

Index Town Council
Monthly Meeting Minutes
August 6, 2007

The regularly scheduled 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	Karen Sample	Lisa Stowe, Clerk/Treasurer
Bob Hubbard	Patrick Woods	Bill Cross, Maintenance Supervisor
Dean Johnson	Sean Horst	

Because resident David Cameron is such a welcome and faithful visitor to the Council meetings, Council members debated whether to excuse his absence or not. After discussion it was decided to excuse him this time.

Minutes from the July meeting were read and Sample moved to accept them as presented. With a second by Hubbard the motion carried.

Stowe read the July warrants, numbered 2199 – 2217. Payroll and tax warrants totaled \$4,132.55 and all others were \$5,240.43 for a grand total of \$9,372.98. Johnson moved to pay the warrants as presented, and with a second by Woods the motion carried. A resident asked for clarification of what the warrant for the Sheriff's department paid for, which is contracted services and 911 calls.

During public comments a resident presented an unsigned letter to the Council regarding a noise nuisance. He said he has called 911 and ended up with confusion about what is legal within the Town limits and his calls have been unanswered. He asked if, in the absence of Town ordinances, do people fall back on County ones.

Albert explained the Sheriff's department enforces the RCW's of the State. He also explained that if the Town enacts an ordinance with penalties, it is run by the Snohomish County Prosecutor and the Sheriff's office first, so they are aware of what is enforceable within the Town limits. An example is the ordinance enforcing a curfew in the park. The Town has very few ordinances with penalties. Albert does not know if there is a RCW relating to noise but he believes most noise is allowed until 10 p.m. Snohomish County ordinances would only apply in the unincorporated areas and not in the Town limits.

Discussion followed that included asking the Town to consider using the County noise ordinance as a draft, talking about how the Town has changed over the years, and how most people respect their neighbors.

Hubbard said that during the creation of the Zoning Ordinance, it was learned that most towns regulate construction noise, but for residential, it is measured with a decibel meter, which the Town does not have the capability to use.

Woods has never heard of a noise ordinance that regulated noise before 10 p.m. and feels we would have a hard time enforcing it, and enforcement should be left to the Sheriff's department.

Albert lives on the same street where the problem is occurring. One of the harder things to understand is that the Town contracts with the police because we can't afford a trained officer and the County is the best we can do. The other option is to cease to be a Town and become part of the County but that would not guarantee any faster response to calls, especially a noise nuisance that would be triaged against more emergent calls. Albert asked the resident what specifically he was looking for in a noise ordinance.

A second resident said according to the County ordinance, a decibel meter isn't needed. Any amplified or live music that can be heard outside is where the laws come in. He thinks the specific definition is that amplified noise cannot be heard outside of the residence.

Albert asked if the residents had attempted non-confrontational conversations. Other residents have.

Horst suggested having the Town send a letter, and Albert agreed that could be tried.

Albert said that even though he lives on the street and is up and down there frequently, he has not heard the music. He's not saying it's not a problem, just that he hasn't heard it personally. He's sympathetic to the problem and likes peace and quiet as well. He will look at the County ordinance and at sending a letter to the person, but residents need to understand that even if a law went into effect tomorrow and someone called 911, the call would still be triaged.

The second resident said that he expected to go to the Council and be told "we don't hear it" and that's the response he got.

Albert said the resident was being unfair, that he had given a number of responses, and that what he said was part of the response because it was true and relevant because he lives on the street. The response is not blowing off the resident.

A third resident asked if there was any way to contact the landlord. Albert explained that the tenant can be contacted, but the landlord would not be unless there was some sort of liability.

Hubbard lives in the same area and hears music occasionally, but is more concerned with the people who run stop lights and speed up and down the street. This led to a brief discussion on the cost of speed bumps.

During Council comments, Sample said a tree has come down on Crescent Trail and she doesn't think emergency vehicles could make it through. Cross will take care of this. Sample also asked about cutting blackberry vines getting in the way. She wondered if the prison crews would be coming up to take care of the problem. Cross said the Town has not been able to get prison crews for two years now unless there is a cancellation. Sample will go ahead and cut back some of the vegetation, understanding that the trail is not meant as a thoroughfare.

Another resident came to the meeting at this time. She had concerns about the speed people are driving on Index Avenue and wants to know how to slow them down. Albert told her if it's the same people over and over and she knows who they are, to get their names and vehicle descriptions to Stowe and she will contact the Sheriff deputies. The resident said she also came to see how the Council works, and is impressed.

The deputies also have message boxes at the fire department where notes can be left for when they are in the area.

Woods says everything is about ready for the Art Festival this Saturday.

Hubbard said people are taking rocks off the riprap. Horst talked about how much the riprap has changed and that it doesn't look stable. Albert will address this in the Mayor's report.

The Planning Commission reviewed a SEPA application for a deck replacement and moved to recommend approving the paperwork.

There isn't a whole lot out of the ordinary for the Maintenance report, although adding gravel to the muddy spot on Crescent trail was discussed again.

Three letters were received on the issue of fireworks. Albert spoke with numerous residents up and down Avenue A after the 4th, and the only people opposed to fireworks were those who wrote letters. There was a surprising amount of support, although Albert pointed out it was just luck someone wasn't hurt or something set on fire. He is going to come up with an amendment to the current ordinance adding enforcement and keeping the rest similar to the existing one where fireworks can only be set off on private property.

Johnson asked what would be involved in hiring deputies for the day. Albert said the deputies would not be able to selectively enforce laws, by ticketing illegal fireworks and not ticketing people setting off fireworks on the street. Stowe added that in the past when deputies were hired for the 4th, there wasn't a whole lot they could do as the ordinance had no enforcement.

The amount of garbage left behind is disgusting, and Horst said that while this year he didn't notice it, in previous years Avenue A has been hammered with garbage. Albert said this year people did a good job cleaning (Woods had his kids out there with a shopvac) but that if the ordinance is enforced regarding private property there won't be much garbage on public property.

Albert also wondered what would happen if people pitched in money toward a community fireworks display as has been done historically, instead of individual events.

Hubbard liked the idea of opening a spot such as the park, but the new school playground equipment is flammable, and there are liability issues for the Town.

The goal is to end the free for all, to end the amount of fireworks being set off days before the 4th and days after, and to do this before someone gets hurt. After further discussion on liabilities, Albert said he will bring a draft ordinance to the Council meeting.

Albert hosted a work session on building permits that went well. He will be writing a draft ordinance amending the interlocal with Snohomish County and having the County do enforcement.

Rip rap repair is being worked on. Albert said that the current application with FEMA is still in the environmental review process and he hopes to have something finalized before the permits expire. If he hasn't heard anything by the September Council meeting, he will be asking the Council for emergency action to get the work done and then to seek reimbursement from FEMA.

Woods suggested having a Flood Awareness Day or sandbagging drill in October, which others felt was a good idea. Horst asked how long the current sandbags would last. They are already starting to break down but might still be effective with flood water depending on the flood and the fact that the inner bags are breaking down slower. Albert hopes that if there are any extra FEMA funds the Town can construct a more permanent berm next summer.

The Town Centennial celebration will be held on the 19th. Albert suggested getting plywood that everyone could sign which could then be displayed in the Old Fire Hall. The Historical Society has also donated funds.

Albert would like to budget next year for a backhoe. It would make sense to have one and use it instead of paying someone else to come in every time one is needed. Sample wondered if it would be possible to rent it out to people, but besides the liability issue there is also the issue of the appearance of diverting public funds.

Stowe received a SEPA application from the Department of Transportation, soliciting comments on proposed work along Highway 2 to repair damage. There is also a Forest Practice Application relating to logging along the South Fork. Stowe will have both available at the Town Hall and will post a notice.

A SEPA was presented on the replacement of a pre-existing deck. The public comment period will run until the September Council meeting.

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

Adopted by the Index Town Council this 4th day of September, 2007.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer