

**Minutes of the 164<sup>th</sup> Port Ludlow Drainage District  
Regularly Scheduled Meeting  
Thursday May 10, 2012 10:00 a.m.**

~ Approved ~

**Call to order:** The 164<sup>th</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 approximately 115 guests in attendance.

**Minutes:** Commissioner Regan made a motion to approve the minutes of the regular March 12, 2012 and April 12, 2012 Meetings; motion was seconded by Commissioner Wilcox and carried by Commissioner Cairns. Motion approved 3-0.

**Expenses:** Commissioner Wilcox made a motion to approve Drainage District expenses that accrued from April 11, 2012 to May 9, 2012 for a total of \$1,682.66, motion was seconded by Commissioner Regan and carried by Commissioner Cairns. Motion approved 3-0.

**VOUCHER SUMMARY**

VOUCHER#	VENDOR	AMOUNT
12-018	Susan Bartkus	734.43
12-019	Dwayne Wilcox	558.23
12-020	Walter Cairns	90.00
12-021	Virginia Brown	300.00

**FINANCIAL SUMMARY**

PLDD Cash Acct.	\$167,178.45
PLDD Reserve Account	\$ 40,000.00
PLDD Interest Income Reserve Fund**	\$ 6,181.80
Expenses – Current Month (above)	\$ (1,682.66)
Net Total All Accounts	\$288,677.59
Special Assessment 2012	\$167,600.00
Paid to Date	\$ 72,244.12
Unpaid (remaining)	\$ 95,355.88

**Public Forum:** (1:53) Bud Kerns addressed the audience stating *“My name is Bud Kerns, My wife Joanne and I became LMC (Ludlow Maintenance Commission) members in 1990. We moved to this lovely place and very soon found that there’s one shortcoming of having a village built on a hill, when it rains really hard that rain runs downhill, and unless it’s controlled it causes problems for people all over the place. This was very paramount for us in December of 1993 and especially in December of 1996, when our part of Port Ludlow flooded. Montgomery Lane became a river and a lake formed at the low part. I personally walked in water almost up to my knee in hip boots, for about 50 yards. There was obviously a problem. During those early 1990 years, it was hard for me to understand or visualize that in a new community like ours, no one would take responsibility for controlling that water that was coming down from up the hill. There were other people interested in this same problem, we approached the county, we approached the developer of this area and we didn’t get much satisfaction. The county acknowledged their responsibility for the roads under their control and the 10 foot easement on each side of that road. The developer was reluctant, more reluctant to commit to anything. We had meetings with lawyers, endless, endless meetings in the late 1990’s, to resolve this problem to a point where nothing was moving except the deterioration of the original drainage system in this part of Port Ludlow, and it was rapidly disintegrating. Apparently, most of the culverts were of galvanized metal of over 30 years old, and they were falling apart fast. The culverts weren’t holding*

*the water, the water wasn't getting into Admiralty Inlet, and it just flowed out elsewhere. It became a very difficult situation, so LMC formed a Drainage Committee to try to answer some of these questions of what do we do, where do we go from here. The committee came up with six options for the Trustee Board of LMC. From doing nothing, to litigation. The LMC Board was provided with all kinds of background information for all six options. The Board finally choose an option in the middle, of forming their own Drainage District, this involved going to the public, the residents in general within the drainage area, to vote a county operated vote of whether to form a 1) Drainage Commission, or 2) to accept an assessment to fund that Drainage Commission. That vote was overwhelming in favor; I think it was about 65% of the people voting on that issue, voted to proceed with the development of the Drainage District and the funding of that Drainage District. It wasn't until about 2001 when the Drainage District became functional really, it took time to get organized and that sort of thing. Since that time there's been a tremendous effort by a lot of people to make the Drainage District successful and go and solve the long term problems of our area of Port Ludlow. I think the efforts have been very successful. There have been several big projects, but not all inclusive of our area, there is still one major project to go. But, we have in place at this point in time paid for a working drainage system that has been doing its job, and will last several decades. There are a number of people that have contributed substantially to this program. I think the Commissioners of the last 10 or 12 years have done a great job, their staff has done a great job. We've had very successful input from our consultants, our civil & hydraulic engineering professionals; they've done a good job. I think it's worthwhile if you haven't done it to walk around the neighborhood and look at some of the projects that have been done, they're there to stay and they're doing their job. I think the PLDD and what they've done has positively enhanced the value of our homes and interests here in Port Ludlow, if we hadn't of had this, I don't think any of us in this room would be happy with where we are or what's happening to our property. That's a little bit of the history of what's gone on up until today. We all owe gratitude to those who have contributed to this program and we hope that it continues, thank you''.*

**New Business:**

1. (9:39) Chair Commissioner Cairns reported that every four years the PLDD is required to notify the Jefferson County Commissioners of their **Assessment Methodology** of any changes or additions to the Assessment Methodology. Commissioners Regan and Wilcox concurred with Commissioner Cairns that the methodology was effective, appropriate and that there was no need at this time for a change. Commissioner Regan made a motion to retain the current Assessment Methodology, Commissioner Wilcox seconded the motion, and Commissioner Cairns carried the motion. Motion approved 3-0. Chair Cairns asked Engineer Lockett to draft a letter to Jim Pearson of Jefferson County to apprise him of this.
2. (12:05) **Safety Surfacing** for the existing bridge was discussed. Commissioner Cairns reported that some people have difficulty crossing when the surface becomes wet and slick. Jack Riggen, LMC Greenbelt Committee (GBC) Chair, suggested a surface that the Trails Committee puts down, a metal grid work that is manufactured by a muffler shop in Port Townsend. Mr. Riggen noted that the grid work doesn't corrode and is effective in preventing slippage, and if the PLDD would pay the \$160.00 for it, the Trails Committee would put one down across the drainage path. Commissioner Regan asked if the grid clogs with dirt, Mr. Riggen stated that it didn't. Chair Cairns clarified that the motion as initiated by Commissioner Wilcox was: to allow the Trails Committee to place a non-slip surface on the bridge over the drain way near the sewage treatment plant site at the cost of \$160.00 to be invoiced to the PLDD by the Trails Committee (Mr. Riggen confirmed that this was correct). Commissioner Cairns seconded the motion; motion was carried by Commissioner Regan. Motion approved 3-0.

## Old Business:

1. (16:11) The **Rainier to Oak Bay Storm Drain Project** was discussed at length. Engineer Nancy Lockett of Gray & Osborne Inc., (G&O) engineering company for the PLDD, reported the project was advertised in mid April and bids were submitted on May 2, 2012; six bids came in and ranged from \$278,850.56 and \$657,858.60. Ms. Lockett explained that the PLDD is a municipal corporation and is therefore required to abide by the State public bidding laws; this means the District is obligated to accept the lowest responsible bid. Ms. Lockett further reported that the local firm of Seton was the lowest bid submitted, reporting that in the past Seton had done most of the work for the District, that they are a very competent company, with all licensing and bonding in place, and further, that the all requirements have been met on the bid documents. It would therefore be G&O's recommendation that the contract be awarded to Seton when the project is ready to be awarded. Engineer Lockett also noted that the bid documents require that the contractor honor their bid for a period of 60 days, and that the bid does not include survey, that would be done by G&O. Chair Cairns had asked Ms. Lockett to report on the ramifications of the funding from Public Works Trust Fund Loan (PWTFLL), she noted that they're fine with it as long as public bidding laws have been followed, which they have. Engineer Lockett further explained that the impact of this project would be \$17.92 per year for the average property lot (variations would be based on property size; this figure would be the estimate for the average 1/3 lot). The PWTFLL would be at ½ % interest, provided the District provided 15% down, and if the project is completed before December of 2012, the interest would be at ¼%. Commissioner Cairns asked on the roll out of cost what would be, Engineer Lockett reported that this would decrease the assessment over the next five years, and this would be the completion of the major projects, but there would be the possibility of other drainage issues brought to the PLDD's attention by residents. Commissioner Cairns noted that the important thing to take away from this meeting is that the assessment would not be based on over \$200,000.00 for this year; the payout would be over twenty years. Ms. Lockett noted that the \$17.92 per average lot, would be a portion of the average regular assessment per lot of approximately \$120.00, less if the lot is undeveloped and less for condominiums (\$167,000.00 per year total for the whole district), and that this assessment would reduce as time passed. (27:32) Resident Brad Frisk asked if this would increase the assessment or taxes. Ms. Lockett explained again that all assessments are collected with Jefferson County taxes, all funds are kept at the County and the County handles all the money, per Washington State laws, and that the funding for this project is included within the yearly assessment *not in addition* to the assessment. Ms. Lockett further reviewed the annual operating budget of the District for the audience. (31:28) Many audience members were confused about the PLDD and LMC and their relationship to each other, LMC Trustee Elizabeth Van Zonneveld explained for the audience the LMC is the North Bay homeowners association with facilities that include the Beach Club, the pools, tennis courts, Kehele Park and the maintenance of the greenbelt, and that the PLDD and the LMC are two separate entities. An audience member asked about assessments, Engineer Lockett again reviewed the 2012 Annual PLDD Budget for audience members to clarify that the LMC homeowner's assessment and the PLDD assessments are two separate things. (37:21) Chair Cairns noted that at this time he wanted acknowledge the fact that the PLDD has been in procedural error regarding the project, which was pointed out by attorney Ryan P. Vancil, Esq., Mr. Vancil contacted the PLDD attorney (who Chair Cairns noted is not at fault in this issue), the PLDD attorney advised the District to follow the advice of Mr. Vancil. The net result is that the project cannot proceed without a Declaration of Intent to Proceed. (38:40) Commissioner Regan made a motion that Chair Cairns read Resolution no. 2012-1, to establish a time and date to undertake the Rainier Lane to Oak Bay Road Drainage Improvement Project,

