asked if they had to have an events permit. **Mayor Peggy Levesque** said they still were required to get permits. **Geanelen Kuranko** said the property owners have a business and need to be in compliance. **Councilor Karen Shell** said she did not think they needed a permit or business license to lease out the property. Discussion followed. **Geanelen Kuranko** stated they are contaminating the creek that runs through the property. **Jerry Kuranko** asked what the Town was doing and why didn't they have a business license? **Councilor Tony Caldwell** gave an update of enforcement actions that were taking place. **Gary Nybo** introduced himself and said he was the representative for the owner of the property. He said his uncle rented the property to them for play days. He said they were trying to get them evicted and have spoken with their attorney. **Mayor Peggy Levesque** said enforcement issues are hard to manage. Discussion followed. **Gary Nybo** said they got ran out of Enumclaw. **Councilor Karen Shell** said it appears they are taking advantage of the small towns. **Councilor Tony Caldwell** said Gary Nybo is working on this for his uncle. **Gary Erath** said he couldn't see them having a rock concert here. **Lois Erath** said they need to be quieter and be good neighbors. **Stuart Terry** said it sounded like it was supposed to be horsemanship events. Discussion followed. **Jerry Kuranko** said he heard it was an 11-piece band. **Councilor Tony Caldwell** said it was a 16-piece band. **Councilor Laura Heideman** said she thought it was fine to have horses, but she was against the noise. **Randy Clark** said isn't that why we pay taxes? **Mayor Peggy Levesque** said we contract with the Pierce County Sheriff's Department. She said if we were part of the county, they would respond. Discussion followed. **Mayor Peggy Levesque** said we get a portion of the Fines & Forfeits. **Randy Clark** also stated complaints about log trucks flying up and down Tubbs Road. **Mayor Peggy Levesque** said that is another enforcement issue. **Randy Clark** said they start around 3:00 – 5:00 in the morning and again in the afternoon. **Councilor Tony Caldwell** said it is unfortunate that they pass through our town. He said there is only one portable weigh scale unit in the Pierce County Sheriff's Department; and we could not get that unit. **Jerry Kuranko** said a lot of property owners know the progress on the noise issues. **Mayor Peggy Levesque** said it is a good thing, but it would be nice if they would follow the rules. Discussion followed regarding insurance liability. **Jerry Kuranko** offered thanks to Tony Caldwell for putting himself out there.

EXECUTIVE SESSION: Litigation – Approximately 15 Minutes

- ❖ At 8:00 PM, **Councilor Laura Heideman** moved to recess to Executive Session for approximately fifteen minutes to discuss litigation issues. **Councilor Karen Shell** seconded the motion. **Motion carried unanimously.** (Note: Conference call with Lynette Baisch, Town Attorney).

CLOSE EXECUTIVE SESSION:

- ❖ At 8:17 PM, **Councilor Tony Caldwell** moved to close the Executive Session. **Councilor Mathieu Cameron** seconded the motion. **Motion carried unanimously.**

UNFINISHED BUSINESS:

- 1) **Labor Agreement Negotiations and Pension Fund Discussion: Tentative Settlement Agreement Regarding Pension Fund:**
 - ❖ **Councilor Gerald Boures** moved to set up a new Fund and separate bank account for the pension fund. **Laura Heideman** seconded the motion. **Motion carried unanimously.**
 - ❖ **Councilor Laura Heideman** moved to authorize the Mayor, Town Attorney, Town staff to establish an agreement with the Union for resolution of the Pension Fund issue. **Councilor Gerald Boures** seconded the motion. **Motion carried unanimously.**

NEW BUSINESS:

- 1) **FCS Group – Amendment No. 2 to Professional Services Contract Agreement for the Water and Sewer General Facilities Charge (GFC) Study:**
 - ❖ **Councilor Laura Heideman** moved to approve Amendment No. 2 to the Professional Services Contract Agreement for the Water and Sewer General Facilities Charge (GFC) Study with FCS Group. **Councilor Karen Shell** seconded the motion. **Motion carried unanimously.**
- 2) **Code Enforcement:**

Councilor Tony Caldwell said he spoke with Mart Kask, Town Planner, and he would be interested in taking on the Code Enforcement for the Town; and he proposed letting Mart take this on. **Councilor Karen Shell** said she would be worried about Mart taking this on. Discussion followed. Other members of the Council stated concerns about Tony taking on some of the code enforcement issues. **Councilor Karen Shell** said having police presence for Code Enforcement issues is valuable. **Councilor Tony Caldwell** said Mart would send letters and file the paperwork with the courts. Discussion followed. **Marla Nevill** said she contacted Pierce County regarding Code Enforcement issues but she has not received a response. **Mayor Peggy Levesque** said maybe Mart could take care of the paperwork.

 - ❖ **Councilor Tony Caldwell** moved to hire Mart Kask as the Code Enforcement Officer for the Town of South Prairie. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

Mayor Peggy Levesque suggested that Tony take care of the face to face enforcement. **Councilor Karen Shell** suggested that someone accompany Tony on the face to face enforcement issues. Discussion followed.

CITIZENS' COMMENTS CONTINUED:

- 2) **Jamie Osborn – Requests to use the Community Center on Mondays as well as Wednesdays for an additional Yoga Class:**
 - ❖ **Councilor Tony Caldwell** moved to approve the request from Jamie Osborn to use the Community Center on Mondays as well as Wednesdays for an additional Yoga Class except paying customers would override her usage of the facility. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

MAYOR'S REPORT:

Mayor Peggy Levesque said she has had several meetings with the attorney and Union regarding the pension fund issue. She said she and Larry met with Nihat Dogan, FCS Group, regarding the General Facilities Charge (GFC) Study.

PUBLIC WORKS' REPORT:

- 1) **Council Approval to replace sewer lid with a traffic-rated lid at 210 SW First Street:**
Councilor Tony Caldwell said there used to be an old garage there and they put the STEP tank in front of the garage. He said Larry Harter has proposed either the Town install a traffic-rated lid or request the property pay this cost. He said it would be probably a 3' x 3' concrete pad. **Mayor Peggy Levesque** requested Tony come up with a cost estimate to present to the Council at the meeting next Tuesday.
- 2) **Councilor Tony Caldwell** said last Thursday, April 28, 2011 he was invited to attend the Flood Plan Advisory meeting. He said Mart was tied up in traffic. He said there are three proposal scenarios to fix the flooding problem next to the South Prairie Fire Station. 1) They propose to fix the berm, 2) Move the fire station, or 3) Do nothing. He said they did a hydraulic study and they are working to get funds to fix the problem. **Mayor Peggy Levesque** asked if they would let us fix the problem. **Councilor Tony Caldwell** said they are putting together a proposal to fix the flooding issues all along the valley. Discussion followed.
- 3) **Councilor Tony Caldwell** said he would start the lawn maintenance this month.

CLERK'S REPORT:

- 1) **Judy Tremblay** said we had the training class for preparing the Annual Report and we need a member of the Council to review the report. **Councilor Karen Shell** volunteered to review the report. Discussion followed. **Judy Tremblay** said the report should be ready around May 19, 2011; and she could meet her here in the evening.
- 2) **Marla Nevill** said Larry's pager broke again and he requested eliminating the pager and we reimburse him for the use of his cell phone at a rate of \$10 per month.
 - ❖ **Councilor Tony Caldwell** moved to eliminate the pager and reimburse Larry Harter for the use of his cell phone for Town business at a rate of \$10 per month. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**
- 3) **Marla Nevill** requested approval to attend the National Association of Parliamentarians at the Radisson Hotel Sea-Tac Airport on May 20-22 2011, cost is \$225.
 - ❖ **Councilor Laura Heideman** moved to approve Marla Nevill to attend the NAP Conference May 20-22, 2011 at a cost of \$225. **Councilor Karen Shell** seconded the motion. **Motion carried unanimously.**

COUNCIL MEMBERS REPORT:

Councilor Laura Heideman gave an update on the condition of a citizen that is having some health issues.

Discussion followed regarding several home foreclosures.

RECESS:

- ❖ At 9:13 PM, **Councilor Tony Caldwell** moved to recess the Council Meeting to May 10, 2011. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

May 10, 2010
Date Approved
