

Index Town Council
Monthly Meeting Minutes
April 7, 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	Sean Horst	Lisa Stowe, Clerk/Treasurer
Bob Hubbard	Karen Sample	Bill Cross, Maintenance Supervisor
Dean Johnson	Patrick Woods	

Minutes from the March meeting were read. Hubbard moved to accept the minutes as presented and with a second by Sample the motion carried. Horst asked for an update on the Department of Natural Resources request for a citizen at large to attend meetings. No one has stepped forward for that role.

Stowe read the March warrants, numbered 2340 through 2357. Payroll and tax warrants totaled \$5676.38 and all others were \$9113.22 for a grand total of \$14789.60. The warrant to Capmark is for the water bond. The warrant for Allied is more as it includes March and April. The warrant to Department of Revenue is more than normal as DOR billed us for incorrect filings. They are researching reports to see what is going on as the reports have been done the same way for years. Johnson moved to pay the warrants as presented and with a second by Hubbard the motion carried.

During public comments, members of the Tulalip Chamber of Commerce presented on discrimination toward families of military personnel in the job market. They had a draft resolution, which Stowe will amend and present next month for review.

Higgins thanked those who have been picking up garbage in town. This includes Cross, as well as residents Joel and Peggy Zimmerman. Albert said their work was appreciated.

Cross reported on the Planning Commission meeting, presenting the Council with recommendations for SEPA applications. Members are also working on a survey to begin amending the Comprehensive Plan. Albert asked that they look at Municipal Code 14, zoning, and critical areas as well, because of ambiguities and potential conflicts.

Cross has finished the work on the handicap ramp and is waiting for the final inspection.

Spring clean up has been set for May 10th. As the County will not be participating there will only be one dumpster. Signs will be posted.

Beavers have been building a dam in the culvert at the railroad crossing on Avenue A. Cross has been working with the dam, but asked if it would be feasible to trap and move the beavers. Since the State must approve any beaver plans, and the railroad already has one, and since the culvert is the railroad's, Albert suggests calling Burlington Northern first to see if they can do something.

There were no Council comments.

Packets included a copy of the Letter of Intent sent to the Snohomish County Regional Drug Task Force. Albert signed the intent, with the understanding that final approval will come from the Council once the contract is reviewed.

There have been ongoing animal control issues around particular dogs, where the ticket system does not seem to be working. One option for dealing with this problem could be criminalizing the ordinance. This would result in the Town having to pay for any jail time, as well as public defenders. A second option would be impounding the dog of repeat offenders. In this one particular case Light has had over a dozen complaints, written several citations, and the animal continues to become more aggressive. Stowe said the dog has been deemed potentially dangerous, and received another complaint so impoundment may happen through the dangerous dog process. She and Light will work on a draft amendment to the animal control ordinance for Council review.

Pete Gott asked if citation money came to the Town. Court judgments eventually do, but paying the fines in this case is not changing the behavior.

Sample thanked Light and recognized what a difficult job animal control is. Horst suggested looking into the impoundment process and if that doesn't work the Town may have to move to criminalizing. Hubbard asked if impoundment resulted in the animal going to the shelter where it would be put down. Stowe said there is an impoundment process in the municipal code, and the dog would be in the Town kennel first. Albert thanked Light as well.

The SEPA application for a garage with living quarters, submitted by Steve Higgins, was reviewed for action. Numerous public comments were received. Higgins gave the Council a letter requesting a modification of his application. The modification would change the living quarters to a guest house with no kitchen. This would allow construction without having to put in a separate septic system.

Hubbard asked if that meant the place would now be rented to family members, or if current renters could sublet the space. Higgins said the space would be for use by guests of the primary occupants but not a separate rental, and could not be sublet.

Albert said there is no provision in the code for the term 'guest house' but the term 'guest' implies no full time resident. How would terms be differentiated for the future when the Council might be made up of different members not aware of this terminology, to make sure they knew no separate residence was approved? Albert asked if there would be a bathroom, kitchen, and sleeping quarters? Higgins said there would be sleeping quarters, a bathroom, possibly a second sink, no kitchen, and a garage with a stairwell.

Hubbard is not against having two unrelated people living in the same area, but comments in the Comprehensive Plan show people favor single family residences.

Sample suggested denying the application since paring it down so much appears Higgins would not be getting what he originally asked for. Higgins said his goal is to improve his properties, which he would be doing by building a garage.

The original application fell under the interpretation regarding minimum lot size. Municipal code requires one residential unit per 7,000 square feet, providing a limit on density and growth. Albert said that with that information, he sees nothing in the law that would preclude someone with a house building a garage. His concern is making sure the distinction is clear between 'guest' and full time resident, and that this would need to be in writing for the future. Full time residents would fall outside current zoning.

Sample pointed out that the guest house doesn't need a separate septic because it's considered a fourth bedroom. She could legally rent out a bedroom in her home. What would keep this 'bedroom' from being rented out? A member of the public pointed out that the permit would be for a bedroom and garage, and if someone remodeled it down the road to include a kitchen it would be illegal.

Higgins said the place would not be able to be rented out as a bedroom since it is in a separate building.

Susan Williamson said other people present at the meeting had had to take back their application to rewrite it, and shouldn't Higgins? Albert said that was a different situation.

Pete Gott invested a lot of time researching Municipal Code regarding this application and gave Stowe definitions of accessory dwellings for future Code revisions.

Hubbard moved to accept the proposal as rewritten, allowing a garage with a guest house. Woods seconded the motion. Johnson moved to amend the motion to add the following six points: there would be no separate rental, no sublet of the space, sleeping quarters would be permitted, a bathroom would be permitted, no kitchen would be allowed, and no one would be allowed to live on the ground floor. Sample seconded the amendment, and with no further discussion the amended motion passed. The garage will have to meet elevation requirements for construction within the 100 year flood plain.

Sample proposed to table discussion on the fireworks and noise ordinances due to the time. Albert suggested continuing with the agenda and seeing how it went.

The Community Garden SEPA application was presented for action. Horst moved to accept it as presented, and Sample seconded the motion. Albert asked that the people administering the garden tend to plot size per number of people, and allow no pesticides or herbicides. Sample would also like some accounting to the Council regarding how it works out. With no further discussion the motion passed.

The SEPA application for the River House was presented for action. Albert thanked the Corson's for their patience. They have split their application into two components. One deals with completed work and one with proposed work. Albert said the Planning Commission mistakenly said the work was in the floodway when it is actually in the flood fringe. Blair Corson said the Department of Ecology had no problem with the deck on the river side. Albert said the Town has buffers set aside for critical areas, so while DOE might not have a problem with the construction, other agencies might.

Sample moved to approve finishing and permitting the work that has been completed. Hubbard seconded the motion. Horst asked for clarification about the Planning Commission recommendation regarding the enclosed space under the deck. Bill Corson was not clear on whether he was going to keep the enclosure or remove it. The Commission recommends giving a date to remove the enclosure, or making sure it is permitted. Stowe suggested changing the timeline the Planning Commission recommended. Hubbard moved to amend the motion to include allowing the Corson's until the end of June to either remove the enclosure or permit it. Horst seconded the amendment, and with no further discussion the amended motion passed.

Regarding the component for new construction, Albert quoted the Municipal Code stating the Council could choose to approve, disapprove, or modify the application. Johnson and Hubbard both sat in on the Planning Commission meeting and agreed with the recommendation that the Corson's could rebuild the existing eight-foot deck on the river side, but could not go further into the buffer zone. Johnson moved to accept the application with the stipulation that the deck could extend no further toward the river. Hubbard seconded the motion. Albert said as part of the Town approval, the Corson's would have to make sure the deck met engineering standards for construction within the 100 year flood plain, including anchoring and posts. With no further discussion the motion passed. Stowe thanked the Corson's again for their patience, and Albert thanked them for all the work they have done and for being an asset to the community. The hot tubs mentioned in the narrative are not part of this approval, and if they are constructed for business use they will have to be applied for.

A Special Events Checklist was presented for a parade on the 4th of July. Albert suggested that if approved, flyers should state the illegal discharge of fireworks would be enforced. Hubbard asked about the statement that all streets would be closed. He feels clarification is needed as it could cause problems for businesses. Albert suggested sitting on the application for a month in order to talk to Peggy Zimmerman to clarify which streets would be closed. It might be possible to have people go ahead of the parade and close the streets while the parade passed. Hubbard moved to table the application until next month. With a second by Sample the motion passed.

A Special Events Checklist was presented for a picnic in the park on July 12th. Hubbard moved to accept the Event as presented, and with a second by Horst the motion carried. As part of preparing for the picnic, AA members would like to paint the Old Fire Hall and buff out the floor. It was suggested they paint it any color but white.

A Special Events Checklist for a Heybrook Hike on May 17th was presented for action. Woods moved to accept the application as presented and with a second by Hubbard the motion passed.

Since Susan Williamson came to the meeting to address concerns around the fireworks ordinance, Albert suggested hearing her comments and then addressing them at the next Council meeting. Williamson gave Council members her comments in writing. She feels the draft does not address fireworks going into the river and the riprap, and still allows people to shoot into the river. The draft also allows people to shoot off fireworks on their 'apron' but there is no definition of an apron. She asked the Council to keep this in mind for those who don't like fireworks or who don't want debris in the river.

Sample asked if it would work to add restrictions like what is included for structures. Woods said the river is a valid point, and the number of feet isn't the problem. It's not where the fireworks are launched from but where they end up. Williamson feels a big piece of this is education, and the Town has the opportunity now to look at all issues and fix them. Albert said another problem is the smoke still hanging around the next day, and how difficult that is for those residents on oxygen. Hubbard said the mess and enforcement could be handled with cameras. These concerns will be addressed at the next Council meeting when both the fireworks and the noise drafts are reviewed.

Albert will not be at the next meeting due to vacation. Johnson is the mayor pro-tem, and if there is a tie he will be able to vote.

As there was no further business Sample moved to adjourn. Horst seconded the motion, and the meeting was adjourned at 9:25 p.m.

Adopted by the Index Town Council this 5th day of May, 2008.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer