

Index Town Council  
Monthly Meeting Minutes  
August 2, 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 Manager and Flood Plain Coordinator
Karen Sample	
Patrick Woods	
Pete Gott	
Sean Horst	

A thank you card for resident Peggy Zimmerman was presented for signatures. The Town wishes to thank her for the work she did for the 4<sup>th</sup> of July celebration.

Minutes from the July meeting were read. Two amendments were noted regarding the public hearing. Sample moved to accept the minutes as amended and with a second by Hubbard the motion carried.

Stowe read the July warrants, numbered 2881 through 2894, and 2903-2907. Payroll and tax warrants totaled \$4704.78 and all others were \$6105.45 for a grand total of \$10810.23. Woods moved to pay the warrants as presented and with a second by Gott the motion carried.

During public comments resident Barb Twardus thanked the Council for changing the land use process to include letters notifying people of applications.

Resident Etta Hunter announced a Block Watch meeting for August 3<sup>rd</sup>, at the Old Fire Hall at 7:00 p.m.

Albert thanked Hunter for the banner at the park. Sample asked if she intended to leave it up as Sample thinks it will have more impact if it is used as needed. Hunter said she will leave it up as needed, and that emergency information can be added. Sample suggested the fire department also use it for burn ban information.

Resident Thomas Ramier has problems with people occupying his land and Town property. He is working with the Sheriff's Department to remove them. Albert has discussed the public property issue with Sgt. Martin and Deputy Haley.

Under the Sherriff's report, Sgt. Martin and Deputy Haley said that DNR is against opening Reiter Road and it appears this issue will be tabled. The Town sent a resolution to the County Council, and the fire department also created one. Gott said he put out around 200 flyers and asked Sgt. Martin if any comments were received, but Sgt. Martin did not know.

Sgt. Martin said the Block Watch meeting was scheduled the same day as the Night Out in Gold Bar. Any Block Watch questions can be directed to Deputy Haley. Resident David Cameron asked if there had been any progress in cabins being broken into. There has not, partly because the activity has been sporadic and people are not reporting them until weeks later. Sgt. Martin strongly encourages people to write down serial numbers and take photos for record in case of theft. Resident Joby Rennick asked if anything in particular was being stolen. Sgt. Martin said tools were being stolen, but in town it appeared to be anything that could be carried.

Gott told Sgt. Martin he saw a local paper put out by a resident that had commented on police patrols. He wanted Sgt. Martin to know that most people do not feel that way and was happy with Deputy patrols.

Twardus asked if there were similar Block Watch programs for areas outside of the Town limits. Deputy Haley said she could join the one for the Town or for Skyko 1, or even begin a new one for her area. He suggested the groups work together since it's the same people committing crimes. Albert said Twardus was welcome to join the Town group.

Under council comments Woods reminded people that the Art Festival is this coming weekend.

Sample thanked Hunter for her work in organizing the Block Watch.

Sample sent an email to Frontier, formerly Verizon, regarding internet services and has had no response. Letters to Representative Pearson were received and he will be moving forward with lobbying for small towns to gain more authority.

Sample will be going on another walk of the Town watershed with DNR. A tentative date has been set for August 24<sup>th</sup>. If anyone is interested, contact Sample. She would like to suggest that DNR construct split rail fences where trails are near the watershed, and that these fences be used as well as signage, as an obvious deterrent. The Council had no objections and neither did Peterson.

Gott has made copies for flyers related to the ORV issue and asked if it was okay for the Town to cover that cost. Albert asked if there was a copy of what was sent out, and Gott can bring one to the next meeting. Albert said his sense was that it was better to deal with something like this before the fact rather than after. That way there is a clear distinction between what people do as a representative of the Town and as a resident. Gott understood this and withdrew his request. Sample said that in the future if someone comes to the Council first it probably would be no problem, and Albert said that way there is no assumption of wrong-doing.

Gott asked resident Ed Boress if there was something on his website to show that it is not an official Town website as a friend of his made a donation thinking he was donating to the Town. Boress said it is stated somewhere on the website that it is not official. Albert said there have been organizations such as the League of Women Voters who were confused about that and Boress said he is cautious that it is not taken as official. Albert thanked him for the work and complimented him on the website.

The Planning Commission met and made recommendations on two land use applications. They also read through the draft Comprehensive Plan and were hoping to present it at this meeting. Stowe found areas where information was still missing and wants to correct that before presenting. She asked if it should go to the Council prior to going out for SEPA and public comment or if it could be done at the same time. Peterson said the Council should read it in order to be prepared for the Shoreline work session but that it shouldn't go out until after the work session. Stowe will get copies to the Council this month.

Under the maintenance report, Albert thanked resident Bert Shepardson for his assistance in repairing the Park septic system. It is only a matter of time before the Town will need to replace this system. Albert also said Cross will be repairing and painting siding on the Town Hall. Sample asked if there would be a permit process for the septic system, and Albert said it would have to go through the Health District. There are no critical areas involved but it will need a design. Rennick asked if there would be porta-potties for the Art Festival. There will be, and they will be placed adjacent to the bathrooms.

Gott asked about some maintenance work done recently where materials were moved from public property onto private property. Albert will get together with him and with Cross to clarify property lines but the Town would not knowingly do that.

Peterson reported that the DEM Hazard Mitigation Plan did go to Snohomish County Council so it should be up for approval at the next meeting. Horst had made suggestions to the plan but DEM wasn't interested and suggested that the Town could choose to add those in a Town version.

Regarding the Shoreline Management Plan, Peterson will present guidelines and receive suggestions in the middle of September in order to be ready for the work session in October.

Peterson will be reporting on work for the Flood Hazard rating system at the September meeting. The Town will have to recertify that it complies with federal flood requirements.

Evergreen Rural Water will be inspecting the water system next week.

A request from resident Thomas Ramier for water service at his property above 7<sup>th</sup> Street was presented. Albert is uncomfortable granting water to a place with no septic because of unintended future consequences. He said the Council could choose to grant this as requested, to grant it with specified requirements, or deny the application. Ramier's intention is to eventually develop or restore the existing structures on the lot, but hasn't pursued septic issues.

Peterson said that the Town provides water in Town limits as well as outside the limits. Within the Town limits, where there are platted lots, there are too many lots for water. Cities and Towns accepted criteria that if someone in an area with platted lots wanted water, there would have to be a septic system to maintain cohesion. Ramier asked if this precluded getting water in the future. Peterson said septic systems in communities are required in order to operate safely, and said that he could get a letter of water availability from the Town for future applications to develop his property.

Albert agreed that water had been at that property prior to 1986, but that it hadn't been paid for or used since then, was shut off, and eventually capped after a break. Ramier asked if there were any scenarios where he might be granted water without a septic system, such as building a shop. Albert said the Municipal Code would have to be looked at when there was a clear idea what was proposed. After further discussion around how wet the land was, it was decided to table the request for water. Ramier will contact the Town if he needs a letter of water availability.

Albert reminded the Council that the next Council meeting will be Tuesday September 7<sup>th</sup>, due to Labor Day. Garbage will be picked up as normal on that Monday.

Albert read over a grant cycle from FEMA but the deadline for a Letter of Intent was missed.

Stowe discussed a letter from Harris regarding charging the Town for back sales tax. She will research it more based on suggestions from Municipal Research and report back to the Council prior to paying the bill.

Stowe presented a resolution from the Fire Department regarding ORV use. It appears that the resolution was an original and asked Sample if the Town was supposed to mail it or if the Fire Department had given her the original by mistake. Sample will take care of this.

Stowe received a forest practice application from the County for some logging outside of Town limits on Avenue A. The application does not address how logs will be removed from the property. The application will be available for review at the Town Hall and comments must be in by August 16<sup>th</sup>.

The scheduled Public Hearing to address the Tacher Land Use Application has been postponed until the September meeting at the request of the applicant.

A public hearing was called to order to address the Ramier application to reopen a section of 7<sup>th</sup> Street. Since last month, staff Findings of Fact, and the Planning Commission recommendations were added to the application, as well as attorney opinions. Albert reminded the Council that the issue is not access to the property, which is implied, but rather if the design is adequate to conditions, and what form that access should be. Albert stated the required rules for holding a Public Hearing. Under the appearance of fairness, Sample said she had asked Ramier to clarify a few things on the map after the Council meeting where the map was presented, and felt she could still be objective.

Ramier was asked to speak to his proposal. He is hoping to get a Determination of Non-Significance issued in order to get permits for the culvert. Currently he can drive back to his lot but in a few months that will be impossible.

Albert stated concerns about drainage. This is a very wet corner that has been impacted in the past from flooding off the hill into yards. A drainage swale was constructed but the danger is that changes in the surface or installing a culvert that isn't sufficient could upset the balance and result in flooding again. So one issue is if the design is adequate. Another issue is who pays for the opening and maintenance. He had initially felt the cost should be borne by the applicant but approached the lawyer to confirm. He then reviewed the two options presented by the Town attorney. A final issue is the width of the proposed street, which does not appear to be adequate for emergency services.

Discussion included the diameter of the proposed culvert, options for opening the street, comparisons to Sample's driveway, future use of the street if an easement was granted (the Town would have to bring it up to current standards), drainage, and wetlands. Hubbard clarified that this would be an access easement and 7<sup>th</sup> Street would still be in Town hands, meaning the driveway would not be considered public. Also discussed were the plans submitted, and their preliminary engineering, and the need for more detailed engineering.

Gott moved to accept the plan as an easement, with engineered culverts. Hubbard seconded the motion. Because of the level of detail, Gott moved to amend the motion to be worded as follows: The Town moved to grant access as a non-exclusive easement over 7<sup>th</sup> Street, at a width of twenty feet, to approve the installation of the culvert with engineered designs, that the applicant will surface the easement, be responsible for maintenance, and will include wetland mitigation such as planting native plants, if necessary, and will obtain stamped designs and a grading permit. Sample seconded the amended motion.

Sample asked since the engineer being used was the same one who had engineered the previous drainage system, does the Town just hope the engineer will take into consideration problems with the previous design. Albert said the engineer will have to certify that the project will not detract from the current drainage.

Sample clarified that the notation about crossing a culvert at the property itself was incorrect as that culvert will not be crossed or driven over. Hubbard pointed out that it is actually not a culvert but a bridge and would not be accessible by emergency services, which Ramier is aware of.

Stowe read back the amended motion. Peterson clarified that the crossing is over Cripple Creek which is a fish bearing ESA water body.

After no further discussion the amended motion carried. The Public Hearing was adjourned at 9:05.

Under other business Ordinance #408 relating to junk vehicles was presented for a first reading. Ordinance #409 relating to public nuisances was also presented for a first reading.

Stowe presented Resolution #10-05 relating to the annual Transportation Improvement Plan. Sample moved to accept the resolution and with a second by Hubbard the motion carried.

Stowe presented Resolution #10-06 relating to continued involvement in the National Incident Management System. Hubbard moved to accept the resolution and with a second by Horst the motion carried.

A Special Events Checklist from the Climbers Coalition was presented for an event September 19<sup>th</sup>. The event is expected to bring in around 200 people. There was discussion around serving alcohol, parking, and porta-potties. Sample said at some point in the future the Town needs to amend the Checklist to require insurance, and possibly ask for donations to offset fees for garbage. Hubbard suggested parking at the end of Crescent Trail. Rennick asked if the Town charged a permit fee. Historically this has not been done but should be looked at in the future. Boress asked if people left garbage but participants in events like this seem to clean up. Sample moved to approve the Checklist without the use of alcohol, with the understanding if the group wants to provide alcohol they can amend their Checklist at the September Council meeting, and with the requirement of Event Insurance. With a second by Hubbard the motion carried.

As there was no further business Hubbard moved to adjourned, and with a second by Sample the meeting was adjourned at 9:20 pm.

Adopted by the Index Town Council this 7<sup>th</sup> day of September, 2010.

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

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