

Index Town Council  
Monthly Meeting Minutes  
March 3, 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	Patrick Woods	Bill Cross, Maintenance Supervisor
Dean Johnson		

The absence of Horst was excused.

Minutes from the February meeting were read and amended to reflect changes on page 2 and page 3. Sample moved to adopt the minutes as amended. With a second by Johnson the motion carried.

Stowe read the February warrants, numbered 2323 through 2339. Payroll and tax warrants totaled \$4285.45 and all others were \$7845.09 for a grand total of \$12130.54. Johnson moved to pay the warrants as presented and with a second by Hubbard the motion carried.

During public comments a Special Events Checklist for a union ceremony was reviewed. Questions were answered regarding electricity, possible conflicts of dates with the Art Festival, and the availability of barricades. Sample moved to approve the Checklist as presented and with a second by Hubbard the motion carried.

Albert has appointed Martin Kenney to a second term as a Planning Commission member, and asked the Council for approval. Sample moved to accept Martin's appointment and with a second by Johnson the motion carried. Martin was thanked for his willingness to serve again.

During Council comments, Sample presented a draft ordinance for fireworks regulation. The Council will review this ordinance; it will be posted, sent to the prosecutor and sheriff's department, and acted on next month. The bulk of the ordinance was taken from San Juan County, and there are two versions on the draft for definitions. The Council can decide on one or the other, or both. The ordinance limits fireworks to private property. While many feel fireworks on the streets is safer, it opens the Town to liabilities if someone is injured.

Comments included the following:

- John Rubish: fireworks should be simply discouraged instead as it won't be enforceable, and suggests sending a letter a couple weeks ahead of time.
- Sandy Gordon: likes fireworks, but not those set off simply for the sake of noise.
- Steve Higgins: a statute of some sort is needed to protect from liability, and a letter won't do that.
- Johnson: the draft has a means of enforcement, and the Town needs a tool like this to work with.
- Hubbard: likes the draft, and thinks Sample may be able to find a definition of 'cannon' under black powder regulations.
- Sample: the draft is enforceable, and will go past the Town attorney. She's already spoken with the deputies, and there are clear penalties, although deputies will start with a warning.

Sample also presented a draft ordinance for noise regulation, based on San Juan County, since Snohomish County had one that was long, specific, and utilized a noise meter. This draft should

speak to people's concerns and limit times for noise disruption as well as regulating unlawful noise at any time.

Comments included the following:

- Blair Corson: asked how this related to special events. Noise is permissible when permits are obtained.
- John Rubish: asked for clarification about noise between 8 a.m. and 10 p.m.
- Stowe: asked if there was a definition of 'unreasonable'. There isn't, and Albert suggested calling San Juan to see how they handle their ordinance.

Sample had a resident ask about agricultural animals in the Town limits. Stowe said the Town regulates dogs and pigs, but nothing else. Sandy Gordon thought there was an old ordinance about not allowing horses, and Stowe will look for that.

Johnson wondered if the Town had considered springing for a fireworks display similar to what the Special Events committee used to do. Stowe thought it would depend on cost as the backhoe purchase will dip into revenue and fireworks aren't budgeted for. Albert asked the Council to think about this for next month. Things to consider would be the additional cost for deputies as well as liabilities.

The Planning Commission reviewed a SEPA application for the construction of an accessory dwelling by Steve Higgins. Members looked at the Comprehensive Plan and the zoning ordinance and decided they disagreed with Albert's conclusion regarding the 7000 foot restriction, and could see no reason to deny the request.

David Meier read a letter to the Council opposing the construction, written after hearing the Planning Commission's recommendation. Copies of the letter were presented.

While this proposal will not be voted on until the April meeting, there were comments.

- Steve Higgins: the construction is possible on this lot due to the large size and situation of the existing house. For the record he says he does not have a garage that people live in, within the Town limits. He thinks construction of a garage with living quarters would solve parking issues for someone living above, and believes a precedent exists.
- Albert clarified that the place used as an example of precedent was done prior to any zoning regulation. The place is also restricted in that the person living in it loses all water and occupancy rights if they cease to live there.
- Sandy Gordon: at the time she moved into her shed she didn't know it was illegal and insurance doesn't consider it a dwelling. She feels the alley is maxed out now, without further construction.
- Hubbard: would Higgins be able to do this construction if it was an addition to the existing house rather than a new, stand alone building?

Comments will be accepted on this proposal until March 13<sup>th</sup>.

During the maintenance report, Cross said the Spring Cleanup this year will not include Hazardous Materials. Albert asked Stowe to check the Garbage fund to see if the Town can afford the Spring Cleanup.

Albert will miss the May meeting due to vacation.

Albert attended a meeting regarding the DNR/Reiter presentation. The group hopes to come up with a recreational plan for the area. Albert met with the mayor from Gold Bar and says the towns need to

be included since they are affected. DNR is also soliciting a 'citizen-at-large' to be involved in the planning process. The plan will have to go through the SEPA process.

A letter was sent to FEMA regarding the delay in receiving funding for damage from the 2006 flood. The application is still two to three months out, in the fisheries review part of the process. Albert feels this is an intolerable process, and if the Town had been relying solely on FEMA funds there would have been damage during the last high water event. Hubbard asked about the grant for flood mitigation. The Letters of Intent have gone out, but this funding was for 2006. Sample suggested going over their heads and that there are probably other towns in the same situation.

There is a situation in Town currently where a person is living in a building with no running water. If a resident asks to have water disconnected, the Town specifies no one can live there until water is turned back on. If water is disconnected for non payment of bills, the bill continues to accrue, but historically no one was evicted. Now a decision needs to be made how long this should be allowed to drag out before getting the water back on or ceasing to occupy.

Woods asked if water was tied to garbage. The Town mandates universal garbage pickup for health and safety. Hubbard suggested sixty days. Sample feels thirty would be sufficient. Cross said any leaks would have to be fixed and the bill paid up before turning water back on. Albert would like the Council to consider this issue.

Puget Sound Partnership is asking for an action plan from the Town by March 7<sup>th</sup>. Since the Council received the request during this meeting, Stowe asks that they review the letter and let her know what they want to do about it.

Stowe has met with the Grizzly Bear Outreach Program and has set up a training April 5<sup>th</sup> at 2:00. Closer to the time, postings will be put up, and invitations extended to other communities.

The Town received a request for a community garden. The SEPA came in the day of the Council meeting so Stowe was unable to review it for completeness and get it into packets.

Stowe passed out two thank you letters for the Council to sign. These are for Nancy Davis and Tara Walkden, who cleaned up garbage and litter in Town and along the Crescent trail.

Over the past couple years there has been a gradual increase in SEPA's. It's getting complicated and taking more time. Current ordinances require the Town to post at the physical site, and Albert feels the Town should begin implementing this. Ordinances also allow the Town to charge for SEPA's and Albert will have the Town start charging effective May 1<sup>st</sup>.

As there was no further business Sample moved to adjourn. Johnson seconded the motion, and the meeting was adjourned at 8:30 p.m.

Adopted by the Index Town Council this 7<sup>th</sup> day of April, 2008.

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

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