

**TOWN OF SOUTH PRAIRIE**  
**RECESSED COUNCIL MEETING**  
**TUESDAY, OCTOBER 17, 2006, 7:00 PM**

**CALL TO ORDER:**

**Mayor Peggy Levesque** called to order and presided over the Recessed Council Meeting of Tuesday, October 17, 2006 at 7:02 PM.

**ROLL CALL:**

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

**Also in attendance:** Marla Nevill, Clerk/Treasurer

**NEW BUSINESS:**

**1) Resolution No. 283 – Extend Cable Franchise Agreement between Comcast of Puget Sound and the Town of South Prairie:**

“A Resolution of the Town of South Prairie, Pierce County, Washington amending Resolution No. 265 to extend the Franchise Agreement between Comcast of Puget Sound Inc. and the Town of South Prairie for one year to October 19, 2007.”

- ❖ **Councilor Dave Lykstad** moved to approve Resolution No. 283, which extends the Cable Franchise Agreement between Comcast of Puget Sound and the Town of South Prairie to October 19, 2007. **Councilor Laura Heideman** seconded the motion. **Mayor Peggy Levesque** called for discussion. She said the Town had previously contracted with Rainier Communications Commission to negotiate the agreement between Comcast and the Town of South Prairie but an agreement was never reached. **Councilor Anthony Caldwell** asked where is the original agreement? **Marla Nevill, Clerk/Treasurer**, said she had not attached it to the resolution. **Mayor Peggy Levesque** offered to make a copy of the original agreement. **Councilor Anthony Caldwell** said no it was fine. No further discussion. **Mayor Peggy Levesque** called for the vote. **Motion carried unanimously.**

**2) Resolution No. 284 – Good Neighbor Agreement between Wagon Wheel Restaurant and Lounge and the Town of South Prairie:**

“A Resolution of the Town of South Prairie, Pierce County, Washington authorizing the Mayor to execute a Community Good Neighbor Agreement between the Town and Donna Hopkins, DBA Wagon Wheel Restaurant and Lounge.”

**Mayor Peggy Levesque** said the agreement was amended to include the suggestion from Councilor Anthony Caldwell to make the driveway into the parking area on Washington Street an entrance only. **Councilor Anthony Caldwell** said he had a problem with item #6. He said the Council had discussed that they wanted the smoking area as close to Highway 162 as possible. Discussion followed. **Councilor Anthony Caldwell** stated concerns about item #3, page 2, under the Terms of Agreement. He said if the Liquor Control Board denies approval of switching the locations for the bar and the restaurant, there is nothing covering the enforcement. **Councilor Laura Heideman** said she thought the restaurant used to be located on the Washington Street side of the business. **Councilor Anthony Caldwell** asked what happens if it doesn't change? **Mayor Peggy Levesque** said after speaking to Joy from the Liquor Control Board, she believed there would not be a problem getting approval to switch the locations of the bar and the restaurant. **Councilor Anthony Caldwell** asked again what happens if it doesn't change? **Councilor Dave Lykstad** said he thought the Council had requested the rear door be locked and used as an emergency exit only. Discussion followed. **Mayor Peggy Levesque** said she would not want to change the agreement again. **Councilor Anthony Caldwell** asked the Mayor to speak to Donna about her plans if the Liquor Control Board denies approval of switching locations for the bar and the restaurant. **Mayor Peggy Levesque** said she could speak to Donna.

- ❖ **Councilor Anthony Caldwell** moved to approve Resolution No. 284, authorizing the Mayor to execute a Community Good Neighbor Agreement between the Town and Donna Hopkins, DBA Wagon Wheel Restaurant and Lounge with the following corrections to the agreement: 1) Modify Item #6, Page 2, under Terms of Agreement to move the smoking area as close to Highway 162 as possible; and 2) Request Mayor Peggy Levesque speak to Donna Hopkins about her plans if the Liquor Control Board denies approval to switch locations of the bar and restaurant. **Councilor Dave Lykstad** seconded the motion. **Mayor Peggy Levesque** called for further discussion; seeing none, she called for the vote. **Motion carried unanimously.**

**3) Resolution No. 285 (formerly numbered Resolution No. 283) – Appointing Town Attorney and Authorizing an Agreement for Legal Services: Update from Mayor Peggy Levesque**

“A Resolution of the Town of South Prairie, Pierce County, Washington, appointing the Town Attorney and authorizing an agreement for Legal Services.”

Mayor Peggy Levesque said our insurance, AWC, was not willing to accept Item #5 requiring the Town to maintain insurance coverage for Attorneys. She said we received a revised agreement from Dionne and Rorick today and they removed the second Item #5 that required the Town to maintain insurance coverage for their attorneys. She said apparently AWC and Dionne and Rorick worked out their issues. She said Mike Reynolds does not know we are looking for a new Town Attorney. She stated concerns about handling outstanding court cases and citations. Discussion followed. Mayor Peggy Levesque said she would entertain a motion to approve Resolution No. 285 appointing the Town Attorney and authorizing an agreement for Legal Services.

- ❖ **Councilor Laura Heideman** moved to approve Resolution No. 285 appointing the Law Firm of Dionne & Rorick as the Town Attorney effective November 20, 2006, and appointing the Law Firm of Dionne & Rorick as the Prosecuting Attorney for the South Prairie Municipal Court effective October 18, 2006. **Councilor Virginia Thompson** seconded the motion. **Mayor Peggy Levesque** asked if there was any further discussion; seeing none, she called for the vote. **Motion carried unanimously.**

**OLD BUSINESS:**

None.

**CITIZENS' COMMENTS:**

None.

**MAYOR'S REPORT:**

**Bear Sighting:**

Mayor Peggy Levesque advised the Council to be aware that a citizen had spotted a bear on Carriage Road. Discussion followed.

**Dog Bite Issue:**

Mayor Peggy Levesque said Councilor Anthony Caldwell followed up on a dog bite issue while she was out of town. Councilor Anthony Caldwell said he contacted dispatch to find out why Pierce County Sheriff's Department did not come out for the dog bite complaint and they told him the reporting party had not indicated the skin had been punctured from the dog bite so they did not come out. Mayor Peggy Levesque said we have got to get the Animal Control contract from Pierce County. She said they had helped out the Town in the past. Councilor Anthony Caldwell said Officer Boyle said they could not do anything since the Town did not have an animal control contract with Pierce County. Discussion followed. Councilor Anthony Caldwell said the incident happened on Tubbs Road and the owner watched her dog come out of the kennel and out to the road and bite the person and did not do anything about it.

**PUBLIC WORKS' REPORT:**

**Loss Control Grant – Playground Chips:**

Councilor Anthony Caldwell said he measured the playground areas and we'll be putting twenty-five (25) yards of playground chips at the Veterans Memorial Park and the remainder would go to the Third Street Park. He said this would add about three (3") additional inches of padding material to the playground area at Veterans Memorial Park, which would bring the total depth about eight inches (8"). Discussion followed.

**Road Maintenance with Pierce County:**

Councilor Anthony Caldwell said Pierce County cleaned out the storm drains on Third Street west of the Y at Third and Tubbs Road. He said fourteen (14) cubic yards of material was cleaned out of the storm drains.

**Work Party Scheduled for October 28, 2006:**

Mayor Peggy Levesque said a work party is tentatively scheduled for October 28, 2006, 10:00 AM to clean up the Veterans Memorial and Third Street Parks. Discussion followed.

**CLERK'S REPORT:**

Marla Nevill, Clerk/Treasurer, requested Council approval to authorize an automatic withdrawal for the USDA loan payment. Discussion followed.

- ❖ **Councilor Virginia Thompson** moved to authorize the automatic withdrawal for the USDA loan payment. **Councilor Dave Lykstad** seconded the motion. **Mayor Peggy Levesque** called for discussion; seeing none, she called for the vote. **Motion carried unanimously.**

**COUNCIL MEMBERS' REPORT:**

**Cares Committee:**

**Councilor Anthony Caldwell** said he had received complaints from Cares Committee members that were upset about having to get permission to spend their funds. **Mayor Peggy Levesque** said she spoke to the auditor and she confirmed that the Town is expensing the funds correctly and the auditor would be willing to meet with the Cares Committee to explain the process to them. Discussion followed.

**Audit Entrance Conference:**

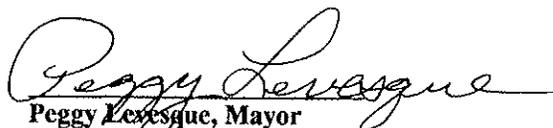
**Mayor Peggy Levesque** asked the Council if they would like an informal or formal Audit Entrance Conference? Discussion followed. Council requested an informal Audit Entrance Conference. **Councilor Anthony Caldwell** said he would attend the Entrance Conference.

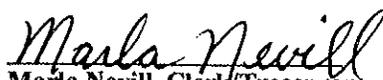
**Senator Patty Murray – Elected Officials Meeting:**

**Mayor Peggy Levesque** asked if anyone would be interested in accompanying her to the Elected Officials Meeting hosted by Senator Patty Murray on October 23, 2006, 10:00 – 11:30 AM? **Councilor Virginia Thompson** said she would be interested in attending the meeting. Discussion followed.

**ADJOURNMENT:**

- ❖ At 7:55 PM, **Councilor Virginia Thompson** moved to adjourn the Recessed Council Meeting of October 17, 2006. **Councilor Laura Heideman** seconded the motion. **Motion carried unanimously.**

  
Peggy Levesque, Mayor

  
Maria Nevill, Clerk/Treasurer