

Index Town Council
Monthly Meeting Minutes
August 3, 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	Kim Peterson, Water Distribution Manager

Albert recognized Sample for her efforts in taking on tasks, researching, writing, and follow through as well as her professionalism and service to Index. He also recognized resident Sandy Gordon for her willingness to jump in where needed, including picking up garbage during the recent Art Festival.

Minutes from the July meeting were read. Stowe said Foster had two areas where he could not make out what was said on the recording and was unable to tell who had made motions. Council members were able to correct those two spots. Hubbard moved to accept the minutes as amended and with a second by Sample the motion carried.

Stowe read the July warrants, numbered 2639 through 2658. Payroll and tax warrants totaled \$5056.29 and all others were \$6916.72 for a grand total of \$11973.01. The warrant for Chase Card Services includes almost \$300 for a new cutting edge for the backhoe. The warrant to Code Publishing is for updating Municipal Codes. Allied Waste has once again overcharged the Town, this time picking up twelve extra cans of garbage from an address on Reiter Road. Stowe has corrected this and Allied will reimburse the Town. Johnson asked about the warrant to the Sheriff's Department, which is for second quarter police services and billable calls. Johnson moved to pay the warrants as presented and with a second by Hubbard the motion carried.

During public comments resident Yvonne Lawson thanked the town for allowing the Art Festival, which was a success. Hubbard suggested that parking near the railroad tracks be restricted next year due to safety concerns. Albert said parking in general could be improved and more manpower to direct parking would help. On the other hand, it was nice to have enough people in attendance that parking became an issue. Resident Ed Boress suggested charging for parking.

Horst thought the Festival went well, and suggested Porta-Potties next year, offering alternating stages for music so one group can be setting up while another is playing, and allowing the Festival to run longer.

Hubbard suggested air conditioning for the poets, and Sample said may be school accessibility for poets. Sample was asked about expenses the town incurred, including garbage and septic issues, and what the town got out of the Festival. Stowe said the recent Comprehensive Plan survey showed residents overwhelmingly in favor of charging user fees for people from outside the town limits using town resources for events, but few in favor of charging for resident use. There was discussion about ways to bring in revenue for the Festival, including putting ads in the brochure.

Albert felt it was time to look at making the park a non-smoking environment, and to have more stringent efforts for keeping alcohol out. He also felt the attendance at the Festival had reached the point where it made sense to look at hiring a Sheriff's Deputy to be on site, similar to what the town used to do during the 4th of July celebrations. Stowe said if a Deputy is to be hired, the process needs to start a couple months in advance. She will ask Sgt. Martin what costs would be.

Resident Susan Susor informed the Council that there is a temporary wooden platform near the ditch by her house to allow painting, in case anyone complained.

Resident Kem Hunter asked about creating a footpath between Index Avenue, the alley, and the community garden. It would be built with hand tools, would use wood chips, and be big enough for jogging strollers. There was no objection from the Council.

During Council comments, Sample has begun preliminary work in researching bringing broad band to Index.

Horst said after listening to Manon McPeters perform on the flute during the Festival, he feels very grateful to live where he does, and to Sample available as a music teacher to the local kids.

Woods thanked everyone who worked on the Festival.

Johnson said the Festival was one of the best he'd attended.

The Planning Commission reviewed the Hoffman Land Use Application and recommended approving it. They are continuing to work on revising the Comprehensive Plan.

Albert reported on maintenance as Cross was not present. There is a minor water leak on 5th Street that will be repaired Wednesday, the 5th. Albert also thanked Cross for all his work.

Albert met with Dave Evans with Snohomish County Planning and Development, about revising the interlocal. Revisions will include bringing it up to date and adding code enforcement. Evans is working on a draft for the Council.

Peterson, while the town Water Distribution Manager, is also the town Flood Plain Coordinator and assists with Land Use. She will continue to do this as an employee of Index.

A letter was sent to Barbara Busse with the Skykomish Ranger Station regarding land owned by the Forest Service west of town, across from the Trap grounds, that is overused by camping and squatters. Historically the area was managed by the Sportsmen's Club but in the 1970's it reverted back to the Forest Service. With the increase in population, the closure of campgrounds, and the increase in homelessness, there are now serious concerns about the site, including garbage, severe sanitation issues, overuse, loss of vegetation, and damage to trees. In the letter, Albert suggested construction of sanitation facilities, limiting campsites and length of stay, and a provision for garbage collection. He suggested some sort of common park entity, and the possibility of selling the property, which is currently valued at \$22,700.

The Forest Service has limited finances but is willing to kick in on dump fees if someone is willing to help pick up. Busse suggested making the site day use only, and said there are grants available for sanitation, similar to what was done at the trailhead for the Iron Goat. Albert asked the Council to consider to what extent the town should be involved and use town resources, or if it would be more appropriate to simply require the Forest Service to maintain the area.

Sample walks by the area regularly and it reeks from sanitation problems. She has also had unpleasant experiences stepping in things left behind by the squatters. The bottom line is it's the Forest Service property and the town could press charges for environmental issues. She understands their financial limitations but they should be taking care of the location, which appears to only get cleaned up when there's a flood. The town could pick up garbage, but garbage entails monetary expenses. She feels the ultimate goal is enforcement.

Hubbard said this is a huge subject that he would like time to consider. He agrees about the septic standards and that enforcement needs to be addressed. He wondered if it might be possible to join with the State Parks in ownership. He would like to see the land between the railroad tracks and the river in town hands where it could once again be used for picnickers, baseball, and so forth. He would prefer to not see the area restricted to day use.

Horst would like to see the area clean and feels people are not welcome there because of the mess. He would like to work with the Forest Service and the Parks people in obtaining grants.

Woods asked at what point the town is involved with enforcement issues. Albert said there is no involvement or cost unless the town owned the property because it is outside town limits.

Johnson said cleanup is an important issue, and agrees with participating in a grant.

Resident Alex Gibb enjoyed the area as a kid and thinks getting some sort of signage might help.

Resident Pete Gott loves the place and thinks the town is missing an opportunity to bring in revenue using the area as a campground.

Peterson has met with State Parks and the Climber's Coalition and they said they want their toilets as far away as possible from this site so the people there won't use them.

Resident David Cameron has a long history cleaning toilets and maintaining the structures. He pointed out a source of income would be needed to deal with pumping, vandalism and maintenance. The town would need to put serious thought into where that revenue would come from and who will be responsible for it.

Susan Susor said there are serious health issues because of the sanitation, and suggested involving the Health District.

Albert proposed drafting a letter to Busse addressing what everyone has said. He will have a draft at the next meeting for review and will also explore grant funding.

Johnson has been serving as Mayor Pro-Tem and it is now time for someone else to take over the position. Woods moved to nominate Sample and Hubbard seconded the motion. Johnson said the position hasn't taken up much time. Stowe said it would involve a trip to Monroe to sign a signature card at the bank. Sample accepted and with no further discussion the motion carried. Albert thanked Johnson for his willingness to do the job for so long.

Representatives from the US Census will be presenting at the September Council meeting.

Stowe handed out updates to the Municipal Code. Albert reiterated the importance of keeping the Code updated so that information is based on correct facts.

As the town is just past the midpoint of the year, Stowe asked the Council to look at the financial reports. For expenditures, it is preferable to have the town under 50%, meaning the town is spending less than budgeted. For revenue it is preferable to have the town over 50% meaning there is more revenue coming in than expected. In this case, expenditures are under 50% across all funds. More worrisome is that revenue is not up to 50%, and the Street fund in particular is only at 18%. The healthiest fund right now is the garbage fund, due to the recent increase in garbage rates. Revenue for the street fund comes from taxes which the town has little to no control over. All cities are facing the same severe drop in revenue, but Index is still healthier than most. Albert said there are cities down the road that are resorting to credit cards because they haven't been as tight with spending as Index has. He also stressed the importance at looking at these forms throughout the year.

Stowe is working on audits for 2006, 2007, and 2008. As part of the audit requirements, the mayor and council members are asked to give information on outside interests, jobs, and spouses. In the past everyone has chosen to exempt themselves under WAC 390-05-300 stating volunteer positions in towns with populations under 1,000 do not have to disclose. Stowe asked if they would like to continue with that exemption for these years. The mayor and council members chose to continue with the exemption.

Green Everett Members approached the town about participating in an annual Renewable Living Fair by paying \$50 to put an ad in their brochure. There was no interest in doing so.

A public hearing was opened for the Hoffman Land Use Application. Albert said testimony on the application would be accepted only if applicable and not repetitious. He identified the criteria, that this is a rip rap repair which means a SEPA, the Critical Areas Ordinance and a Shoreline permit are applicable. Any parties requesting to continue the hearing will be considered. The council must be impartial and under the appearance of fairness, which means voting members cannot have one-sided discussions about the project with the applicant. If a voting member does talk about it, this must be disclosed. Albert asked if anyone had talked about this project with Hoffman, which they have not.

Peterson and Stowe visited the site and as a result there were amendments made to the application. Stowe highlighted those changes to make them clear. The most significant change is the addition of quantities.

Albert asked if anyone wished to receive notice of determinations, but no one did.

Stowe presented Hoffman's mitigation plan which included planting Arctic willow and small trees along the line between the town property and Hoffman's.

Peterson the property line between Hoffman's and the Town must be clear, especially if trees are going to be planted.

Hubbard reiterated that on page two of the SEPA the correct answer for unstable soils is that gravelly loam is unstable, which is more reason to repair the riprap. He also feels mitigation should be along the face of the riprap rather than taking planting up into the property, and include native low shrubs. The lawn isn't erosion control and he finds the mitigation plan insufficient. Albert asked Stowe, as the staff, if she had a rebuttal to Hubbard, but she did not. Peterson also agrees and said Hoffman could plant along the town property line as part of a fuller mitigation plan but something is needed along the river bank.

Albert summarized that the council can approve the application but clarify mitigation, and that Hubbard's comments about unstable soils is correct.

Johnson moved to approve the application with the condition of planting native brush along the top boundary edge of the riprap along the lawn and Hubbard seconded the motion.

Hubbard said the planting should be a two or three foot wide section and moved to amend the motion to require planting to be a strip 2 – 3 feet wide. Sample seconded the amendment.

Peterson said wording about the strip should include 'on center' and also provide for species to be used. Hubbard moved to amend the motion to include planting approved native species, in at least a two foot wide strip, with two feet on center and twenty four inches apart. Sample seconded the amendment.

The full amended motion reads as follows: Move to approve the application with the condition of native planting with approved species being planted in a 2 – 3 foot wide section, two feet on center, with plants 24 inches apart along the top of the rip rap along the river bank.

With some further minor discussion around the potential for future damage to the riprap, the amended motion carried.

Albert declared the public hearing at a close, and a return to the council meeting.

Peterson presented information on the Shoreline Master Plan update requirements. This has to be done by 2012, and the Department of Ecology is giving the town \$40,000 in grant funds for the update. Peterson gave the council a brief history of the plan and explained that it is a way to manage everything within two hundred feet of the ordinary high water mark. All rules and regulations through FEMA, Flood Plain Management, the critical areas ordinance, building permits and zoning all have to match up with the plan when it is done. The plan must balance use and the environment. The biggest point of this is gathering information. She asks that during the coming month council members pay attention to what happens along the river to address what the town is going to do about use. The funds should cover attorney fees, wages, and costs to come into compliance. There are guidelines with standards available and the town is encouraged to customize them to fit the town.

There is a specific process to be followed to update the plan. The council and the planning commission cannot be involved as they are the entities who will be reviewing the draft plan. Residents will be asked to be part of the planning meetings. Public hearings will have to be held on a regular basis, and it will have to be proven that input from residents was obtained. Albert said Peterson and Stowe will attempt to gather a group of five people. The process has to be highly documented.

Hubbard thought the town had a right to set standards in the critical areas ordinance relating to buffer size. Peterson said the plan is a management policy that doesn't kill the critical areas ordinance, but if it is lacking, this plan gives tools to change the critical areas ordinance.

Hubbard said a tree was recently removed within the buffer and should the town be looking at similar things. Peterson said under the critical areas ordinance every single thing removed along the buffer should be looked at. Hubbard asked about people dumping grass clippings in the river and Peterson said that can't happen.

Susan Susor asked if the committee would be made up of property owners or full time residents. Peterson said residents, but allows anyone affected by the plan, although typically residents and business owners are used. Susor wanted to know how often the committee would meet, but that isn't known yet. Peterson said anyone interested should contact Stowe.

Sample asked if this was just on our side of the river, in town, which it is. She asked if the town needed to be compatible with other jurisdictions. Peterson said as this is adjacent to Snohomish County, a big chunk of the money will be going to the County for assistance in creating maps as Index does not have GIS capability.

Albert said a big problem with his job is conflicting requirements in the codes, and this funding will help deal with overlapping rules.

As there was no further business Hubbard moved to adjourn. Johnson seconded the motion, and the meeting was adjourned at 8:50 pm.

Adopted by the Index Town Council this 7th day of September, 2009.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer