

Index Town Council
Monthly Meeting Minutes
January 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	Bill Cross, Maintenance Supervisor
Karen Sample	
Pat Woods	
Pete Gott	
Sean Horst	

Minutes from the December, 2010 meeting were read. Hubbard moved to accept the minutes as presented and with a second by Sample the motion carried. Horst asked for information on the Cooperative Weed Management group the Forest Service is putting together.

Stowe warned the council that warrants were high due to quarterly taxes, year end bills, and dues for the coming year. She then read the December warrants, numbered 2986 through 3009. Warrant 2985 was voided and used for ordering new warrants. Payroll and tax warrants totaled \$6885.14 and all others were \$10834.04 for a grand total of \$17719.18. Sample moved to pay the warrants as presented and with a second by Hubbard the motion carried. The warrant for Fiserv was for ordering new checks, and the last time those had to be ordered was in 2007.

During public comments resident Ed Boress thanked the mayor and council for their hard work over the past year.

During the Sheriff's report, Sgt. Martin is working on projects for the coming year. Hubbard thanked Sgt. Martin for the nice report in Council packets.

Under Council comments Gott is continuing to work on the issue of changing permit requirements for building sheds.

Horst thanked Albert for decorating the tree in the park.

Hubbard wished everyone a happy new year. Albert asked him, if he, as the secretary for the Historical Society, knew anything about rumblings regarding a totem pole. Hubbard said a group gave a presentation last month on the possibility of a carver creating one but it is costly. The Historical Society is still considering action.

Sample asked if it was possible to get sand from the County for use on the bridge, when they are not available or delayed. Albert will talk to the County with his annual request to sand the bridge. He and Cross sanded it over the weekend. The town has sand and if needed, Albert will use it as while it's the County's responsibility the town has a vested interest. It takes two people to sand, so if anyone is interested in helping, let Albert or Cross know. Sample doesn't want to take over responsibility from the County either, but she agrees the bridge needs to be safe.

Sample has a petition for people to sign to assist in bringing high speed internet to town. She asked the Council for assistance in obtaining signatures, and thanked Albert for using his writing skills to

help. Sample said there has been no response yet on creating legislation to assist small communities with the internet issue.

The Planning Commission did not meet due to the holidays. Cross said they will be starting work on ordinances. Albert suggested they get a consensus on what they want to say in an ordinance and then hand the draft to the town attorney for wording. He said this is a way to avoid good intentions that don't measure up, as has happened in old ordinances.

Under the maintenance report, Cross said ice is the biggest problem for garbage pickup and wondered about using the dumpster Allied Waste provided, if they don't make it. Albert suggested waiting as it's not unreasonable to go a week without service. Cross will be gone the 19th through the 25th of this month.

Peterson was not present but Albert said she will have a Shoreline draft available by the middle of the month. It will be on CD's and printed as needed. Printing costs will be reimbursable through the grant.

Gott asked about a FEMA letter in the packets. While Stowe was on vacation, Foster made copies for the Council and copied it as it was in Stowe's Council folder. The letter was about the time extension in creating changes in law that the Council is already aware of.

Albert thanked everyone who helped him get the tree lights up.

Albert met briefly with the owner of the yurt and believes it does not pose a sanitation problem as it is there temporarily until the construction of a house is finished. Once the house is done the yurt will be for recreational use and not occupied.

Stowe had nothing under the Clerk's report.

There was one business application for a home law office. Sample moved to approve the application by Kem Hunter for a law office in his home, and with a second by Horst the motion carried.

There were no land use applications.

Albert presented Ordinance # 413 relating to revising the International Building Code Ordinance for action. He said the shed issue Gott is working on could be an amendment. The town attorney said that while these codes already apply under State law, adopting them gives the town the right to amend them. Sample asked if they could be amended to ease laws or if amendments have to be more stringent. Albert is aware of both kinds of amendments. Sample asked if wording had been added to avoid having to create a new ordinance every three years. This had been talked about before but she didn't see it. After reviewing the ordinance, Albert said the wording is included in each individual clause. Sample moved to adopt Ordinance #413 as presented and Hubbard seconded the motion. Albert said the copies in the packets do not have a signature block, which will be formatted later. With no further discussion the motion carried.

Horst asked what the official town paper is, where ordinances are published. Stowe uses the Everett Herald.

Albert presented Ordinance #414 relating to establishing an appeal process and enforcement of land use violations for action. There are many ordinances with no enforcement provisions, so this is the enforcement ordinance that includes procedures to follow. Hubbard moved to adopt Ordinance #414 as presented and Sample seconded the motion. Sample said that at first the ordinance scared her

but after reading it she realized there are many options if someone is willing to work. She found the ordinance very flexible and tightly written and liked it.

Horst asked about the wording for posting in a conspicuous place. Albert said things would be posted some place visible like on a door. Albert hates to play hardball but said it's nice to have the tools available if needed. Sample asked if the ordinance would go into effect immediately upon adoption, but Albert said it had to be published first. With no further discussion the motion carried.

DNR has issued a project-specific SEPA on motorized trails in the Deer Creek Flats area. The town has until the 30th of January to submit comments, which means this is the only council meeting to act. Albert said all the listed concerns in the town's last letter are more valid now. He would like to gather council concerns into a draft letter and asked council members to get comments to him by January 15th so he has time to get approval on the letter before the submittal deadline.

Hubbard has concerns about the SEPA wording that says there are no known County ordinances restricting trail use in critical aquifer recharge areas. He says it would be better to simply say the trails are in the town's aquifer, and that by adding the sentence DNR is implying it's okay even if the town doesn't like it.

Hubbard said that the SEPA includes wording about using structures and blockages to identify where riders can go and he thinks that was good of DNR to include as it is responding to our comments.

Hubbard is worried that the SEPA includes no plans for enforcement. He also thinks the town should have some way to record the current conditions of the area in order to have a base line for future potential problems. Albert said another agency has also commented on the lack of a maintenance plan. Hubbard had other comments but will get those to Albert.

Sample agreed with all Hubbard said. She has problems with the aquifer not being mentioned until page twelve of the SEPA. She has concerns that answers to questions in the SEPA about environmentally sensitive areas do not include the aquifer. She said the County Council does not protect the town's watershed and wants to know how to disallow any of this from occurring in the area the town's drinking water comes from. She feels there needs to be stronger steps for protection.

Sample is bothered by wording that the suitability assessment was broad-scale in nature and wording about discouraging uses when there shouldn't be any use of the area. She has a lot of problems with the wording of the application including wording about the possibility of small incidental accidental discharges from vehicles and from putting a road in the watershed. She feels the section on emergency services is unsatisfactory.

Sample's biggest problem are the places where monitoring is mentioned but no plan for monitoring and not a word about how they will accomplish enforcement. There is also no funding so how can the town expect any monitoring or enforcement to happen.

Sample also has a big problem with the fact that DNR is its own lead agency on the SEPA.

Albert took notes but asked for written comment. Sample asked if they can judge the wording. Albert said where it is misleading, incorrect, or incomplete then yes, but that the opposite is true, too. He reminded everyone that an objective view is needed in guarding the town's vested interest.

Albert has concerns about the maps included with the SEPA. The maps are marked as drafts and he questions how anyone can approve a plan with only drafts. He also says the traffic counts are still inaccurate and there is a potential for hazards and traffic in town.

Hubbard agreed and said traffic seems to have doubled already, and DNR saying there won't be any impact is not true. He said a map printed in a Herald article about the SEPA showed Austin Creek as clearly confused with Hogarty Creek and this is a major mapping mistake to locate a creek incorrectly by half a mile or more.

Albert said they understand DNR is under tremendous pressure and can appreciate what that feels like when dealing with contentious issues.

As there was no further business Hubbard moved to adjourn, and with a second by Sample the meeting was adjourned at 8:10 pm.

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

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer