# Quil Ceda Village

Regular Council Meeting
July 19, 2005
Minutes

**9:00 AM: Village Council Meeting: Roll Call**

President Herman Williams, Jr. - Here
Council Member Les Parks - Here
Council Member Glen Gobin - Here
*Quorum Present*

Restaurant Privilege Tax Public Hearing

A) Public Comments
Discussion: John McCoy, Michael Taylor; Peter Mills; Glen Gobin; Steve Gobin; Debbie Posey; Greg Sheldon;

It has been requested to do an executive summary and dispense of a total reading of the Restaurant Privilege Tax. This is a tax on tribal restaurants. The tax will be 8.5% and is imposed on businesses in Quil Ceda Village.

How will this tax be different between a tribal member business and a non-tribal business? Non-tribal businesses will continue to send their tax to the state and tribal business will send the tax it collects on sales to Quil Ceda Village.

Tribal members will be exempt.

If this were applied reservation wide, would it apply to espresso stands? It will up to the tribe to take care of businesses outside Quil Ceda Village. The State does not appear to be imposing a tax on espresso stands at this time.

The projected annual income is $1,357,380. This could drop slightly because tribal sales are included. How can the revenue from sales tax be used? Are they specifically to be used within Quil Ceda Village? Under general municipal law, municipalities are not limited within their boundaries when they expend

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their tax revenue although they are usually expended within their boundaries but the law requires that it benefit those that have a connection to the municipality.

How will a tribal member business handle stopping the collection of sales tax which has been previously sent to the state? If the Village would request it, its legal department can assist tribal members with this process. One tribal member business contacted the Department of Revenue and was told to keep paying the sales tax to the state. The Village needs to follow the process and make sure that tribal member businesses are not harmed.

Council would like to make sure this process is clearly defined before we start imposing the tax. What are the enforceability clauses? Do the leases have language in them regarding non-payment of taxes? The Village is the government entity and the business park is acting on behalf of the landlord so there is a technical difference between the two. The Village is working with these entities to make sure that the tribal businesses are not affected. The state will be notified.

Is there anything in the law that requires tribal members to collect taxes for the state? The legal department does not believe the law allows the state to impose its law on tribal members. In fact, the state may owe the tax back to the tribal member business.

The Village has staff in place to audit this process and the returns.

Public Hearing adjourns at 9:33 a.m.

Village Council meeting begins at 9:40 a.m.

**Staff & Visitors Present:**

John McCoy, QCV General Manager
Nina Reece, QCV Administrator
Peter Mills, Econ Development Manager
Tom Gobin, Utilities Manager
Rebecca Erlichman, Strategies 360
Steve Gobin, ED HHS; GA
Cal Taylor, Liquor Store Manager
Tim Brewer, Attorney
Mike Taylor, Attorney
Angie Hull, Acting Recording Secretary
Debbie Posey, Central Plaza Manager
Mytyl Hernandez, Marketing Specialist
Greg Sheldon, Port of Subs
Greg Keith, TDS Manager
Patti Gobin, Leasing Specialist

1) Approval of agenda for regular Village Council Meeting of July 19, 2005
April 12, 2005
**Motion made by Les Parks to approve the agenda for the regular Village Council Meeting of July 19, 2005, as amended, and adds an update on the top soils contract to the end of the agenda.**
Seconded
Questions
3 For 0 Against
Motion carried

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2) Approval of minutes for regular Village Council Meeting of June 21, 2005.
**Motion made by Les Parks to approve the regular Village Council meeting minutes of June 21, 2005 as presented.**
Seconded
Questions
3 For 0 Against
Motion carried

**Quil Ceda Village Administration**

3) Appointment of Village Positions
Discussion: John McCoy

Recommendation made by General Manager that staff is appointed instead of Board of Director to hold this position. It is recommended that Nina Reece be appointed to the Village Clerk position which will be consistent with the duties she is already doing.
**Motion made by Les Parks to appoint Nina Reece to the position of Village Clerk.**
Seconded
Questions
3 For 0 Against
Motion carried

Discussion: John McCoy; Les Parks

It is recommended that the Tulalip Tribes Board of Director Treasurer fill this roll to keep a consistent accounting of the tribal finances.
**Motion made by Les Parks to appoint Chuck James to be the treasurer of Quil Ceda Village.**
Seconded
Questions
3 For 0 Against
Motion carried

4) Solid Waste Collection
Discussion: Glen Gobin; Herman Williams, Jr.; John McCoy

The Village is considering its own collection of waste within the Village. Council is concerned about the responsibility the Village will have if this service is provided by staff. General Manager and Economic Development Manager are requested to put together a business plan and bring it back to the next Village Council meeting. Make sure that the quantity of waste is included in the plan.

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5) Approval of Restaurant Privilege Tax Resolution #2005- 011
**Motion made by Glen Gobin to approve the Resolution No. 2005-011, Restaurant Privilege Tax which is an amendment to the Village Tax Code and is to be effective November 1, 2005.**
Seconded
Questions: Can it have an effective date of October 1 instead of November 1?
Motion is amended to have an effective date of October 1, 2005.
3 For 0 Against
Motion carried

Greg Sheldon, dba as Port of Sub, within the Retail Center brought concerns regarding his build-out costs. Council sent it back for staff to review and submit a report.

**Leasing Department**

6) Monthly Leasing Update presented to the Village Council
Two prospective tenants are interested in leasing the site south of Wal-Mart. Discussion: Patti Gobin, Steve Gobin, Glen Gobin, John McCoy, Peter Mills

Two prospective tenants are interested in leasing the site south of Wal-Mart. Staff would like to work on a master leasing plan. The original plan for the area has changed and a new plan needs to be developed. The RV show located in the South Power Center space was very successful. A carnival will be there for the next two weeks.

7) Brenner Property
Discussion: Patti Gobin, Steve Gobin, Glen Gobin, Les Parks, Peter Mills, John McCoy

Tribal members approached Patti about leasing this property for espresso stand. This area is outside Quil Ceda Village and needs to be brought to the Tulalip Board of Directors for consideration.
It might be time to thing about annexing this property into the Village. The Council is requesting additional information before this type of proposal can be considered.

8) Fish Sales
Discussion: Patti Gobin, Steve Gobin, Peter Mills, Debbie Posey, Tom Gobin, Les Parks, Glen Gobin, John McCoy,

Tribal members will need a place to sell fish in Quil Ceda Village. In the past, they were allowed to sell within the Retail Center parking lot but this is no longer an option. Staff needs to make the location better so that health concerns are resolved. There must be adequate facilities to insure that customers will receive products that are safely handled and stored. The Indian Health Service inspects reservation food businesses twice a year.

Tribal members would like to lease space to sell fish. It is important to have infrastructure in place to do this right. The vacant area where the RV and car shows have been is a good location. It is right off the freeway and has great exposure. The corner of 88th & 27th Avenue is a nice spot. Staff did not know

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that it was available. The location can be temporary or permanent. The fishermen have salmon, goeduck, clams, shrimp, etc. The Council and staff have spent some time going to other cities and checking out there concepts. The Santana Row concept at the South Power Center sight is the right place. It is time to incubate that concept and gradually moving people over to the Hub. This is what the Hub was built for. The Village would provide the tents and structures to hold the ice and people will gravitate to it. This is a great concept and can include fresh fruits, vegetables and flowers. Fishermen may need some help with food handling requirements. This would be essential to beginning a Farmer's Market. Ice will need to be accessible to the vendors.

South Power doesn't have the ability to handle the waste. Drainage must be considered. The b.o.d. content will impact the sewer plant and increase costs. It is important to protect the ground water and streams. Stubs are available right there to connect to the sewer main. A temporary pole structure could be put there. It should be the responsibility of the vendor to provide their own tent to structure. Pop-up tents could be the best solution. Staff needs to be able to control the area but it does not need to be permanent. A standard needs to be set so it doesn't become a tent city. This is going to generate risk and the Village assumes responsibility for public health and safety. Staff should work on options and bring back those back to the Council. Fishing season is here, this needs to be set up now. Set up the regulations and if the vendor doesn't comply, they can't come back.

9) ULI Conference, Woodlands Texas-FYI
Discussion: Peter Mills, Patti Gobin, Glen Gobin, Les Parks

A conference has come up that staff is interested in attending along with Council Members. It is called Placemaking and Developing Town Centers, Transit Villages and Main Streets, September 26-27, 2005. Council and staff should go. This helps staff with the vision needed to make the right decisions for the Village. Council will need to see the agenda before they can recommend who should attend.

**Quil Ceda Village Finance Department**

10) Quil Ceda Amphitheater Checking Account, Resolution No. 2005-010
**Motion made by Glen Gobin to approve Resolution No. 2005-010, which establishes a checking account with Bank of America for the purpose of depositing and expending funds from the Tulalip Amphitheatre.**
Seconded
Questions: What is the signing authority established with this account? The Village has an established policy regarding staff signing authority.
3 For 0 Against
Motion carried

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11) Out of State Travel Request for Valerie Matta
**Motion made by Les Parks to approve the out of state travel request for Valerie Matta to attend the Basic Bookkeeping for Tribal Organizations Conference in Minneapolis, MN, August 22-25 at a cost of $1,631.97 to come from QCV Admin training budget.**
Seconded
Questions: Is this within staff's current budget? Yes, it is.
3 For 0 Against
Motion carried.

**Tulalip Data Services Department**

12) Out of State Travel Request for Diane McCormick and Elizabeth Cook
**Motion made by Glen Gobin to approve the out of state travel request for Diane McCormick and Elizabeth Cook to attend the Quintrex Data Services Conference August 7-10, 2005 in Cedar Rapids, IA at a cost of $1,753.05 each to come from the TDS training budget.**
Seconded
Questions: Describe this conference. It is a training conference for users of the Quintrex Data Services billing program which TDS is using to bill customers on its phone system. Are tribal members attending and getting trained? One of the staff who is requesting to go is a tribal member. Other tribal members will be trained as the program progresses.
3 For 0 Against
Motion carried

**Quil Ceda Village Economic Development Department**

13) Out of State Travel Request for Chris Hunter and Debra Bray
**Motion made by Glen Gobin to approve the out of state travel request for Chris Hunter and Debra Bray to go to the Financial Aspects of Construction Project Management Conference in Las Vegas, NV, September 26-28, 2005 at a cost of $1,372.60 each to come from the Economic Development training budget.**
Seconded
Questions: Why are these two requesting to attend a "financial" conference? They do not work in finance. The conference has many more things to learn about such as preparing bid packages, awarding contracts, bonding construction projects, etc. The packet includes a list of many difference construction related topics that this staff will greatly benefit from.
3 For 0 Against
Motion carried

14) HDR Engineering Resolution 2005-012
Discussion: Peter Mills; Glen Gobin

Natural Resources staff has brought together a group to look at the area west of 27th Avenue. They are looking at the "man-made" wetlands. Did staff go out to bid on this study? Staff did not because HDR has a comprehension of the land west of 27th Avenue. This study is for an evaluation of the existing

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systems to show how water will be pumped into the wetlands. This is phase one of the pilot wetlands project for the old land that was previously used by Boeing.

There have been at least two other surveys done for this area, what happened to those and why can't staff use those or incorporate them into this one? How many studies need to be done? Those were wetlands studies and this study is on existing water lines that are already located within the old Boeing area. It will take into consideration water, sewer, and electrical use.

Staff needs to check the pricing structure to make sure that this cost is within a reasonable scope of what other firms would charge for the work. This firm already has a great deal of knowledge of this area. Council requests that staff makes sure this is taken into consideration before the contract is awarded. The Tribes has already spent enough on studies to purchase a small engineering firm. It might be well worth looking into our own engineering staff.

**Motion made by Les Parks to approve Resolution No 2005-012 for an amount of $40,385 to hire HDR to do an evaluation on existing water distribution within the Village.**
Seconded
Questions
3 For 0 Against
Motion carried

15) Saturday Farmer's Market
Discussion included in #9.

16) Out of State Travel for Peter Mills, Steve Gobin, and Patti Gobin
Discussion: Peter Mills; Glen Gobin

It has been requested that staff go down and look at Pala Casino & Hotel facilities. They have a similar project as Quil Ceda and it would be beneficial to see how it is put together. They have competition from other casinos. They have retail and an amphitheater. It takes many people to bring this project together so there is a long list of people who should go and look at many different aspects of the Pala Casino & Hotel. Pala has been able to turn their operations around. It will be good to see how they accomplished this.

**Motion made by Les Parks to approve the travel request for Staff and Council to tour the facilities of the Pala Casino & Resort in San Diego, CA, August 18-22, 2005 as presented at a cost of $1,837.60 each to come from their perspective travel budgets.**
Seconded
Questions: Staff will be Peter Mills, Debbie Posey, Patti Gobin & Steve Gobin.
Council will all attend. The casino may want to have staff go. They will put their request in through the appropriate channels.
2 For 0 Against 1 Abstain (Glen Gobin, Steve & Patti are his siblings)
Motion carried

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17) Request to remove Nina Reece as a check signer on only the QCV Economic Development account as approved in Resolution #2005-004.

**Motion made to rescind Resolution No 3005-004 which removes Nina Reece as a check signer until the 2004 finance audit is complete.**
Seconded
Questions
3 For 0 Against

**Quil Ceda Village Utilities Department**

18) Report on Grease Interceptor
Discussion: Les Parks, Tom Gobin, Glen Gobin, Peter Mills, Steve Gobin, Patti Gobin, Tim Brewer

Staff has gone in and done some dye testing at the casino to determine the routes that the grease is taking. Council needs to know how the problems occurred. Staff said that changes were made and re-routing occurred. There may be a design issue involved but it will take more time and investigation to determine how or why this happened. Utilities will be responsible for finding a fix and Council will look at what happened in the design. A third party needs to be brought in. The plans say one thing and the actual hook-up is different. Utilities can do a lot of footwork to save money and then bring in an independent company to review their findings. The contractor should be somewhat responsible for reviewing the problems and footing a part of this bill. Could the engineer who is working on the hotel project do the research? If the engineer is working for the existing architect, it could be a conflict to have that firm involved. Another firm is willing to bring in a sample interceptor to see if it can identify the problem. This has been a problem since the casino opened in June 2003 and it needs to be resolved. Staff has its direction.

19) Out of State Travel Request for Tom Gobin and Lukas Reyes
**Motion made to approve the travel request for Tom Gobin and Lukas Reyes to the Native American Water Association, Tribal Drinking Water and Wastewater Operators Training and Certification Testing Conference in Las Vegas, NV, August 16-19, 2005 at a cost of $1,772.60 each to come from Utilities training budget.**
Seconded
Questions: What further training will staff receive? Tom will get his group four in wastewater and Luke is getting his group two in wastewater.
2 For 0 Against 1 Abstain (Glen Gobin, Tom is my brother)
Motion carried

**Quil Ceda Village HUB Department**

20) Update-Amphitheater
Discussion: Debra Posey, Glen Gobin, Patti Gobin, Peter Mills, Cal Taylor, Steve Gobin

July 31, 2005 is Tribal Member night. Gates open at 3:00. Entertainment is Mary Wilson and the

Supremes. Beer Gardens won't be opened but the food vendors will be there. There will be shopping style vendors outside the amphitheater area. The cost for the kiosks is $100 per day. A table and tent is provided within that cost. A monthly lease will be $800. Very few tribal members have shown an interest in the food kiosks.

Trisha Yearwood sales are doing very well. Staff expect by show date they will be sold out. Staff is working on securing other performances for the remainder of the season. A security firm has been hired. The amphitheater is absolutely beautiful. Tulalip can be very proud of this new addition to the Village. Media will be invited in on July 30. Who are the VIPs? Please provide a grid on how the parking and traffic arrangements are to be handled. Staff has worked on this and will have a grid available for Council to review. The tribal police have been participating with staff regarding the plans to handle the parking and traffic. This is very exciting.

21) Top Soil Update
Discussion: Peter Mills, Glen Gobin

An accounting is done on a monthly basis. Two people in the office do this and then they bill the contractor. The contractor is current. The contractor has asked to bring in rock and sand to boost sales. Council is concerned that this changes the scope of the contract which is allowing a business to operate differently then the original intent. It defeats the purpose of trying to get rid of the material by allowing more material to be brought in. Does this contractor have a ground lease to operate a business in this space? If not, the contractor would be using this land to enhance its business instead of fulfilling the scope of the top soils contract which is to move the material out not moving material in.

**The regular Village Council Meeting at of July 19, 2005 is adjourned at 1:17 p.m.**

Adjourn Meeting

**Minutes approved at the regular Village Council meeting of August 19, 2005 with a quorum present.**

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Recording Secretary Date

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