

Orcas Highlands Association Board Meeting

March 7, 2022

<https://us02web.zoom.us/j/89033161246?pwd=MVNSeXVUb090TUpGM0d1R1lubFp4QT09>

- I. Roll Call: Bob Burke, Mike Shivers, Jens Kruse, Lee Goodwin, Brian Ehrmantraut, Steve Pettyjohn, David Turnoy.
- II. Call to order: 2:00
- III. Approval of minutes from Dec. 27
- IV. Treasurer's report: Mike – Only lacking \$1500 from last dues, nothing has been received from Youngren, Mike has reached out to him. \$61,000 in road fund.
- V. Old business
 - A. Road use fee – Youngren has not paid yet. Mike has contacted him many ways, Chris is contacting him. Mike will contact him again, David will contact him too.
 - B. Plan for mailbox addition – Bob will put up a box for a new resident above a small box, will see if the mail carrier can use it adequately; if it works, we can put up another level. For now, Bob will mount it next to the end. Robert is doing a mock-up. We could cantilever a roof another two feet out that would support 2-4 small boxes. Question of what to do with Bea's library, but it is not an issue for one more box.
 - C. Forest plan update – We have talked to most of the property owners, will get rid of some thinner trees and some unhealthy alders. Cleaning up piles along roadside can be part of spring cleanup. Bob has compiled an RFP, has a list of contractors. We will shop the RFP out to a number of potential contractors. We will want the contractor to have a payment bond so we aren't on the hook for nonpayment of a subcontractor. Misha and his excavator can, along with volunteers, do some of the cleanup in the common area and on Highlands. Bob can put together a plan on this.
 - D. Guard rails by Connie Luerkens and on Switchback – Bob thinks there is room for guard rails on Switchback.
 - E. Potholes – Discovery, Highlands – We can get Cutback to put in, but it doesn't hold up. Bob filled a 6 incher with Ready Mix, it is holding up well. We may have to dig down four inches to put Ready Mix in it.
 - F. Culvert on Lindsay, other culvert and drainage issues (Agnew, Cohn)

Since the flooding that took place with the heavy rains in December, we have been trying to get the county to address the problem of flooding from the county culvert crossing Lindsay just below the Carter property and sending way too much water across the properties belonging to the Tonachels, Berto and Hugh, and the Hurleys. It has been especially problematic on the Hurley property because it floods their septic drainfield.

Bob contacted the county engineer, but no response. I also contacted him, but no response. I then contacted our county councilor, Cindy Wolf, who asked the county manager to contact me. I never received the contact. But in Cindy's communication with me, she

mentioned Kendra Smith, who is involved in environmental services, water, and culverts. After I both emailed and phoned her, I actually heard back from Kendra. I explained that this culvert is dumping water on the three properties, and that if we could get the county to move it, the flooding could be avoided. Kendra told me that the county is dealing with a lot of similar issues around the county, that she wasn't sure if there was anything she could do, but I got her to commit to coming out to take a look at our situation. An interesting thing I found out from Kendra was that the water going through the problematic culvert was intended to go down to the wetland below the Hurley property, so we understood that to be the reason for the culvert.

We had a meeting scheduled for Feb. 24, but the interisland ferry was not running, so we had to postpone to March 4. In preparation for this meeting, Bob and I walked the area, and Bob gave me lots of good information. I invited all the relevant homeowners to attend the meeting on Lindsay at 2:00. We had Gordy Erickson, Mike Hurley, Berto Gandara, Bob and Debra Tonachel, Robbie and Bob Walker, and Phil Schulz. Ed Lago from OPALCO also attended, as they need to run an electricity line across Lindsay, and there was the hope that the county and OPALCO might be able to use the same trench and share the cost. The county sent Kendra and a gentleman named Steve.

