

Lagoon Point Newsletter

May-June 2006

Community meeting Saturday June 10th, Come and join us, 10 AM at the Greenbank Clubhouse. The board is considering asking community approval to spend up to \$5,000 from our reserves to develop an initial design and work plan for dredging our community-owned Lot C. Once we have that initial design we can begin applying for permits and negotiating with the permitting agencies about what changes they will require to our initial plan. The difficult question of how we share the costs of dredging among all Lagoon Point property owners is being deferred until we are well into permitting and have a clearer picture of the dredging work and its costs.

The Board would like to hear from community members about this proposal to develop an initial dredging design. At the meeting we will also discuss transferring all \$34,000 or so in the inactive Club account to our reserves.

Right after the community meeting the Board will hold its regular monthly (June) meeting. LPIC members are of course welcome to sit in on the regular board meeting too.

Upcoming Board meetings: All Board meetings are open to LPIC members. Discussion and agenda-planning meetings are held for informal discussion: No actions taken, no decisions made, no minutes kept.

Board agenda-planning meetings: Tuesday May 30 and Thursday July 6, 7 PM, both at Linda Armstrong's home: 3412 Marine View Drive. If planning to come please call Linda ahead: 678-1425

Regular monthly board meetings: Saturday June 10, right after the 10 AM community meeting, and Tuesday July 11, 6:30 PM, both at the Greenbank Clubhouse.

From the President – Linda Armstrong

Memorial Day weekend is just about here. I wish you and your families and friends a sunny and enjoyable weekend and a safe one.

I am pleased to share with you the news that our community has approved the proposed 2006-07 annual budget and \$120 per lot assessment. For the vote tally see the Treasurer's Report on the next page. The new budget enables us to substantially increase the amount we set aside each year as reserves to pay for future major maintenance work on our common properties. Building reserves to cover future maintenance is a prudent financial act. Nobody likes surprise bills. Having an adequate reserve fund will, in time, reduce if not eliminate the need down the road to impose surprise special assessments when major maintenance becomes necessary.

Your vote means even more to me, Your clear approval of the new budget tells me that the community is developing trust in our board's decisions. We value your trust and work hard to earn it by emphasizing open meetings, open debate on controversy, open communication with all our property owners. Thank you for your vote of confidence. The board must continue to demonstrate that your growing confidence in us is well placed.

The Board has scheduled another community meeting, Saturday June 10th, 10 AM. The two topics this time are: Should we move the approximately \$34,000 in the inactive Club account to our maintenance reserves, and Should we contract now for up to \$5,000 to develop an initial design for the dredging project.

We would like to hear from community members about both proposals. I invite you one and all to come to the meeting, listen to others, and tell us your views. The dredging matter is discussed further on in this newsletter.

I know that many LPIC members live out-of-town. If coming to the meeting is inconvenient, we still want to hear from you. Every comment on dredging that we receive I share with the board. Send us your views by e-mail or by regular mail or, better yet, talk with your Area Rep. The Area Reps are identified in this newsletter.

From the Treasurer – Janet Bondelid

I too want to congratulate our membership on their support of our community. Our bookkeeper, who helps me maintain our QuickBook records and turn out our monthly financial reports, does the same sort of work for other communities like ours. She tells me she is very impressed with how our homeowners' association is operating.

We are down to very few delinquent accounts. Of all 389 Lagoon Point homeowners, only 2 are still delinquent in paying their past assessments, aside from the four owners we are challenging in the Raymond et al court case. Our other 381 property owners are paid up, or in a very few cases paying per their special payment plans. That translates to over 98 percent paid in full. Thank you! Paying your assessments on time makes my work easier, and having the funds come in on time makes it easier for us to maintain our common properties. The board is sensitive about every expenditure, even the small ones, and we do all we can to make efficient use of your moneys. We continue to look for ways to save money and make the money we have work harder and last longer.

Ballots on the proposed 2006-07 budget and assessment were counted just last week. The proposed budget was solidly approved: 164 Yes votes, 100.8 No votes, a 62 percent approval rate. (Eleven percent of the votes used the secret ballots option.)

Now that the budget and assessment are approved, I plan to send out next year's invoices in early June. Payments will be due back a month later. The assessment rate will be \$120 per lot.

Thanks to all of you who voted on our budget ballot. Whether you voted Yes or No, we're glad you voted. At Lagoon Point, every vote counts.

You can help us contain costs by having us send you the newsletter by email. It costs LPIC over \$300, about \$0.80 per copy, to mail the newsletter. By e-mail we can send it anywhere in the world for nothing flat! And it arrives days sooner. Convinced? Send your newsletter-by-email request to lpict@whidbey.com, and get your newsletter fast wherever you are. That's especially handy for people who travel or go south for the winter.

If you prefer getting your newsletter by regular mail, that's OK too, but please keep us updated on your current address – be it permanent or temporary. Every newsletter that the postal service can't deliver gets returned to us, at an additional cost of about \$1 each. We can't read your mind. Tell us when your address will be changing.

The upcoming community meeting and progress in planning for dredging the community waterway - from Linda Armstrong

The two topics for the June 10th community meeting are: (a) moving the \$34,000 or so in the inactive Club account to our maintenance reserves, and (b) spending up to \$5000 to develop the initial dredging design.

In this article I sketch these two topics in some detail so that LPIC members who are not familiar with the dredging issue and those who live off-island and cannot attend the community meeting can nevertheless better understand what's happening regarding dredging at Lagoon Point. If you can't attend the meeting, send us your views.

Moving the inactive 'Club' funds: The board is proposing asking community permission to move the approximately \$34,000 from the inactive Club account into our maintenance reserve account, where the funds could be used to pay for future major maintenance.

The Club account funds are the funds left in the Lagoon Point accounts when, in 2001, LPIC began formally operating as a homeowners' association. Today, per the state's Homeowners Act, we collect regular assessments equally from all property owners. But before 2001 LPIC had collected its funds as club dues, paid by membership, and not equally by all lot owners. When LPIC became a homeowners association we were unsure whether we could use the funds collected in previous years with a different formula. The Club funds were set aside.

Our attorney's opinion is that LPIC would be wise to get a community vote of approval to transfer the old Club funds to our homeowners association reserves. (If moved to our reserves these funds would remain subject to the same restrictions on use that apply to all our reserve funds.)

Authorizing funds to contract for an initial dredging design. The LPIC Board is considering asking community approval to spend up to \$5000 to develop an initial dredging design for Lot C. The cost of developing the initial dredging design for both Lot C and the private waterway areas south of Lot C is estimated to be about \$10,000. The Division 2-3-4 Architectural Committee has agreed to match LPIC's payments, up to \$5,000.

The Lagoon Point waterway consists of Lot C, which is jointly owned by all Lagoon Point property owners, and the private waterway area south of Lot C. Maintenance of the private area is solely the responsibility of Divisions 2, 3 and 4 property owners.

In January I convened a dredging planning committee, composed of four persons from LPIC, two appointed by the Div 2-3-4 Architectural Committee, and the LPIC president as chair. The dredging committee has completed its initial work and given its recommendations to the LPIC Board and Divisions 2-3-4 Architectural Committee.

The dredging committee held lengthy on-site experience-sharing meetings with four nearby communities that have done dredging projects in the last few years: Sandy Hook (south end of Whidbey), Mariners Cove (east of Oak Harbor), Bridgehaven (near Port Ludlow), and Driftwood Keys at the northern tip of Kitsap peninsula, due south of Lagoon Point. Lengthy meetings were held also with Amy Leitman, who did the biological data-gathering for us last September and who is experienced in biological matters and in obtaining permits for marine projects in our section of Puget Sound and with Jim Johannessen, who did the bathymetric data-gathering for us last September, and who is experienced in technical design and permitting for dredging projects such as ours.

The committee estimates that, if we run into only the usual problems and delays, full permitting would likely take 1½ - 2 years, and may cost about \$60K. (This estimate does not include the cost of professional permitting assistance, because that matter has not yet been decided. The total cost of design and permitting would be shared between LPIC and Divisions 2-3-4.) Permitting time and cost could well go higher if we run into significant difficulties in getting all the agencies to approve the community's preferred dredging plan, dredging method, spoils plan and eelgrass mitigation plan. These technically difficult issues can be identified ahead of time and we can include our preferred resolutions in our initial dredging plan, but the resolution of each issue has to be negotiated with the permitting agencies, and the final outcomes cannot be known in advance. That is why we describe our initial dredging design as our preferred design. The design will change during negotiations with the permitting agencies. How it will change and how much can be learned only by walking the permitting process. Since the final scope of dredging, method of dredging, disposal of spoils and eelgrass mitigation all remain uncertain till permitting is near-complete, so too will the cost of the actual dredging and related work.

The committee also provided the Board and Architectural Committee a report on the tasks to be done to design the preferred dredging contours for Lot C and the private waterway areas south of Lot C, the activities needed to apply for permits, and the estimated costs of those activities. A companion report identifies the county, state and federal agencies that have to be involved in getting dredging permits, the agencies' authorities and processes, and a possible sequencing of all the permitting work.

The dredging committee's immediate recommendations are:

1. Proceed now to design the scope and size of the full dredging project. It is best we have a preferred dredging design before we begin seeking permits.
2. To design the scope and size of the dredging, contract with our current technical consultants, Amy Leitman and Jim Johannessen,
3. Defer seeking community approval to fund full technical planning and permitting till we have a preferred dredging design.

Allocating the costs of the initial Lot C design work among all LPIC members: The board is proposing to defer this exceedingly difficult issue until we have a much clearer picture of the entire dredging project and its likely cost. To move ahead, the board proposes the following: For now, pay for the initial design work with available LPIC reserve funds. Later, when the Lagoon Point community comes to agreement on a formula for allocating the costs of dredging Lot C among all Lagoon Point lots, or if a cost-allocation is set by the courts, recompute each property owner's share of the planning and permitting costs. Any Lagoon Point lot owner who has paid more than her or his proper share for the design and permitting work shall be credited with such overpayment.

We used this very same agreement last fall when we funded the initial geologic and biologic data-gathering needed to design our dredging.

Other topics for the June 10th regular board meeting

If you come to the community meeting you may want to stay and sit in on the regular board meeting which will be held right after the community meeting. Tentatively, the agenda includes the following items of high interest to some Lagoon Point owners. (The board may not be able to discuss all these matters at one meeting.)

- Increasing parking lot key fees
- Walking on the beach in front of others' homes
- Short-term home rentals and renters' access to community facilities

Good news about the bridge - Todd Brunner

We have good news about the structural integrity of our bridge. (And here's some bridge terminology too.)

For those few who don't yet know, our wooden bridge is located at the east end of Seashore, near where the Seashore roadway turns into Shorewood. The bridge and the land under belong to our community, and we are responsible for maintenance. (The roadways approaching the bridge mostly belong to the county.)

The bridge as we know it now was originally built in the early '80s. The substructure that holds up the bridge deck then consisted of the foundations under both ends of the bridge (the 'abutments') and two sets of pilings ('bents') that hold up the middle of the bridge. (Bents are bridge-speak for the rows of pilings and attached structures that hold up the middle part of our bridge.) Two more bents were added during repairs in the early '90s. The new bents were put in between the original centrally-located bents and the abutments at the far ends of the bridge.

We have been especially concerned about the more recently added bents. And so we contracted with Mark D'Amato of DCI Engineers, to inspect the bridge. Mr. D'Amato had inspected the bridge in the early '90s, and he still had his earlier records. Mr. D'Amato has now provided us a report and recommendations.

From his observations and calculations, Mr. D'Amato has concluded that the newer bents were structurally unnecessary - not needed to carry the bridge loads. This is just as well, as the bases for those newer bents were poured on non-bearing soil (peat) and thus tend to sink ever so slightly when a heavy load crosses the bridge above. (Mr. D'Amato is advising us to place wedges ('shims') between these pilings and their footings.)

The two original and more centrally located bents carry much of the bridge load and they are in generally good shape. Only minor work may be needed.

Some soil erosion is evident in front of the east-end abutment and at the west-end abutment. The erosion is likely due to wind and wave action from the southwest, amplified by traveling the length of the East Canal. This erosion should be arrested now, so the abutments do not become undermined. This can be done by covering (armoring) the slopes with medium-sized rocks laid over matting between the abutments and the nearby bents.

Mr. D'Amato's written report provides the drawings LPIC will need to apply for an emergency repair permit from the county. Cost of the repairs should be about \$10K, if Lagoon Point volunteers place the matting and rock.

The bridge 'wing walls' at the four corners are rotted out, and need to be replaced. This work is not as urgent, and could perhaps be incorporated in the dredging project the community is looking to do.

Last, at the west end the asphalt paving is a bit too high, causing vehicles approaching from the west to pound down on the first two planks. The high asphalt should be ground down level with the bridge, and the two planks repaired or replaced.

The board is also looking into improving signage at both approaches to the bridge.

The bridge does not have to be closed. That itself is Good News.

