

Index Town Council  
Monthly Meeting Minutes  
June 2, 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	Sean Horst	Bill Cross, Maintenance Supervisor
Dean Johnson		

Albert thanked Johnson for stepping in as Mayor Pro-Tem during Albert's vacation.

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

Stowe read the May warrants, numbered 2375 through 2392 (warrant 2380 was voided due to printing error). Payroll and tax warrants totaled \$4282.63 and all others were \$4267.69 for a grand total of \$8550.32. There are two warrants for the Department of Health; one for the annual water system certification and one for Cross's training as a backup water distribution manager. There is a warrant to a Board of Certification through Department of Health, and that is also related to the training. Johnson moved to pay the warrants as presented and with a second by Hubbard the motion carried.

During public comments, Joe Sambataro, a representative of the Cascade Land Conservancy, spoke on the status of Heybrook Ridge. The Snohomish County Council is supporting the idea of the Town or the County Parks Department applying for Conservation funds toward the purchase of Heybrook.

Johnson asked what kind of responsibility would fall on Index. There would be long term maintenance as the funds would cover acquisition only. Funds would be needed for stewardship, although members of Friends of Heybrook could possibly provide trail management.

Horst wondered if this would be an opportunity for creating a local jobs, and asked what taxes would have to be paid. Since the land is designated forest taxes would be minimal. Jobs would be up to the Town as Cascade Conservancy uses volunteers. There would also be liability concerns.

Sample asked if the County had a plan how to manage things like bathrooms and their maintenance. Management would partially be based on Friends of Heybrook since the funds Sambataro is talking about are for acquisition only. Hubbard pointed out that a new trail system would not have a huge influx of people immediately and the County could develop systems as use increased.

Albert asked if there was public access on the Town side of the ridge. There is land owned by the school district and the forest service, and easements may be available. The school district has shown interest because of educational possibilities. Albert also asked if there was a timeline for making a decision. This is on a fast track and a decision is hoped for in the coming week.

Having the ridge as a park is a marvelous idea but Albert questioned the financial reality for the Town, without some way of increasing revenue. The flood of 2006 showed that more and more responsibility is on the Town to provide for damage, and he is hesitant to go out on too many non-essential limbs. The ridge could have zero maintenance because of no facilities and it would protect land for future use as a park. He also reminded the Council that people dumping trash or cooking meth would be the owner's responsibility.

Johnson said a letter supporting the County's acquisition would not be opposed and Cross urged the Council to go in that direction as the County has resources the Town doesn't and the Town could support the County in the coming years.

John Rubish reminded the Council that the main goal was keeping the ridge from being logged.

Hubbard moved to have the Town support the County in acquiring Heybrook Ridge as a park. With a second by Johnson the motion carried. Ed Boress asked if the June 30<sup>th</sup> deadline would be met and Sambataro said they are working toward that goal.

Under other public comment, Cameron thanked Cross for fixing the kiosk board. The fire department donated two cork boards.

During Council comments, Sample said a coyote has been killing cats in town. Albert said that if the coyote is in someone's yard and killing another animal, the owner has the right to shoot it. Cross said the local birds and bats that get eaten by cats and have no one to speak for them would probably applaud the coyote's work.

Sample asked if there were finances available for fencing around the community garden, or to install a stand pipe for water. She was thinking it might be a good use of the \$2,000 still left in the Wojnich donation. She thought fencing could also be donated, or residents could donate a picket with their name Cameron offered to donate a Lee Pickett. Albert tends to see the water source as a good place to start and would like to see how interest in the garden continues over the year.

Horst said the Art's Festival is having a hard time coming up with a date. No application was available for tonight's meeting, and it looks like some artists would prefer August. Albert said the Town is supportive but the group has to pull it together, and Ed Boress suggested the group hold it the same weekend every year.

The Planning Commission was unable to make a quorum so no meeting was held. Cross is will talk to members about their interest and Stowe will look into the excused absence policy. Albert understands people have lives, but when you have statutory obligations you have to be willing to make it to the meeting.

There was no maintenance report.

Albert is working on revisions to chapter 14 of the Municipal Code and will have a draft for next month's meeting.

Albert said residents wanting to get hold of animal control can call the main Town Hall number and will be directed to a voice mail box checked on a daily basis.

Stowe presented the annual report card from the Association of Washington Cities on liability risk. The Town has received an 'A' again, and this keeps liability insurance down.

Stowe presented a SEPA from resident Pete Gott for the demolition of an outbuilding and the construction of a shed. This will be posted for public comment.

The Friends of Heybrook submitted a Special Events Checklist for a photo opportunity and potluck on June 21<sup>st</sup>. Johnson moved to approve the event, and with a second by Hubbard the motion carried.

The SEPA application for a remodel of the General Store was presented for action. No public comments were received. Albert is not aware of any conflicts with municipal code or critical areas and businesses are allowed in the same space as residences. He complimented the Kim's on a professional, well put together application. The application also covers the recreational vehicle currently lived in by the Kim's. After construction it will be removed. The Kim's are working with the Heath District on a septic plan which should add a small second tank to the existing one. Sample moved to approve the remodel pending septic approval. With a second by Hubbard the motion passed.

The SEPA for a remodel of the Hunter's garage was presented for action. No public comments were received. Again, this application has no conflicts with the municipal code or critical areas. Albert thanked the Hunter's for a complete, legible application. Hubbard moved to accept the application as presented and with a second by Sample the motion carried.

A SEPA application for a home remodel and amendment to a previous SEPA by Steve Higgins was presented for a first reading. It will be posted for public comment.

Ordinance #400 relating to animal control was presented. No public comments were received. Stowe would like to amend the draft to include stray cats. Albert asked for another month to review the draft.

Ordinance #398 relating to noise was presented. This version incorporates comments from the lawyer. Johnson said that while he does not want the Town to become noise Nazis he thinks this may be necessary for those who do abuse it, and while he wouldn't mind approving the draft he would like to hear other comments first.

Sample is not in favor of the ordinance. She realizes the Town may or may not be the only one in the State without a noise ordinance but that doesn't matter. She also realizes some in Town have accused the Council of not doing their job, but she feels the Town does not need this and there is the possibility of the Town having to pay a lot more for extra calls to deputies.

Hubbard doesn't mind having the ordinance as a weapon in the arsenal, and sees the problem with it as knowing when to use it.

Sample said using it will be whoever picks up the phone and it won't be in the Town's hands. If the deputies come out and don't have a decibel meter or don't show up during the noise event it then becomes a case of one person's word against the other. She has enforcement concerns, and while that would be up to the deputies, whatever the outcome the Town pays for the call.

Horst noted that the only acceptable music is school marching bands, and he feels it should be okay for music to be practiced during the day. He would it to be easier for people to resolve problems but doesn't want to end up in trouble for making noise. Although he tries to make music rather than noise.

Johnson thinks problems can be resolved between neighbors when people are reasonable, but this would be a tool for when people are not. Albert agrees this provides a mechanism, and that the Town pays. In the case of a legitimate call it's okay, but if not, he hates putting the deputies in that position.

Hubbard feels a lot of the problem is over the word 'frequent'. An occasional party isn't frequent, but if complaints add up then it becomes unreasonable.

Etta Hunter has had problems with noise and has had to call the sheriff, who handled the problem. Because of this she doesn't see the need for an additional ordinance.

Cross said if an individual suggests simply ostracizing people again, he would strongly discourage that.

Stowe is concerned with the word 'unreasonable' as that can be interpreted so many ways and appears to be an arbitrary word. What is unreasonable for one isn't for another.

A lot of this has to do with having good neighbors, and Albert said that until you have ratty neighbors you don't realize how good you have it. He said it is important to be tolerant with others. He hears a lot of music where he lives. He doesn't understand why it is okay for him to have to listen to a lawn mower all day and not okay to listen to someone's music.

Hubbard pointed out that the ordinance could be approved, and if costs became too high or it became a problem, the ordinance could be amended or repealed.

Horst asked if the Town gets the money from citations issued. Stowe said the Town receives a small percentage of the citation fee, and also has to pay a percentage, whether the citation is paid or not.

Hubbard moved to adopt Ordinance #398 relating to noise, with the addition of a sunset clause stating the ordinance will expire and cease to become law on June 2<sup>nd</sup> of 2009 unless reenacted prior to that date by the Index Town Council. With a second by Horst the motion carried with three voting in favor and one opposing.

Ordinance #399 relating to fireworks was presented. No new public comments were received. Albert feels the ordinance was well done, but thinks there could be more concise wording about critical areas. After a brief discussion, a decision was made on how to reword the critical areas section, revising and moving applicable parts to the section on littering. Sample has concerns on how to enforce the littering section, and how one will be able to tell to whom the litter belongs. Horst suggested posting signs that it is unlawful to litter, and Albert said, like all littering, you have to begin someplace.

Sample also asked about the best way to let people know about the fireworks change, and suggested putting it in the Town newsletter, which will come out in July. She moved to adopt Ordinance #399 relating to fireworks with the amendments to part 3 and part 4. With a second by Hubbard the motion carried. It may be possible to get signs relating to fireworks posted.

Cross presented the Council with a binder of photographs done by resident Rebecca Ramsey. A letter of thanks will be available at the next meeting for the Council to sign. Rebecca did a nice job on both the photography and the organization.

As there was no further business Hubbard moved to adjourn. Horst seconded the motion, and the meeting was adjourned at 9:00 p.m.

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

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

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