

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Monday, September 28, 1992

9:00 a.m. - 10:00 a.m. Executive Session - Land Acquisition.

10:00 a.m. - 10:30 a.m. Presentation - Compacts with Tribes for Gaming Casino Operation.

10:30 a.m. - 11:30 a.m. Public Works Department - Rich Medved, Director.

1. Continuation of Public Hearing - Amending Chapter 12.18 Skagit County Code Related to Ordinance No. 11125, Solid Waste Disposal.
2. Discussion - Consultant Selection, Rosario Road Design.
3. Discussion - Forest Highway Project Applications.
3. Miscellaneous.

CONSENT AGENDA.

MISCELLANEOUS.

2:00 p.m. - 3:00 p.m. Executive Session - Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, September 28, 1992, with Commissioners Robby Robinson, Ruth Wylie, and W. W. Vaux present.

PRESENTATION - COMPACTS WITH TRIBES FOR GAMING CASINO OPERATION.

Mary Prevost, State Gambling Commission, addressed the Board stating that at this time she had no copies of the proposed gaming agreement to distribute as it is still being fine tuned. The Agreement will be going to the Gambling Commission and the State Legislation within the next two weeks. The Upper Skagit Tribes are planning for game tables, card games, etc. Anything that the lottery can play the tribes can send a request to the state for as well. They will also be allowed sports gaming, usually at \$1.00 per square, and it is to be played under the State laws. There are no negotiations with the State for Bingo, as it is under Federal regulations. Initially the Upper Skagit facility will have approximately 25 gaming tables, with the ability to increase to 31 or 32 in time. The Tulalip facility has approximately 30 tables, and the Lummi facility has around 45 or more. Lummi gambling is regulated Federally, not by the State, and they have a potential to be much larger than any facility that the State will regulate. The Upper Skagit facility has proposed to designate one gaming table from which proceeds will be contributed to non-profit organizations to assist the community. The tables are proposed to have \$10 and \$25 wager limits with one table at \$100 maximum wager limit. The facility shall operate 80 hours per week, closing between the hours of 2:00 a.m. and 8:00 a.m. This shall provide approximately 18 hours of operation per day. The State and Tribe will have the ability to suspend the license of anyone in the facility. The State can monitor the facility and audit the books at any time to ensure that the compact is being upheld. Disputed issues between the Tribe and State will go through dispute resolution to be solved and the Federal regulating committee can be asked to assist in the dispute resolutions.

The Tribes cannot be taxed to provide for local enforcement costs. Other counties have not seen a great impact on enforcement requirements from the gambling facilities, but it is known that there will be some. Tribes can renegotiate the terms of the compact, on issues unforeseen, after a facility has been operating 36 months.

The Swinomish Tribe has tentative plans to open a gaming facility in the Longhouse Restaurant building and

then move to the permanent location on Highway 20 at the future marina site, which is projected to be about three years away. The Longhouse is small, and only about 18 tables would fit. It is proposed to be open more hours since there would be fewer tables. The facility would still be closed from 2:00 a.m. until 8:00 a.m. There would still be an 18 hour per day, 80 hours per week average over the year, not on a consistent basis. The wage limits and license restrictions would be the same as the Upper Skagit facility. The Tribe would be allowed to renegotiate the compact after 18 months since the facility would be moving in entirely in 36 months. The compact would be reopened for environmental licensing concerns, general operations and management of facilities.

Commissioner Vaux asked when the Swinomish Longhouse facility was anticipated to be open.

Ms. Prevost stated that it is anticipated to be opened in 6 to 12 months. There are extensive security measures to be taken and revisions need to be done to the facility.

Ms. Prevost said that the seven facilities that are in operation have learned a lot through the Bingo operations. The Swinomish Tribe and the Gambling Commission desire to have a clean, well run facility.

Commissioner Wylie asked whether the Gambling Commission was negotiating on behalf of the County regarding the impact that the business from the facility will have on the Sheriff's Office.

Ms. Prevost stated that the needs are recognized and the Commission will work with Sheriff Frazier. The possibilities are still being looked into.

Commissioner Wylie asked who would have jurisdiction over people in the parking lot of the facilities.

Ms. Prevost stated that even though it would be tribal land, the tribe has no jurisdiction over non-tribal customers, the Sheriff would be responsible. If the gaming facility is tightly controlled from the onset, the undesirable element will not be attracted. The low wager limits help with this issue also.

Commissioner Vaux asked whether the possibility of having five gaming facilities from Marysville to the Canadian border could create an unforeseen problem.

Ms. Prevost stated that it was possible, depending on the traffic and the interest. She stated that video poker was still being proposed to legalize, and even with that it would be difficult to tell whether interest will grow or diminish.

Don Bockleman asked whether hard liquor would be served at the tribal gaming facilities.

Ms. Prevost stated that it would depend on the tribe, and they would have to work with the Liquor Control Board on that issue. She said that many tribes are concerned about alcohol on the premises and do not want it. Lummi is a dry reservation. Tulalip will be serving alcohol shortly, they have been approved for a license.

The Board thanked Ms. Prevost for the update on the progress of the Tribal Gaming compacts.

PUBLIC WORKS DEPARTMENT - RICH MEDVED, DIRECTOR.

1. Continuation of Public Hearing - Amending Chapter 12.18 Skagit County Code Related to Ordinance No. 11125, Solid Waste Disposal.

Don King, Operations Manager, addressed the Board stating that the legal opinion regarding the letter received from Environmental Waste of America, Inc., had not been received. It had been the consensus of the Board that the public hearing should not take place until such a response had been received. On behalf of the Public Works Department, Mr. King recommended that the public hearing be postponed for another week.

Commissioner Wylie motioned to continue the public hearing to Monday, October 5, 1992, at the hour of 10:00 a.m., or as soon thereafter as possible, in the Commissioners' Hearing Room, 202A, Skagit County Administration Building, 700 S. Second, Mount Vernon, Washington. Commissioner Vaux seconded the motion, which carried unanimously.

2. Discussion - Consultant Selection, Rosario Road Design.

Doug Barnet, County Engineer, stated that 24 Requests for Qualifications (RFQ's) had been received. Of the 24, five were determined to be the most qualified and selected for interview. Those five firms were: Pertee Engineering, Everett, Washington; S.T. Engineering, Mount Vernon, Washington; HDR Engineering, Bellevue, Washington; David Evans & Associates, Bellingham, Washington; and Reid Middleton, Lynnwood, Washington. All five firms were interviewed for an hour and evaluated on general experience, professional technique, staff, workload, and specific experience. The results of the interviews found Reid Middleton, Lynnwood, Washington, to be the most qualified to do the required work. The Public Works Department recommended that the Board concur with staff and allow negotiations for tasks and contract to begin. The distance of road to be redesigned is approximately one mile. There is a danger in that there is limited sight distance around curves.

Commissioner Vaux stated that a real danger is the fog that accumulates in the area of this project, making it impossible to see when turning left from Marine Drive to Rosario Road.

Mr. Barnet stated that a memo of design options will be brought to the Board.

Commissioner Vaux asked that the bicycle traffic from Whidbey Island be factored into the plans.

- Michael Rudge, 1471 Rosario Road addressed the Board. Mr. Rudge stated that he has been a volunteer fireman in the Rosario Road, Marine Drive area and to his knowledge there has never been an accident at the proposed road design area. He felt that whatever was done to the road, it needed to have an all-weather surface. Mr. Rudge felt that a good way to redesign the roads would be to tee Rosario Road directly into Marine Drive so that the north and southbound traffic would have the right of way, and the westbound traffic would come to a stop before turning north or south on Rosario Road/Marine Drive. He said that another problem occurs on Rosario Road where gravel trucks cross the road from the quarry into the Lake Erie Trucking business site. Mr. Rudge stated that they are supposed to use an entrance at a different point of the business location for access, according to their special use permit. There ends up being excess gravel on the road making it hazardous, as well as the trucks pull out in front of traffic. He asked if the public would be able to comment regarding the proposed road revision.

Mr. Barnet stated that there are meetings that are budgeted into the design process that will be open to the residents to participate in, and thanked Mr. Rudge for the information he provided.

Commissioner Vaux stated that he had never seen the trucks doing as Mr. Rudge had referred.

Mr. Barnet stated that there are a number of issues that can be addressed initially by the consultant, and

requested that the Board agree with staff on the consultant selection so that the design process can begin.

Commissioner Wylie motioned to approve the consultant selection of Reid Middleton, for the design of Rosario Road No. 1031. Commissioner Vaux seconded the motion, which carried unanimously.

3. Discussion - Forest Highway Project Applications.

Mr. Barnet addressed the Board stating that WSDOT is soliciting proposals from agencies for Federal Forest Highway Projects for the 1993 through 1997 fiscal years. There are currently two such highways in Skagit County, Baker Lake Road, #9700, and Cascade River Road #9795. Finney Creek Timber Access Road, #0612, which serves the Baker-Snoqualmie National Forest, is currently not on the list of Forest Highways. The County must propose projects that are joint with the Forest Engineer of the Baker-Snoqualmie Forest. The staff met and has evaluated the need for the three following projects to be submitted for consideration:

1. Cascade River Road #9795, from milepost 12.2 to milepost 14.2. Proposed improvements are to build the roadway to two lanes with vertical and horizontal alignment improvements. Estimated cost: \$650,000.00
2. Cascade River Road #9795, from milepost 10.20 to milepost 10.30. Sibley Creek currently crosses under the Cascade River Road in three 36" metal culverts. These culverts get blocked during flooding events and the road washes out. Proposed improvements are to build a 180' bridge, remove the culverts, and remove approximately 2,500 cubic yards of fill. Estimated cost: \$450,000.00
3. Finney Creek Timber Access Road #0612. This road will first have to be identified as a Federal Forest Highway. The Finney Creek Bridge is a single lane bridge that crosses over Finney Creek at milepost 4.2. Proposed improvements are to place a new bridge structure in the location of the existing structure which is settling in unstable ground conditions.

Mr. Barnet stated that out of 5 Federal Forest Highway Projects possible, Skagit County has three of them to submit, and feels that there will be no problem with having them approved.

The Board approved Mr. Barnet's request to submit the proposals to WSDOT.

4. Miscellaneous.

No miscellaneous items were presented at this time.

CONSENT AGENDA.

• Administrative Services:

1. Contract for Professional Services with Larry N. Lodwick, Ecologist, P.O. Box 544, Sedro Woolley, WA 98284, for the development of a Request For Proposal (RFP) for a resource assessment of the Northern State property, review qualifications of firms answering the RFP, assist in the interview and selection of a qualified consultant, and assist with monitoring of consultant activity. The County will compensate Mr. Lodwick at the rate of \$45.00 per hour not to exceed \$3,000.00. (Contract #01422).

* ARIS:

2. Contract with Diaz Karate, 404 South 3rd, Mount Vernon, Washington 98273, to provide two months of Tang Soo Do Karate lessons plus uniform for Jason Emmil, at the cost of \$99.00. This instruction has been recommended for anger management treatment as it will provide positive role modeling while using the discipline of karate to improve anger management. (Contract #01423).
3. Contract with Diaz Karate, 404 South 3rd, Mount Vernon, Washington 98273, to provide two months of Tang Soo Do Karate lessons plus uniform for Danny Nieshe, at the cost of \$99.00. This instruction has been recommended for anger management treatment as it will provide positive role modeling while using the discipline of karate to improve anger management. (Contract #01424).
4. Contract with Diaz Karate, 404 South 3rd, Mount Vernon, Washington 98273, to provide one year of Tang Soo Do Karate lessons plus uniform for Robert Jessmer, at the cost of \$300.00. \$300.00 will also be paid from the ARGUS fund. This instruction has been recommended for anger management treatment as it will provide positive role modeling while using the discipline of karate to improve anger management. (Contract #01425).

* Health Department:

5. Contract Amendment with the State of Washington Department of Health Contract No. 1620-01572(5) adding \$2,413.00 for a HPIT/Feasibility Program for October through December 1992. This amendment increases the contract by \$2,413.00. Revised total maximum consideration not to exceed \$241,350.00. (Contract #01168).

* Facilities:

6. Contract with Cass Construction, 615 S. Second, Mount Vernon, Washington 98273, to construct a wall in the Auditor's Offices. Construction cost \$10,000. (Contract #01426).

* Senior Services:

7. Professional Services Contract with Spanish Communication Services, 924 S. 11th Street, Mount Vernon, Washington 98273, to provide Spanish interpreting services and document translation services, for Skagit County Senior Services. The County will compensate the Contractor at the rate of \$20.00 for the first hour, \$5.00 for each additional 15 minutes or portion thereof. Addendum #1 is attached for expanded information. (Contract #01427).

* Planning and Community Development:

8. Signature - Mylars, Final Plat of Hall Place Second Addition.

• Public Works:

- 9 & 10. Signature - Resolution and Interlocal Agreement between Skagit County and Whatcom County allowing the Skagit County Public Works Department to provide materials, equipment rental, and perform work on a reimbursable basis for Whatcom County for a period of five years. (Resolution #14493). (Contract #01428).
11. Signature - WSDOT Bridge Inspection Agreement, Supplement No. 1 allowing the State to inspect bridges in Skagit County that require special equipment. The Supplement agrees to a continuing agreement until terminated in writing by either Skagit County or WSDOT. This will eliminate the need to execute a new agreement every inspection cycle. (Contract #01429).
12. Signature - Addenda to Coordinated Prevention Grant #G9300063 - with WSDOE and Skagit County. Addenda being a Procurement Certification Form and a Sworn Statement of Compliance. (Contract #01415).

* Senior Services:

13. Signature - Contract Amendment with Northwest Regional Council awarding an additional \$3,500.00 for COPES Case Management and to increase the COPES unit rate to \$109.00, effective September 1, 1992. (Contract #01188).

MISCELLANEOUS.

- A) A resolution was presented to the Board awarding the bid for the Underground Storage Tank removal to the lowest bidder, Global Environmental, 2763 13th Avenue S.W., Seattle, at the bid price of \$25,075.00.

Commissioner Wylie motioned to adopt the resolution as presented. Commissioner Vaux seconded the motion, which carried unanimously. (Resolution #14491).
- B) A resolution was presented to the Board reappointing Carol Ehlers to the Skagit County Planning Commission with a term beginning September 25, 1992, and expiring September 25, 1996.

Commissioner Vaux motioned to adopt the resolution as presented. Commissioner Wylie seconded the motion, which carried unanimously. (Resolution #14492).
- C) Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W.42.24.090, have been recorded on a listing which has been made available to the Board.

As of this date, September 28, 1992, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants #92334 through 92476 (Vouchers #92334 through 92476) in the amount of \$547,244.12. Transmittal # R19-92.

ADJOURNMENT

Commissioner Wylie motioned to adjourn the proceedings. Commissioner Vaux seconded the motion, which carried unanimously.

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


Robby Robinson, Chairman


Ruth Wylie, Commissioner


W. W. Vaux, Commissioner

ATTEST:


Connie Carter, Clerk
Skagit County Board of Commissioners

