

Index Town Council  
Monthly Meeting Minutes  
April 6, 2009

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

The meeting was dedicated to the memory of Jerry Tabor, a long time resident of the area.

Minutes from the March meeting were read. Albert amended one line on page three. Woods moved to accept the minutes as amended and with a second by Hubbard the motion carried.

Stowe read the March warrants, numbered 2567 through 2585. Payroll and tax warrants totaled \$5148.74 and all others were \$9017.51 for a grand total of \$14166.25. Johnson moved to pay the warrants as presented and with a second by Hubbard the motion carried.

During public comments members of the Department of Natural Resources (DNR) Reiter Foothills project presented concept maps and information. There is concern on the part of the agency and committee to take into account the aquifer recharge area for the town. The maps show both motorized and non-motorized trails and access.

Sample asked about enforcement and feels there's no sense in discussion if there is no way to enforce the area, since riders go outside the approved areas as it is now. The group is seeking funding in a cooperative effort with the Sheriff's Department for an enforcement element.

Hubbard asked about gates and fencing on trail entrances so it is clear what is motorized. This will be made as obvious as possible. Hubbard also thinks the crossing area in the concept map is in a relatively safe spot for the aquifer. He felt bicycle trails on the maps are shown on steep areas where erosion can be a concern. The group will be doing detailed field verification of sites.

Horst likes the concept map with no motorized access near the aquifer area. His priority is protection of the watershed. He also likes that access for fishermen is included. He felt there might be issues across the top of the wall, but that would fall under enforcement. Concept B shows a map that moves further away from the wall.

Cross asked about contamination to the water from spills and pollution from vehicles. He asked if there was any system for cleaning up after wrecks. The group is not sure but will check into it. They also feel using old railroad grades where the road bed is firmer might preclude wrecks.

Albert asked when they anticipated taking a formal proposal through the SEPA process. This can be expected around mid May at the earliest. Albert appreciates these visits and updates but the information comes in at the last minute and he insists on having enough time for review and comments. Albert also asked if they considered County law applicable and if so, would they be reviewing under the County critical areas ordinance. All permits will have to be obtained from the County.

Stowe asked if non-motorized vehicles precluded wheelchairs. It was unclear and the issue of access for disabled people will be brought up.

Sample asked if vending and sales of food would be allowed as someone is already selling hot dogs in the area. A person would have to get permission from DNR and then obtain all relevant County permits.

A representative from Sky Valley Chamber of Commerce asked for a resolution to keep State parks open, specifically Wallace Falls. Albert has corresponded with State Representatives and the Governor on this issue. Sample read a sample resolution and moved to adopt it with changing the wording to show Index, and giving it a resolution number after two other resolutions were addressed on the agenda. With a second by Hubbard the motion carried.

David Cameron reported that the community garden was up and running. Sample moved to use Wojnich estate funds to install water for the community garden, with members paying \$15 per plot per year for water to the garden. With a second by Horst the motion carried. Cross thanked Eric Dudley for donating chips and Peggy Zimmerman for donating compost.

During Council comments Horst asked if there would be a spring clean up. Cross said it will be May 16<sup>th</sup> and will include hazardous material collection as well as a bin for metal.

Sample asked if Bob Foster had been hired as the on call clerk, which he has.

Albert said there has been some wood cutting along the Crescent Trail. An email was received reporting that a specific person had stolen the wood, but that turned out to be suspicions rather than fact. Albert clarified that there needs to be a witness that can sign an affidavit. It works best if the witness lets the town know and the sheriff's deputies.

Financial Statements for 2008 are complete and Stowe put schedules in packets for council members to review.

Albert, Sample, and Johnson are up for reelection this year. The filing period is the beginning of June. Albert said there has been trouble historically getting people to take council seats and he appreciates those who have stepped up. At the same time, there has only been one person running per seat for 25 years and it might be healthy to have some competition. Albert's intention is that he would like to be done being mayor but he's aware over the last four years that being mayor is not a simple process and his decision to seek the position again will be determined by if anyone is on the list to run, and if he has confidence that the person could manage the town.

Stowe received an email from Snohomish County Public Works asking the town to consider sponsoring residents of Skyko 1 in their effort to obtain funding for protecting homes from flooding. There would be a 25% match expected, although it appears the Skyko 1 homeowners association could be required to pick that up. Albert said since they are part of unincorporated Snohomish County and pay taxes to the County, such support should be a service they receive from the County, and felt it would be inappropriate for the town to get involved. He said at the minimum the council would need more information. Sample said it would be nice to be able to assist, but agreed more information was required. Stowe had requested more information and the response was a web link for her to look up. Sample agreed it was not up to the Council to provide the information.

A letter was received from John Rubish asking the Council to consider renewing the Noise Ordinance. It has a sunset clause expiring in June. Sample moved to discuss this in May and Horst seconded the motion. Albert asked if they wanted a noise ordinance verbatim, with the sunset clause removed for them to review at the May meeting. Otherwise the ordinance will lapse as it would have to be presented at the May meeting for a first reading. Sample agreed and the motion carried.

Under land use, the drainage ditch issue came up again. Albert clarified that the creek had to be kept open and flowing, the sides and bottom had to be treated to preclude erosion, that native plants should be used in the buffer, and that the Susor's would look into avalanche control. He asked if anyone saw the issue differently after having a month to cogitate.

Sample said she'd like to see the backhoe used to create a straight run, with native plants on both sides, with both parties not touching the stream. She felt the Council should not be an arbitrator between neighbors.

Hubbard also preferred to see the waterway returned to the property line.

Horst looked at the site and said it would be nice to have the issue resolved, the neighbors getting along, and native plants installed.

Johnson's understanding was that what happened between the two properties was up to the property owners to resolve and the town's responsibility was only the town's property.

Albert said since there is a boundary dispute the property has been surveyed and he prefers that to be between the property owners. Treatment of the waterway itself means that it is in everyone's best interest to keep the water running, and he sees no debate in that. The legality is that the waterway is listed as a Type 4 in the Critical Areas Ordinance, which means it has buffer rules that apply. He doesn't understand why, when the requirements are so simple, this is such a big issue.

Sample asked if the town was going to mandate restoration and treatment according to the Critical Areas Ordinance, and asked what else the town had the right, or the business, to do. She said the owners have to work out the property line and the creek is taken care of according to critical area laws, and the town knows where the boundary is. Albert said it gets complicated if the waterway gets silted in and has to be cleaned out. Hubbard said the waterway enters at elevation, exits at the culvert, and every curve in between invites more erosion.

Mike Finley said they were planting wild strawberries and rocking areas that have given way. He would like to taper down the bank and also commented that the snow last week was once again an issue coming off the roof and hitting their bushes.

Susan Susor said they are working on a solution to the roof, as agreed last month. One suggestion she had was that if the plants could be pulled back or trimmed so they are not hanging over the creek, it would assist the problem. Her other concern is if anyone knows that planting only will be the right solution to the steep bank. Albert said that part of the recommendation was that the bank needed to be sloped back. He also said he was curious about the comment on snow as he plowed up to the town limits and didn't think there was enough to plug anything. Dawna Finley said it was clear the snow had broken and opened up plants. Albert reminded people that the issue was the waterway itself.

Tom Susor said the waterway used to bisect the property line and feels it needs to go back. He also said if the bushes weren't in the way of the waterway and hanging over the property line they wouldn't have been in the way of snow falling.

Albert said 95% of what he was hearing had to be worked out by both parties. Both have valid interests, and stuff should be worked on as neighbors, and it is not the place of the government to compel what they should take care of. Tom Susor said the waterway is the town's responsibility and should be maintained as a drainage for uphill properties. Albert suggested he get a lawyer and obtain easement rights for the town and then the town would do that. He said that would be one solution, but the town won't do anything when it's on private property.

Hubbard said there are buffers on this waterway which means no one should have done anything without permission from the town, and the work done without permits becomes town responsibility. He requested that both property owners seek permission prior to work being done.

Sample pointed out that both parties have taken steps to alleviate the issue and are already moving in the right direction. She thinks there will be more winters coming with heavy snowfall and the Susor's are taking action to find a solution to the roof, while the Finley's continue working on sloping the bank and planting native plants. She suggests they think about potential problems when landscaping.

Horst said one of the hardest parts of this is being in the middle between people everyone likes.

Albert asked if there was any reason not to move on. Susan Susor would like to see something in writing showing the town's expectation.

Albert listed those expectations. The waterway needs to be kept cleaned out. The sides as they now exist need to be sloped rather than vertical cuts, with rock or vegetation or both to prevent erosion. Plants need to be trimmed back so as to not go into the creek. The Susors need to come up with a solution to snow sliding off the roof. Any further plantings need to come from the approved list of native plants found in the Critical Areas

Ordinance. He asked if there was any dispute with those points. Tom Susor asked if they should get a hydraulic engineer involved to assure safe drainage. Albert said if the points listed are taken care of it should solve most of the issues. Hubbard said an engineer would be needed if they wanted to speed up the flow of water to avoid sedimentation.

Albert asked if there was any objection to the waterway being a straight shot. Mike Finley says erosion happened partially on his side and the only times it fills with sediment is when it gets blocked. He feels it would take a team to straighten it. Hubbard said the way the waterway is right now, any rock dams would interfere with flow and it's better to not have them. The value of the waterway is as a drainage and it should function okay with obstacles removed.

Albert said the town will send a letter listing the points above. Those actions should not require further Critical Areas permits, but any other actions such as changing the course, will. He volunteered to help the Susor's and Finley's trim vegetation. He said there are many more serious issues facing the town and there are all kinds of good reasons for them to work together.

Ordinance #400 relating to animal control was presented again. Albert has found an embarrassing omission and would like to table the ordinance to make corrections.

Stowe presented Resolution 09-02 designating Stowe and Albert has applicants for possible FEMA reimbursement from snow removal. Horst moved to accept the resolution as presented and with a second by Hubbard the motion carried.

Stowe presented a request from an organization called Silver Star asking for a resolution making May 1<sup>st</sup> Silver Star Banner day in support of wounded and ill soldiers. Albert considers Memorial Day and Veteran's Day to be important holidays and was afraid something like this would dilute those. Hubbard said it fell into the redundancy department. There was no action.

A Special Event's Checklist for the Art Festival August 1<sup>st</sup> was presented. There was discussion about using Avenue A and parking. In the past parking has not been an issue but if the event gets larger it will become so. Sample asked about garbage collection. Cross said garbage has not been overwhelming. Sample moved to approve the checklist and with a second by Johnson the motion carried. Albert asked that the use of Avenue A be squared with the adjoining property owners and Woods will take care of that.

A Special Event's Checklist for using the park for a family picnic by members of a family who lived in Index for many years was presented. Horst moved to accept the checklist as presented and with a second by Hubbard the motion carried. Sample thanked the family for submitting a timely application.

Albert asked if a business license submitted last month and returned for more information had come back which it has not.

As there was no further business Horst moved to adjourn. Johnson seconded the motion, and the meeting was adjourned at 9:05 pm.

Adopted by the Index Town Council this 4<sup>th</sup> day of May, 2009.

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

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