Status of Raymond lawsuit - by the President

In late April appellants and respondents (LPIC) submitted their briefs to the Appellate Court. The appeal process will likely take well over a year, and could last through the end of 2007.

Community residents want to know what the appeal is about. Basically, appellants believe the Superior Court's decision that all Lagoon Point property owners are responsible for maintaining our common properties is wrong. But the issues are complicated, and there is no easy way to summarize the issues and the opposing briefs into a concise document without that document creating even more controversy. Instead, we are looking into putting on the Lagoon Point website the actual appeal briefs submitted by both sides.

We will keep you informed of important developments as they happen.

The Stibre dock is gone

No, its not missing. The Stibre dock was dismantled and the scrap taken away. The dock gave us years of good use, but it had deteriorated and was beyond economical repair. Keeping it in the water or on land was an eyesore and a safety hazard. Bob Vierra and Bill Schmid did the dismantling and hauling,

Your dog out in the noonday sun? Please clean up after your dog.

Summer's here, time for another reminder about dogs and the evidence they leave behind. With more of us and our guests out on the streets and beaches, we need to keep an eye on our dogs and clean up after them. It's a tough situation. Alert the dog owner if you see it happening. They'll surely clean it up once you point it out to them.

To our dog owners: Retaining our friendly neighborly attitude about dogs is up to YOU. Not watching your dog and not cleaning up after your dog will alienate your neighbors, and that will cost you and all Lagoon Point dog owners. If you're taking your dog for a walk always bring plastic bags. Its embarrassing to be out in public and need a bag and not have one right there and then. No excuse for being without one. And always keep your dog in sight – you never know what they may be doing when out of sight. That too can be embarrassing. Thank you. (This note by a dog owner.)

Community volunteers

Thank you ! Bob Vierra and Bill Schmid for dismantling and disposing of the Stibre dock, which had long exceeded its useful lifetime and was sitting forlornly at the edge of the parking lot.

Thank you, ballot-counting team for counting the budget ballots: Bill Schmid, Janet Bondelid, Hedi Couret, and Aaron Lowin (and Janet provided cookies, too).

Annoyed about something your neighbors are doing ? Here are some options.

By and large neighbor-to-neighbor relations are pretty good here at Lagoon Point. Even so, as in every community, there are at times a few points of friction here and there. Every month or two the board gets a request to intervene because of something a neighbor is allegedly doing or not doing.

LPIC has no authority to intervene in neighbor-to-neighbor disputes. As a Homeowners Association LPIC is authorized by state law (64.38 RCW) to maintain the community's common properties and collect assessments for that purpose. State law gives us no authority to intervene in matters between neighbors, or to spend community assessments for that purpose.

The Board has discussed this at length, and has taken the following position. On non-controversial minor matters, like speed limits and cleaning up after your dog, we will include reminders in the newsletter. We cannot intervene in neighbor disputes. If you are having a problem with a neighbor, consider these steps First, approach your neighbor in person and politely, explain your concern and listen well, to understand their point of view too. If you acknowledge their point of view they are more likely to acknowledge yours. Talk also with your Area Rep, and with your other neighbors. If the issue is serious, consider contacting the appropriate county agency, or an attorney. All of us at Lagoon Point have to obey the same county ordinances that apply to all county residents.

Suggestions for the Board ? Questions ? Contact your Area Representative:

Area 1 Bob Vierra 360-678-6310
Area 2 Page Gilbert-Baenen 360-222-3104
Area 3 Roy Blackwell 425-347-9312

Area 4 Todd Brunner 425-771-5148 ext 23
Area 5 Tom Heerhartz 360-678-7787
Area 6 Bill Brown 360-222-3178

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Tell us and we'll fix it ! We can't fix an error we don't know about.

Have you moved? Planning to move? Save us money. Send us your new address now !

Please send us your new address before you move. For every address we use that's not current, the Post Office charges us \$1 extra to forward your newsletter. Send your address label correction or address change to: LPIC, PO Box 123, Greenbank WA 98253

We can send this newsletter direct to your computer ! Join your fellow Lagoon Pointers who have signed up to get the LPIC Newsletter by e-mail. By e-mail you get the newsletter faster, and you don't have to trudge to the mailbox. LPIC saves about \$0.80 on each copy we don't print and mail.

Send us your request for e-mail delivery. Our em address is: lpic@whidbey.net .

We will also post the newsletter on our website: www.lagoonpoint.com , but that posting is still delayed (we have "technical problems"), so notification of upcoming meetings is delayed, and you have to navigate to our website to read the newsletter. Better to get the newsletter by e-mail.

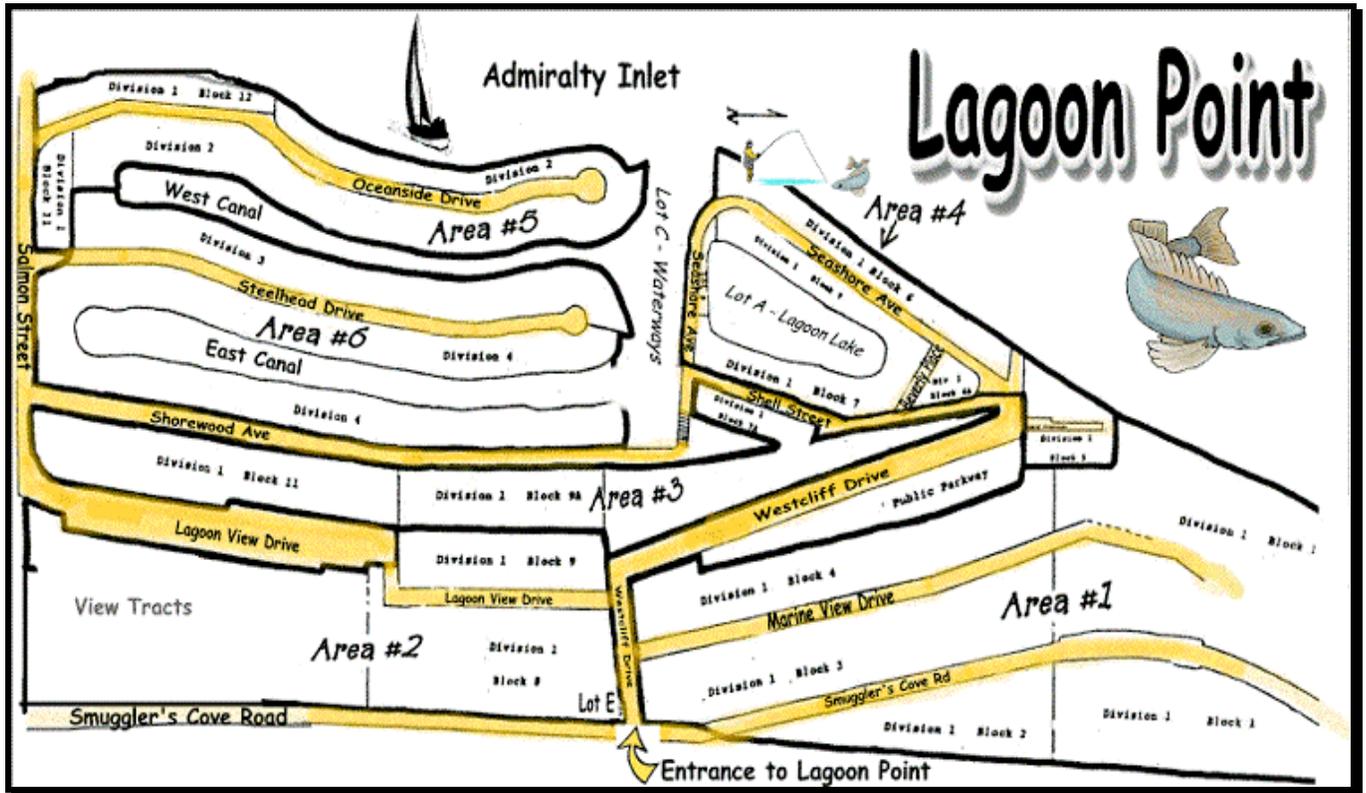
Community Announcements

THE BULLETIN BOARD

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To add an ad or delete one e-mail us at lpic@whidbey.net or call 678-1425

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- I want your old wood furniture. I paint and distress, then sell, all proceeds to local charities. Please help me support our community and island. Thank you. Carrie, 360-678-6369 or 253-217-3966 (2x)



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U.S. Postage
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 Permit 1



The Speed Limit Throughout
 Lagoon Point is



Thank You for Your
 Cooperation

Community meeting to discuss contracting for a dredging design: Saturday June 10, 10 AM at GBCC

Next Board planning meetings: Tuesday May 30 and Thursday July 6, both at 7 PM

Next regular Board meetings: Saturday June 10 (after the community meeting) and Tuesday July 11, 6:30 PM