

## Seahurst West Addition Annual Community Meeting, March 31, 2008

Attendees: Vicky Fisher, Lee and Carol Sanders, Marc Kropack, Jim Vigil, Mike Little, Darold and Marilyn Doell, Alex Reid, Joe Swanzy, Jay O'Donnell, Samia El-Moslimany (for Anne), Terry Watkins, May Mettler, Mary McGarry, Jim and Rebecca Devaney, Knut Ringen

Proxies: Ann El-Moslimany, Robert & Pauline Beebe, Bob Krakowski and Susan St Claire, Judy Seiwerath, Bruce Beck

Vicki opened the meeting indicating that we would address the beach Lot issues first so that Marc could leave the meeting when this business was concluded.

- 1) Minutes for 2007 Special Community Meeting of August 4<sup>th</sup> approved with the following changes
  - a. Page 3 – line up dollar values of costs with who is committing to them
  - b. Page 5 – Correct the format of the voting result
  - c. Page 5 – add 'motion passed' for clarity

### 2) **Update on Seawall**

After the Special Community meeting it was understood that the repair window of August could not be achieved due to the permitting process. Lee was concerned and proposed emergency repairs be made to ensure the integrity of the seawall during winter. This proposal was accepted by the Board.

Joe presented costs as follows:

#### **Seahurst West Seawall – Original Cost Estimates**

Phase I	\$17,653.80	incl tax
Phase II	\$19,584.00	incl tax
Phase III	\$14,872.96	incl tax
Concrete contingency	\$ 3,924.00	incl tax
Permits	\$ 2,500.00	
	=====	
	\$58,534.76	
Community pays	\$1618.80 x 16	\$25,900.80
Sanders pay (28%)		\$16,270.51
Kropacks pay (28%)		\$16,270.51
		=====
		\$58,441.82

Note: Sanders & Kropacks pay for 100% of Phase II

Parking and construction reminders: Vicky learned from the City of Burien that we need

## Seahurst West Seawall – Cost to Date & Remaining Cost Estimates

Permits	\$ 2,838	
Emergency Repairs	\$ 7,284	incl Engineer costs
	=====	
	\$10,122	

### Remaining Costs

Phase I	\$11,135	incl tax
Phase II	\$19,602	incl tax
Phase III	\$14,887	incl tax
Concrete Contingency	\$ 3,815	incl tax
	=====	
	\$49,439	

Community	\$1,295.69 x 16	\$20,731
Sanders	\$14,354 (29%)	\$14,354
Kropacks	\$14,354 (29%)	\$14,354
		=====
		\$49,439

\$900 due March 31<sup>st</sup>, 2008

\$395.69 due August 1<sup>st</sup>, 2008

A discussion followed about the exact nature of the costs and differences between the original estimate and the final cost estimate. Extra costs were generally due to the increased costs of permits and engineering drawings.

Mike Little asked about the actual plan to proceed with the Seawall repair. How and when will the work proceed?

Lee responded that work would re-commence on August 1<sup>st</sup> (Tides favourable) and be completed in under 5 days. Joe holds copies of the contract. A diagram of the Phase III completed status was distributed.

Phase I	Complete repairs
Phase II	Area enhancement (funded by Kropacks & Sanders)
Phase III	Improve access & beautify area

Mike Little raised a concern that the relationship between the Lot Owners and the Kropacks needs to be formalized. The Kropacks have invested considerable money into the beach lot and Mike is concerned that the Community has no guarantee that the Kropacks will not attempt to claim an interest in the beach lot in the future. In addition the money flow between the Kropacks and Sanders and the Community needs to be formalized to protect all parties. Marc claimed his ONLY legal rights are in regard to access to the Lot not in ownership. Mike asked if Marc would be willing to sign a letter of commitment to not seek any legal interest in the beach lot as a result of improvements Knut proposed that a simple contract between all parties was necessary made to date or in the future.

**Motion – Moved by Mary and seconded by Alex.**

That an agreement be drawn up between the 3 parties (Community, Sanders and the remainder of the Community) which will address 3 aspects of the Seawall project.

Agreement needs to address:

- i. No additional claim on ownership of the Beach lot by Kropacks and Sanders as a result of investment in this or future projects.
- ii. A promissory Note from Kropacks & Sanders in regard to payment of the agreed share of costs upon completion of the project
- iii. An overall agreement specifying the chronology of the project – project activities and required payments

For 11

Against 6

Motion Carried

Committee of 4 assigned to develop the above agreement urgently for presentation to the Board– Mike, Knut, Vicki and Joe.

**Motion – Moved Mike Little and seconded Joe Swanzy**

That the Community authorizes Vicki, as President, to sign the completed agreement on behalf of the Lot Owners.

For 17

Against 0

Motion Carried

A discussion followed on the apparent discrepancy between the original budget and the projected cost to complete the seawall project. It was decided that there was no original commitment to a budget at the Special Community meeting and therefore no real issue exists.

3) Minutes for 2007 Annual Community Meeting of March 29<sup>th</sup> approved with the following changes

- a. Page 1 – remove redundant sentence in regard to motion proposed & passed in section 5.c

4) **Treasurer's report:**

Vicki indicated that due to the new covenants it was proposed to split the Treasurer's reports into current status (reflecting previous years activity) and proposed budget for coming year.

Treasurers 2007 report (as included below) was approved by voice vote.

For 17

Against 0

Motion carried

**Seahurst West Treasurer's Report - 2007**

Balance 1/207		\$10,168.72
Income		
Yearly assessments (\$500)	\$8,500.00	
Late Assessment adjustment (2006)	50.00	
Total Income		\$ 8,550.00
Total		\$18,718.72

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Expenses

Maintain common lots (budget \$1,700)	\$1,290.00	
Road Work (J. Swanzy – budget \$3,000)	\$3,372.80	
Seawall repair (L. Sanders – budget \$34,866.07)		
Consult – Robert Pride	500.00	
Proposal	250.00	
Permits fees thru 10/08	1,814.89	
Seawall permits	1,023.26	
Total Seawall Costs	\$3,588.15	
Misc. (office supplies etc.)	28.22	
Total		\$ 8,279.17
Balance 1/7/08		\$10,439.55

5) **Accident Liability**

Mike brought up an issue for discussion. If Marc employs people to work on the common lots or roadway without prior permission of the Lot Holders (as he has done quite often) – who is liable if an accident occurs? It is unclear whether liability could be removed by requiring Marc to sign a document to that effect. Only a court case would clarify

the situation. Mike indicated that at least the Community would have a better chance of defending such a lawsuit if we had a written liability claim from Marc. Mikes concern is that Marc will continue to work on the common lots & roads without the Lot Owners having any say in the actions and perhaps incurring liability.

Mike & Knut proposed an agreement be drawn up which eliminates community liability for any work undertaken by the Kropacks on common lots or roads.

Joe proposed an alternative. Ban the Kropacks from doing ANY work on common lots or roads without the permission of the Board.

**Motion – Moved by Knut and seconded by Mike.**

That the committee developing the Seawall agreement also draft an agreement between the Board and the Kropacks to stipulate that the Kropacks are liable for any incidents as a result of work done on common lots or roads which has not been specifically authorized by the Board

For 13  
Against 4  
Motion Carried

**6) Drainage Crisis**

Winter rains exposed a potential leak or breakage in a drainage pipe running under the turnaround at the bottom of the road. A work party of Lee, Joe, Mike, Alex & Terry was assigned to address the issue. Two 2" black pipes were removed along with a soccer ball from the main drainage pipe. Subsequently over a couple of months the accumulated dirt & gravel in the pipe was removed. Now ready to pull through a new drainage pipe (80' of 8" pipe) to run inside the old pipe. Cost of \$430 including tax. Lee requested that the next Roads project manager address the issue of leaves & material being allowed to enter the pipe and therefore build up.

**7) Treasurers Projected Budget 2008**

**Seahurst West Projected Budget 2008**

Expenses

Administrative		\$ 300.00
Utilities		0.00
Drainage		500.00
Common lots/Seawall		
Mowing/weeding	\$ 1,700	
Seawall	49,439.00	
Total		51,139.00

Total Expenses

\$51,939.00

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Income

In Account 1/7/08	10,439.55	
Less Cemrock pmy 1/14	6,534.00	
		3,905.55
Spec Assmt. #1*	14,400.00	
Spec Assmt. #2**	6,331.00	
Sanders/Kropack Pymt***	28,708.00	
Total Seawall pymnts		49,439.00
2008 Reg. Assmt @ \$300****		5,100.00
Total Income		\$58,444.55

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- \* \$900 x 16 due March 31<sup>st</sup>
- \*\* \$395.69 x 16 due August 1<sup>st</sup> (includes contingency for concrete)
- \*\*\* \$14,354 x 2
- \*\*\*\* \$300 x 17 due October 1<sup>st</sup>

Knut raised the question – how are we going to record that the Kropacks and the Sanders have contributed to the Seawall project? This will be discussed by the Board during 2008.

**Motion – Moved my Jay and seconded by Lee.**

That the Treasurers projected budget for 2008 be approved.  
For 17  
Against 0  
Motion Carried

The special assessment of \$395.69 will be adjusted when the final cost of the seawall project is known. There may be a refund if this payment is excess to requirements.

**Motion – Moved by May.**

That the Annual Assessment payment be delayed until October 1<sup>st</sup> due to the special assessments due during the summer.  
For 17  
Against 0  
Motion Carried

- 8) Officers for 2007: Vicky, May, Jay, Terry and Joe agreed to continue to serve for another year. Vicky and May intend to resign at the completion of the Seawall Project.
- 9) Meeting adjourned at 9:30pm.

Respectfully  
submitted,

Terry Watkins  
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