

## Agenda

### Hat Island Community Association Board of Trustees Meeting

3616 Colby Ave PMB 335  
Everett, WA 98201  
(360) 444-6611

**Sat March 16, 2024**

10:30am via ZOOM

#### **Attendees:**

Erik Smith- President	Virtual
Roelof Burger- VP	Virtual
Don Stark- Treasurer	Virtual
Kelly Dukes- Secretary	Virtual
John Lundeen- Trustee	Virtual
Stephen Jefferies- Trustee	Virtual
Roy Short- Trustee	Virtual

Kim Gleason- Island Manager    Virtual

#### **Agenda:**

- Call meeting the meeting to order
- Approve meeting minutes
  - February 17, 2024 HICA Board Meeting
  - March 6, 2024 Special Session
- President's report- Legal update- Erik Smith
- Island Manager Report- Kim Gleason
- Treasure Report- Don Stark
- Old Business
- New Business
  - Request for relief of water loss- Roelof Burger, Water Committee Board Representative
  - Move In Home Policy and discussion of possible changes- Erik Smith, ACC Board Co-Representative
- Community Reports
  - Water Committee Report- Roelof Burger
- Community Input (3 minutes per owner)

Erik called the meeting called to order at 10:32am

First order of business is approval of the meeting minutes – they have been delayed and will be approved at the next meeting.

### **President's report- Erik Smith**

Legal update on Matt Surowiecki lawsuit. There have been some attempts to reach a settlement, but that was not successful. As such we will proceed with the next steps of the lawsuit as planned. A deposition is the next step and is expected in the next few months.

Welcome Roy Short to the HICA Board. He will also be a Board Representative on the ACC and on the Safety Committee.

### **Island Manager Report- Kim Gleason**

We have just completed a patch of windy weather and the hope now is that it will stay calm for a while. With the windy and rainy weather, I may add, our roads have taken a bit of a beating, and the maintenance crew is playing catch up to get them up to par. Speaking of par.... the winds so kindly deposited a fair number of branches on the golf course, giving Greenskeeper, Brad Tinius, plenty of clean-up work to do. Brad has requested a leave of absence starting in May to travel, once again, solo to Hawaii and back on his sailboat Chencharu. With the availability of Rick DeFrancesco to step in and cover for him as greenskeeper, I will be approving his leave of absence.

The winds surprisingly only fell two trees on the island. Steve Jefferies, Board Trustee, has asked me to give a brief update on trees, how the island determines when some need to be felled and when they should remain.

Trees are such an important part of Hat Island and its natural beauty. They nurture our island by drinking up water that would otherwise flow off our bluffs, aiding in erosion. They provide a canopy to offer us shade as well as to provide shade to the plants that help to keep our ecosystem healthy and thriving. The past few years we have experienced hot summers and growth. We can see the effects in the cedars that are dying and now the cleared lots that await their owners' dreams of having a home on Hat Island. With that said, we can still have growth on the island and make good choices for taking down large trees. When planning a home is there a way to situate it so that large trees on your property can remain? If you must take down large trees to accommodate your new home, have you planned out where you can replant trees to keep the green environment, we all treasure so much? If you are on a bluff, are you aware that there are steps you must take with Snohomish County before taking down trees on your property or hillside? The office can assist you with those steps, don't hesitate to reach out.

We currently have trees on the roads going down to N division and H division that are growing out of the hillside above the roads. These trees are alive and thriving, so do we remove them and take a chance that we cause a slide? As is past practice after we assess storm damage, we call the tree company we utilize yearly to come out with management to assess leaning trees, and if needed remove them. They came out today and removed 26 that in their opinion and ours, needed to be taken down.

Kim reminded the community that not all employees have a cell phone issued from the Island. Please call the office or email if you need help- rather than calling employees/staff on a cell phone as it may end up being the staff members personal cell phone.

Discussion: Trees that were removed were dead alders or trees that were leaning over roadways on hillsides. Concern about tree stumps being used on the beach as a buffer to erosion, as with high tides, those logs/stumps move. Kim advised that during the repairs to

the bulk head in H Division the Department of Natural Resources encouraged the use of natural items such as tree stumps.

### **Treasure Report- Don Stark**

Treasurer Report for March 2024

All payables are current and our reserves & operating income, as of 02/29/2024 are as follows:

Investments:	\$832,610.99	atural
CCB DNR Bond:	\$1,509.27	
Operating Income:	\$682357.32	

Detailed P&L and Balance Sheets will be posted on-line for your review.

Respectfully,  
Don Stark  
HICA Treasurer

Discussion: The investments previously approved continue to perform. The 2024 budget is tracking to plan to date.

### **Old Business**

none

### **New Business**

#### **Request for relief of water loss- Roelof Burger, Water Committee Board Representative**

An owner on the island experienced a burst pipe during the cold spell. They are typically diligent to turn off water at the street, but in this case, it was accidentally left on. During the course of about 5 weeks, they lost 155,000 gal of water. The invoiced cost of this water was ~\$7,700. There is a one-time relieve that the owner can apply for. Water costs are a charged at a tiered rate. The relief program allows the applicant to request a reduced rate which in this case would reduce the owners water bill down to ~\$5,500 instead of \$7,700.00.

Roelof:

Motions to approve the owners request for the one-time relieve which would revise the owners water bill down to ~\$5,500.00 instead of ~\$7,700.00.

Second: Don

Discussion: Water payment structure is based on usage. As you increase the usage the rate you pay increases in tiers. The owners water value lever was only 1/2 inch open, but it allowed a significant amount of water to flow. The island can only see very large leaks, and this leak while large for the owner, was small compared to the island, the island cannot easily see this type of leak.

Best practice to shut off your water at both the street, and at your home as well. Best practice to leave heat on in your home in the winter. Our Water Operator, Chris Inman has a wealth of knowledge that we can learn from him.

Discussed owners who are going to be gone for a long time, consider notifying the office of absence and check on property.

Referral to Safety Committee – winterization checklist. Particular focus after a thaw.

Roll call vote:

Erik Smith- President	Yes
Roelof Burger- VP	Yes
Don Stark- Treasurer	Yes
Kelly Dukes- Secretary	Yes
John Lundeen- Trustee	Yes
Stephen Jefferies- Trustee	Yes
Roy Short- Trustee	Yes

Motion passes

### **Move In Home Policy and discussion of possible changes**

Erik Smith, ACC Board Co-Representative

Last week one move in house which was being moved by the Nickel Bros landed at the commons beach instead of the traditional site located on the beach north of the marina. The Nickel Bros had previously asked to use the commons beach and the island had declined their previous request. Nickel Bros made the switch to the commons beach without asking HICA for permission. We were not aware of what was happening (off hours) until it was mostly completed.

Kim and Erik reached out to Jeremy Nickel, one of the owners of Nickel Bros. As part of that discussion, HICA requested that Nickel Bros provide updated permitting to operate on and around Hat Island. We requested and Nickel Bros agreed to add HICA as an additional insured on their policy. We also discussed a potential Hat Island permit in addition to all the third-party Snohomish Co and Government permits required for safety, marine, environmental etc.

I would like to discuss whether HICA should require a permit for entering our island. That permit would define the where, when, what and how a move in structure may be brought to Hat Island. I propose that there be a cost associated with such a permit to cover our administrative costs. There is an existing move in house policy that was established with the Architectural Control Committee (ACC). That is the policy that we currently have regarding move in houses, it does not include the suggestions I have just mentioned. If the Board does desire to adopt changes, that will also require the ACC policy be updated to incorporate any such changes.

Discussion: Nickel Bros did have a permit, need to validate if they need additional permits. If we do consider an additional Hat Island move in house permit it will need to include time of day, it is hard to find staff that are willing to meet a house/ barge at 2:00 am.

Goal today is not to draft a policy, it is to determine if the Board desires such a permit. If we do desire to implement a permit we will need to coordinate with the ACC. Hat Island does not currently require a permit. The proposed permit would be a privilege that you apply for, it could be revoked and penalties applied if the house landing location was moved to a location that was not approved or damage occurred etc.

Recovering our costs is prudent just like other local county and governments.

Validate that the proposed permit be limited to move in houses, (large scale operation) and not intended to limit smaller landing craft movement of appliances and household goods etc. to beach access only lots.

While the Department of Fish and Wildlife may have permitted Nickel Bros, we need to validate that any incidental damage to our shoreline or bulkheads is covered. The barge propellers are creating tremendous force directed at our shoreline. Last year there was a house that they struggled nearly 12 hours to land, with the propellers churning.

Suggestion to include staff feedback, the ACC and the Nature Conservancy.

We will need to consider that Nickel Bros often has a schedule to make and often that have other activities scheduled further up the Sound. We need a fine that is large enough to deter them from just doing what they want. The objective to not have a repeat of these issues. If a fine is too small they might be willing to pay the fine so they can meet their overall schedule objectives.

Do we have an incidental damage policy that covers damage that may occur at the beach or our roads/property already? Nickel Bros may already have this; Kim will look into this. Jeremy Nicoles is adding HAT to additional insurance coverage. To validate. Temporary insurance policy while house is being moved?

Summary of some of the objectives that such a policy may include:

It should not affect smaller owner operations

It should cover our costs, and also take into consideration other environmental impacts

In addition to covering costs, should include a penalty should the rules not be followed

Include staff feedback, the ACC, Nature Conservancy, Marina Committee.

Erik: Requests a motion to develop a HICA move in house permitting process in collaboration with staff, the ACC and committees.

Motion: Kelly

Second: Don

Roll call vote:

Erik Smith- President	Yes
Roelof Burger- VP	Yes
Don Stark- Treasurer	Yes
Kelly Dukes- Secretary	Yes
John Lundeen- Trustee	Yes
Stephen Jefferies- Trustee	Yes
Roy Short- Trustee	Yes

Motion passes

### **Community Reports**

#### **Golf Committee Board Presentation - Bruce Kolpack, Committee Chair**

March 16, 2024

I would like to introduce two new members of the 2024 Golf Committee ...

Phil Haeck, M-67

Phil brings degrees in Ecology and Ag Science, and a 40-year career in horticulture, construction, and golf course construction and maintenance. While at Burnstead Construction he helped build the Echo Fall Golf Course. Phil worked on the Sahalee Country Club greens crew as lead horticulturist. He was there during the construction of their new clubhouse and the lead up to hosting the 1998 PGA Championship.

Layth Rowles, F-46

Layth joins the committee as our resident disc golf expert. Layth plays disc golf all over the country and recently returned from disc golf tours in Texas and Arizona.

Layth has 3D-printed all of the basket signs on our course, set up the Alternate Tees for novice disc golfers, and put up the UDISC QR sign at the Caddy Shack. Layth is currently working on a new layout that spends much more time in the trees, and less time in the fairways.

Coming up next month ...

We have scheduled arborists to trim trees on the golf course on Wednesday, April 17th, followed by a big cleanup day on Saturday, April 20th. As always, volunteers are needed. Please help out if you can.

Be on the lookout for a flyer in the community email.

Comment: The island has incredible talent and resources; these folks are a great example.

#### **Water Committee Report- Roelof Burger**

Water Update as of 3-12-2024

Water produced in February:

	Feb	YTD
Wells	324,420	631,945
RO	133,624	258,781
Totals	458,044	890,726

During Feb the wells performed as expected and the RO production was up to 133,624.

The production from this period was 52% more than February of last year.

The water mix was 71% wells and 29% RO.

The YTD produced is 26% more than the last 2 years avg of their YTD amount.

The island has signed an agreement with OMEGA Engineering for a drainage plan. About half of the drainage plan budget still left to implement improvements. Keith Litchfield and Chris Inman will be working with OMEGA. Seeking to improve our plan to protect the island including the size of the pipes needed, where we need tightlines. We have only had a drainage study not a plan, we needed an expert to tell us what we should do to ensure that we do this right.

This is something that the island has been asking for a long time, it is exciting to move forward with expert advice.

Discussion:

Do we have a time line yet- not yet. There is a new building code going into effect, that OMEGA had projects they were supporting first. Expect those projects to be finishing up shortly and we will get an estimate on the timeline soon.

Do we have a budget for this? Over the past few years, we have money in the reserve budget set aside for this activity. \$60,000 is already in place that will fund the cost of the drainage plan and still leaves about half of the budget still to start implementing the plan. Once we know what is recommended as a result of the drainage study, we will then bring that info the 2025 budget for approval as needed.

Do we have a topography of the island, perhaps from the county? A detailed topography would be very beneficial in creating a comprehensive drainage plan. We believe we do have that, but will double check. We were working with the University of Washington recently and had access to information from the county as well. But will double check what we have.

There are natural drainage areas on the island. That is visible over in A division where we have seen recent slides. The water table filters through the dirt and hits the clay layer a ways down and drains out, triggering slides.

Trees consume large amounts of water a day, the average mature tree consumes 125 gallons a day, a sequoia consumes 500 gallons. It is important to maintain as many trees as possible on the island to help consume the water in underground springs.

### **Community Input (3 minutes per owner)**

*This is a meeting of the Board of Trustees, not a community meeting.*

*Community comments are welcomed at the beginning of the meeting and on any action items of the Board. The presiding officer will announce when comments will be heard. Please be patient.*

*Any community member wishing to speak must obtain permission to do so from the presiding officer.*

*Please give your name and lot number and any group you represent before speaking.*

*All remarks must be addressed to the presiding officer.*

*Comments shall be limited to three minutes or less for each person on any given subject.*

*Any derogatory remarks will not be tolerated.*

### **Sharron Meadows A-24**

On March 7, 2024 a Nickel Bros. barge AGAIN came to shore in our Commons Area (approximately 1:30 PM)!!! The ONLY APPROVED landing site for Nickel Bros barges is on the north shoreline and even that should be questioned after some drastic changes to the shoreline have occurred particularly last summer (2023). Additionally, while being allowed to use this location Nickel Bros. should maintain safe conditions and promptly remove their ramps, equipment, and vehicles when no longer needed which has not been the case!

The community was assured that this would NEVER happen again after their UNANNOUNCED AND UNAPPROVED landing at the Commons on the night of July 26, 2022 (process starting approx. 11 PM continuing to 2 AM). That night the captain made repeated attempts over 3 hours to jam the barge into the shoreline and hold it there by continually powering up the engines while chewing up eelgrass, and hovering dangerously in our cable area in order to hold the very long barge to the shoreline. I have personally witnessed both landings, photographed and documented.

This time on March 7, 2024 Nickel Bros also ignored spawning season for the sand lance and surf smelt. Other foraging fish deposit eggs on the eelgrass or algae. Foraging fish are essential to the food chain in Puget Sound. This section of our Hat shoreline is partially special for all the beginnings of marine life it supports. Our nature walks conducted by the Nature Conservancy Committee often take place at this location. HAT ISLAND had to obey the US Dept. of Fisheries & Wildlife Regulations and delay any work on our failing north marina wall from Feb 15 through July in 2022 because of the spawning season regulations. Nickel Bros. had 4 landings in that time frame in 2022.

Do we have Incident Reports/Records in a Contractor's file for Nickel Bros.?

Do we have an Insurance Certificate from Nickel Bros.? Are BOTH Nickel Bros. and the owner/owners of the house that is being barged to the island insured for that particular process?

Can we validate that Nickel Bros. landings do not increase HICA's liability?

Are shoreline permits required?

Some suggestions to consider:

There should be a LANDING FEE - Nickel Bros. can split the cost, pass it on to homeowner/owners, whatever. Our island needs to be paid for ALL the disruption, wear and tear on our roads from their very large, heavy machinery, and use/abuse of our north shoreline, etc.



After all the correct permits, documentation, etc. are submitted and the ACC Move In House Policy has been satisfied thus far, an Island employee should be assigned to the project, first meeting simultaneously with a Nickel Bros. representative and owner of house to determine the best route, same employee at barge delivery of house, transporting house on the island, placement of house on property, any necessary follow through, until that Nickel Bros. team leaves.....AND that the Island employee assigned to the project SHOULD BE PAID BY NICKEL BROS. Whenever the tide is appropriate for delivery, so should the pay level be appropriate. This will provide continuity, better communication, follow through from start to finish.

Nickel Bros. has had a very long leash and it is most definitely time to reel it in. No more arbitrarily showing up at 2 AM with NO Island staff member to supervise/witness what is taking place. Every time a house is brought to our shore an Island Employee should be present. Better planning and careful attention to tide charts by Nickel Bros employees would benefit everyone.

My concern is for our beautiful and unique Hat Island to be legally and environmentally protected. We need strong policies to prevent these unapproved landings from happening again, or maybe completely stop this type of access to our island. We are NOT responsible for Nickel Brothers's bottom line.

Respectfully,

Sharron Meadows A-24

Erik requested a motion to adjourn at 11:56pm

Motion: Steve

Second: Kelly

Erik Smith- President	Yes
Roelof Burger-VP	Yes
Don Stark- Treasurer	Yes
Kelly Dukes- Secretary	Yes
John Lundeen- Trustee	Yes
Stephen Jefferies- Trustee	Yes
Roy Short- Trustee	Yes

Meeting adjourned at 11:56pm