

Index Town Council
Monthly Meeting Minutes
July 5, 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
Patrick Woods	
Pete Gott	
Sean Horst	

This meeting is dedicated to former long time resident Dave McCrillis, who is alive and well in spite of being declared dead.

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

Stowe read the June warrants, numbered 2863 through 2880. Payroll and tax warrants totaled \$4947.86 and all others were \$2779.30 for a grand total of \$7727.16. The warrants were lower than normal due to the holiday and mail delivery, so next month's may be higher. Regarding the warrant to the lawyer for \$896, Albert said legal fees are high and will have to be addressed in budgeting. Hubbard moved to pay the warrants as presented and with a second by Gott the motion carried with Sample abstaining due to coming in late.

During public comments resident David Cameron asked if there would be a sheriff's report if Sgt. Martin was not here. Albert can do this.

Resident Yvonne Lawson asked if it would be okay to set stages up the day before the Art Festival, and if small banners could be displayed on the utility poles. The Council had no objections and Sample thanked Lawson for asking rather than assuming.

Resident Ed Boress asked what was going on at the school. Their drain field failed and is being replaced.

Under the Sherriff's report, Albert said there has been a resurgence of petty crime such as thefts of gas, vehicles vandalized, cars prowled, and the theft of a laptop from the community church. There are strong suspects but he is not at liberty to name them. Once again, residents are asked to be observant, report to the deputies anything not right, and report when something happens. There will be another Block Watch meeting.

Albert said how nice it was to have deputies around for the 4th.

Under council comments Sample presented a letter to Representative Kirk Pearson regarding changing legislation to assist small towns with internet services. She also has a letter from the school and a resolution from the fire department. Once Pearson receives these he will get it before the legislature. While this may not end up helping Index it will loosen State law that ties the hands of smaller towns needing revenue. Gott moved to sign the letter to Representative Pearson, and with a second by Hubbard the motion carried.

Sample has been working with resident Etta Hunter regarding the Block Watch program. Hunter will spearhead this and wants to make calls to create a roster. Albert asked if she could find out a preferred night for meetings. A date will be set once he hears back from her.

Sample suggested updates for the next newsletter and said she thought it was getting dry and that she would like to see timely local news. Stowe sends Albert a reminder in June that the newsletter has to be out by July 1st and each year he plans on submitting something but isn't able to. Stowe suggested having a Councilmember take over that part and will give Councilmembers a reminder in June if they would like to submit something to the newsletter.

Horst hopes the Council is proud of him for making it to the 4th of July parade. He said it was very nice and is an enjoyable holiday in Index. The Town will send a thank you note to Peggy Zimmerman for the work she did.

Hubbard went along on the hike to the watershed with DNR and Peterson will be commenting on that. He made some prints of more recent maps and hopes to get more detail after walking it again.

Woods thanked everyone for the effort on the 4th.

Gott said the draft ORV Ordinance was not presented to the Snohomish County Council last week but will probably happen at their next meeting. He also thanked the deputy for tagging a car left parked in a dangerous spot.

The Planning Commission did not meet due to no quorum. Albert introduced long time resident Kevin Blaine who has applied for the open position. He has worked with Blaine for years and says he is extremely talented, and appointed him to the position. Gott moved to confirm appointing Kevin Blaine to the open Planning Commission position and with a second by Hubbard the motion carried. Hubbard also thanked Blaine for volunteering. Albert said while he understands not everyone can make every single meeting, he hopes to have a quorum at each meeting.

Under the maintenance report, Cross said he wished there was some way to keep people from clogging the public restrooms.

Albert said it may be time to do some work on the pedestrian trail under the railroad bridge. Gott said he thought that was the responsibility of the railroad. Albert said former Mayor Bill Acker was able to get the railroad to take care of that but it hasn't happened since. Gott wondered if there were legalities for using their property and Albert said possibly, but there were also legalities involved in having an unlit walkway needing work. Any work done will take disabilities into consideration.

Peterson, Sample, and Hubbard walked the water shed area with Candace Johnson and David Way from DNR. Peterson feels if DNR does what they said they would at that meeting things might go well. Now the wait is for the planned location of the road. Albert asked if there was an approximate consensus of where the Town doesn't want stuff to go. Peterson said yes, that they know our big concerns and now the Town will comment on the proposed road location. She said DNR agreed to not place the road where they originally said they would. Albert thanked them for taking the time to go up there.

Sample said DNR promised they'd get map coordinates of where they were during the walk. There was a lot of talk about actually seeing a map and maybe the Town needs to get specific about a map of the area. No one wants to take responsibility for the accurateness of maps, like the County one. She thinks the Town should consider investing in a partnership with the County to have something specific that's inarguable, and would like this considered for future budgets. She said there will be another walking field trip, hopefully before the SEPA for the road gets written. She also said the lip

service by Johnson and Way was good so now we'll see what the actions are. Peterson said Johnson emailed a link with information on mapping watersheds.

A request from resident Thomas Ramier for water service at 7th and Index Avenue was presented. Albert reviewed ordinances and water service applications are a joint responsibility between the Water Manager and the Council. This service existed into the 1980's, serving a property behind the Axe's house. There used to be a structure that was lived in, but there has been nothing since, no water has been used, and no service has been paid for since then. Ten years ago there was a leak in the area and since this was not an active service the line was patched at the easiest place to do so at the main. Now the property has been purchased.

The first question is who pays for what. Albert feels because it has been so many years since there was an active service it is an abandoned line. There is no dwelling, no occupation, and no service, so essentially this is a new hookup. If this request is granted, Albert recommends the customer paying the normal new hookup fees.

The second question is regarding the service itself. This is a property with no dwelling and no valid sewage disposal system in a community where there are increasing problems. It isn't in the Town's interest to provide water to a lot with no valid septic system. There was a similar application on Avenue A recently and those people were told no unless they had a septic system. Albert says the same circumstances apply and he recommends the Council either deny this application or approve with some sort of qualifier about not living on the lot.

Woods said the County told his neighbors that they could not put in a septic without water so it's a Catch-22. Peterson clarified that the County only needs a Letter of Water Availability stating that water is available for a septic system. Albert said if these people need such a letter the Town can get one to them. What was received from them was a request for water service, and the response was no because it can't be granted without a septic system.

Woods asked if this particular case isn't the same, and wouldn't the applicant just need a similar letter. Albert said the applicant isn't asking to put in a septic system and it's not clear from the application what the intent is. But if the intent is to live on the lot the Town shouldn't be in a position where they have to go back and fix something done incorrectly.

Peterson said a water availability letter is usually connected to larger water systems than the Town's and the applicant has to pay for the letter. Here, a letter would be simpler but similar.

Albert said the problem Woods's neighbor faces, is that under Town Ordinance, even with water and a septic, it can't be hooked up to a single wide trailer or recreational vehicle. If the vehicle is temporary it flies but once it's connected to something it has to be permitted.

Sample asked if it was possible Ramier could put in a septic. It's possible but the speculation is that the lot is too wet. Sample thinks any time you allow water to run somewhere then where that water goes needs to be addressed, like into a holding tank that gets emptied, or a garden.

Albert said the Council could choose to grant the water service with a memorandum of understanding that the owner won't occupy the property unless there's a septic system. Sample asked who would then enforce that. Woods asked if it would be okay to do the Letter of Availability or if the Town has to wait until Ramier requests that. Peterson said the Town has done a few and could easily do that.

Hubbard likes the idea of not granting water until the place is being inhabited but on the other hand has no problem with running a hose for a garden so he likes Albert's suggestion of a memorandum.

There would need to be a way to enforce it. He said it also appears to be a loophole in the law regarding how long water is shut off and inactive before being considered no longer a service.

Cross said there is a substantial yurt established on the property. Albert said even if someone was living in a yurt in Town they would have to have a legal septic system. Peterson said in Snohomish County yurts have to have a building permit and some types of yurts cannot be permitted. So technically if one exists on the property it could be in violation if there is no permit.

Horst asked if Ramier would be able to put in a composting toilet but Peterson said an applicant still has to design a septic system so it's expensive.

Since Ramier was not at the meeting, Gott moved to table this discussion for a month so Ramier can answer questions and Horst seconded the motion. Hubbard suggested putting the concerns into a letter for Ramier so he could be prepared for the next meeting. Sample said this is one of those times when it sucks to be a Councilmember because the heart says yes but the head knows the codes and they aren't compatible. With that said she likes Hubbard's suggestion and moved to amend the motion to include a letter listing the Town's concerns. Gott seconded the amendment. Horst said Ramier should also be given a head's up about the yurt and building codes. Albert or Peterson will draft the letter. With no further discussion the amended motion carried.

Albert told Woods if his neighbor needs a Letter to get in touch with him.

Sample has been doing the Mayor Pro-Tem job for six months and it is now time to appoint for the next six month period. Albert appoints Sample to that position. Woods moved to confirm the appointing of Sample as Mayor Pro-Tem and with a second by Horst the motion carried.

Peterson asked the Council to schedule the Shoreline Master Plan Work Session in October. This will be an open public meeting. Peterson will get the materials to the Council by September, and the idea of the work session is to get the Council prepared and current in order to take action later. Sample clarified that this is related to Shoreline and not the Hazard Mitigation Plan. Peterson said the Shoreline Plan is like a zoning code for water, including wetlands. She said it would also be good to have the Planning Commission present. The meeting was scheduled for October 11th at 6:00 p.m.

A Shoreline Master Program Update Agreement for Services with Snohomish County was presented. This is for technical services provided on a time/materials basis. There will be an agreement on actual costs before work is done. This will provide assistance with those things the Town does not have the technical ability to do. Sample moved to enter into the SMP Update Agreement and with a second by Hubbard the motion carried.

Peterson asked if Councilmembers had any feedback after reading through the Hazard Mitigation Plan. There were none at the time but Peterson asked members to get any comments to her in order to have the plan ready for approval in August. If that deadline can be met funds may be available in September. Horst asked if the Skykomish really was a State designated Wild and Scenic river. Peterson said yes, in this area, designated down to the confluence, and this is why things are so strictly regulated.

Stowe presented an email from AWC requiring newly elected officials to attend a training. Albert was curious how a lobbying body could require the training and Stowe will ask. Hubbard said in the past AWC came to the Town, and maybe this was an attempt to save on costs. Either way, all Councilmembers have had this training.

Stowe presented a letter from the Snohomish Health District asking the Council to appoint Snohomish Mayor Karen Guzak as the representative to the Health Board. Hubbard moved to appoint Mayor Guzak as the representative and with a second by Sample the motion carried.

An amended business application was received from the River House, asking to serve beer and wine. The Liquor Control Board contacted the Town for approval earlier but the Town was unable to do that due to needing the amended license. Stowe has changed the business application form to include questions about food and alcohol service. Sample moved to approve the River House amendment and Hubbard seconded the motion. Sample feels there will be issues with the application but those will be with the Liquor Control Board and not the Town. With no further discussion the motion carried and Stowe will get notification to the Liquor Control Board.

A public hearing was called to order at 8:30 to address the Ramier application to reopen a section of 7th Street. Since Ramier was not present, Albert proposed continuing the hearing until the August meeting. Sample said she had asked questions and felt okay with going ahead with the meeting. Albert began the procedure, listing off the requirements for holding a public hearing, including dealing with the appearance of fairness and asking if anyone had visited the site, which Gott has. During the process of opening the Hearing, Albert found one of the requirements was that the applicant had to be there to present materials. Stowe said there may be confusion around the Council meeting date due to the holiday. Horst moved to continue the Public Hearing until August 2nd and Sample seconded the motion. Hubbard pointed out that the minutes in the Town Hall window showed the July meeting date. With no further discussion the motion carried and the Public Hearing was temporarily adjourned. A letter will be sent.

Under other business Albert presented a Certificate of Excellence from AWC for implementing a successful risk management program. This Certificate helps keep insurance costs down. Albert thanked Stowe and Peterson for their work.

Hubbard moved to adjourn the meeting and Horst seconded the motion. Prior to voting, Albert remembered one more item.

Albert said the Town keeps running into potential liabilities. At one point a suggestion was made that the Town should unincorporate. Out of curiosity Albert researched that and found it takes a petition signed by a majority which then goes to the next election. If it's passed, the Town's assets are sold and used to satisfy outstanding claims. If there is not enough the balance is paid by residents through a property tax assessment. This puts liabilities in a different light because citizens could then end up paying for years.

As there was no further business the meeting was adjourned at 8:45 pm.

Adopted by the Index Town Council this 2nd day of August, 2010.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer