

**Port Ludlow Drainage District (PLDD)**  
**P.O. Box 65261, Port Ludlow, WA 98365**

**Minutes for Board of Commissioners' Regular Meeting # 0234**

**Thursday, February 8, 2018 at 10:00 AM**

**Held at the Fire Hall –Training Room  
7650 Oak Bay Road, Port Ludlow, WA. 98365**

**Call to Order:** Meeting was called to order by Chair Commissioner Forbes at 10:01 a.m. in the Training Room of the Port Ludlow Fire & Rescue Headquarters Fire Station 31, 7650 Oak Bay Road, Port Ludlow, Washington 98365.

**Roll Call:** Commissioner 1- Katie Smith present. Commissioner 2- Don Forbes present. Commissioner 3 -Deborah Helleson present. No absences. In attendance: Engineer Nancy Lockett.

**Guests:** Bryan Belmont, Walt Cairns, Allan Kiesler, and Mel Smith.

**Prior Consent Agenda** (carryover from January meeting):

1. Commissioner Smith made a motion to approve the December 14, 2017 Regular Meeting Minutes as written; Chair Commissioner Forbes seconded; Commissioner Helleson abstained, Motion Carried 2-0.

**Consent Agenda:** (Items approved in a single motion)

2. Approval of January 11, 2018 Regular Meeting Minutes
3. Approval of Voucher/Warrants #18-011 - #18-014 from January 4, 2018 through January 31, 2018 in the amount of \$ 1,952.56 (Voucher detail and Financial Information included with these minutes)

Commissioner Helleson made a motion to approve the Consent Agenda; Commissioner Smith seconded; Motion carried 3-0.

**Public Forum:** Guest Brian Belmont stated that the three items he wished to speak with the Commission about are on today's agenda: Old Business No.2, New Business No.3, Engineer's Report No.2. Chair Forbes offered to move these items up to Old Business to allow discussion earlier in the meeting, with today's guests.

**Correspondence Log:** Chair Commissioner Forbes noted the correspondence log is available for review. Summaries are available at the sign-in table with the Agenda.

**Old Business:**

1. **Public Records: Adoption of Resolution 2018-01** replacing existing Resolution 2017-05. Commissioner Smith explained that the District has been working with legal counsel Attorney Summerfield since late last year to restate the District's existing **Public Records Policy** to bring into compliance with legislative updates enacted in the 2017 Legislative Session. Commissioner Helleson presented questions regarding the time and place for review of records. Commissioner Smith confirmed the current meeting location reflected in the resolution is available until the end of 2019; Chair Forbes noted that the regular meeting time is the District's only business hours. Commissioner Smith made a motion to pass "A Resolution of the Port Ludlow Drainage District, revising its policies and procedures relating to the Public Records Act (Chapter 42.46 RCW) for consistency with legislative changes to the Act and establishing default costs for records provided under the Act." Chair Commissioner Forbes noted for the record this is Resolution 2018-01, and seconded the motion. Motion carried 3-0.

- 2. Pickleball Court at the LMC Beach Club;** Engineer's Jan 17 memo recap of onsite Jan 11 visit. Engineer Lockett summarized the Jan 11 visit to the pickleball courts with Peter Joseph of the Port Ludlow Pickleball Association to review the site, observing a large concrete patch and sinkhole in the northeast court. Other surface depressions predominantly running NW to SW are located in the middle section of the court. Brian Belmont, LMC Manager, expressed surprise that the Association came to PLDD rather than to LMC. Chair Forbes apologized if it was inappropriate for the District to be involved but because Mr. Joseph had come to the District, he and Engineer Lockett met with him after the meeting out of courtesy. Mr. Belmont acknowledged that was fine. Mr. Belmont said that LMC explored the hole on the East side of the lower court, digging down 3 -3 ½ feet, and found water but no pipes and stated that it is unlikely the hole was caused by surface water, but instead was caused by groundwater. Mr. Belmont doubts there was ever a perimeter drain installed; going back to 1968 there are minimal records and none relating to the original tennis courts. LMC is asking if the District would participate in this project by providing engineering drawings similar to the 2006 project at Kehele Park. Engineer Lockett suggested the first step should be for LMC to obtain a geotechnical engineering review and recommended Mr. Siew Tan of PanGeo, who has previously assisted in Port Ludlow. Engineer Lockett noted the District's mission does not include groundwater issues. Chair Forbes summarized that after the geotech reporting, the District can review and assess where we are on this issue.

### **Out of respect for visitors' time, Chair Forbes advanced to New Business No.3**

- 3. Ludlow Cove Cottages Drainage,** Jan 17 email and Jan 16 memo: Commissioner Helleson asked if there was any further response from the County. No response is currently known.

### **New Business:**

- 1. Glessing & Associates Engagement Letter 2018** – Signature of PLDD: Commissioner Smith made a motion to approve the 2018 Annual Agreement for Glessing & Associates accounting services; Commissioner Helleson seconded. Motion carried 3-0.
- 2. PLDD Administrative Project Review Policy with County** (March 18, 2009): Commissioner Smith explained this was placed on the agenda in connection with the LMC Agreement, and to provide an executed copy to the current PLDD board members for reference.
- 3. Notice of Termination of 2002 LMC Agreement with PLDD** For the record, Commissioner Smith read the Jan 11 memo from LMC which states: *"After reading the . . .document it appears there is no longer a need for this Agreement due to the fact that review of North Bay drainage plans is the responsibility of Jefferson County Department of Community Development not PLDD. The LMC Board of Trustees will consider terminating the attached agreement at its January 18<sup>th</sup> Board meeting and . . .invite PLDD representatives to attend . . .to provide input on this topic."* Because of open public meeting rules, the PLDD board was not able to discuss this prior to Jan 18, and LMC agreed to delay their board decision until Feb 15. Chair Forbes expressed appreciation for LMC's delay of their board's action, and asked if this agreement is being terminated because LMC feels it no longer applies. Brian Belmont, LMC Manger, responded, "yes, from LMC's perspective." Allan Kiesler, LMC Trustee, added that also "because of the PLDD agreement with the County in 2009, which basically supersedes this." LMC is cleaning up rules and regulations, and in coming across the 2002 agreement feels "we longer need this."

Mr. Kiesler stated that PLDD's functions will not change by termination of this agreement, notification of new construction is not currently being made by LMC; notification is now, and will continue to be, by the County. Mr. Belmont agreed this agreement no longer has bearing. Commissioner Smith stated that there used to be more interaction with ACC, but in practicality this agreement is no longer functioning. Chair Forbes summarized that from a service perspective, that is, review of building permits, that's between PLDD and the County, will continue on, and that what LMC is looking to do is stepping out of the administrative requirements that are no longer relevant. Engineer Lockett asked regarding the lot clearing on Montgomery Lane, and whether ACC has a role. Mr. Belmont explained that the owner approached ACC about clearing off brush, not removing trees, so nothing required ACC approval. After lengthy discussion, Mr. Kiesler again stated that the current agreement needs to go and suggested a memorandum of understanding (MOU). The termination clause provides a 90-day window that would provide time for the District to come up with a plan. Commissioner Helleson asked if LMC would agree to delay termination until the MOU is developed. Mr. Belmont stated this 2002 agreement has fallen by the wayside long ago, and he does not see the purpose of keeping something that is not being followed. Mr. Kiesler affirmed they are happy to work with PLDD, and again stated that 90-days is plenty of time for the District to come up with a plan. Chair Forbes summarized that "the sense is to agree to terminate the 2002 agreement, and develop a new document that strengthens the understanding of what our working relationship should be so that we have a relevant working document." Commissioner Helleson volunteered to work with ACC on a memorandum of understanding (MOU).

#### **Out of respect for visitors' time, Chair Forbes advanced to Engineer Reports No.2**

4. **Private Driveway Culverts:** Commissioner Smith recapped a memo received from the Drapers on Pioneer Drive relating to debris in the ditch next to their culvert. Commissioner Helleson asked if the District can provide guidance to help owners address this issue. Commissioner Smith offered to submit an article to the Voice relating to driveway culverts. Engineer Lockett suggested that property owners might have their yard maintenance crew continually attend to the ditches next to the driveway culverts, as a means of avoiding major problems.
  - a. Memo response for 662 Pioneer Drive
  - b. LMC prior communications regarding driveway culverts (9/15/2016 Q&A, Nov-2016 e-Navigator)

#### **Engineer Reports:**

1. Jan 29 -Site Plan Review for Jeff.County Bldg.Permits Applications Bld17-00577, **Lot 70 Rainier Lane:** Engineer Lockett noted this a property on the East side of Rainier Lane downhill from road ditch and must get drainage uphill, fairly large lot, and could use downspout dispersion, with enough vegetation between next property to allow.
2. **Drainage on Libby Court Trail:** Brian Belmont recapped past activity in 2012 when there was a plan to remove a Fir Tree and relay the 12" culvert pipe. LMC Greenbelt will remove the fir tree, leaving the stump and root, and asked if PLDD would take care of removing the tree roots and relay the pipe. Chair Forbes agreed the District will take care of the drainage portion.
3. **Lot 89 Goliah Lane:** Engineer Lockett asked for review of the Goliah inquiry with LMC guests. Part of the PLDD project, that was stopped in 2012, would have addressed drainage on this lot and three others on Goliah. The District is not planning to work on drainage in the greenbelt or the private properties traversed by the drainage. Mr. Belmont asked if the four Goliah lots were unbuildable. Engineer Lockett responded, not unbuildable, but owner(s) would need to work with the County to determine the status of these lots.

**Commissioners' Reports and Comments:**

1. OPMA: Special Meetings and Executive Sessions: Commissioner Helleson indicated that even though we are in no immediate threat of litigation, she feels we can go into executive session, "just have to have legal representation present, and that we are certainly allowed to do that." Commissioner Helleson feels that we can have a special meeting without posting 24-hour notice, based on less than 10 employees. Discussion continued on the requirements of a special meeting and executive session.
2. Records Retention and Retrieval: Commissioner Helleson will move this to the next meeting and would like to get more information on access to District files.

**Meeting Adjournment:**

Commissioner Helleson made a motion to adjourn the meeting, Commissioner Smith seconded the motion. Motion carried 3-0.

The February 8, 2018 regular meeting of the Port Ludlow Drainage District adjourned at 12:18 p.m.

The next regularly scheduled meeting of the PLDD will be held in the Training Room of the Port Ludlow Fire and Rescue Station, 7650 Oak Bay Road, Port Ludlow, on Thursday, March 8, 2018 at 10:00 a.m.

Approved:

Approved:

Approved:



Don Forbes, Chair  
Drainage District  
Commissioner 2



Katie Smith  
Drainage District  
Commissioner 1



Deborah Helleson  
Drainage District  
Commissioner 3

**VOUCHER SUMMARY      2/8/2018**

<b>VOUCHER NUMBER</b>	<b>VENDOR</b>	<b>Vouchers (warrant)</b>	<b>Payroll warrant/ transaction</b>	<b>Total</b>
18-011	ARTEMIS COMPUTING Website Annual Hosting Jan-Dec 2018; Form assistance	\$ 103.40		\$ 103.40
18-012	GLESSING & ASSOCIATES, CPA, INC. PS January Accounting Services; Payroll Reports, Tax Reporting- Federal W-2, 1099's	\$ 423.00		\$ 423.00
18-013	OGDEN, MURPHY & WALLACE, ATTY Legal Services Dec-2017; Public Records, Review Funds Investment, Motion & communications	\$ 155.80		\$ 155.80
18-014	YARDDOGS LANDSCAPING Monthly Maintenance Services for January; Inspect & Service all sites	\$ 1,270.36		\$ 1,270.36
	<b>TOTAL VOUCHERS</b>	<b>\$ 1,952.56</b>	<b>\$ -</b>	<b>\$ 1,952.56</b>
<b>PLDD Financial Information</b>				
<b>PLDD Cash Account - 010 - January 31, 2018</b>				\$ 52,227.08
<b>Expenses - Current Month from Above</b>				\$ 1,952.56
<b>PLDD Cash Account-010 - Subtotal</b>				\$ 50,274.52
<b>PLDD Investment Account - 010</b>				\$ 100,000.00
<b>PLDD Investment Account - 010 Interest (incl.on Line 1)</b>				\$ 115.15
<b>PLDD Reserve Account - 040</b>				\$ 46,800.00
<b>PLDD Reserve Account - 040 Interest</b>				\$ 209.61
<b>Net TOTAL All Accounts</b>				\$ 197,284.13
<b>2018 Assessment</b>				\$ 87,000.00
<b>Paid to Date (incl. on Line 1)</b>				\$ 165.09
<b>Unpaid 2018 Assessment (remaining)</b>				\$ 86,834.91
<b>Expenses - Calendar Year to Date</b>				\$ 9,568.13
<b>Expenses - County Budget Year to Date (Jan 11 - Feb 8, 2018)</b>				\$ 1,952.56