We started at the top, showing them the culvert. When water is moving through the ditch on Lindsay fairly slowly, 90% of the water flows across the road onto the Tonachel property and begins its damaging flow. Simply lowering the level of the ditch and raising the level of the culvert could be a quick improvement to send more of the water flowing down the ditch. But the culvert really needs to be plugged and moved. We discussed the possibility of running a new culvert a little further down Lindsay so that the water would only flow to the edge of Lindsay and not across the properties. To make this work, the ditch on the west side of Lindsay would need to be greatly improved, and the culverts running under the two lower driveways would have to be enlarged. We then looked at running a new culvert just below the Hurley driveway. This would require enlarging the ditch on the east side and some larger culverts. This would be an excellent spot to divert the water across the road so it then would flow into the wetland. We were hoping that this would also work for OPALCO, as the box where the wire would go is right there. But OPALCO's culvert would run a little uphill, whereas a culvert carrying water needs to run downhill, so sharing the culvert isn't going to happen. The final thought was to not worry about the water getting across the street to the wetland, instead, leaving it on the east side of the road to eventually flow down to the grass and beyond to the east of the mailboxes. This would also require the enlarging of the ditch and larger culverts.

One other concept to be aware of: Any water that flows across one's property belongs to the owner of the property. Therefore, the county could not divert the current water without the property owners agreeing. All three were present, and their response was an emphatic YES to getting rid of the water.

So, will the county implement one of these plans? Perhaps, but not likely. Because of climate change and the increased water causing problems around the county, they are actually trying to pass the responsibility for some of these little sections of county road to the property owner to maintain. They may want to pass the right of way to our association. I asked if that meant that we would have to take care of paving, water, trees, and so on; the answer was yes. I responded that this would be a tough sell to our board. I asked if they could maintain

responsibility for everything except the water and culverts, that if there was no way the county was going to fix any of the water problem, could we just take on that part of the maintenance? Kendra said she would ask.

Kendra is going to ask a number of questions of the county engineer and the legal department, then get back to me. I am not happy about the sound of the county passing off the responsibility to us. Kendra said they currently just don't have the money or resources; the roads department lost eight employees who refused to get vaccinated. Ultimately a lawsuit could be filed, but it may be that we will have to take care of the problem.

We actually have several other spots where we need to deal with the drainage and culverts. On Highlands in front of Connie's house, there are two very bad spots that get really full of water during the rain, and there is no drainage for these. Further down Highlands at John Kelly's house, a really poor decision was made when that house was built, and the result of the culvert and drainage there is ultimately the flooding of Tony Pinardi's drainfield. At the very bottom of Colorado, the drainage ditch needs redigging, as does the drainage ditch on Discovery below Agnew.

My recommendation is that we wait to hear back from the county. In the meantime, we need to think about directing some of our road funds to taking care of these drainage issues. It may be that if we contract to have them done all at once, perhaps we could get a little price break.

We discussed as a board that we don't want to take responsibility for Lindsay. Or it may be that we might consider taking care of Lindsay ourselves without taking over responsibility. We have other culverts to deal with, e.g., 315 Highlands. The Lindsay problem is due to the county's placement of the culvert. We will wait for the county to reply to David, but we need to push back on the county fixing this because they caused the problem.

The Colorado ditch might be done by Misha. The other drainage situations need more engineering and can wait for next year.

VI. Committee reports:

Policy:

Architecture:

Nominations:

Firewise: Brian filed paperwork on this.

Roads:

VII. New business

A. Spring cleanup - Possible renting of equipment or engaging a crew with machinery to take care of the piles. There may be a couple of small dump trucks available for hire. We can hire Misha or rent an excavator with a thumb. The excavator would build the correct-sized piles after all the material is dumped at the burn pile. This would probably be \$1,000 or a little more. Bob will get some information on this. Tim Abati drives one of these trucks. Ray Brodie has a short dump truck.

B. Who should sign contracts for our association? We have no president right now. We do have a VP, a secretary, and a treasurer. Meeting minutes showing board approval (a board

motion) for entering into the grant contract would be good backup for our association. Mike and David have check signing rights. Moved that David can sign for the grant, seconded and approved.

C. David will start an email discussion of a date for the annual meeting.

VIII. Next meeting: April 25, 2:00

IX. Adjournment: 3:15