

Index Town Council
Monthly Meeting Minutes
May 2, 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
Pete Gott	
Sean Horst	

Woods absence was excused.

Albert opened the meeting with informing everyone of the death of Osama bin Laden. Justice is slow sometimes but it does come.

This meeting is dedicated to the memory of Mary Burgess, long time resident and wife of Neil Burgess. She was a talented rug maker and kept weather journals for three decades, and was a good friend.

Minutes from the April meeting were read. Albert commented that the wording about marijuana had to do with medical marijuana and not legalizing it, but that the wording could stand. Sample asked if she could vote on the minutes if she was not present at the meeting, and Albert said yes. Hubbard moved to accept the minutes as presented and with a second by Gott the motion carried.

Stowe presented the April warrants, numbered 3071 through 3087. Payroll and tax warrants totaled \$5121.96 and all others were \$7344.81 for a total of \$12466.77. The warrant to Snohomish County Public Works is for work done under the Shoreline Grant and will be reimbursed. Hubbard moved to pay the warrants as presented and with a second by Horst the motion carried.

Under public comments resident Etta Hunter said there would be a meeting of Block Watch captains. She also commented on Frontier bringing in high speed internet and the state of Reiter Road. Albert said that due to money issues it will be a long time before the County can fix the road.

Resident Peggy Zimmerman asked if it would be possible to invite a high school band to play for the 4th of July parade. She also wondered if she would need event insurance. The council felt a band would be a great idea. Albert said that if she was willing to get the paperwork and fill it out, there were residents willing to donate toward the cost. Zimmerman is hoping to get younger people for the color guard but asked if council members and the mayor would be available as back up, which they are.

Zimmerman thanked the animal control officer for talking to council members about their dogs that are loose. She said it does work to call and complain, and the response is better than it used to be.

Zimmerman has comments about the municipal code and will write those up for the council.

Resident Ed Boress asked when a light would be installed for the flag pole. It is on Cross's list of things to do.

Sgt. Martin handed out copies of the monthly statistics, and these are also available at the town hall. Hubbard asked about a particular acronym in the report, under 'incidents by type' and what it meant. It is used by enhanced 911 and refers to calls where no one talks. Enhanced 911 traces those calls back for response.

Under Council comments Sample has been told there will be high speed internet by the end of the month. She encouraged people to call Tracy Kreutzer at 425-308-7261 to get on the list of potential customers. Stowe has his cards at the town hall. It sounds like there will be 95 hookups available and will include the closest Skyko's and Sky Country Club. The south fork should have theirs soon. Zimmerman asked if Sample knew what the cost would be, and Sample thinks it will be around \$40 a month.

Albert thanked Sample for the multiple things she has taken on and done, and the council and audience gave her a round of applause.

Sample said a resident approached her wondering if the town would be interested in purchasing the Sportsmen's club and rental unit. It is for sale but she doesn't know the price. Albert asked the council if they would be interested in inquiring about the price. Gott was not, but didn't have any objection. Zimmerman believes the lot does not have a legal septic system and ends up with a lot of water because of being low.

Hubbard and resident David Cameron hosted a college class on local history and environment.

Gott has not received a call back with quotes for removing tree stumps in the park.

The Planning Commission did not have a quorum but held a work session. They have decided it might be more feasible to begin work on the critical areas ordinance update rather than zoning in order to tie into the shoreline management plan update.

Under the maintenance report, someone pulled out the motor home on the 3rd Street right of way and the homeowner hopes to get the mini-van moved. Cross feels that with the help of a laborer he should be able to remove the garbage in one or two trips with the town truck. Albert said the property owner was sent a letter telling her to clean up the area or the town will take steps. The goal is to get it cleaned up at no cost to the town.

Under the Water Manager's report, Peterson has had two more meetings for the shoreline update that included draft documents. The group is still on schedule for holding public meetings by early fall.

Peterson attended a water manager's class that included a rate study program. Index has benefitted over past years from grants that allowed the town to do work on the water system but those funds are no longer available, especially for upgrades. The state and DOE now say that towns must accumulate enough funds to support their systems. Using the rate study program and median incomes for Index, the fees for water should be around \$55 rather than \$19. It seems exorbitant but if you think of the age of the system, the major repairs coming up, the costs of maintenance in the near future it's obvious the town needs to look at water rates. For example, the town will be required to upgrade all meters by 2017, which will cost \$18,000 - \$23,000.

Peterson and Stowe have been working on a list of tasks related to water that need to be done and will be asking Horst, as chair of the public works committee, to assist them.

The town received a request for a new water service outside of the town limits. As the request arrived the day of this council meeting, Peterson and Stowe are not prepared to fully present and discuss with the council. The proposal could include adding another spaghetti line. In the past this couldn't be

done, but might be possible depending on information that still needs to be collected and County requirements. Peterson will put together a packet for the council's next meeting as she will need to get more information from the applicants.

Albert asked the council if they had any objection to signing the Snohomish County Drug Task Force Interlocal. No one had any objection to signing.

Three months ago the town received a revised Flood Insurance Rate Map (FIRM) with new flood delineations and a ninety-day appeal period which ends May 12th. Information was posted at the kiosk and store, and letters sent out to everyone affected by the map changes in elevation. The town received one inquiry and no requests for exemptions, corrections, or appeals. Based on that Albert will take no action as mayor. The new map will affect those whose flood risk increases because flood insurance rates may go up. It also affects those now in the floodway as it will be exceedingly difficult to any development in those areas.

The owners of Wes Smith's house have been advised that the house is open, in poor condition, and a hazard. They were requested to either fence it off or demolish it. It's sad to see this happen, and sad having to request this. On the same note, the owner of the Bush House will be getting a similar letter.

The house at the edge of town where the garage roof has collapsed was asked to hold off as the town is hoping to find hazard mitigation funds to purchase the property and turn it into open space as it is a place repeatedly flooded. If grant money is not available something else will have to be done with the place but as it is a single story and the roof is already collapsed it is not the same hazard as the Smith place and the Bush House.

Albert sent a letter to the person storing equipment at the Smith house and on town property, asking that the equipment be moved or the person applies to the town for a business license. The person elected to move the equipment.

Resident David Cameron asked if a letter had gone out to the owner of the Bush House and Albert said not yet. He said the building itself is not a structural hazard but the fire escape and balcony are.

Albert presented the interlocal with Snohomish County for fire investigations. He reviewed how investigations were paid for within the County and the rationale why the County wants the town to pay for this service. It still bothers him that he pays taxes to the fire district, the department has to put the fire out, but when there's an investigation there's a bill. If he pays for fire protection he should get it, and feels this is a reasonable expectation. Another problem is that if an investigation only takes a few moments it's not enough money to quibble about, but if the fire is arson and the town has to pay, it could bankrupt the town. He feels this goes against the laws stating that federal crimes are paid for by the County. It's his opinion that if there is suspicion of arson, the County should pay for the investigation.

Hubbard agreed, but also understands that small fire departments can't have trained investigators. If the County has one, that investigator should investigate in the town. He agrees with Albert about the tax issue, but arson incurs extra expenses. He also agrees that if it's a felony the County should pay for it.

The council agreed to Albert sending a letter about this issue. Sgt. Martin said that it is accurate that where a felony is involved it falls under Major Crimes.

Albert started a process three years ago to update the interlocal for building permits with Snohomish County. The proposed interlocal will include permit issuance, fire inspection, and fire plan review.

The permit issuance will stay primarily the same although some research needs to be done to make sure County codes mirror the International Building Code that the town has adopted.

Part of this interlocal includes having the County do flood hazard permits. Albert has been researching this and wondered if this wasn't such a good idea. He asked the council if they wanted the County to do this job. Sample does not know what all is involved but residents live here, know the flood hazards, know where houses are, and know where floods have happened. The County wouldn't. Albert said the County would work from FIRM maps just like the town would. However, applicants in flood hazard areas are going to find that their applications are getting more complicated and will include zero-rise studies and biological assessments. These requirements are not optional.

Sample asked if Peterson and Stowe were currently doing these, which they are. Right now it takes less than two hours but with new regulations and the County doing the work, it will add at least \$600 to an applicant's fees, plus several months to get a permit. Sample asked if it would be cheaper if the town did the work. Peterson said right now the town does not charge anything, but that needs to change. Sample would like to have the town do the work and charge a fee.

Albert asked if anyone had any objection to his removing that flood permit process from the County interlocal. Gott said he liked the thought of the County taking more responsibility and the town less. Albert pointed out that ultimate responsibility still lies with the town and if something went to court the town would have to defend. This would be hiring the County as an agent. Gott said he prefers to blame the County when a neighbor gets turned down for something.

Horst said if it's not a burden for Peterson and Stowe the town should do the work and charge for it. If the town can do it correctly and avoid making people wait for months then keeping it local is a good thing.

Hubbard liked keeping the process local as well, though he sees Gott's point about taking the personal angle out of decisions. However, applicants can't really blame the town if they are following the same rules. He doesn't like being ruled from afar, and while it might cost the town more it will cost applicants less.

Gott asked for clarification how it could cost the town more. Albert said the town initiated a fee schedule for land use applications a couple years ago, charging \$75. Hubbard said it could cost the town more to do the work, and Albert said those costs would have to come from the applicant.

Peterson said that in doing a flood permit, information comes from what the FIRM map says and if an applicant argues with that then they have to hire a surveyor. So the work for the town is mainly in the time to gather the information.

Albert will look at removing wording about the flood permits from the interlocal.

As far as fire plan reviews, he feels this should be part of the overall plan check when an applicant goes to the County for permits.

Albert brought up fire inspections as the fire district is interested in doing those for the town. They are willing to do the inspection work and charge less than the County. The town would handle the billing side of the work. He proposed pursuing this with the district and having the attorney write the interlocal. Inspections would be for businesses that have a public presence, not home based businesses.

Albert asked if there was anyone present who did not know that DNR had declined to withdraw their Determination of Non-Significance in regards to the Reiter Foothills proposal. This means that since

Reiter road is closed all traffic, users and construction traffic are now expected to come through Index. It also means that the watershed issue was not adequately addressed. Someone owning a business along the street might welcome the huge increase in traffic, but people living there won't. Albert asked if the council would like him to pursue this. Sample asked for clarification. Albert said he can lodge an official objection to higher powers. The council wishes him to do so. He will have to go over the acting manager of DNR and include the legislature.

With the watershed issues, the town has asked DNR to say DNR will accept responsibility and make right any problems, but they keep equivocating.

Horst asked if it would be a good idea to write letters, too. Albert said yes. Zimmerman suggested petitions. Albert wanted to make clear this is not a beef with the ORV users themselves, that he has never had hassles with riders, but that this still has to be done right. Zimmerman asked who she should write to, and Albert will post that information.

Sample said that she had a lot of issues with the DNS. She couldn't find where it said when the area would be open, what the funding was going to be, when they would be applying for permits, and where funding would come from for enforcement. DNR is still talking about opening soon without addressing any of this.

Hubbard noted that some of his comments regarding the critical aquifer recharge area did not get included and their response to others sound like during phase 2 they will just ignore the town and that they say they are planning on adding more trails. He feels if there is not a way to counter or stop them now, then the town won't be able to do anything later. He thinks this is going to bite the town in the future but isn't sure how to cure it. He feels it may take someone with a degree and license to review the watershed issues.

Albert said the town is probably in a numeric minority as there are a huge number of people into ORV stuff with a need for a place to ride, so for every ounce of pressure from the town there is a pound of pressure from them. He also asked the council to think about what would be acceptable victories.

Horst asked Sgt. Martin for his impression on the increase in traffic, and he said it will be like nothing the town has seen.

Stowe reminded the council that the July meeting will be Tuesday the 5th due to the holiday.

Stowe had a copy of the annual report from the Drug Task Force for review.

Stowe's notary license is due to expire and she asked if the council wanted to renew it because of the cost and the low number of donations that come in. Donations do not cover the license cost, but it is a town service that people appreciate. There was discussion about charging a fee rather than donations. Stowe will come up with suggested fees for the next council meeting, and renew the license.

After doing the financial reports, the general fund ended with a \$5,000 deficit. It did not create a deficit overall because there was still a cushion to roll over, but the town needs to give serious thought to ways to increase revenue. Stowe said the majority of the deficit came from less tax revenue and gave examples such as the sales tax interest which was down 55% in 2010. Gott has offered to work with Stowe to come up with revenue suggestions for the next council meeting. Albert asked Stowe to find out if the \$75 land use fee covered the cost of an application, and to look at what could be charged for the flood plain permits.

Gott and Peterson both put in work on the garbage increase. Peterson came up with options available to the town for garbage service. Albert proposed tabling the ordinance to increase rates until everyone had more time to review this information. Peterson suggested the council look at Municipal Research's website as they have a lot of information and sample contracts. Stowe has not received calls back from Skykomish or Allied. The council agreed to table the ordinance until next month. The rate increase may be unavoidable to hold the fund over until the contract with Allied expires next year and the town can decide about making a change.

Stowe told the council that there are no funds to pay for the spring cleanup. Albert told the council that if there is no spring cleanup, if changes are made to the expenses in the fund, and there is no increase there's a chance the fund might be able to break even.

Zimmerman asked if people aren't appreciative of the cleanup. They are, but few donate and the donations don't come close to covering the cost.

Sample moved to not do the spring cleanup this year. She said that while it is a good thing that's been done for years, and she would like to have it looked at during budget time for next year, it's not fiscally responsible to hold it this year. Horst seconded the motion. Albert asked Cross if there was going to be a hazardous material cleanup by the County, but they are only going to hold it in Sultan due to funding. Hubbard agreed with Sample and said that if it wasn't done this year it might mobilize residents to not take it for granted. Peterson said that the clean up has been missed before in years past.

Albert called for a vote on the motion and with no further discussion the motion carried, with Gott abstaining.

There were no land use applications, and one business application with a response. The application is from Mike Eddy, to run a landscaping place on a lot behind the Bush House. Albert has been on site, which is one of the wettest lots in town, and found violations to the Critical Areas Ordinance, where clearing had been done up to the toe of the slope. A letter was sent that delineated what needed to be done to mitigate the work. With respect to this application, Albert said the council could elect to approve, deny, or approve with conditions. He recommended that if the application was approved, there should be no stockpiling of materials within the twenty foot buffer of the stream. He also suggested the owner follow best management practices to keep silt from the stream.

In regards to the question on the application about environmental hazards, Gott disagreed with Eddy's answer that there would be none. He feels any place that equipment is has to have some leakage. He also pointed out that question #11 about noise was not answered and he's not sure the neighbors are going to want to listen to diesel engines starting up and running. Albert said there are similar issues on the town property next door, but Gott said that place does not have lots of vehicles.

Hubbard said that storing rock and dirt isn't as much of a concern to him as the storing of bark, mulch, etc. Those materials can run off into the stream and create a toxic situation.

Sample said she would like to see a completed application and that based on the one response, the question of noise should be answered. She is also concerned about the gravel road which is not in good condition. Other people up hill might have issues, as the respondent did. She's not sure it's the best location for the business and was confused about ownership, asking if the Bush House owner also owned this piece. It is owned by a company called Indices LLC.

The council would like to have the application returned and Eddy asked to address the amount of heavy equipment, traffic on the road, noise, possible toxic run off, erosion from products. Because of this Hubbard moved to table the application and request more information. With a second by Horst

the motion carried. Albert clarified that this was not an application to run Mike's Ditches, but a smaller business.

Albert asked to table Ordinance #415 relating to requiring no permits for uninhabited structures less than two hundred square feet because he has not heard back about questions around the International Building Code and the Residential Building Code.

Ordinance #416 amending the 2011 budget was presented for action. This will remove expenses from the garbage fund such as maintenance. In the past Cross did a lot of work for the garbage fund in cleaning up but that work doesn't exist any more and realistically he does little that comes from the garbage fund expenses. Adopting this amendment helps with the financial health of the fund but doesn't mean there will be more funds in the overall pot as the expenses are moving to more appropriate funds. Gott moved to pass Ordinance #416 relating to amending the 2011 budget and with a second by Horst the motion carried.

Albert clarified that this does not mean rates do not have to be looked at, and a rate increase is the separate ordinance that was tabled for next month. Sample said that she thought it hadn't been that long since rates had been increased with the hopes that the increase would last three years. But that increase was done three years ago.

Ordinance #417 increasing the garbage rate was tabled until next month as previously discussed.

Stowe presented a Special Events Checklist from the Corson family for a Sky Fest event to be held on July 2nd and 3rd. She appreciated the Checklist coming in early enough to have time to review and act on it, and then listed her concerns as follows. The application did not state the times during those two days for the event, did not stipulate which exact activities would be held in the park, did not list the times of expected noise from music, and did not say how the streets were to be used, only that they were going to be used. As in, were they planning on closing Ave. A or simply using it for parking. She also questioned whether one off-duty police officer would be enough for the predicted 200-1,000 people.

Albert had similar questions and added that nothing said where the music would be held and during what hours. He also had concerns about the statement that parking would take place in town and across from the bridge. Parking in town becomes a big deal if a person lives in town and it's impossible or a hassle to park in front of their home.

Zimmerman asked about toilet facilities for 1,000 people. The application mentions porta-potties under the 'emissions' section of the application, but did not state how many or where they would be.

Sample would like clarifications and suggested tabling approval until one of the Corson's could attend to answer questions. She also has concerns about the timing of the event so close to the 4th, that it might send the message that the town is once again hosting 4th of July events. She would like to see Sky Fest happen, but maybe not on that weekend.

Cross asked if the application addressed garbage, which it does, and the applicants would pick up and haul refuse.

Horst reminded the council that 200 people attending the Art Festival caused problems for the park bathroom, so the port-pottie issue should be clarified.

Zimmerman is concerned that if clean up was not done until the 4th, it might interfere with the reserved park use on that day.

Gott said that tabling until June would mean a short amount of time for the event to be organized. He suggested approving it with a list of conditions.

Sample questioned the security. Not only did the application list only one off-duty officer but it also says that security would only be during the hours of music, which seems to be a conflict with elsewhere in the application. Stowe said that it should be clarified that the off-duty officer would be a sheriff's deputy with jurisdiction in the town limits.

After further discussion, Sample moved to approve the application in principal, pending compliance with a letter of requirements to include addressing which streets will be used and how, number and location of porta-potties, security, specific park activities, hours of activities and music, proof of insurance prior to the event, and clean up done prior to the 4th. The motion also included requiring a response in writing before the June 6th council meeting. Horst seconded the motion. Hubbard and Stowe were not sure if the wording 'climbing wall' in question #8 meant that there would be climbing events on the town wall, or whether a climbing wall would be erected for the event. If so, the location is important. With no further discussion the motion carried.

Albert said he appreciated council members stepping up to help out because there is a lot of work involved in running the town, and that there could be a higher level of involvement by the council. He said if they look at this agenda and think about it all falling on the mayor they can see how his month goes. He also thanked Peterson for the work she does, and really appreciates her help.

Albert said that a council person can abstain from voting if a person has a conflict of interest or is party to what is being voted on. He said there are a number of reasons why it's hard to step up on issues but if abstentions are only legitimate for those two reasons than in his opinion, he'd like to ask the council to think about this in the performance of their job.

Sample said she's been thinking about evacuation routes from town with both Galena Road and Reiter Road closed. She asked if anyone had thought about the Lewis Creek road as a way to get out, and that all it would need would be a key to the gate. Stowe said she and Foster are updating the Disaster Plan right now, and that route is going to be included. The fire department has a key to the gate.

As there was no further business Sample moved to adjourn, and with a second by Horst the meeting was adjourned at 9:40 pm.

Adopted by the Index Town Council this 6th day of June, 2011.

Signed: _____
Bruce Albert, Mayor

Attest: _____
Lisa Stowe, Clerk/Treasurer