

**Minutes of the 163<sup>rd</sup> Port Ludlow Drainage District  
Regularly Scheduled Meeting  
Thursday April 12, 2012 10:00 a.m.**

~ Approved ~

**Call to order:** The 163<sup>rd</sup> regularly scheduled meeting of the Port Ludlow Drainage District (PLDD) was called to order by Chair Commissioner Walter Cairns at 10:00 a.m.

**Attendance:** Present were Chair Commissioner Walter Cairns, Secretary Commissioner Dwayne Wilcox, Treasurer Commissioner Richard Regan, Engineer Nancy Lockett, and Administrative Assistant Susan Bartkus. There were 13 guests in attendance.

**Expenses:** Commissioner Regan made a motion to approve Drainage District expenses that accrued from March 7, 2012 to April 11, 2012 for a total of \$21,526.31, motion was seconded by Commissioner Wilcox and carried by Commissioner Cairns. Motion approved 3-0.

**VOUCHER SUMMARY**

| VOUCHER# | VENDOR                              | AMOUNT    |
|----------|-------------------------------------|-----------|
| 12-012   | GRAY & OSBORNE                      | 20,129.32 |
| 12-013   | WALTER CAIRNS                       | 260.53    |
| 12-014   | THE LEADER                          | 315.64    |
| 12-015   | LMC (Ludlow Maintenance Commission) | 514.75    |
| 12-016   | VIRGINIA BROWN                      | 300.00    |
| 12-017   | L&I                                 | 6.07      |

**FINANCIAL SUMMARY**

|                                      |                  |
|--------------------------------------|------------------|
| PLDD Cash Account                    | \$138,182.31     |
| PLDD Reserve Account                 | \$40,000.00      |
| PLDD Interest Income Reserve Fund ** | \$6,177.39       |
| Expenses – Current Month (above)     | \$(21,526.31)    |
| <br>Net Total All Accounts           | <br>\$162,833.39 |
| <br>Special Assessment 2012          | <br>\$167,600.00 |
| Paid to Date                         | \$21,721.67      |
| Unpaid (remaining)                   | \$145,878.33     |

**Old Business:**

1. (4:00) Engineer Nancy Lockett discussed with Commissioners **Plan Revisions and additions for the Rainier to Oak Bay project**, including the installation of a type II catch basin at the upstream end of the existing culvert. The catch basin will have a large 2 x 2 opening with a grate over it, on the top a beehive grate, for added protection there will be holes drilled into it just in case everything gets plugged up there would still have be some possibility of getting water past. Another change included moving the bridge a little farther west from where the sewer line comes across the bottom of the trail, so that if Olympic Water & Sewer (OWS) needs to access the pipe it won't interfere with their easement access. Commissioner Cairns noted that the pipe will have to be replaced, Engineer Lockett responded that the contractor will co-ordinate with OWS, to complete that. Ms. Lockett said that they are not quite sure where it is, but the contractor will locate it, it's one of the first orders of business on the plans. Commissioner Regan asked if the pipe coming out on Oak Bay Road has been inspected, commenting that it may be better to do so now, Engineer Lockett indicated that it hasn't because the area is so incised that it was difficult to assess. Commissioner Wilcox asked what the rebar cost saving would be in comparison to a beehive grate, Engineer Lockett commented that there would still be a beehive needed as an emergency overflow.
2. (7:46) Permits were discussed. Engineer Lockett informed Commissioners that the Department of Ecology (DOE) Construction Storm Water Permit is in the process, it's been advertised and the

DOE has a 30 day comment period to respond. Commissioner Wilcox asked if the DOE inspected, Engineer Lockett said no, they give it to you and then the contractor will ultimately be responsible for the sediment and erosion control on the project during construction. Engineer Lockett noted that there is also a Storm Water Permit from Jefferson County, a Tree/Vegetation Supplemental application, and then a Master Permit Application. There will also be a Road and Right of Way Permit, to be obtained when the contractor is signed. Commissioner Cairns asked about liability issues, noting that the LMC doesn't want to be held responsible, and they shouldn't be obligated if there are any liability issues, it should be the district and then the contractor when they are signed. Engineer Lockett noted that the contractor will have to have insurance, and that there are very specific requirements, it would be possible to acquire additional coverage for the PLDD and LMC, we're on track for that. Commissioner Cairns directed Engineer Lockett to add PLDD, LMC and Gray & Osborne (G&O) Engineers to the coverage. Engineer Lockett and the Commissioners further discussed liability issues with audience members. LMC Board President Teddy Clark asked for a clarification review, Chair Cairns stated that the PLDD is a municipal corporation of the state of Washington and that they are not subordinate to the LMC, nor is the LMC subordinate to the PLDD. Resident Terry Obrien asked about liability if there are errors due to the project that may not manifest themselves right away, but maybe three years down the road. Chair Cairns clarified that Mr. Obrien was referring to latent defects clause. Engineer Lockett replied that there is Errors and Omissions Insurance through G&O, which has been in business since 1935 and stands behind its design, and that the PLDD also held Errors and Omissions Insurance. Teddy Clark did want to clarify, in response to a comment from another audience member, that the drainage problems in that particular area are due to the lay of the terrain and not from construction of the trails, Engineer Lockett and the Commissioners agreed. Engineer Lockett did state that the ditch on the north side has been enhanced; there is a reason why it's never been platted.

3. (22:25) Commissioners and Engineer Lockett prepared **responses to LMC questions** regarding the Rainier to Oak Bay project

**Comment 1:** Will a written requirement for reforestation of removed greenbelt trees be include in the bid documents for construction of the drainage system in the Lower Rainier Greenbelt.

**Response:** *Plan Sheet 12 of 13 requires that the Contractor plant 3-foot tall (minimum) trees to replace the trees removed. The replacement trees will include Douglas Fir, Western Red Cedar, Sitka Spruce, Black Cottonwood, Big Leaf Maple, Vine Maple and Western Hemlock. In addition, Red Osier Dogwood and Willow will be incorporated into the turning vanes that will be installed along the channel at points where the new channel will deviate away from the existing channel.*

**Comment 2:** Will there be a written requirement in the bid documents for repair and remediation of damage to the existing recreational trail within the Lower Rainier Greenbelt?

**Response:** *The Specification and plans direct the Contract to restore any damage to the existing trail due to the Contractor's operation and reconstruct a new trail between Sta. 27+50 and 28+50. In addition, the plans include construction of two footbridges over the new ditch. Any new or disturbed portions of the trail will receive a 4-inch covering of mulch.*

**Comment 3:** Will there be a monetary benefit to the LMC for trees that will be taken for the construction of the drainage system in the Lower Rainier Greenbelt?

**Response:** *The Drainage District hired a tree assessor to determine the market value of the trees that will be removed. The deciduous trees, the majority of which are alder, were identified as not having market resale value that would exceed the cost of cutting and hauling the trees. The net value, market value after logging and hauling, of the evergreen trees was estimated to be \$6,757. The market value of the evergreen trees that will be retained on-site for turning vanes and log weirs is estimated to be \$2,841, however, if the contractor were required to purchase the logs the cost of materials would be approximately \$4,400. The net value of the marketable trees minus the savings achieved by not*

*purchasing trees for the log weirs and turning vanes is approximately \$2,357 (\$3,916 — (\$4,400 - \$2,841) = \$2,357).*

*The District is proposing that the contractor saw all of the deciduous and the evergreen trees that will not be used in the project into 24-inch rounds and stockpile the rounds at the right-of-way nearest the temporary access roads for LMC to pick up. The availability of fire wood either for District residents or for LMC to sell would appear to be a bigger benefit to LMC than assessing the Drainage District rate payers, all of whom also pay dues to the LMC, to pay LMC for the value of the surplus timber. If the LMC will be logging the RV parking area at approximately the same time the District could have the Contractor stockpile longer logs for LMC to incorporate into the logs that will be sold from the RV parking area.*

**Comment 4:** Will removal of fallen trees be included in the contractor's scope of work or will it be necessary for the LMC to contract this work separately. If so, will PLDD reimburse LMC for the expense of removing the fallen trees?

**Response:** *All trees felled for the project will be either reused in the project, or cut into 24-inch long rounds and stockpiled at the right-of-way at the nearest temporary access road for LMC. It will not be necessary for LMC to remove fallen trees. Logs, trees and woody debris that are already on the ground in the project area will be removed by the Contractor. Branches and small trees will be chipped and spread on the disturbed areas and disturbed portions of the trail. All stumps will be ground and waste hauled or chipped for use within the project. There are several trees within the Greenbelt that had been previously marked with red or yellow tape. Unless the trees marked with red or yellow are within the project area they will not be removed.*

(39:23) At this point, LMC Chair Teddy Clark commented that at the heart of it is the best result and the end result is what we will have when it's all done.

(40:19) LMC Trustee Elizabeth Van Zonneveld added that the Greenbelt Committees concern was that it stay as close to as it is now, three foot trees are not equal with one hundred foot trees.

**Comment 5:** Will there be a constructability review of the bid submittals to provide for the evaluation of construction methods and equipment by the proposers and to possibly discuss methods and equipment that would be less damaging to the greenbelt?

**Response:** *The Port Ludlow Drainage District is a municipal corporation. As such, the District must follow the State of Washington public bidding laws and award the bid to the lowest, responsible bidder. The decision to award the project can not be based on negotiation with the Contractor on the means or methods of performing the work. Only licensed and bonded Contractors are eligible to bid on the project and the District will review Contractor references for the apparent low bidder. The specifications and plans have been prepared to clearly indicate to the Contractor the area available for work and the scope of the project including the requirements for construction and restoration. The Contractor is required to submit a construction schedule and plan of action for approval.*

(43:00) Resident Terry Obrien asked if bid documents will limit the methodology of work Engineer Lockett that the bid documents do not limit the methodology, what they do is tell the contractor what has to be done, the clearing limits are twenty feet wide. Teddy Clark commented that the contractor must work within twenty foot boundaries, and the staging areas; the rest of the greenbelt cannot be touched. Contractor obligations were further discussed, with Engineer Lockett explaining that the contractor will not have carte blanche, they do have to be responsible, if they do not have good references, or have not accomplished this scope of work, the bid can be denied. Resident Katie Smith asked if the RMP would have the right to refuse a bid, Engineer Lockett commented that yes, our documents always do.

**Comment 6:** Is there a written long-term maintenance program for this drainage system to prevent overgrowth and siltation from eroding the effectiveness of the system?

**Response:** *The District's Operation and Maintenance Manual calls for vegetation management (removal of weeds or tall grass within drainage ditches that impedes flow) and removal of sediment in excess of 2 inches. At the minimum, channel maintenance will occur every two years. The channel will be inspected in late fall before the rainy season, and monthly during the winter to determine if additional maintenance work, such as the removal of fallen branches or trees is required.*

Comment 7: Have you been assured by the Jefferson County Public Works Department that the confluence of this additional runoff and that already in place at the bottom of the Rainier Greenbelt near Walker Way would not exceed the capacity of the existing culverts in the Jefferson County right of way?

**Response:** *Drainage from the greenbelt discharges to the ditch along the west side of Oak Bay Road near Swansonville Road. The flow turns east through the culvert under Oak Bay Road and then through the Wastewater Treatment Plant Ditch to Puget Sound. The Wastewater Treatment Plant Ditch was designed to carry the flow from the greenbelt. The capacity of the ditch on the west side of Oak Bay Road is the limiting factor carrying the projected flow. The District is working with Jefferson County to improve capacity of the ditch, on the west side of Oak Bay Road.*

(52:04) Elizabeth Van Zonneveld reported that the GBC had received questions about the decking on the bridges being slippery, Commissioner Cairns noted that it would be a PLDD installations so the PLDD would have to install and maintain the bridge, Commissioner Regan added that the PLDD would be happy to include their suggestions as to what material should be installed.

4. (57:45) Commissioner Cairns did note that labels for removal on many of the trees tagged for removal have been taken off the trees, this only costs more for all of us as the trees will have to be retagged.

5. (58:31) Engineer Lockett noted that the **Bid Advertisement Date** would be done on Wednesday April 18, 2012, in the Port Townsend Leader and in the Daily Journal of Commerce for two consecutive weeks as required by law. We will have a walk through on April 25, 2012, which will be made mandatory for the contractors. Commissioner Cairns announced that the bid opening will be open to the public.

6. (1:05) Commissioner Wilcox noted that he had submitted all documents to Enduris; they let him know that they were not concerned and would include the LMC in the umbrella policy for the project.

#### **New Business:**

1. (1:07:15) Chair Cairns noted for guests that if there is money left from the Rainier Oak Bay project, it could be spent on work needed on **Trader Lane**. Engineer Lockett explained to guests the problems in that area are due to the cul de sac having a lack of drainage for people on the southwest side, corrections would include putting culverts under three driveways. The **Cost Estimate** would be \$16,500.00, the plan is done but not the specs as of yet.
2. (1:12:00) Chair Cairns explained that there had been **flooding at the Sewage Treatment Plant** occurring on March 15, it was undetermined exactly what caused the problem, but it took out gravel. Responsibility lies with the PLDD and we will pay the bill when they submit it, one solution is to put in a manhole with a bee-hive trash rack. Teddy Clark asked if that area won't be affected by this new project. Engineer Lockett explained that the capacity is more than sufficient, but it was clogged by something very substantial. Chair Cairns will be notified by OWS manager Greg what created the problem.
3. (1:17:00) Commissioner Cairns reported that **flooding** also occurred on **Cascade Lane** on the west side, on March 15<sup>th</sup>. "I went there and saw that there was water at the intersection of Cascade and Walker Way, water was overrunning the culvert onto Walker Way." Commissioner Regan commented that this problem would go away when the Rainier to Oak Bay project is done.

4. (1:17:43) Commissioner Cairns noted that there are three (3) County Drainage Problem areas in North Bay that he and Engineer Lockett will be discussing with Jefferson County Engineer Monte Reinders: 1) Swansonville westerly of the first intersection of Resolute, Commissioner Regan noted that under Goliah runoff goes onto peoples property because there's no ditch. Commissioner Cairns reported that he went out and looked at the area, the house at the end has a French drain and another ditch that runs right along the fence line, the problems is on the east (downhill) side of Goliah. 2) Chair Cairns noted that people on Jackson Lane, there is some pooling there due to the way the drain is located, and we'll see if it can be CVed. . 3) Shallowness of drainage ditch by the sign on Swansonville and Oak Bay Roads.
5. (1:24:08) Chair Cairns noted getting a response to PLDD advertising for the small works roster, for the maintenance schedule work, having someone contact him to inquire as to the **PLDD Selection Procedure**. Commissioners and Engineer Lockett discussed needed qualities.
6. (21:23) Commissioner Cairns noted that the **PLDD communication in a changing service effort** needs to be considered, as to whether it was necessary to pay for and maintain a website since the PLDD will be primarily a maintenance service after the Rainier to Oak Bay project is done. People gave many suggestions, including quarterly mailings, The Voice, an updated website and emails.

**Commissioner Comments:** Commissioner Wilcox reported that the water off of Montgomery Lane flows down my driveway and into his garage. Jefferson County has been there and scratching around. He asked if someone could come and take a look, Commissioner Cairns responded that they could probably do that today

Commissioner Cairns invited everyone to attend the **Rainier to Oak Bay Project Walk Through** with LMC to take place directly after this meeting.

Commissioner Wilcox made a motion to adjourn the meeting; motion was seconded by Commissioner Regan and carried by Commissioner Cairns. Motion approved 3-0.

The April 12, 2012 regular meeting of the Port Ludlow Drainage District adjourned at 11:41 a.m.

The next regularly scheduled meeting of the Port Ludlow Drainage District will be held on Thursday May 10, 2012 at 10:00 a.m., at the Beach Club in the Bay View Room.

Respectfully Submitted:  
Susan Bartkus, Administrative Assistant

Approved:

Approved:

Approved:

Walter Cairns  
Drainage District  
Chair Commissioner

Richard Regan  
Drainage District  
Treasurer Commissioner

Dwayne Wilcox  
Drainage District  
Secretary Commissioner