

Index Town Council
Monthly Meeting Minutes
October 3, 2011

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/Flood Plain Coordinator
Karen Sample	Bill Cross, Maintenance Supervisor
Patrick Woods	
Pete Gott	
Sean Horst	

Mayor Albert reviewed the process and conduct for running and attending a council meeting, including having to be recognized by the chair, addressing comments only to the council, and commenting only on the topic before the council.

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

Stowe presented the September warrants, numbered 3167 through 3182 and manual checks 990007 through 990008. The IRS and the Department of Revenue now require payments to be made online, which results in no physical check. To meet Council and audit requirements, a manual check is used, with a different set of check numbers. They still have a claim voucher that must be signed by the Council to approve the payment. Manual check claim vouchers will be presented along with the standard claim vouchers for physical checks, and their totals included. Payroll and tax warrants totaled \$5842.75 and all others were \$7449.19 for a total of \$13291.94. Woods clarified that the fee to the Dept. of Health for the water system review is paid every three to five years and not annually as noted on the claim voucher. Gott moved to pay the warrants as presented and with a second by Woods the motion carried.

Under public comments resident Pat Schreiner said the Council had the right to create an ordinance protecting the watershed. Peterson explained that the town has one, and has filed documents fighting the State on the proposed use of the watershed for ORV use. She offered to meet with Schreiner and give him more information.

Schreiner was told by resident Dave Heckman that Heckman was putting in a pizza parlor at the location of the old Sportsmen's Club. Schreiner has an issue with potential parking, doesn't want the business next door, and would have liked a chance to say no. Albert said that a business license had been granted for ice cream and Heckman had initially wanted alcohol but the Council did not approve that. Schreiner also had concerns about the work being done at the house and Albert told him there was a Stop Work Order in effect until Heckman obtained a permit. Resident Dawna Finley asked if the house constituted a nuisance or safety concern. Albert said that it is certainly in the owner's best interest to fence the area.

Resident Pete Klinefelter doesn't see anything wrong with raising the house unless it's going to be there for months. Albert said the house will be elevated until Heckman obtains the required permit.

Resident Kem Hunter said when he was mayor he suggested creating a commercial zone but the council declined to do so. He still favors one. Albert said that the zoning ordinance that took effect when Hunter was mayor is the one that is still in effect and it is an ambiguous ordinance. The planning commission is currently working on creating a commercial ordinance. Cross said that when he was on the planning commission residents were polled to see if they wanted a commercial area and the consensus was no.

Albert asked Schreiner to put his concerns in writing.

Sgt. Martin reported that things were slowing down. There are investigations ongoing in the area but they do not impact the town.

Under Council comments Gott will not be in attendance for the February or March, 2012 meetings.

Gott and Sample have been working on creating a garbage ordinance and have one to present for a first reading. He asked for Council opinion. Sample pointed out that the supervision section lists a city manager and she would like to replace that with 'mayor or mayor designee'. Albert said the wording about allowing the burial of garbage would have to go. The Council discussed the section on disposal and suggested amendments.

During review of the section on violations, Albert asked Sgt. Martin to comment on the difficulties encountered in prosecuting a resident for a similar garbage violation. A current problem is that prosecution requires the exact date when the amount of accumulated garbage became a problem, and then the dates when the accumulation reached one cubic yard, two cubic yards, etc. Added to that is a statute of limitations. Albert said that enforcement is not simple to do, no matter how simple the wording is.

Albert said if a person falls behind in bills, the garbage quits being picked up and the person gets fined, they won't pay the fine because they don't have the money. Sample asked how that was different than what happens now. Albert said that currently the garbage is picked up even when someone falls behind or quits paying. They then accrue a lien on the property, or the account is brought current through Escrow when the property sells. Gott asked what then happened when garbage accumulated and Albert said that hasn't happened yet.

Sample said this process was started because of fiscal reasons, both for the town and for residents. The town is behind in the garbage fund. Originally this also came up because the town is going to be required to raise water rates. Additionally the garbage rates will have to go up more in order to become solvent. Gott pointed out that there are no grant funds for water repairs anymore so water rates are going to have to go up.

Albert said that people in town are very responsible but as the person who has to deal with the exceptions, he focuses on that. His impression from past meetings is that the Council wants this change. Gott and Sample have put a lot of work into this, and so Albert asked if the Council wanted to go forward.

Horst thanked Gott and Sample for all their hard work. The town isn't making any money and getting out of garbage allows the town to help the water fund. The reality is that some people don't deal with their garbage and he doesn't want to see people dump garbage in the woods. He thinks the ordinance sounds good but it's a tough subject because the town wants to save people money. He wants to go forward with this and put a little trust in people to handle the garbage.

Woods said originally the only difference would be that residents would have to sign up with a company, would pay less, and if enforcement was needed it would be the same as it is now. Albert said the town continues to pick up garbage when someone hasn't paid, but a contractor would not. He's not sure what their policy would be. Gott asked if the ordinance would be sent to the lawyer, which it will.

Resident Etta Hunter asked if residents would have to call the same company as the town deals with now. Albert said Waste Management would be the company serving residents if the town gets out of garbage. Sample reminded people that the contract with Allied is up in February and if changes are going to happen they should be in place prior to that.

Continuing with Council comments, Hubbard commented on two letters the Council received regarding the adoption of two business license applications. He feels the Council decision was based on current rules and what has been done in the past. He also said that people have been camping on town property near Crescent Trail.

Sample was going to talk about the business applications, too. She said the letters had good suggestions on changes that should be made to the business application process, including submitting two weeks prior to a council meeting, posting the lot, and a finite plan. These things came up after the fact and were not in place at the time of adoption. She thinks they should be incorporated but the decisions were made based on current law.

Albert said he wrote one letter as a resident and offered to sit in the audience so it could be discussed, but the Council did not request that. He said the gist of his letter was that the town has no zoning to speak of but what it has, has worked so far. However, he lives in a residential neighborhood and is accustomed to that although it's not supported by current code. As a resident, if an application came in at the last minute for a retail business next to him, he would like to have a chance to say something. When something comes in at the last minute and gets issued there is no chance. He had no quarrel with the decision that was made. His quarrel was that people didn't have time to know about it.

Sample agreed but the same thing goes for garbage; if a change is made shouldn't people receive notification? Current guidelines need to be changed. She wants to change the process, but until it is changed the town has limited rules to follow.

The Planning Commission had two applicants for the vacant position, and Albert appointed resident Tom Ramier, who had submitted an application several months previously. Albert thanked resident Blair Corson for his application. Hubbard moved to confirm the appointment of Tom Ramier to the Planning Commission, and with a second by Sample the motion carried.

Stowe said that the ordinance for a commercial district listed on the agenda was not ready for ordinance review and asked the Council to read through the document and make comments prior to the next Planning Commission meeting.

Under the maintenance report, Cross is prepping for winter.

Under the Water Manager's report, Peterson commented on the expensive survey recently done by the Department of Health (DOH). DOH wants rates raised as they say the system is not viable, they want the tank cleaned which costs several thousand dollars, and that any grants now are a 50-50 match in funding. Horst, Albert, Peterson, and Stowe met to go through water issues and will have something for the Council. DOH is requiring that the Council meet for water efficiency goal planning. Peterson asked that part of the December meeting includes this. Hubbard asked if the tank needed to be cleaned because of sediment. DOH is requiring it only because tanks should be cleaned every five years.

Over the years the town has had occasional hits on bacteria in the water. Bacteria itself is not an issue, but can be if Coliform gets into the water. Currently results from one tap did not pass and that tap will not be used again for testing.

Peterson is moving forward again with shoreline planning, after receiving authorization to do so from the Dept. of Ecology. In October the shoreline planning group will be covering policies, in November it will be public access, and there should be a draft in February or March.

Albert presented a resolution relating to charges for water repairs. In the past month there have been two repairs on water lines outside of the town limits and the water ordinance allows the town to pass those costs to residents. The resolution would allow the town to pass the costs of repairs onto those residents outside of town limits. Gott was concerned about how two or three residents would cover a large repair fee, and how the town would collect. Albert said the costs could be pro-rated. Hubbard sees the equity in spreading the costs and asked if the town would still own the mains, which they will.

Horst asked if the people involved knew this change was coming. Albert said it's been in the ordinance for years but no one has yet been notified. Horst proposed tabling the resolution in order to notify those involved.

Albert has heard nothing back from the receiver of the Bush House since the vacation/permit information was sent. The owner of the property across the street from the Bush House resubmitted a vacation request but once again it had to be sent back.

As a result of a recent repair at Sky Country Club a claim has been filed against the town. Albert will keep the Council posted.

Stowe said the PUD sent a complimentary copy of their application for a hydroelectric project at Sunset Falls.

There are updates to the municipal code in Council packets. Stowe asked the Council to update their code books, including the previous update, to make sure they are making decisions based on the most current law.

A letter from Etta Hunter was presented. She has concerns about garbage accumulating and also feels people need notification of businesses in town. Stowe clarified that the recent increases in fees are to keep the town solvent and have nothing to do with her paycheck, as stated in the letter.

The owner of a project called Active Teen is soliciting an annual fee from the town. Sample is not sure how the town's particular teens would benefit and is not sure what resources would be available that local teens would not have to drive for. Albert said if the town was going to spend money, he'd prefer to do it in town. Hubbard couldn't think of any resources the town could contribute.

Last month a SEPA was presented for public comment on maintenance work on riprap. No comments were received. The Army Corps of Engineers do not require a JARPA since this is maintenance work. Sample moved to okay the SEPA and Gott seconded the motion. Sample was then asked to include more wording. Sample moved to amend the motion to approve the issuance of a Determination of Non-Significance on the SEPA for maintenance work on the riprap. With a second by Gott the amended motion carried.

Albert said the planning commission came up with an excellent document on commercial zoning but feels it should be divided into two ordinances, one that relates to zoning and one that relates to the business application procedure. He asked the Council to review the document and get comments to him, Stowe, or the planning commission. Sample asked if street uses were part of this commercial ordinance. It isn't, but Albert said the street use issue is being worked on.

There were no business or land use applications.

As there was no further business Gott moved to adjourn, and with a second by Sample the meeting was adjourned at 8:50 pm.

Adopted by the Index Town Council this 7th day of November, 2011.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer