

Index Town Council
Monthly Meeting Minutes
May 5, 2008

The regularly scheduled meeting of the Index Town Council was called to order at 7:00 PM by Mayor Pro-tem Dean Johnson.

COUNCILMEMBERS AND ADMINISTRATIVE PERSONNEL PRESENT

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

Minutes from the April meeting were read. Hubbard moved to accept the minutes as presented and with a second by Horst the motion carried.

Stowe read the April warrants, numbered 2358 through 2374. Payroll and tax warrants totaled \$4244.09 and all others were \$3798.16 for a grand total of \$8042.25. Horst asked about the warrant to the Evergreen District Court. This is for filing fees on animal citations. Normally that gets reimbursed when citations are paid. No bill from Allied Waste came this month so there is no warrant. This means there will be a double payment next month. Hubbard moved to pay the warrants as presented and with a second by Sample the motion carried.

During public comments, Steve Higgins asked about a business license. His application will be presented during the business and land use portion of the agenda.

During Council comments, Horst asked if ivy could be put in the dumpster during the Spring Clean Up. It is not clear if noxious weeds can be disposed of that way or not, and Cross will be asked.

The Art Festival will be held July 12th instead of in August. They will need to apply by the June meeting, and Stowe will check for conflicts. It may be that the 12th is the same date as a picnic already approved.

The Planning Commission met and reviewed two SEPA applications. Their recommendations were presented.

There was no maintenance report.

There was no Mayor's report.

Stowe presented the Snohomish County Drug Task Force Interlocal. Sample moved to approve signing and with a second by Hubbard the motion carried. The interlocal will be signed by Johnson and mailed out.

A draft survey was presented last month and Councilmembers were asked to review it for changes. It will be used to start the Comprehensive Plan update process. Councilmembers felt the survey needed no changes prior to sending it so Stowe will get it out in the mail.

A memo from Albert was in packets, asking Councilmembers to review Index Municipal Code Chapter 14. Also included in the memo was notification that effective May 1st, the Town will charge for SEPA applications, and will require applicants to post Proposed Land Use Action signs on site. After review of Albert's comments, Councilmembers were in accord with his suggestions. Sample moved to accept Albert's recommendations to revise Chapter 14, and Hubbard seconded the motion. Higgins

asked if that meant the Municipal Code was going to be revised without due process. Stowe clarified that it is directing Albert to revise the Chapter, and the draft will then be presented to the Council and for public comment, as with any new ordinance. With no further discussion, the motion carried.

FEMA has sent a letter and plaque to Index, changing the flood insurance rating from a Class 8 to a Class 6. This is the result of work done by Stowe and Peterson to improve the rating, and will result in a 20% savings on flood insurance premiums for residents.

The Town received a grant through HUD for the construction of a handicapped access ramp to the Town Hall. That work is now complete, all reimbursements have been received, and the grant is closed out.

A fax was received for an event called the World Harmony Run. The promoters are offering to have runners come to Index and either join in with another event, or simply present to the Town. The fax was passed on to Horst for the possibility of doing something with Friends of Heybrook.

Stowe handed out resource materials for Councilmembers, including the *Councilmember's Handbook* and *Knowing the Territory*. The *Appearance of Fairness Doctrine* will be available at the Town Hall. She asked that Councilmembers return the resources if they leave office.

A SEPA application for the remodel of the General Store was presented for a first reading. It is open for public comment until May 29th, and the engineer drawings are available at the Town Hall.

A SEPA application for the remodel of a garage was presented for a first reading. It is open for public comment until May 29th.

A SEPA application for the remodel of a home was presented for a first reading. It is open for public comment effective this day when it arrived.

A business license application for Wild Sky Lodging was presented. Horst moved to accept the application as presented and with a second by Hubbard the motion carried.

Resolution 08-01 was presented for action. This resolution appoints an agent and co-signer for the Hazard Mitigation Grant the Town is applying for. Sample moved to accept the resolution as presented and with a second by Horst the motion carried.

Resolution 08-02 was presented for action. This resolution is in support of fair employment practices for military families. Horst moved to accept the resolution as presented, and with a second by Hubbard the motion carried.

Ordinance #400 relating to animal control was presented for a first reading. It will now be open for public comment.

Ordinance #398 relating to noise was presented. The Town lawyer sent comments on the ordinance, suggesting changes. Woods said he knows this ordinance originated because of problems with music, but questioned how it would differentiate between that and noises others might find annoying such as a lawnmower or chain saw. He has a problem with what constitutes 'unreasonable' noise during daylight hours.

Resident John Rubish said Index had changed over the years and he is now surrounded by rentals and renters don't seem to care. He thinks the Council feels this is a personal vendetta on his part, and wonders what is so difficult for the Council that they cannot have a noise ordinance like other towns.

Resident Peggy Zimmerman suggested to the other residents that they try calling the landlord, which resulted in discussion about doing that. Stowe reminded them the question before the Council was the ordinance draft. She also reminded them they needed to wait to be called on until the Mayor addressed them.

Resident Ed Boress said he had given the Council a copy of the noise ordinance for Snohomish County and wondered why that wasn't used. Sample said the County ordinance requires a noise decibel meter, and someone to use it. Sample said she is against having a noise ordinance and is afraid it will open opportunities for petty squabbles. She reminded people that every time we call for law enforcement the Town pays for it.

Horst said if he has problems with noise from neighbors he has no problem going over and knocking on the door. He suggested tabling this ordinance for further research.

Peggy Zimmerman said the Council has a responsibility to act and if they don't like it the Town should dis-incorporate. Stowe said she was welcome to put that in writing for the Town to address at next month's meeting, but that the subject now was the need for an ordinance that is legal and enforceable, and that addresses the lawyer comments.

Woods moved to table the ordinance in order to address the lawyer comments, and Horst seconded the motion. Sample said the comments were simple and felt they could be hashed out during the meeting. Hubbard has concerns about enforcing for health and safety. After further discussion the motion failed.

Hubbard moved to amend the ordinance to reflect the lawyer's recommendations. Woods seconded the motion. Stowe will make the changes and have a clean copy for the Council to act on next month. With no further discussion the motion carried.

Ordinance #399 relating to fireworks was presented. Hubbard had a definition of 'apron' as that part of the street right of way which is not part of the paved roadway but which fronts the property. He suggested amending the ordinance to address previous comments from Susan Williamson regarding fireworks coming down in the river. Stowe reminded the Council of the lawyer comments that a fireworks ordinance cannot be enforced until the year after adoption, which gives the Council until next month to adopt.

Peggy Zimmerman does not like the debris left behind, and Sample told her this ordinance addresses littering. Sample suggested adding wording about fireworks being allowed on aprons except where those aprons fronted the river. Stowe said wording could be added stating fireworks would not be allowed near critical areas.

Sample moved to present an amended fireworks ordinance next month that addresses the lawyer's comments, the definition of 'apron' and wording about critical areas. Hubbard seconded the motion. Horst asked for clarification about dates the ordinance allows fireworks. This would be the 4th of July and New Years Eve, with allowances made for other times if a Special Events Checklist is submitted.

Peggy Zimmerman questioned the need for creating a law and said that simply ostracizing residents would be sufficient. Cross pointed out that the 4th of July includes many people from out of town and not just residents. Johnson reminded Zimmerman that the police cannot be called if there isn't a law for them to enforce. With no further discussion the motion carried.

Peggy Zimmerman had applied last month to hold a parade on the 4th of July. The Special Events Checklist was not acted on at that time due to questions about closure of streets. She clarified streets

would be closed for a few minutes only as the parade passed through, and she had spoken with local businesses to make sure there were no conflicts. Hubbard moved to accept the Checklist for the parade, and with a second by Horst the motion carried.

As there was no further business Hubbard moved to adjourn. Sample seconded the motion, and the meeting was adjourned at 8:10 p.m.

Adopted by the Index Town Council this 2nd day of June, 2008.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer