



## Official Publication of the Hat Island Community

August 2003

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3616 Colby Ave, PMB 335, Everett WA 98201

[View Point Archives](#)



### Report from the manager

#### Thank You

I would like to thank Dave Younce for building the new ladders for the marina. I would also like to thank Jan Cartozian for taking care of the flower bed in the north marina and Sharon Morris for taking care of the flower bed in the south marina parking area. I would also like to thank Jim Brandon for doing an excellent job of correcting the power problems to the north marina.

#### RO Update

The audit and close out paperwork has been submitted to and accepted by the State Department of Public Works.

#### Reminder

When you park at the boat launch to catch the ferry please do not park in the front row facing the water. The Port of Everett wants that area left open for people to use the park.

#### Attention Property Owners Who Owe Money

Property owners that owe money to the community will be denied services on the island. If your invoice for services received or assessments are over 30 days past due you will fall into this category. This is in accordance with the by-laws of the community. A letter of intent to lien has been sent to most of you and all the notice of liens will be mailed by the end of the month.

#### PUD

Snohomish PUD has completed the switch gear and emergency generator connection on the island. Division K and F have had some problems with power. This equipment is old and needs some work. PUD will be returning in August to do some upgrades to those divisions.

#### Holiday out of service

The Holiday will be out of service Sept 2, 2003 to Sept 4, 2003 for the Coast Guard inspection. There will be no Weds. run Sept 3, 2003.

#### July Work Session Information

All island equipment is operational. The greens are in good shape and the sprinkler work that was completed by Dale Defoor, George Harmon and Larry Bender has made a difference. The cost of the haul out for the Elsie-M and truck repair has not been received by the community. The ramps in the marina have a new coat of non-skid and all the docks now have power and lights. The RO air control valves were replaced under the warrantee agreement as per the contract. The board is discussing rolling over the special assessment of \$84.00 per year. The ballot issue will be presented to the community prior to the first of January 2004. At the present time there are 2 people who are eligible and want to run for the board. They are Ken Baxter and Stan Krohn. The community is experiencing a few attempted break-ins and vandalism on the island. Someone with a BB gun has broken glass in a canopy and a window in

a house. Three houses have either been entered or attempted to be entered. Please lock up your house and turn your water off before you leave the island.

At the next regular Board/owner meeting, which is on the island, take the opportunity to meet the candidates for the board. 2:00pm in the barbeque area, August 9, 2003.

## **HICI Board Meeting Minutes**

Call to Order: The special meeting was held on Saturday, July 12th, 2003 at the Hat Island Community Office. Board President Larry Petersen called the meeting to order at 10:33 a.m. All Board members were present.

Minutes: No motion was made to accept the minutes from the June meeting.

Treasurer's report: No Treasurers report was presented.

Golf: No report made.

Vessels: No report made.

Maintenance/Equipment: No report made.

Marina: No report made.

Water: No report made.

Old Business: The purpose of the special meeting was to count a vote submitted to Division H property owners for a special assessment for their division only to raise funds to permit and repair their access road. The vote failed 17-2. Mike Worthy attended and reported that the reason he and many of his fellow property owners voted against the ballot was because they did not agree with the dollar number presented and the limitations on maintenance added to the final ballot. He stated that at the time he and his committee presented their alternate proposal in March, they might have been able to pass that ballot, but the lapse of time and the changes made were the cause of the overwhelming failure.

Copies of the initial presentation to Division H property owners dated February 19, 2003, their counter proposal dated March 3, 2003, and the final ballot presented by the Board that failed are printed in this issue of the View Point.

In addition, copies of correspondence sent to Courtney Flora, Deputy Prosecuting Attorney for Snohomish County, explaining our progress are also printed.

The reason the board changed the amount on the ballot was because we do not know what sort of requirements the state and county will attach to the permit. Therefore, the next step the board will take is to get opinions from them in writing. With those clearly outlined, we can submit new ballots with a more detailed picture of the project.

New Business: There was no new business discussed.

Announcements: There were no announcements

The meeting was adjourned at 1:35 p.m.

Respectfully submitted,  
Merrill Balanag, Secretary

### **Sequence of events**

Violation letter from Snohomish County

March 29, 1999

R. Don Miller

13126 NE 31st Pl

Bellevue, WA 98005

Hat Island Comm. Ctr.

Skip Stienstra, Registered Agent

P. O. Box 335  
Everett, WA 98201  
Complaint No. 99 103492 000 00 CT  
Tax Account No. 4668-000-022-009  
Dear Mr Stienstra:

On Tuesday, March 23, 1999, we received a complaint regarding the above referenced property. Upon inspection of the property, we find that you are in violation of Snohomish County Code insofar as you are allowing grading activity without obtaining a permit.

You must contact me at (425) 388-3650 within ten (10) days of receipt of this letter regarding the aforementioned violation(s). If you need to discuss this with me in person, please call my office first so that we may schedule a time and place for an appointment. Failure to rectify this situation will leave us no alternative but to take further action.

Please be advised that further action will involve the issuance of a Notice and order. A Notice and Order will assess a penalty of \$100.00 per day which becomes an obligation to you for each calendar day the violation continues.

Sincerely,

Stacy Abbott  
Code Enforcement Officer

### **Original Ballot proposal**

February 19, 2003

As a one time special assessment, Hat Island Division H property owners agree to pay 1/2 (one half) the cost to re-build the access road from the corner of South Beach Drive to Hat Island Division H Lot 1. The total cost allocated to Division H cannot exceed \$250,000 (Two hundred and fifty thousand dollars).

Any excess of \$125,000, (1/2 of \$250,000) will be borne equally among all Hat Island Residents, which includes Division H property owners. The excess amount will be in addition to the agreed of the amount in Paragraph 1.

The Hat Island Board agrees to maintain the road according to the definition adopted by the board and signed by Larry Peterson (Hat Island President 2002). It states:

"Maintenance" is the routine grading, filling of road surface pot holes and roadside ditch/drainage work on Hat Island Community roads and right of ways that is required to keep these areas at a safe and usable condition.

"Maintenance" of any easement within the community that is used for access to island homes or property will be restricted to road grading to maintain the road surface on a condition passable by a vehicle. Any additional work on easements will be charges directly to the property owners adjacent to that easement.

"Maintenance" does not include any reconstruction of Hat Island Community roads, right of way property or easements from damage due to erosion or other natural causes that require more than four (4) man-hours per month or \$250.00 in material.

Furthermore, Hat Island Community Inc. agrees that "Maintenance" shall include the re-placement (putting rock back where is has been moved by erosion) of rip-rock on the beach area of the access road from the corner of South Beach Drive to the beginning of Hat Island Division H Lot 1. Replacement of block or fabric in this area shall not be included in the definition of "maintenance".

The following is a breakdown of the costs to Division H owners and Hat Island Community as a whole:

The entire community will pay either:

A one time assessment of \$132.50 per lot

Or

A loan payment of \$19.40 per lot for 10 years.

Division H Lot owners will pay either:

A one time assessment of \$2736.50

Or

A loan payment of \$403.40 per lot for 10 years

Any amendment to this agreement can be presented to the Hat Island Community Board of Trustees, with the required signatures and ballots of 50% of members in good standing, provided that such agreement does not nullify or change Paragraph 1 of this document

I VOTE "YES" ON THIS AGREEMENT \_\_\_\_\_

I VOTE "NO" ON THIS AGREEMENT \_\_\_\_\_

## **Counter Proposal from Division H**

HAT ISLAND DIVISION "H" SPECIAL ASSESSMENT BALLOT

March 3, 2003

The property owners of Hat Island Division "H" have worked with the community Board of Trustees to find an effective way to contribute resources to the community in support of its recent work to maintain the community road that serves Sunset Park and Division "H" ("the road") and to satisfy Snohomish County that work on the road is completed according to law. To date we have donated our time, equipment, money, legal and engineering expertise, and the like in support of this effort. This effort, together with substantial financial support from the community, has resulted in a great first step towards resolving a difficult issue, but there is still much to do.

The community, through its Board of Trustees, has asked us to consider extending additional financial support towards a plan to complete the remaining work. The Board of Trustees and a majority of Division "H" property owners have worked closely together on a proposal that, in effect, creates a temporary partnership between the community and Division "H" property owners regarding all aspects of this project. This partnership involves a substantial financial commitment by the community and by the Division "H" property owners. The financial commitment of Division "H" property owners will require a special assessment agreed to by a majority of the property owners in Division "H" per Article 8, Section 1 of our community by-laws. The purpose of this ballot is to determine if such majority support exists.

The majority Division "H" property owners who have participated in discussions surrounding this proposal have expressed informal support for this proposal as a substantial demonstration of their good faith effort to assist the community with a significant financial obligation. Nothing about this vote or the obligations of Division "H" property owners that may result from it are intended to in any way prejudice any existing legal rights of Division "H" property owners or obligations of the community or the Board of Trustees.

Your support for this proposal will be reflected by your vote on this ballot.

The agreed on proposal includes the following:

The current cost estimate for road work required to repair the road, from the existing easterly end of the repaired wall of South Beach Drive to Hat Island Division H, Lot 7 (along with rock along the newly repaired portion of the road), and satisfy Snohomish County requirements is an amount not to exceed \$200,000. The property owners of Division "H" propose a contribution to the community in the amount of ½ of the total cost of necessary repairs, not to exceed \$100,000, allocated on a per-lot pro-rata basis to each Division "H" property owner. (Division "H" consists of 48 separate lots.) If the final cost of the project exceeds \$200,000 the additional costs will be borne by all members of the community on a per-lot pro-rata basis. Any financial obligation to any Division "H" property owner resulting from this agreement may be paid, at the Division "H" property owner's discretion, in the form of either a single lump-sum reflecting that property owners pro-rata share or may be financed through the Hat Island community over a period not to exceed 5 years and at an interest rate not to exceed 7%.

The Hat Island Board of Trustees has agreed to work in an equal partnership with Division "H" property owners (or their designated representative) in determining the design of the repair work to the community road, and all other aspects of the project. Expenses for said repairs shall be subject to actual cost audit. It is understood that the equipment donated by Matt Surowiecki for the purpose of this project, namely the excavator and the bulldozer, will be utilized to complete this project in an effort to save costs, and in exchange Mr. Surowiecki will receive 1 (one) LCM trip without cost.

The Board reaffirms its obligation and intent to maintain the road. Maintenance constitutes the routine grading, removal of obstructing materials or debris, filling of road surface pot holes, and roadside ditch/drainage. Furthermore, Hat Island Community Inc. agrees that maintenance shall include replacement of block or rip rap rock in a timely manner from the beach area of the community road from the corner of South Beach Drive to the first improved lot (currently Division "H" lot 7). The addition of rock, block, or fabric, as necessary, in this area, shall be included in the definition of maintenance.

This special assessment will only be considered valid if the Hat Island Community as a whole agrees to support the remainder of the cost to repair the community road, including any overage of the specified amount, in a vote to be held after acceptance of this special assessment by a majority of Division "H" property owners.

I VOTE "Yes" ON THIS SPECIAL ASSESSMENT:

\_\_\_\_\_ Signature(s)

I VOTE "No" ON THIS SPECIAL ASSESSMENT:

\_\_\_\_\_  
Signature(s)

DIVISION "H" LOT NUMBER: \_\_\_\_\_

The Board of Trustees support for this proposal is reflected by their signatures:

Larry Peterson – President  
Bob Cook – Vice President

Merrill Balanag – Secretary

Linda Ebner – Treasurer  
Charlotte Mausby  
Melody Smith  
George Alecci

## Progress report to prosecutor

March 31, 2003

Courtney E. Flora  
Deputy Prosecuting Attorney  
Snohomish County  
3918 Colby Avenue, Suite 203  
Everett, WA 98201

Dear Ms. Flora:

In connection with your recent conversation with Skip Stienstra, our Island Manager, I am writing to give you an update on our progress on addressing the grading violations against the community and others along the southwestern shore of Hat Island.

After your meeting with representatives of our Board of Trustees and Mr. Suroweicki in December of 2002, the Board began working on getting an acceptable resolution to the grading violations on the lots in Division H and in the Community park area. Our biggest hurdle to resolving this is the costs of the project and the limits set forth in our By-Laws that require a vote of approval on any expenditures over \$10,000.00.

In January we began a campaign of educating the community members of the requirement that we address this problem and that no matter what solution was arrived at, the cost would be over our spending limit. In February we began negotiations with the Division H Property owners to split the costs of repairing the access road in connection with addressing the grading violations. At a special meeting, we presented them with a special assessment vote. They have countered with a different amount and different requirements at the end of February. A copy of the information from these meetings is enclosed (you will see we are one month over on our original timeline). We believe this bodes well for an agreement with these owners that they will pay one half, providing we can iron out the details. With this gesture from the Division H property owners, we believe we can get the needed approval from the rest of the community as well.

At the March board session, we determined that we needed to get firm estimates of the work that needs to be done. Once we have determined what the expected cost will be, we hope to complete the agreement with Division H property owners and we will submit a vote to the community to approve the expenditures. We expect that we can have these votes completed by our May Board meeting on the 14th.

When we have the approval of the community to spend the money on this project, we will submit a permit application. This will address the repair to the road in the area of the violations along with our plans to undo any damage done in connection with these violations where applicable.

The plans we are looking at are at this point undecided, but involve either repairing the remaining block wall, adding some block where needed and placing rock in front of the wall to break up wave action or replacing the failing sections of block with rock in the area of the Division H lots. The violations in the park area will be addressed by letting that area go back to a natural state, removing any foreign material that may appear in the process. Costs and the approval of the permitting jurisdictions will both be factors in our final decision of which path to take.

We would like to have all of this done so the work can be completed this summer. It is to this end we are striving. The engineering and permitting process may extend this timeline.

I realize this has taken far too long to resolve when looking at when the violations occurred, but with the annual turnover of board members and their work being done on a part-time basis at

best, combined with a community of diverse opinion as to where to spend what little money we have, making any progress at all has been challenging to say the least. Keeping everyone on the Board and in the community focused on addressing the violations and not the politics is a difficult task for this bunch of amateurs.

If you would like to discuss this further, I am at your service. You can reach me at my work number at Washington State Utilities, Inc. at (425) 881-6755 or on my cell at (206) 295-0363.

Sincerely,

Merrill A. Balanag, Secretary

Board of Trustees

Hat Island Community Inc.

Enclosures: Information distributed at January meeting to begin process (11 pages)

Proposal to Division H from Board & notes from that meeting (3 pages)

Counter proposal from Division H owners (2 pages)

Cc: Howard Knight, Snohomish County Planning & Development Services

Julie Klacan, Washington Dept. of Fish & Wildlife

### **Actual Ballot sent June 2003**

All Division H Property owners shall pay a special assessment in the amount of ½ the cost of permitting and repairing the bulkhead along the beach access road. The final assessment will be based on actual costs divided by 2 and then divided equally between the 48 Division H lots but will not exceed \$2,604.17 per lot for this special assessment. The explanation of this ballot is an integral part of this assessment.

Approve Special Assessment\_\_\_\_\_

Do not Approve Special Assessment \_\_\_\_\_

Explanation of Ballot:

#### **HAT ISLAND DIVISION "H" SPECIAL ASSESSMENT BALLOT**

The property owners of Hat Island Division "H" have worked with the community Board of Trustees to find an effective way to contribute resources to the community in support of its recent work to maintain the community road that serves Sunset Park and Division "H" ("the road") and to satisfy Snohomish County that work on the road is completed according to law. To date we have donated our time, equipment, money, legal and engineering expertise, and the like in support of this effort. This effort, together with substantial financial support from the community, has resulted in a great first step towards resolving a difficult issue, but there is still much to do.

The community, through its Board of Trustees, has asked us to consider extending additional financial support towards a plan to complete the remaining work. The Board of Trustees and a majority of Division "H" property owners have worked closely together on a proposal that, in effect, creates a temporary partnership between the community and Division "H" property owners regarding all aspects of this project. This partnership involves a substantial financial commitment by the community and by the Division "H" property owners. The financial commitment of Division "H" property owners will require a special assessment agreed to by a majority of the property owners in Division "H" per Article 8, Section 1 of our community by-laws.

The majority Division "H" property owners who have participated in discussions surrounding this

proposal have expressed informal support for this proposal as a substantial demonstration of their good faith effort to assist the community with a significant financial obligation. Nothing about this vote or the obligations of Division "H" property owners that may result from it are intended to in any way prejudice any existing legal rights of Division "H" property owners or obligations of the community or the Board of Trustees.

The current cost estimate for road work required to permit and repair the road, from the existing easterly end of the repaired wall of South Beach Drive to Hat Island Division H, Lot 7 is approximately \$200,000 to \$300,000. This work includes the purchase of about 400 additional block, removing and reinstalling blocks with tie-backs, filter cloth and drain rock with an addition of large bulkhead rock at the base of the wall approximately six feet high by six feet wide to break wave action. This is expected to satisfy the various jurisdictional requirements. The property owners of Division "H" propose a contribution to the community in the amount of ½ of the total cost of necessary repairs, not to exceed \$125,000, allocated on a per-lot pro-rata basis to each Division "H" property owner. (Division "H" consists of 48 separate lots.) If the final cost of the project exceeds \$250,000 the additional costs will be borne by all members of the community on a per-lot pro-rata basis. If, in the permitting process, additional requirements are added to the proposed work that will increase the cost of the project by more than 10% this assessment will be voided and a new vote will be initiated. Any financial obligation to any Division "H" property owner resulting from this agreement may be paid, at the Division "H" property owner's discretion, in the form of either a single lump-sum reflecting that property owners pro-rata share or may be financed through the Hat Island community over a period not to exceed 5 years and at the same rate received by the community on financing for this project.

The Hat Island Board of Trustees has agreed to work in an equal partnership with Division "H" property owners (or their designated representative) in determining the design of the repair work to the community road, and all other aspects of the project. Expenses for said repairs shall be subject to actual cost audit. It is understood that the equipment donated by Matt Surowiecki for the purpose of this project, namely the excavator and the bulldozer, will be utilized to complete this project in an effort to save costs, and in exchange Mr. Surowiecki will receive 1 (one) LCM trip without cost.

The Board confirms its intent to maintain the road. Maintenance constitutes the routine grading, removal of obstructing materials or debris in amounts under 100 cubic yards, filling of road surface potholes, and roadside ditch/drainage maintenance. Furthermore, Hat Island Community Inc. agrees that maintenance shall include replacement of existing block or existing rip rap rock in a timely manner from the beach area of the community road from the corner of South Beach Drive to the first improved lot (currently Division "H" lot 7). The addition of rock, block, or fabric, in minor quantities, as necessary, in this area, shall be included in the definition of maintenance if the cost of such maintenance does not exceed \$250. Repairs due to catastrophic events are not considered maintenance.

This special assessment will only be considered valid if the Hat Island Community as a whole agrees with a majority vote to support the remainder of the cost to permit and repair the community road, including any overage of the specified amount as described in the scope of the project herein, in a vote to be held after acceptance of this special assessment by a majority of Division "H" property owners.

#### NOTICE OF MEETING

A meeting of the Board of Directors will be held on July 12th, 2003 at 10:30am at the office the Hat Island Community for the purpose of accepting and counting the above vote of Division H property owners .

### **Progress report to prosecutor**

July 14, 2003

Courtney E. Flora

Deputy Prosecuting Attorney  
Snohomish County  
3918 Colby Avenue, Suite 203  
Everett, WA 98201

Dear Ms. Flora:

This letter is to follow up on my letter of March 31, 2003 regarding the status of our work on addressing the grading violations on Hat Island.

It took longer than I anticipated getting the information regarding costs to repair the bulkhead that we planned to permit as a solution to the grading violations. What we did obtain were quotes for the costs of rock (\$600,000 to do the entire bulkhead in all rock as well as an alternate tonnage prices for lesser amounts of rock) and a quote from a contractor to rebuild the block wall with a 6' high rock toe (\$314,383). Because of these quotes combined with consideration that much of the work could be performed by volunteer help, we decided to change the amount asked of Division H to one half the actual costs to a maximum of \$250,000 total cost (\$125,000 to Division H) from their counterproposal of \$200,000 total costs (\$100,000 to Division H).

We finally submitted a vote to the 38 voting lot owners of which we received back 19 and counted July 12th. I have enclosed a copy of the ballot that was sent. Unfortunately, it failed with a vote of 17 "no" and 2 "yes". The comments generally stated that the amount they originally offered was all they were willing to "gift" and if they were to gift this, they would expect maintenance of the road with no limits as the to cost of that maintenance. These were the only changes that the board made to their proposal other than the addition of excluding "catastrophic events" from maintenance, which we were told was an acceptable change.

Several of the responses written on the vote indicated the opinion that the Board was not acting in good faith and that their proposal was enough. As representatives of the entire island, we thought we were proposing something that would be acceptable to the entire island, not just what Division H thought was acceptable. All of the opinions we have received from non-Division H property owners were that if Division H would pay half of the costs, they would consider approving paying the other half. We now think we need to know if that is true or not.

Because of the \$10,000 spending limit voted in by the community into the By-Laws, receiving the community's approval is required. So this will be our next step. We will first meet with the county and state jurisdictions to insure that the proposed work will be acceptable and then we will present a new vote to the community and Division H.

It is clear that our time line was overly optimistic. But that is not to say that we will give up and not continue to try to resolve this issue. Unless this new vote passes, the work will probably not be performed this summer. Even if it does, there will probably not be enough time to process permits before the summer work window for the beach is missed.

Any disappointment you may have in our progress cannot begin to match mine. I really thought we were close to a resolution of the financial end of this project. Now my optimistic nature is severely damaged. But this is not to say that we quit. We will continue to make every effort to resolve this and appreciate your patience while we find a solution to our internal problems.

Any comments you have for me, the Board of Trustee, and/or the Community are welcome.

Sincerely,

Merrill A. Balanag, Secretary  
Board of Trustees

Hat Island Community, Inc.

Enclosure (1): Ballot for Division H Property owners

Cc: Howard Knight, Snohomish County Planning & Development Services  
Julie Klacan, Washington Dept. of Fish & Wildlife

## Your point of view

To our friends and neighbors,

In February our Board asked to meet with the Div. H property owners to discuss the road issues. That meeting was held Feb. 19th. The Board requested help in resolving the ongoing issue by suggesting a one-time special ballot for Div. H to help with the repair costs, and getting a workable ballot back to them within 2 weeks. The Div. H owners went to work campaigning for a solution requesting input from owners of all 48 lots. In the spirit of good community, a Special Assessment ballot was drafted and a "straw vote" showed it would pass by a narrow majority. In it, Div. H owners agreed to pay ½ of the total repair cost (estimated by the Board to be \$200,000) if the Board re-affirmed it's commitment to properly maintain it when completed (since lack of maintenance for more than 5 years is what caused the road to fail in the first place). It also asked the Board to reflect their commitment by their signatures on this proposal. A Div. H property owner generously agreed to donate the heavy equipment necessary for the job to save expense, and once again many owners agreed to donate time and labor to the cause. Several months went by as the Board pursued other fruitless alternatives even though advised by some who had already visited the options that they would not work.

At the June work session Board meeting, a representative was sent by Div. H to ask the Board once again to send out the ballot that so much effort had gone into, and in spite of the delays and frustration, Div. H owners felt we could pass.

Unfortunately the Board chose to alter the ballot, changing the \$ amount and severely restricting the future maintenance, failing to commit through their signatures to said maintenance and ignoring the advice from "H" representatives that key voting support would be lost by doing so. Sadly, as a result the altered ballot failed.

We believe there are a majority of our Board, who, like us, want to work a fair solution.

It should be noted that several years ago, based on community documents, the Board guaranteed to the property owners and Snohomish County utilities that the Div. H road would be accepted and maintained as a community road. The owners of "H" are not legally or financially obligated to repair this community road, however, trying to be good neighbors calls for sacrifice, and we believe we have indicated a willingness to do so.

It should also be noted that over 25% of island assessments are paid by Div. H owners, meaning that in addition to paying ½ of the repair cost, the remaining ½ would be more than 25% paid by Div. H owners! . At this juncture there is great frustration and we are uncertain what more we can do.

Sincerely,

Bill and Zona Wyatt, H-45

Carol Britten for Nancy Holdaway, H-47,48

## Another point of view

Your Hat Island Board met on Saturday, July 12 and on Sunday, July 13 to count the ballots from division H. We received 19 of the expected 36 ballots mailed to approve or reject funding of half the bulkhead replacement expense. All seven members of the Board and your Island Manager were present on Saturday and two board members and the Island Manager present on Sunday and the ballots were counted according to our rules.

As the treasurer of the Board and a member in good standing of the community, I was extremely disappointed. Two people from division H voted to approve the funding (Thank You). The other ballots were negative votes, rejected ballots, or disparaging comments about the

actions of your Board.

I have been defending our neighbors in H and telling everyone " I really believe that the owners in H are going to pay half for the bulkhead replacement". To everyone I told this...I apologize. Obviously the reassurances and impression I received were incorrect.

The main complaint from the division H owners was that your Board did not use the " "ballot" composed by them. Your board, with advice from our attorney, is responsible for writing ballots to protect the interests of the WHOLE community. I have been on your Board, elected by the people of this island, for almost five years and take my responsibility as treasurer very seriously. This letter is my personal opinion and does not reflect the opinion of the rest of your Board.

Linda Ebner

July 14, 2003

Dear Hat Island Residents:

I am a board member. I have owned an unimproved lot on Hat Island since about 1983 or 1984. Through the years I have had the fortune of having friends who own a house on Hat and the opportunity to enjoy all the benefits of the island, while maintaining a low profile. I have had a strenuous career and a full life on the mainland, so my participation in many of the volunteer activities that lots of you have helped with have been without my help. I am truly grateful to those who have made the Island what it is today. I am glad that I can finally volunteer my time and energies here.

However, I am dismayed that I do not have time to work on those things that I felt needed attention on the Island; helping to promote smart development and smart rules as the Island goes into the 21st Century. I have had to spend almost the entire tenure of my service to Hat so far attempting to resolve the future of the Division H road and the County/Dept of Fisheries violations on the road. Ms. Balanag (also a board member) and I spent many hours preparing a presentation for the monthly meeting and for the View Point to try to inform the community of the seriousness of the situation. Ms. Balanag volunteered to meet with Division H members to try and hammer out some agreements on what should be done to the road. Members of the board met with the Division H members at an offsite location of discuss their concerns and opinions on the solution to the problems. Based on the discussions in previous monthly meetings, Ms. Balanag came up with a ballot for Div H owners to discuss. Within about 2 weeks they came back their version of the ballot. They were willing to pay a substantial portion of the cost of improving the access road and wall (compared to the rest of the community), but limited the scop of the work, reduced the amount of money Ms. Balanag had initially stated, and restricted the amount of money to a finite sum. They also wanted the road to be "maintained" with no firm definition of the word. The board countered by submitting a ballot to Division H that would require the owners of Division H properties to pay half of the amount, regardless of the cost. The ballot also contained a definition of maintenance that restricted the amount to \$250.00 in materials that the community as a whole would be willing to pay. This vote was defeated by Division H owners.

Interpretation of the By-Laws and the Covenants of Hat Island on this issue are all over the place. Of all the discussions I have heard in the last 9 months from all Hat Island residents and of all of the negotiations going back and forth between the Board and Division H owners, the main disputes seem to be: 1. No one can agree on what the word "maintenance" means. I have heard the term "maintenance" defined and redefined so many times that the Oxford Dictionary staff would be dismayed. No one can agree on a dollar amount or the lines between catastrophic events and normal wear and tear. How can we put a dollar amount on that? 2. No one seems to agree on what the government agencies are asking for (the scope of the work). I have heard so many numbers to repair the road being thrown about that it is mind boggling. The amounts range from \$100,000 to \$600,000. 3. No one wants to take monetary responsibility for the road.

The United States of America is based on a governmental system of three branches, the legislative, the executive branch, and the judicial branch. Most everyone would agree this is a pretty good system. Here on Hat Island we have the the legislative branch in the form of elected officials. The By-Laws and Covenants were written by them. Unfortunately, we have no executive branch to carry out the laws written and approved of by the community. And most unfortunately, in this case, we have no branch to interpret the laws that are written. This, even in the original US Constitution, was the last resort to settle disputes on definitions. As unpopular as my opinion may be, I think it is time to use the courts that are available to us to settle these very complex issues surrounding the Division H road. Thanks for listening.  
Melody Smith

## **Another Subject**

### **ATTENTION**

I was on the board 8 yrs ago when there was so little money from dues that we could not maintain the amenities. The bulldozer was falling apart, our very old backhoe was worn out, other equipment was needing repair, and our employees were so under paid it was a shame. WHY! ! ! !

HAT ISLAND PROPERTY OWNERS HAD REFUSED TO VOTE IN A DUES INCREASE FOR 20 YEARS. Then 7 yrs. ago in desperation the board asked for a temporary dues increase only \$7.00 per month – or \$84.00 per year. IT WAS APPROVED. THANKS! These were dedicated funds for our amenities WATER – MARINA – EQUIPMENT – ROADS. Then we had an emergency. The health department found our water to be below an acceptable level (FIX IT OR CLOSE DOWN). They ment business!

We voted to use all of our dedicated funds for the first year to try and save our island. THANK GOD FOR THIS \$84.00 money. We hired engineers to represent us against the health dept. We hired engineers to help find leaks in our water system – We found we had a loss or unaccounted for 50% of the water pumped. Over pumping caused poor water. If we didn't have this money, the island may have been closed down and we probably would have been bankrupt. IT WAS SERIOUS. Where Hat Island owners don't come to meetings. By mail it might have taken much time to reserect our Island. PLEASE DON'T GET US IN THIS SHORTAGE OF MONEY AGAIN!

Last year we were granted a dues increase. This allowed for some salary increases.

Now we have a problem the 7 years are up and the \$84.00 special assessment is over.

People, our board still needs this \$84.00 dedicated funds. They must present a motion for all of us to vote on this Sept.

Motion

To make the \$84.00 per yr, per lot, for dedicated funds a permanent assessment.

Vote yes on this.

It is not a dues increase, it only makes perminent the dues we now pay. There is no dues increase.

I am not now on the board, but I was for 8 years. I know how much the board needs this operating money.

Yours truly,  
John Odgers

## **From the Duck Club**

After months of searching, Mac McDonel finally located baby ducks for our Duck Pond. He purchased six of them at Strotz feed store in Arlington. They are mixed breeds of Blue Swedish, Peking, White Creste, Khaki Campbell's and Welsh Harlequin. They will make a colorful display of Hybrid Royal ducks. They were born April 16, 2003, and were days old when Mac brought them to Hat. He raised them in his garage, with a heat lamp and special food, for three weeks. They are currently in special quarters in the gazebo at the duck pond prepared by Ron Near, Jim Conwell, and Joe Ebner. The baby ducks will stay in there for a couple of weeks, till their true

feathers come in. The first pair of white crested ducks were brought to Hat Island in 1984. The last of our original flock fell victims to the river otters last fall. If you do see any river otters in the area of the pond, please let Mac, Ron, Jim or Joe know.

Donations at the "Bucks for Ducks" boxes are much appreciated! If you would like to become a member of the Duck Club, Life membership is \$5.00. Put your donation in an envelope with your name and address Mac will mail you the by-laws and membership card. The Duck Club was founded in 1984 and has over 105 members. If you have suggestions for names, drop them in one of the boxes. Thank you for your support, and enjoy the new "quackers."

### **Thank you, all employees**

We wanted to take a moment to write and thank all the Hat Island employees who work so hard to keep the Island running. It is so nice to be able to come to the Island and have running water, electricity, roads and play golf! It is particularly impressive that with so many people on the Island during the holiday weekend we never ran out of water. We know your jobs are frustrating and difficult at times, but we sincerely appreciate all of your hard work. THANK YOU!

Shirley and Les Allen  
Lot J-14

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