

Index Town Council  
Monthly Meeting Minutes  
November 1, 2010

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	Lisa Stowe, Clerk Treasurer
Bob Hubbard	Kim Peterson, Water Distribution Manager
Karen Sample	Bill Cross, Maintenance Supervisor
Pat Woods	
Sean Horst	

Gott was not present.

Minutes from the October meeting were read. Woods pointed out that he was present and Stowe will amend the minutes to add his name. Hubbard moved to accept the minutes as amended and with a second by Sample the motion carried.

Stowe read the October warrants, numbered 2946 through 2965. Payroll and tax warrants totaled \$4885.13 and all others were \$6740.78 for a grand total of \$11625.91. Woods moved to pay the warrants as presented and with a second by Hubbard the motion carried. There were two water line breaks so there were warrants for those repairs and the attorney bill was for ordinance draft review.

During public comments resident Etta Hunter said there will be no Block Watch meeting this month. She also expressed concerns about the safety of the Smith house. Albert told her the family is working on obtaining a demolition permit with the County and if too much time passes he may consider asking them to fence the property. He would like to give them time to deal with the issue.

Sgt. Martin said the city of Gold Bar will host a meeting addressing problem bears. He will email Hunter the information for her to post.

Gold Bar may have to make budget cuts that impact police services for Index. Because Gold Bar pays for 40% of the services, if they decide to cut deputy positions it may result in the elimination of the Gold Bar patrol. If that happens services will return to an area car stationed in Monroe, which means Index will see longer response times. Hubbard asked if there was a break down of what Index's share of the costs was. Sgt. Martin said that while he can't go into specific financial details, Gold Bar pays the amount they do because they have 40% of the calls. Index is on a different plan because of paying on a per call basis.

Sgt. Martin said there has been a massive influx of heroin into the area. Meth use has started coming back, too, and there are rumors of meth labs on the South Fork but heroin is on the rise and the target audience is 12-15 year olds. This is actual heroin, not methadone.

Under council comments Hubbard had nothing official but said he had looked at four trees along the Crescent trail that a resident wants to cut down. The resident has been asked to plant replacement trees.

Horst missed Halloween in town, but did learn a bit about the water system during the recent line break.

Sample, Hubbard, and Peterson will be attending another walk of the watershed with DNR staff on the 11<sup>th</sup>, at noon.

Sample has set up a tentative date of December 9<sup>th</sup> for the tree lighting ceremony.

Sample asked about the intersection of 5<sup>th</sup> Street and Index-Galena Road. She said not only does the vegetation block views, but also the guard rail, especially in small cars. Sgt. Martin spoke with the County traffic supervisor. When the new bridge was built and the road adjusted, it was determined the visibility exceeded the required 390 feet. The County must follow federal guidelines for placement of stop signs, which is why there isn't one on Galena road. Albert took photos of the intersection which show the town has a valid argument. Sgt. Martin will meet with the County and they may move the stop line on the bridge. Sample understands the need to follow guidelines, but stop signs are in place for safety and the intersection isn't safe. Sgt. Martin has told his supervisor about the problems and Albert thanked him for the work.

Hubbard asked if it would resolve the problem by removing the guardrail and replacing it with a cable and then planting lower vegetation such as salal. When he was on the bridge committee the County was specifically asked to not plant anything that would block views, and the committee was told that the County would not.

Resident Ed Boress said visibility isn't a problem if people don't cut the turn too soon.

The Planning Commission did not meet as there was no quorum and Albert was the only one to comment on the Comprehensive Plan draft. Stowe would still like council comments prior to opening the draft to the public comment phase. There will be no meetings in November or December due to the holidays.

Under the maintenance report, Cross thanked Peterson and Albert for all their work on the water line breaks.

Cross has been clearing storm drains because of the recent heavy rains. One drain that carries a lot of water is between the Finley and Susor homes. Someone has put in a fence that is backing up water and Cross would like approval to remove it. Albert will look at the area with Cross. While it is unknown who put the fence in, Sample said she thought this issue had been made very clear to the homeowners that this could not be done and Albert thought it had been, too.

Peterson said there have been two recent breaks to water lines, one to the main and one to a service. The costs for repairs are around \$1,000 and could easily have been double if people had not been around to help out. Albert and Bob Foster, as well as Peterson and Horst, were able to take time off from work. She said there is a loan program coming up that the town can apply for to completely replace the old lines and fix hydrants. This is not a grant. An engineer estimates something like this could cost the town 1.6 million. She is going to a conference that will give more information but she wanted to know if the council wants to compete for that loan. This would be a major project and not a band-aid fix. Sample asked if this would be a levy, which it would not. Sample asked if in the long run this would change anything fiscally. Peterson said it would be a thirty year loan and she will have more information after attending the conference. Sample asked if the town would have a double payment since there is still a balance owing on the previous water bond from the 1970's. Stowe said that bond will be paid off in 2017. Albert said if the sticker price is too high it might be possible to only replace the oldest portions of the water lines.

Peterson thanked Hubbard, Sample, and Horst for their participation in the Shoreline work session. Due to the holidays the shoreline group won't be meeting until January. She should then have a draft document for the council to review so that it can be submitted to DOE in February. She is seeking

clarification from DOE on how to proceed while meeting their requirement that no new information be created.

Horst asked if the water had been treated after the line break. Peterson said chlorine is added after breaks so he may have noticed that. It is noticeable even though a low amount is added because the water normally has none in it.

Albert brought up the flag flying at the town hall. It needs to either be lit, be raised only on the days Stowe is working, or raised by residents interested in helping. Sample suggested adding a light as she doesn't like the idea of flying it only when it's convenient. Cross will look into that.

The Gold Bar mayor recently sent a letter to Governor Gregoire in support of the Reiter Foothills ORV budget. The letter stated that Index was jointly supporting this budget, but Index was not notified or asked. He feels it is appropriate for Gold Bar to ask first. Sample said this was the second time something like this has happened. Hubbard said it is bad manners to not check first and while he might share the goal he doesn't support the means. Woods suggested a letter from Albert asking Gold Bar to check with Index first and Sample agreed that a nice note should be sent stating if they want to use Index's name they need to check with the town.

Stowe has researched the ASP budget issue with Harris, the company charging Index back sales tax. Years ago the town worked with a company out of Spokane, but it was sold to Harris, which is in Ottawa. In researching the sales tax issue Stowe found that the Spokane company still existed. In speaking with them she found that when the company was sold to Harris, they had to sign a no-compete order, which has now expired. Because of that the Spokane company can now offer the same services to Index at half the price of Harris. She wanted to make sure the council had no objection to her cancelling the Harris contract and switching to the Spokane ASP company. The contract is for technical service and maintenance. Boress asked if Harris didn't charge on an hourly rate for service, which they do not.

There was one business application for Riverside Retreat, a vacation rental on Avenue A. Albert said it would be transparent whether someone lived in the home full time or on a vacation use basis. Sample moved to approve the business application and with a second by Horst the motion carried.

Two land use requests were received regarding the Bush House. One was for an easement for a fire escape and one was for an easement for a septic system.

A survey confirms that the fire escape and a portion of the building are on town property and have been for a hundred years. There is no adverse possession against the government. Albert thinks it would be in the best interest of all parties that a formal agreement be created, whether it is an easement or a purchase. He has asked that this issue be resolved prior to any repairs beginning on the building. He would like to know what risks to the town exist in doing an easement, such as in the case of a fire. These questions exceed his training and he proposes that if the council is okay with this in principle he would ask the lawyer to do the necessary research.

Sample asked if this request would be in addition to the easement for the septic and would these requests not happen at the same time. Albert said they are separate issues. He said the septic system failed fifteen to twenty years ago and was replaced with a nibbler system which included the house next door that was in single ownership at that time. Later the house was sold separately. Because of that the people now attempting to purchase the Bush House may end up with no valid septic system. They asked the town to grant an easement under portions of the streets for a drainfield. The obvious problem is that since parking isn't allowed on a drain field, this would give away all business parking. Plus there is no septic design to aid in considering the easement request.

Horst said if the fire escape easement has potential risk to the town, could the owners be asked to redesign it since it's in a shambles anyway. Albert said it's a portion of the actual building that is on town property. Sample said if there is a potential liability that information should be found first prior to granting an easement.

Resident David Cameron asked if the town could consider selling the twenty feet that the Bush House would need for a fire escape easement and Albert said yes. Hubbard said if it would help the Bush House get back in operation, maybe the owners could request a vacation and then parking would be moved to their property along 5<sup>th</sup> street instead of along Index Avenue. Albert said that was a good thought. Stowe asked if the vacation would cut off access for the house and the town's recycle shed, but Albert did not think so and sketched out where the twenty feet would most likely fall.

Hunter said there were rumors at one time that the town considered vacating portions of Index Avenue to property owners because the right of way was wider than Avenue A. Albert said that was a possibility but that vacation requests in the past have not been granted by the council. Sample is not interested in chipping off portions of Index Avenue but could offer a portion for sale and liked Hubbard's idea of parking along 5<sup>th</sup>. She feels selling twenty feet would avoid easement and liability issues. She sees this as a historical and economic interest for the town and residents along Index Avenue already have use of the extra property.

Albert asked if the council felt it was possible to grant a vacation for fair market value. Horst asked if code wording said half of fair market value. Half is the minimum that the land could be sold for. After further discussion the council suggested sending a letter stating the town would be willing to look at a vacation request for a twenty foot strip along Index Avenue the length of the building, that the owners would have to follow the vacation process and that if it was granted it would be for fair market value and the owners would bear the costs of legal review. Horst suggested adding wording that more information is needed for the septic question.

Ordinance #408 relating to unauthorized vehicles was ready for action. Albert is nervous about the wording because so much of the town's parking is on street and there is so little off street parking available. There is a slim possibility that a mayor could tow a car simply because they dislike the person and the car was parked for 36 hours. Sample asked if there could be a definition of an unauthorized vehicle such as age and condition, but that's covered under junk vehicles. Albert referenced the relevant RCW's and feels the ordinance is a good thing because of the stuff like the motor home that are sitting on town property, yet he is still nervous about what would happen if someone in power was vindictive. Sample does not want to see any abuse of laws happen. Sgt. Martin said deputies would not remove a vehicle without looking into it first and checking with the registered owner. They are cautious because the department could get stuck with costs. Albert said he meant no disrespect to the deputies, that he was more concerned with someone in the mayor's position since the mayor is ultimately responsible for enforcement.

Horst asked if this ordinance would simply give the deputies another tool to work with similar to the ones about noise and drinking in the park. Sgt. Martin said yes.

Albert said the town is unique in that there are so many unopened streets and alleys that are used for parking. Woods pointed out that he has three cars and one has not moved recently and technically someone could have it towed under this ordinance even though it's not a junk vehicle. Sample asked what the lawyer thought about this since the ordinance was written by the lawyer. Albert said it didn't come up because it's not an issue with other cities. Sample would like to pass the ordinance but didn't want to write law that didn't address this problem. Albert felt it was a matter of finding the right language and Sample offered to talk to the lawyer about residents parking on town property that aren't junk vehicles that the town would not want to have tagged and moved. The ordinance should be to

allow the town to get rid of true junk without infringing on rights. Horst, Hubbard, and Woods are willing to table the ordinance until Sample has a chance to work with the lawyer.

Ordinance #409 relating to nuisances on public property was presented for action. Woods moved to pass Ordinance #409 as presented and with a second by Hubbard the motion carried.

Stowe presented Ordinance #411 relating to the budget for 2011 for a first reading. It is similar to previous budgets and Stowe has individual line item amounts available at the town hall for review. Sample asked if the recent water line repairs came out of the \$20,000 that is budgeted each year for water emergencies, which they did. Stowe had doubled the amount budgeted for legal fees but asked the Council to consider whether this increase was enough.

Stowe presented Ordinance #412 relating to salaries for 2011 for a first reading. Sample said that it bothers her that the clerk makes over \$1.00 less than the maintenance supervisor and only a few cents more than a carpenter. She feels this isn't right and would like to see the two positions that are equally valuable to the town be paid equally. She asked how that would impact the budget. Stowe said this put her in an awkward position to be commenting on her pay. Peterson said most small businesses choose to pay all of the employee's Labor and Industries wages and that might be an option. Albert asked Stowe to run the figures to equalize pay and Sample asked Stowe to think of it as relating to the position rather than to her, so that if there was a different clerk the pay would be equal. Albert said that Stowe puts in more hours than she is paid for, but that Cross is out there at 3 a.m. plowing streets. Sample said Cross is getting compensated for that and maybe the town should consider overtime pay for those situations. She said at this point there is a big discrepancy. Horst said Cross has to deal with nasty overflows in the park bathrooms but that Stowe has to deal with similar overflows in the town hall.

Stowe presented Resolution #10-08 relating to property taxes for action. Sample moved to pass the version with a 0% increase and Horst seconded the motion. Hubbard said the town is getting close to having to spend more than is being brought in and while he liked the idea of not increasing property taxes he wondered if it might be getting time that the town has to. Stowe said revenue is way down and that the town is going to have to look at ways to increase it, and that the majority of revenue comes from taxes. She's just not sure if it's time to do that or not. Albert reminded the council that when they choose to not increase taxes the amount is banked and can be used at a later date. He also said a lot of people are having problems making ends meet but that Hubbard's point is valid. Since there was no more discussion, Albert called for a vote on the motion and the motion carried.

Stowe presented Resolution #10-09 relating to property taxes for action. This is the second part that shows the valuation of the town. Sample moved to pass Resolution #10-09 as presented and with a second by Horst the motion carried.

Hubbard reminded the council of the invitation in their packets for a meeting at the historical society regarding a totem pole.

As there was no further business Hubbard moved to adjourn, and with a second by Horst the meeting was adjourned at 9:05 pm.

Adopted by the Index Town Council this 6<sup>th</sup> day of December, 2010.

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

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