

Index Town Council  
Monthly Meeting Minutes  
March 5, 2007

The regularly scheduled monthly meeting of the Index Town Council was called to order at 7:00 PM by Mayor Bruce Albert.

**COUNCILMEMBERS AND ADMINISTRATIVE PERSONNEL PRESENT**

Bruce Albert  
Bob Hubbard  
Karen Sample

Patrick Woods  
Dean Johnson

Lisa Stowe, Clerk/Treasurer  
Maintenance Supervisor Bill Cross

This meeting is dedicated to the memory of former Mayor Bill Acker. Serving three terms as Mayor for Index, he did an excellent job, with a wonderful ability to keep a meeting on track. He was also the last Mayor to fulfill a term of office, and very supportive of Mayor Albert during his initial term as a Councilmember.

Horst did not call ahead and his absence was not excused.

Minutes from the February meeting were read and Woods moved to accept them with one amendment. On the first page, last paragraph, it should state that "work will not begin" until the Letter of Intent has been accepted, rather than the contractor not being paid until then. With a second by Hubbard, the motion carried. A resident asked what a spillway, mentioned in the minutes, was. It is the cement trough at the end of the culvert near 8<sup>th</sup> Street that was damaged in the flood.

Stowe read the February warrants, numbered 2107 - 2126. Payroll and tax warrants totaled \$4047.69 and all others were \$31242.31 for a grand total of \$35290.00. The warrant to AWC is for an additional five million in coverage. The warrant for the Department of Licensing is for the notary renewal. Sample moved to pay the warrants as presented and with a second by Johnson the motion carried. The warrants for excavating, rip rap, and gravel, will be reimbursed at 80% through the FCAAP grant.

During public comments, a resident presented a monthly report on the progress of the Friends of Heybrook Ridge. This report is also shared with the owners, W.B. Foresters. It was suggested that the report be posted at the Town hall as well as at the kiosk as postings tend to disappear there.

A letter from a resident was read listing concerns over flooding and junk vehicles. Briefly, the letter asks why the Town does not require construction of more than one foot above base flood elevation and suggests requiring three feet. Albert clarified that there are no assurances that any base elevations will be high enough. It is simply a statistic that cuts the odds. The resident knew prior to building that he was doing so in a flood prone area. It is important that people know the Town does not guarantee a place won't get wet.

Also included in the letter was a suggestion that the Town develop a long range flood protection plan. There is one to some extent. The recent FCAAP grant requires we move to a stated Management Plan, which was started with initial ideas back in January.

The resident's request that a berm be completed further down Avenue A does not make sense until one is done further up. Otherwise one "down" at the other end of Avenue A would simply create a large ditch for the water to travel through when it broaches the road above. As well, a large portion of land where the resident is suggesting a berm is privately owned property.

It is important to understand that the Town is moving forward on flood control and that residents understand this is a current, ongoing project.

The resident also suggested creating a flood control taxing district. Albert, being frank, said that when someone builds in a flood plain and gets flooded, he doesn't view it well that they then want to tax everyone else for flood control.

Finally, relating to comments on junk vehicles, it is unclear in the letter which vehicles the resident is referring to. A letter was sent to the resident saying that none of the vehicles in the area mentioned meet the definition of "junk" based on the very clear junk vehicle policy.

Sample felt Albert's comments create a draft of a response, but asked why they could not require building at three feet above base flood elevation rather than one, since it can't hurt and might help. Albert would need to see the science behind that first, and feels it is prudent to simply not build in a flood zone. It is always a person's choice to decide to build higher than the requirement.

Albert, Peterson, and Stowe met with Harmson surveyors to go over the preliminary new datum regarding base flood elevations, and the new maps are three feet higher than the old ones. However, this does not mean a resident has to build three feet higher than they would have prior to the new maps as the current surveys have also raised sea level three feet higher. So the height to build to is essentially the same. Albert said that some jurisdictions word their ordinances differently, stating that all insulation, etc., must be above base flood elevation. The Town ordinance simply says the floor must be, and the Council may want to consider amending that ordinance.

Johnson likes Albert's response and feels it could be worked into a letter. He doesn't believe a requirement should be made for building three feet above flood elevation, but that it could be offered as a suggestion.

There was further discussion around local realtors who do not tell prospective buyers that they are looking at property in a flood zone, and how people buy a place in the middle of summer and then realizing it snows and rains here, and there are wild animals. It was also clarified that the base flood elevation comes from FEMA and is tied to flood insurance ratings, rather than from Snohomish County. At this point Albert was authorized by the Council to send a letter in response.

There were no Council comments at this time.

The Planning Commission did not meet because there were no agenda items. The letter mentioned above was also sent to the Planning Commission and Albert said that while the issues are a little outside Planning Commission business, they were welcome to review and comment on it at their next meeting.

During the Maintenance report, Cross is hoping for no more snow. The plow got bogged on Galena Road and near Sky Country Club during the recent snow dump. Albert asked Cross if he had plans for doing the concrete pour near the park bathroom, and Cross is going to be getting that done. He was waiting for better weather.

The rip rap repair under the FCAAP grant is done as of this evening's meeting. Work along the shoulder of Avenue A is three-quarters done and the Town expects to spend another \$1,000 there. This leaves the completion of a permanent berm, which will hopefully be started by spring.

Albert is choosing potential dates for the Centennial celebration, and will be working with Sample on that. He is leaning toward a date in August, but will avoid August 11<sup>th</sup> as that is the Art Festival.

It is time to renew the contract with Allied Waste. The contracts are for five year periods, and while annually there is a small increase in rates from CPI increases, this time there is a substantial adjustment in charges. A majority of the increase in cost is due to the increases in fuel prices over the past few years. A representative from Allied has offered to come to a Council meeting to talk to residents, but it appears obvious there needs to be a rate increase to meet the new rates. Stowe and Albert will be researching other options, as well as comparing what other towns pay for garbage and recycling. Sample asked about the recycle place in Gold Bar, but they would probably only pick up aluminum. There are alternatives such as having each resident haul their own recycling. The proposed contract will have a section on recycling, which the old one did not. There should be more information next month.

Back in January the Town signed an interlocal with the Department of Emergency Management (DEM), adding a clause about the Town retaining authority to declare an emergency. Snohomish County was unwilling to consider interlocals on a city by city basis and turned down this one. The Town attorney was asked about authority, and said the Town would retain authority unless the event was big enough the whole County was declared. Our Disaster Plan states the mayor, the Disaster Coordinator, or the Mayor pro-tem retains authority. A representative from DEM said that the mayor would have authority but the interlocal does not say that. Albert's opinion is that if there is an emergency, we are on site, not in Everett, we are familiar with local conditions, and we are our first priority. If we contract with DEM it could be beneficial, with negligible cost, but the Town could be in an event and being managed by someone in Everett.

Stowe pointed out that because the Town was able to declare an emergency the morning after the flood, the process for approvals and funding started much earlier than the County was able to. The Town had approvals while other cities were still just starting the process, which resulted in repair work starting that much sooner.

Johnson asked if the interlocal was signed, would the Town have to wait until a declaration was signed by the County, but Cross pointed out that the Town declaration was signed under the same interlocal.

Albert said there were two volunteers from DEM that came up during the flood. One was a candidate for Congress who never introduced himself, but went right to work sandbagging and pitched in with everyone doing the hard labor. Another was a man who came to the Town hall expecting to do the paperwork and sat in the Town hall at a loss for what to do. Albert does not want to be in the middle of an event where it is necessary to make decisions, and have someone roll in from the County and tell us what to do.

After further discussion, Sample moved to sign the interlocal and Hubbard seconded, and more discussion started. Hubbard likes the idea of calling an emergency when it happens and not several days later but sees the value in additional reserves. Stowe felt that many items in the interlocal that the County must provide, were not. It is understood this event is part of a learning curve for a new entity. Sample felt the interlocal was a bit like insurance and she hoped that DEM gets it together in meetings over the next year. She said the County did not declare an emergency until two days later when they flooded, and by that time Index all ready had.

Woods said that the Town was able to sign a declaration under the current interlocal, and does that change with the new one? Albert said the concern is the actual language in the new interlocal, that it could be construed as giving the Mayor's power over to the County. The problem is that Albert feels the people here are better qualified to make decisions and while signing wasn't a problem during the last flood event, no one knows what will happen in the future. He has no quarrel with signing the interlocal this time and seeing how it works out and how DEM changes. The annual fee isn't enough to even cover the time of DEM representatives who came up to meet with Albert.

Sample said this year will be a learning curve for DEM, but will they actually listen to Index? Cross said that it is hard to say, and reminded the Council that both Monroe and Everett had pulled out of DEM. Previously the Town had a vote, but now with the new arrangement of DEM, the Town is advisory only.

As there was no further discussion, a vote was taken on the motion for signing the interlocal and it carried.

Stowe said that the FEMA reimbursement process is in the final stages of review.

There were no business or land use applications.

Ordinance #392 amending the 2007 budget for the Water System Protection grant was presented for action. Sample moved to accept the Ordinance and with a second by Hubbard the motion carried.

Last month Gold Bar Councilmember Robert Amenn asked the Town to consider joining Snohomish County Cities and Towns. Albert said that are publications from AWC that are excellent in the Council boxes, and feels that as a lobbying group for Cities and Towns, the County group would duplicate what AWC all ready does. Hubbard doesn't see the benefit for the cost, although he thought the cost was per month and it was clarified that the cost is annual. Stowe said that while the cost is negligible, the Town has a tight budget and pennies add up. Woods moved to adopt membership, but as there was no second the motion died. Sample moved to not join at this time, but to keep an eye on the organization. Hubbard seconded, and the motion carried with one abstention.

As there was no further business Sample moved to adjourn. Johnson seconded the motion, and the meeting was adjourned at 8:25 p.m.

Adopted by the Index Town Council this 2<sup>nd</sup> day of April, 2007.

Signed: \_\_\_\_\_  
Bruce Albert, Mayor

Attest: \_\_\_\_\_  
Lisa Stowe, Clerk/Treasurer