Commissioner Wilcox seconded the motion, motion was carried by Commissioner Cairns. Motion approved 3-0. The Resolution follows in entirety (with the exception of the Commissioners signatures).

*RESOLUTION No. 2012 – 1*

***A RESOLUTION OF THE BOARD OF COMMISSIONERS, PORT LUDLOW DRAINAGE DISTRICT, declaring the intent of the District to undertake certain drainage improvements and scheduling a public hearing to take testimony and comments regarding said improvements.***

*WHEREAS, the Port Ludlow Drainage District (PLDD) operates a drainage system in Jefferson County, Washington; and*

*WHEREAS, the Board of Commissioners of the District, operating pursuant to RCW85.06.660, has determined that it is in the public interest and the interest of the properties served by the District to undertake certain drainage improvements generally described as follows: A stormwater conveyance system together with check dams and two bridges located in reserves between Port Ludlow (PL) 1 A4 and PL2 A2 – PL 1 A1 and PL2 A2*

*NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners, Port Ludlow Drainage District, Jefferson County, Washington, as follows:*

*Section 1: The Board of Commissioners of the District hereby declares its intention to undertake the improvements generally described above. Plans for said work are on file with the Secretary of the PLDD Board at 121 Marina View Drive, Port Ludlow, Washington 98365, and are available for inspection by any interested party.*

*Section 2: The PLDD Board shall meet on June 14, 2012 at 10:00 a.m. at the regular business address of the PLDD at 121 Marina View Drive, Port Ludlow, Washington 98365, to determine whether such work shall be done. At such time a public hearing shall be held and any property owner affected by the proposed improvements, or any property owner within the District, may appear at said hearing and object to the proposed improvements by filing a written protest against the proposed action of the board.*

*Section 3: Notice of the adoption of this Resolution of Intent shall be posted as required by RCW 85.06.660.*

*DONE at a regular open public meeting this 10<sup>th</sup> day of May, 2012*

A meeting date and time was discussed, but not settled on until later during this day's meeting. Chair Cairns advised the audience that if there was opposition to the project, it would take 40% of the area property holders to stop the project from proceeding, attorney Vancil and engineer Lockett also answered questions and comments from the audience. It was decided that there would be another Informational Meeting, to be held on Tuesday, June 5, 2012. PLDD Commissioners signed the Resolution document. (49:30) Chair Cairns reported that copies of all PLDD Public Notices would be posted at the Beach Club, the Post Office and the Village Store, The Port Townsend Leader as the paper of record, The Voice, and the Daily Journal of Commerce for the May 22, 2012 7 p.m. Informational meeting and the hearing. In addition, all LMC members will be notified by U.S. Mail. (58:19) Audience members began to blurt out many comments; Chair Cairns noted that during the hearing, everyone would be able to air their comments. Engineer Lockett explained the process of how acreage was divided and that the LMC could object to the project as well as individual owners. (1:02) Engineer Lockett explained past PLDD projects and owners who benefitted by these projects for audience members with questions about why they should support this project. One audience member who did not identify herself asked how the existing trees would be impacted by the removal of other trees within the project area. Chair Cairns gave a background of why the Drainage District started, relaying that late in 1990, half way up Cressey Lane there was a culvert went across the center of the street that inundated Helm Lane with water, the County was asked what could be done and they replied it wasn't their responsibility. Glenn Huntingford, as a former Jefferson County Commissioner, helped put in a system that took the water out to Walker Way. Later, there was this area on Cascade, Helm

and Cressey that was really wet as a result, and then Ralph Thomas complained to the LMC that he couldn't build on his lot because it was too wet. The LMC asked the GBC to take care of it, they hired Ed Thompson to cut a ditch way to intercept the flow and put it into Cascade, so one problem was fixed but it created another one. The PLDD isn't interested in continuing that trend; it would like to solve the problem, and that's the intent. Jack Riggen commented that the value of the PLDD is recognized but diverting the water to Walker Way instead would be the solution, as well as maintenance that needs to be done to the area on a regular basis, specifically plugging at Cascade. Commissioners and Engineer Lockett noted that the area Mr. Riggen referred to is within the Jefferson County right of way, and they are adverse to anything being done on their areas. (Recording #2, 3:31) Commissioner Wilcox noted that 1) individuals have the opportunity to make their opinions known either for or against the project 2) they should meet with the Engineer to review the information 3) at the hearing come in and vote. (#2, 5:25) Engineer Lockett and Commissioners addressed questions from the audience about the project plans and specs at length. (#2, 19:95) After much displeasure expressed by members regarding LMC opposing/not opposing the project, LMC General Manager Brian Belmont addressed the audience that any discussion of the LMC petitioning to opposing the project would have to be addressed by the LMC Board of Trustees during a special meeting. (# 2, 23:55) Attorney Ryan P. Vancil noted that protests to the projects would have to be filed before the hearing. He recognized that the PLDD is trying to have another informational meeting and set a hearing and that 1) only property owners can oppose the project and that written protests need to be made prior to the hearing, legal description with tax parcel #'s on the document need to be on each written opposition the way the statues are written 2) an informational meeting prior to the hearing would be beneficial, and that 40% of the 650 acres would be 250 acres. Mr. Vancil noted that decisions about the hearing results can be postponed. More comments were made by audience members who did not identify themselves, and spoke over each other. Commissioners set the hearing and informational dates and times as stated above, Chair Cairns called order at (#2, 44:21) It was requested by an audience member that notifications be sent to all North Bay residents. Chair Cairns asked that any alternative ideas to be presented at the hearing be put into writing prior to the hearing so they could be addressed at that time. Commissioners again addressed alternative ideas presented by audience members to be written down and discussed with the PLDD Engineer at the time of the hearing.

(#2, 52:15) Resident Terry Obrien addressed the Commissioners, thanking them for being receptive and communicative with this group, he referred to a memo that was drafted, with signatures by 200 people of the community, opposing the project as it stands. He expressed hopes that the community could get together with the PLDD and come up with a solution that would be agreeable to most. (#2, 53:24) An audience member asked if there had been official studies about environmental impact. Engineer Lockett noted that there was SEPA checklist, the only comment made was that the Department of Ecology (DOE) commented that there was a buried oil tank which constituted a hazardous waste site one half mile south of the project on Walker Way. A State issued storm water general permit was issued for the project which involves erosion control procedures, and that County permits were still at the County, there's no requirement for Fish and Wildlife to be involved as it's not a fish bearing stream, there was no indication from the State Historians office that artifacts are present, but if found the project would be stopped until investigated. Tree tagging was addressed, some were placed on the trees by project engineers, and others are tagged with colors that someone else has tagged, Mr. Obrien noted that some were placed on trees by him. Engineer Lockett noted that she will prepare for the informational meeting with permitting, and that another Comprehensive Plan will be provided at the front desk for check out for interested parties, as well as an assessment list so residents can register their lot and acreage on any opposing documents they wish to submit.

**Commissioner Comments:** Chair Commissioner Cairns thanked everyone for attending and expressing their opinions, reminding everyone to please come to the Tuesday, June 5, 2012, 7:00 p.m. Informational Meeting, and the hearing on June 14, 2012 at 10:00 a.m.

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

The May 10, 2012 regular meeting of the Port Ludlow Drainage District adjourned at 12:08a.m.

The next regularly scheduled meeting of the Port Ludlow Drainage District will be held on Thursday June 14, 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