

Index Town Council  
Monthly Meeting Minutes  
February 4, 2008

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	Dean Johnson	
Sean Horst		

The absence of Woods was excused.

This meeting was dedicated to the memory of Elroy Burnett, resident and naturalist, who recently passed away.

Minutes from the January meeting were read and amended to reflect changes on page 2 and page 4. Sample moved to adopt the minutes as amended. With a second by Hubbard the motion carried.

Stowe read the January warrants, numbered 2306, and 2308-2322. Payroll and tax warrants totaled \$4225.91 and all others were \$8008.79 for a grand total of \$12234.70. The warrant to AWC for \$4347.00 is for the Town's annual insurance. Johnson moved to pay the warrants as presented and with a second by Horst the motion carried.

There were no public comments.

During Council comments, Sample hopes to have draft ordinances for noise and fireworks at the next meeting. Hubbard is still getting feedback on dog licensing. Horst had nothing to report and neither did Johnson, except for fatherhood. Index welcomes Isla Jane.

The Planning Commission did not meet due to lack of quorum and no agenda items.

Albert thanked Stowe and Rick Bott for helping pick up the slack on snow plowing during Cross's vacation. He would also like to thank Jay Kim for his willingness to volunteer and help with plowing. Albert thanked residents for moving cars out of the right of ways, and said a backhoe will be arriving to assist with opening alleys and moving the snow berms.

The Forest Service sent a written request asking the Town to address three concerns with the Sportsmen's Club and Trapgrounds. These include verifying if part of the club house is on Town property rather than Forest Service land, parking, and access across the Crescent Trail. The authority to address these issues lies with the mayor, and Albert's position is as follows. Regarding the club house, if the Forest Service is concerned the onus is on them to come up with proof by having the area surveyed. Until then Albert sees no evidence of trespass that concerns the Town. Regarding access and parking, there may have been something in writing with the railroad years ago, but that hasn't been researched. Since the 1980's the Town has leased the right of way for a trail and the access and parking continued uncontested. In the 1990's the trail was gated, with the gate situated in order to not preclude access. The Town then purchased the land from the railroad, and use continued uncontested. Lawful access exists and has existed. If the Council disagrees with this assessment the onus is on them to explain. The Council was fine with Albert's position and with sending a letter that says the same.

A member of the public asked to add wording to the letter stating Index has nothing against anyone trespassing. Albert said the letter will state the club has, and continues to enjoy, lawful egress. This is not the same as a formal easement. If the club wants to seek one, they can do so, but he doesn't see how the Town could lawfully allow access for sixty years and then take it away.

Debbie Copple thanked the Council for their support. She had copies of two letters of support from residents, both of which the Council had in their packets. She also received a letter of support from the Friends of Heybrook. She is looking forward to getting involved in the community. Horst asked if local kids could join the club even if they are not part of the Sultan school district. Copple confirmed they could.

Albert reminded club members that their lease once extended across the road where there used to be a picnic area. This was dropped off the lease and is now an area with health concerns due to squatters. He asked club members to consider taking the area back over and managing it as an open recreational facility, with a handle on some of the more unpleasant things there. Hubbard has talked to deputies about that area as well. Copple thinks it would be a good idea.

Steve Higgins asked about a grant from the Friends of the NRA that the Sultan police department received two years ago, in which they received a defibrillator. He wondered if something similar could happen for the Index fire department. Copple said the group no longer does grants to tax supported entities.

Higgins also asked if the club was still willing to not shoot as early or late as the application states. Copple said the reality is that members are rarely there early or late, and they are very flexible on times.

Higgins pointed out that the file with the Forest Service is still open and people can submit until a decision is made, even if the public comment period is over.

Hubbard asked that access be treated the same as other people who use Town property. Albert clarified that if the Forest Service determines the clubhouse is on Town property, then it will be treated the same. Johnson suggested adding wording to the letter stating that if in the future things change, the Town reserves the right to change use. Albert will copy the letter to Council members.

Hubbard said he had been misquoted in the newspaper in a letter that stated he had no problem with reopening the club, when what he had said was that he had no problem with access.

Albert reminded Council members that he had asked them last month to think about the issue of signing letters as a Council member. He asks if a letter is signed as a Council member, a copy be filed with the Town. Where the Town can get into trouble is when comments as individuals are construed as coming from the Town.

Johnson felt if something is sent out from a Council member, all members should have the chance to look at it first and approve it. Horst said he learned this lesson the past year, how statements can be construed. He urges all Council members to think before they react. Hubbard said if this referred to a letter he wrote, he did say he was a Council member, but said in the letter 'on a personal level', and doesn't feel he needs the approval of the Council when representing people. Sample was reminded of the time when members got together to approve letting a band play longer, and then had the repercussions of an illegal quorum. She asks that the issue be excused under a similar learning curve for the public persona. She does feel there needs to be separation between personal opinion and Council opinion. Albert said there is a fine line because an elected official is expected to have

things they stand for and oppose. He doesn't want to have to review people's stuff, but he does ask that if something is identified as coming from an elected official, it is copied to the Town.

A position on the Planning Commission has expired and Martin Kenney is willing to continue in this position. These are appointed by the mayor, and Albert asked Stowe to post the open position and to make sure no other terms have expired. Albert thanked Kenney for his willingness to continue serving.

Stowe has been in contact with the Grizzly Bear Outreach Program. They offer education on black bears and are willing to come to the Town for a training. She will set something up for spring.

The Tulalip Chamber of Commerce will attend the April Council meeting.

Snohomish County Tomorrow is looking for an appointed representative from Index. Last year Horst took this on. Stowe asked that the Council let her know if someone wants that position.

Albert received a letter from DNR regarding changing the recreational use of the Reiter Foothills area. There is a public meeting February 12<sup>th</sup> in Monroe. The Town needs to scrutinize this proposal as it abuts the watershed.

As there was no further business Johnson moved to adjourn. Horst seconded the motion, and the meeting was adjourned at 8:13 p.m.

Adopted by the Index Town Council this 3<sup>rd</sup> day of March, 2008.

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

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