

Index Town Council  
Monthly Meeting Minutes  
June 7, 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	Bill Cross, Maintenance Supervisor
Karen Sample	Kim Peterson, Water Manager and Flood Plain Coordinator
Sean Horst	

Woods and Gott's absences were both excused.

Albert thanked Sample, Stowe, and Cross for filling in during his vacation. He also presented a thank you card for resident Roy Hultberg who replaced the sign in the Doolittle Park. Council members also thanked John Fernald for donating the old growth fir for the sign.

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

Stowe read the May warrants, numbered 2845 through 2862. Payroll and tax warrants totaled \$5102.26 and all others were \$9064.05 for a grand total of \$14166.31. The warrant to Allied Waste was for two months and included \$724 for the spring clean up. The warrant to Richman Poorman Computers was for the new computer plus the safety parts the Council requested, a rebuild of a data cable in the original computer, and a new hard drive for the original computer. The second warrant to Peterson was for a required Shoreline training. Sample moved to pay the warrants as presented and with a second by Hubbard the motion carried.

During public comments resident David Cameron asked about the holiday schedule for garbage pickup. Stowe will call for a list.

Cameron informed the Council of a Poetry and Music event at the River House Friday June 27<sup>th</sup>. They are asking for a donation of \$10 which can be waived if a person cannot afford it.

Resident Etta Hunter continues to work on getting the banner for Town announcements.

Resident Blair Corson asked for a way to work with the building process. Albert asked Corson to meet with him after the meeting.

Under the Sherriff's report, Deputy Haley said it has been quiet and that he had come to listen in on the Off Road Vehicle (ORV) issue later on the agenda.

Under council comments Hubbard has started a new project updating the bibliography for the draft Comprehensive Plan.

Sample said after filling in for Albert that both Albert and Stowe are overworked and that there are plenty of items for the Council to do. She suggested Albert throw out things that Council members can do. She also suggested that the Council consider for next year's budget adding hours to Foster's position so he can take over more mundane tasks for the clerk. In the same manner she suggested creating a fill-in position for Cross so that if he ever retired there would be someone trained in place.

Next Monday there will be a community get-together at the fire department at 5:30. Deputies that patrol this area will be on hand to meet residents, and there will be information on restoring the Block Watch program.

Sample continues to work on the internet problem. It is not possible for a town to sell internet services. Representative Kirk Pearson suggested the Town send him a letter requesting a change in legislation and that he will lobby for that. If the Council wishes, Sample will draft a letter for their approval at the next meeting. She said it will probably take up to two years to change laws. Snohomish County got a grant to bring fiber optics to rural areas but that will also take two years and would still require getting the fiber optics to each home. She sees two options at this point. One, the Town could purchase an antenna. Or, two, the Town could partner with a private entity. Albert recommended encouraging new legislation at the State level. Sample also said Verizon has been sold but the new company is not interested in talking until after the closing date.

Hubbard is in favor of changes to legislation. Horst thanked Sample for her hard work. Sample will draft a letter to start the process for changing legislation because even if it does not end up helping Index it may help other small towns.

Albert doesn't understand why towns can furnish other utilities like water and yet not the internet. Sample feels it's because the internet can't be controlled. Corson asked Sample if she had talked to Clearwire. He will get her contact information.

The Planning Commission is working on a final review of the Comprehensive Plan update. They hope to have a draft ready at the next meeting. There will be a public hearing and SEPA process.

Under the maintenance report, Cross said the Spring Clean Up went well. The County provided a dumpster for scrap metal and that was filled. Two residents, Mike Eddy and Kem Hunter donated a total of \$35 to help defray the cost, which was appreciated.

Albert thanked the Art Festival representatives for obtaining Special Events Insurance. A copy of their certificate is included in the Council packets.

Sample presented the Mayor's Report as she filled in during Albert's vacation. She has continued to work on the Department of Natural Resources (DNR) Determination of Non-Significance (DNS) regarding their lack of response to the Town's concerns regarding the water system. The acting regional manager for DNR assured Sample that their intent is to still work with the Town. She was told the DNS was not site specific and each time a specific project is proposed there will be a SEPA process. Sample told them the Town's concerns were about overall management plus the lack of responses to the numerous times we have contacted them. The Town still has the option to sue over the DNS, and the Town will need to be hyper-vigilant when SEPA projects come in.

Sample was also assured that DNR would still meet with us regarding mapping the critical aquifer recharge area. Peterson spoke to Candace Johnson prior to the Council meeting and Johnson is reneging on that agreement, saying DNR never agreed to do anything other than showing the Town where the County map was on the ground. She said DNR does not have the personnel or expertise to map an aquifer. Peterson said her understanding of what was said during the Council meetings was not what Johnson said during this phone conversation. Sample will follow up on this. Peterson reminded the Council of the man who offered to map the Town as part of his thesis. She said he is licensed, has equipment, and is experienced, and she wondered if it would be possible to hire him.

Albert proposes that the Town still pursue going out with DNR staff and see if the delineation on the ground agrees or not. He sat through two Council meetings with DNR staff and his impression was that the delineations were subject to review, and that was said on record.

Sample next brought up the ORV issue. Snohomish County may be adopting an ordinance turning Reiter Road between Gold Bar and Index into a legal road for off road use. The County has the right to do that through an RCW that says towns with a population under 3,000 can change road designations. Sample had a draft ordinance that has not yet gone to the County Council and Index is one of the few that has seen the draft. Highlights include a speed limit of 15 miles an hour, riding between 9 am and 9 pm, and that riders must be 16 and older and have a license. The draft does not reference another RCW that allows underage, unlicensed riders to do the same thing. She's not sure if the County will allow one RCW and not the other. The draft ordinance also states this use will promote public safety and be an economic boon. She has had no positive responses from residents. This proposed use also does not match the Town's Comprehensive Plan. As such, she and Gott drafted Resolution 10-14 opposing the opening of Reiter Road to ORV use. Albert asked if any Council members objected to moving the proposed Resolution up on the agenda. There were no objections.

Albert said historically people in the Gold Bar Nature Trails were able to access old logging roads but with the new DNR Reiter Foothills proposal, they will have to trailer their vehicles. While he is sympathetic he pointed out that everyone else, including Index residents, have to trailer their vehicles. Having lived here when Reiter Road was unpaved and unregulated, he has seen many collisions and injuries.

Deputy Haley said that the Sheriff's Office would not get officially involved as this is more of a political decision. To him, though, this is a traffic safety issue as everyone knows use won't happen like the draft ordinance says. Every bad image a person can think of is what's going to happen. We can expect multiple fatality accidents because of this draft. The Sheriff's Office does not have the manpower to enforce this and it will be like the Wild West with people doing whatever they want. Hubbard has personally been hit by ORV's and is wary about people when he out on Reiter Road because he has been tailgated, passed, and taunted along the road when he drives the posted speed. He feels this is a recipe for disaster.

Horst moved to accept Resolution 10-04 as presented and Hubbard seconded the motion.

Peterson received an email suggesting the Town should also consider a letter telling Snohomish County to remove Index's name from the draft ordinance. She said the County could use mileage but should not use Index.

Resident Etta Hunter appreciated the Council's submission of the Resolution.

Horst bikes along the road alone and has seen the pack/gang mentality and said it's a horrible feeling and he sees this as turning into a mess. He said you see similar road usage in farm communities, and in those areas such usage makes sense.

Hubbard pointed out that when there are accidents on SR2, this stretch of single lane road is used as a detour route which will contribute to the mess.

Cross attended a Sky Valley Chamber of Commerce meeting and was told Index could opt out and the proposed use could stop at a specific mile marker. Stowe asked Cross if the people had a proposal for how they would enforce that, which they did not. Deputy Haley said they would enforce it by putting up a sign, which no one will heed, then people will call 911 and when the Deputies arrive the offenders will be gone. Meaning there will be no enforcement.

Sample said Gott also attended the meeting and told her he had asked about insurance requirements if one of those vehicles hit his car. She said the best people could come up with at the meeting was one ORV rider who said he carried insurance and hoped other riders did, too. Albert asked Deputy Haley if there were insurance requirements for motorcycle riders. They are supposed to have liability, but there are no insurance requirements for ORV riders.

Resident Ed Boress agrees with Deputy Haley and said he has been down Reiter Road multiple times and seen where kids have been hit and some killed.

As there was no further discussion on the motion, a vote was called and the motion carried.

Sample said the Sky Valley Chamber overall plan for recreation in the area includes a shooting range, the purchase of the Town Wall to be donated to State Parks, fishing areas, the Reiter Foothills project and others. The meeting was attended by Mayors, State Representatives, State Parks people, DNR people and ORV users. She found it interesting that the only way Index found out about the meeting was through the Sheriff Deputies and that Index had not been invited to attend even though the people are making plans for Index. She said Gott was impressed with the overall plan though he had a few issues with it, and with Index not being included. Candace Johnson said at the meeting that it would take seven million to implement the plan and they only have about \$100,000 so Cross feels nothing will happen fast. Sample said that not only will this plan and the proposed use of Reiter Road put a burden on law enforcement, but also on the local fire departments.

Last month Stowe presented a letter from Snohomish County requesting support of a Transportation Benefit District. The Council had asked for more information. She received a letter stating that not enough support was generated and the County would now be pursuing creating one in unincorporated areas.

The Sultan Visitor Center will be producing a brochure for tourism and asked local Mayors to sign the welcome letter. Stowe said there will be no cost to the Town.

Jim Flowers has represented Index, Gold Bar, and Snohomish on the Health District Board in the past, but recently resigned. Stowe asked if any Council member was interested in taking on that position, but no one was. She will contact Gold Bar and Snohomish.

There will be a draft of the Hazard Mitigation Plan available for Council members to review. The Town may be able to adopt it at the July or August meeting but as the go-ahead to adopt will have a quick turn around time, it is important that Council members read the plan and are prepared once adoption is ready. Peterson would like Council members to read through the plan looking for anything that might have been missed and to make comments. Horst asked if this was the CD that Albert had made for the Council to review, but that is related to the FEMA Flood Plain draft Ordinance.

A Land Use Application was presented from resident Thomas Ramier for opening up about half a block of 7<sup>th</sup> Street for access to his property. The application was deemed complete with all the required drawings and now goes for a public comment period and action at the next Council meeting. Because of revisions in the Land Use Ordinance, there will be a posted public hearing at the Council meeting. Albert asked Council members to hang on to their copies of the application in order to avoid having to make more copies. A large map of the site is available at the Town Hall.

Peterson said the Town owed Ramier a water service at the Town's expense since there was water to that lot in the past.

Peterson updated the Council on the Shoreline Management Plan. There are very specific deadlines and if the Town sticks with the grant's current timeline the Council will need to have a work session in either October or November to be familiar with the Plan. She asked that the Council set the date no later than the August Council meeting. The work session can be anticipated to last two to three hours, will be open to the public, and would work best if the Planning Commission and the Council could all be there so everyone knows what has to be reviewed. The work session would be in addition to the regular Council meeting, must have a quorum, and will have minutes taken.

Tied into the Shoreline Management Plan are the Comprehensive Plan, the Critical Areas Ordinance, and FEMA regulations. Everything feeds into the Shoreline Plan because the Town sits on an important body of water, so all laws have to match 100%. The lawsuit with FEMA is still pending but the reality is that until the lawsuit and regulations pass, the Town has to be consistent and extremely careful about legislation and any permits issued near water because the Town can be held liable.

Hubbard said that on the consistencies issue the Town was allowed to make its own Critical Areas Ordinance based on best available science and now it's getting overridden and doesn't that negate the Town's right to self govern? Peterson said since the Town falls within a Shoreline, which is federally mandated, the most restrictive legislation must be used. So the Town's Critical Areas Ordinance would suffice outside of the Shoreline but not within. Hubbard asked if this meant people would not be allowed to build along Avenue A. Peterson said there is nothing in the Shoreline Plan that precludes building but people would have to assess, come up with outcomes, and look at the best ways to move forward. While the Town is small and can create a Plan block by block, the Town does have to adhere to Federal guidelines which do exceed buffers in the current Critical Areas Ordinance. Peterson said applications must address cumulative impacts.

Albert clarified that anything that was conforming at the time it was done cannot be taken away.

As there was no further business Sample moved to adjourn. Hubbard seconded the motion, and the meeting was adjourned at 8:30 pm.

Adopted by the Index Town Council this 5<sup>th</sup> day of July, 2010.

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

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