

Index Town Council
Monthly Meeting Minutes
February 7, 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	Kim Peterson, Water Manager/Flood Plain Coordinator
Pat Woods	
Pete Gott	
Sean Horst	

The meeting was dedicated to the memory of Howard Totten. While not a resident of the town, he was a long time resident of the community and active in the Sportsmen's group.

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

Stowe presented the January warrants, numbered 3010 through 3031. Payroll and tax warrants totaled \$4842.17 and all others were \$6587.14 for a total of \$11429.31. Hubbard moved to pay the warrants as presented and with a second by Sample the motion carried.

During public comments Bill Lider spoke on Snohomish County Council Ordinance 05-146. In 2006 the Ordinance was passed lowering the threshold for approvals for public ORV parks. He spoke about the consequences of this in relation to the Department of Natural Resources proposed ORV park at Reiter Foothills. His presentation included erosion control, pollution, and stormwater management. He had handouts for the Council, and asked them to support Resolution 11-01 which asks the Snohomish County Council to abolish that relevant ordinance, requiring public ORV parks to meet the same thresholds as private ones.

Hubbard asked about the section in the draft Resolution that said ORV activity should be located on the lowest feasible timber land grade. The wording suggested to Hubbard that the trails should go on steep slopes. After discussion it was clarified that the intent was to refer to grade of timber, not grade of land.

Hubbard and Lider then spoke about mapping and the level of detail available in the current maps. They are huge enough that detail is not visible.

Woods clarified that Lider was asking the County to revise their code. Lider said yes, and that support from the town would carry weight. He said once DNR is vested under the permit process this becomes a moot point so it is important to move quickly.

Sample does not like the County ordinance and feels the way the County makes laws around the ORV park has been unspecific. She feels if the laws had been worded better there wouldn't be the problems there are now. In general she likes the idea of this resolution.

Horst can't get a clear picture of the issues when doing research especially when looking at the water supply.

Lider said that this park will be held up by DNR as a template to use throughout the State, and while he is not opposed to the project, he wants to see it done right. Riders need a place to go where they can ride without damage to the environment. If the park is done right, built right, and includes enforcement and management this can work. If it is held to a higher standard, then other public ORV parks already in existence will have to be brought up to these standards.

Albert thinks the second point in the draft resolution is inappropriately tied to the first point. Index is already on record with comments. He also is concerned with the timing. If this County ordinance was passed in 2006, before Reiter was closed, then what were their reasons for creating the ordinance?

Lider said a news release from Snohomish County stated that the ordinance would make it easier to develop the Reiter ORV park. Regarding Albert's timing concerns, this request may not happen because of the lateness of it and because this is a political hot potato, but he thought it was worth the effort to try. Albert clarified that Lider was saying three years before the process began the County had already drafted an Ordinance to support it. Lider said yes, and gave Stowe a handout supporting that.

Hubbard moved to adopt Resolution 11-01, striking part 2, striking the wording about timber land grade, and revising the title to delete all words following '...the withdrawal...' With a second by Gott the motion carried.

Also under public comments, Etta Hunter announced a Block Watch meeting for Tuesday, February 8th. She hopes to get Sgt. Martin to speak on elder abuse.

Under the Sheriff's report, Sgt. Martin was unable to make the meeting due to a class conflict.

Under Council comments Sample testified in Olympia on HB-1140 giving small communities the authority to sell internet services if they met requirements such as having no other server available. Representative Pearson presented the bill to the technology, energy and communications committee. Sample testified in favor of the bill because Index is 'eight miles from the end of the 21st century'. She suggested ways on how the town might pay for the service, and how it would serve the community, not just the town.

Sample met with a woman from the Independent Telecommunications organization who testified against the bill. The woman did not want to make plans public in case the 'competition' found out, but she implied that funds would soon be available to bring services to rural communities. Sample then spoke with a representative from Frontier who said that while they did not want to make their plans public because of competition concerns, Index was a priority. The Frontier representative then asked Sample if she would be happy if high speed internet came to Index in two to three months. Sample said yes.

Albert thanked Sample for going to Olympia and testifying, especially since it was short notice. Sample said she has also been contacted by Iron Goat Networks, who used to have a franchise in Index to provide cable and internet services. It sounds like he would like to compete with Frontier, but he provides satellite and Sample is not sure that's what the town wants. Ed Boress said Iron Goat has contacted him, too, and he told them the date of the council meeting.

Still under Council Comments, Sample said she was pleased with the letter Albert sent to DNR regarding comments on the SEPA.

Horst thanked Sample for all the hard work she has done on the internet question. He is also grateful to have Albert writing letters, and agreed that what he sent to DNR was wonderful.

The Planning Commission did not have a quorum. Although no business could be conducted, the members who did show up went over upcoming projects and were given homework. Albert accepted the resignation of Cross, thanked him for his many years of service, and said that he had received one application for the open position.

Under the maintenance report, Cross said there was a water line break near the school where two leaks were found in old pipes and repaired.

Peterson had previously handed out Shoreline packets to the planning commission and council, asking for comments. The materials are still available at the town hall and Peterson would like comments by this Friday. This is not an official comment period. She is just hoping to work through any Council concerns before it gets to the official period. She thanked Gott for getting comments back to her.

Sample asked for a definition of the phrase 'no net loss'. Once the shoreline plan is adopted, there can be no loss from that date forward. In other words, whatever state the shoreline is in when the plan is adopted, it has to be kept to that at a minimum. Sample has a couple questions and will get those to Peterson.

The shoreline grant requires a public presence through Facebook and Twitter. Peterson has set those up with Gott's help and once the official comment period is open, the documents will be available there.

Hubbard and Peterson spoke briefly about how no net loss relates to habitat function. Peterson will have to count trees and brush within the shoreline habitat on the final assessment. Sample asked if restoration opportunities applied to wetlands within the two hundred foot buffer, which they do.

Albert said the mayor of Gold Bar contacted him seeking support to build trails for the ORV park. Fortunately the mayor called ahead this time so Albert was able to tell him the town had reservations on some points and such support would be premature.

The letter with comments from the Council was sent to DNR by their deadline, and a copy is available at the town hall.

Albert received an email from Sky Country Club reminding him that the contract is coming up for renewal. He will be reviewing changes with Peterson and Stowe.

FEMA sent a three page letter regarding the new Flood Insurance Rate Map. East of the railroad tracks the flood level status has been increased in spots, and west of the railroad tracks some areas have been removed from flood plains. A public comment period will start where residents can contest the new delineations. Albert and Stowe will get a letter out to affected residents advising them of the changes and their right to appeal to the town. If they do the town then takes those appeals to FEMA.

Albert presented two proposed fire interlocals. One is for fire inspections, and one for fire investigations. These came out of meetings with Snohomish County. In fire investigations the fire marshal determines the cause, the town gets billed, and then can bill the victim. Albert's perception is that when residents pay taxes for fire protection, that should cover the cost of investigating a fire and the town shouldn't have to do this.

Inspections need to be done for businesses and new construction and there's a cost involved. Albert feels this should be covered under the County's building permit process but the Town may have to take over billing for inspections. He will talk to the Council more about this next month. Hubbard

asked if inspections included things like booths at the Art Festival. Albert feels this would pertain more to businesses with a public presence like the school or businesses that are manufacturing.

Stowe updated the Council on negotiations with Railroad Management regarding their overcharging the town. After their normal delays in returning calls, she was finally passed on to a supervisor who said they would send out a corrected invoice for this year, but could do nothing about overcharging for previous years because the town did not contact them in a timely manner. Stowe pointed out that the town contacted them immediately back in 2008 when the first incorrect invoice arrived, and that the delays in resolution came from the railroad end. The supervisor said they would credit the account for the overpayments, and would call Stowe by noon to verify that. She had still not called by time for the council meeting. Albert said he hoped he lived long enough to see a resolution to this problem.

Stowe presented the AWC Claims Report for the year, showing Index had no insurance claims, which helps keep rates lower.

Last month Stowe inadvertently overpaid Peterson for Shoreline hours, by not realizing a timesheet was a duplicate. She talked to Peterson and Albert about the problem, and is adjusting Peterson's pay to make up for that.

There were no land use applications.

Under other business, David Cameron asked the council to continue to allow the Community Garden at the same rates per plot as last year. Horst moved to continue the Community Garden at \$15 per plot, annually. With a second by both Gott and Sample, the motion carried.

A Special Events Checklist was presented for the Index Arts Festival in August. Horst moved to accept the Checklist as presented and Hubbard seconded the motion. Gott asked about allowing the music to continue until 11 pm. After discussion around meeting the requirements of the noise ordinance, it was agreed to allow the music to go until approximately 10 pm. Yvonne Lawson said that the event liability insurance required a time limit. Albert asked her if the Festival would work with businesses and residents for use of the street, which they will. He said parking was much better last year and asked if it would be done the same, which it will. He asked if those people serving food would have food handler's permits, which they will. With no further discussion, the motion carried.

Ordinance #415 relating to requiring no permits for uninhabited structures under two hundred square feet was presented for a first reading. This would amend the building code ordinance to allow structures such as sheds, that are not for human habitation, to be constructed without a County permit, if under 10x20. This would not include structures within critical areas. Albert suggested adding wording that all other zoning regulations such as setbacks, lot coverage, etc., remain in effect.

As there was no further business Woods moved to adjourn, and with a second by Gott the meeting was adjourned at 8:35 pm.

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

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer