October 17, 2017
Start time: 6:03pm

Board members in attendance: President Shaun Coombs, VP Wendy Harris, Treasurer Leslie Smith, Rick Stence.

****Community members in attendance**: Rita Westling, Michele Rothman, Mary and Jay Clark, Marian Bailey, Annjeanette Thompson, Christina Morse, Lloyd Goodwin, Linda Panowicz, Rob Panowicz, John Payne.

September Minutes: Motion made to accept minutes by Shuan Coombs. Seconded by Wendy Harris.. Approved by unanimous vote

2015 Audit: Nikki Wells from Aiken and Sanders presented the audit report. Report will be uploaded to the website for review. Nikki stated that the audit failed due to lack of support documentation pre Vantage. Neither Carol Gruen (Bookkeeper from January-August of 2015) or Lloyd Goodwin (2015 LCC Treasurer) knew where the folder with this documentation was located. Nikki recommended utilizing a professional third party bookkeeper, such as Vantage, to avoid these situations in the future as they utilize computer based bookkeeping practices. See attached audit report.

Security Report:

- No report from Ralph.
- Some drug related arrests were made at the back of the neighborhood in the past month.
- Watch out for a silver low rider car speeding back and forth.
- There were requests for a neighborhood watch group and for an expert to attend the annual meeting to discuss safety

Common Areas Report:

- Cascade Tree limbed up at Christopher Park and made mulch from limbs. Mulched and weeded BallField Park.
- Front entrance is going to be revamped with drip irrigation, new plantings, and removal of deep layer of mulch. Mulch will be reused at the other islands. John underspent on his budget this year to pay for this project.
- Ballfield Park will be focus in 2018.

Ken Lake Dog Park Trial Proposal: presented by Marian Bailey. See attached proposal. Concerns from Wendy were cost, egg hunt location for 0-2 years, and who will remove the dog poop from the park.

Shaun moved to approve the dog park trial as proposed by the dog park committee on a 6 month trial basis. Leslie seconded. Shaun, Leslie, JP (by proxy), and Michael (by proxy) voted in favor. Rick abstained. Motion passed. Funding to be considered later.

Community Survey: Board concerned about scope of questions. Will work with John and Tory on an amended survey.

22 acres Discussion:

- See attached letter from Arland Schneider
- See attached letter from Swanson Law Firm

22 Acre Trail Committee Motion:

Leslie moved to establish the 22 acres trail committee. This committee will be tasked with developing recommendations to include trail design, usage, security, and rules. Wendy seconded.. Wendy, Leslie, Shaun, and JP (by proxy) voted in favor. Rick voted against.

Committee Reports:

- Architectural Committee: no report
- Stormwater: need a committee lead
- Lake Committee: see attached report
- Garden Committee : Christina reported that she is Looking at sun exposure, may move the beds in the future. All gardens were rented and money will be given to Michele.
- Events Committee: no report
- Outreach: no report

Treasurer Report:

- Received Financials from Vantage on October 12th.
- Accounts receivables looking good at this point. We are placing a lien on one resident's house. Working on a payment plan with another resident.
- Budget Season. Committee leads and John Payne have been contacted for input and have received feedback from most leads. The plan is to have the budget together by November/December meeting.
- Vandal is handling the 2016 audit. Should be a smooth process with Vantage.
- In Q4 Vantage will be making the transfers to the reserve savings account and operational savings.

Community Concerns:

- Christina Morse: would like to chair the 22 acres committee. Has great positive ideas to involve community and making it a nature educational experience for all ages.
- AnnJeanette Thompson: interested in helping with the Stormwater Committee.. She is a lead on NextDoor and has redrawn boundaries for just Ken Lake. Next Door Posts on Crime and Safety go straight to Amy Stull. Next Door is a safe environment now.
- Nathan Rothman: community apple tree and haunted trail were requested. Awesome ideas!!!

Meeting Adjourned 7:28 pm.

Next Meeting is Tuesday, November 21st at McLane Elementary School

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October 9, 2017

Board of Directors
Lakemoor Community Club
PO Box 2285
Olympia, WA 98507

RE: Walking Path in Watershed Area

Dear Directors:

Our office has been retained to provide legal analysis of the Lakemoor Community Club's governing documents as they relate to a proposal to install a walking path on property (the "Parcel") owned by the Club. The documents provided for my review included the Modified Protective Covenants Applicable to Lakemoor Divisions 1 Through 5 (2008 Modification) ("Covenants"), the Bylaws of Lakemoor Community Club ("Bylaws"), and two court opinions, Thurston Count Superior Court Cause No. 55670, and *Lakemoor Community Club, Inc. v. R.D. Swanson, et al.*, 24 Wn. App. 10, 600 P.2d 1022, (Div. 2 1979). I also reviewed the Lakemoor Community Club ballot from August 1987 which was sent to owners of property in Lakemoor, asking whether or not the Club should purchase Lot 135 and the Parcel, a newsletter containing Board meeting minutes from the August 20, 1987 meeting, and the Open Space application materials and Taxation Agreement. In addition, I retrieved information and images from the Thurston County Assessor's website.

Based on my review of the documents listed above, I believe the Protective Covenants and Bylaws of Lakemoor permit the Club to install a walking path on the parcel. Furthermore, based on my analysis below, I believe it is permissible to use Lot 135 to provide pedestrian access to the Parcel from Lakemoor Drive, for the benefit of the residents of Lakemoor. Below is a brief summary of my analysis.

Protective Covenants

The Covenants specifically include both the Parcel and Lot 135 of Lakemoor Division 5 as part of the "Ken Lake Watershed Protection Areas." Article II of the Covenants sets out which rules apply to the different areas. Article III applies to the residential area, Article IV applies to the park area, and Article V applies to the Watershed Area. Based on a literal reading of Article II, it could be argued that both Article III and Article V apply to Lot 135, because it is included in both. However, this would result in a contradiction in the Covenants. Article III states that no lot is to be used for any purpose other than residential, and Article V states that Lot 135 is to be used as a watershed for the benefit of all Lakemoor lots.

Interpretation

When a court is asked to interpret a document which contains internal inconsistencies, it will use "rules of construction". Primary among these is that the intent of the drafters should be honored. Another is that specific provisions prevail over broad generalizations. In other words, the court will try to find an interpretation which makes sense and satisfies the overall intent of the document. Here, I would conclude, the specific application of a use to one particular lot, a lot which was purchased and remains owned by the Club for that purpose, for the benefit of all owners, takes precedence over the general restriction in Article III.

Application of 1978 Court Case – Residential Use

The Thurston County Superior Court interpreted the language prohibiting "other than residential" uses in 1978. At that time, the court found that Lot 135 could not be used by developers as a road providing access to a proposed housing development outside of Lakemoor. While this decision has no precedential value, it is worth reviewing the court's analysis. The court found that lot owners in Lakemoor relied on descriptions of a "closed road system" which "specifically precluded the dedication or use of any lot for traffic streets to areas outside of Lakemoor". Part of the court's reasoning in that case was that such a roadway was for the benefit of the area outside of Lakemoor, and placed the traffic burden on Lakemoor residents. The developers were trying to defeat the fundamental purpose of the covenants. Washington courts have consistently held that the use of a lot as a connecting street is not permissible when covenants restrict lots to "residential" uses. The restriction has been interpreted to require that the use be "compatible" with residential use. Commercial uses are not "compatible" with a residential development. See, e.g., *Rush v. Miller*, 21 Wn. App. 156, 584 P.2d 960 (Div. 2 1978). In our case, however, the walking path does not place burdens on the residents, does not provide access outside the area governed by the Club, and does not disturb the closed road system. Instead, this closed loop path would provide a benefit to Lakemoor residents and lot

owners. The walking path would likely be found by a court to be compatible with the residential nature of the neighborhood.

Article VIII(E): "street or public way"

The last sentence of Article VIII(E) states "No lot shall ever be used for or dedicated as a street or other public way to areas outside of Lakemoor Division 2 through 5". The project contemplated here is not a street or public way. "Public way" can be defined in various ways, but generally refers to passageways such as streets, alleys or sidewalks that are open to the public as a matter of right, and contrasted to a "private way," defined as "a way laid out by a private owner or owners and maintained at their expense, dedicated to public use, but not accepted as a public way" by Merriam-Webster (https://www.merriam-webster.com/dictionary/private%20way, accessed September 25, 2017.)

Bylaws

The Bylaws grant broad powers to the Directors of Lakemoor. In addition, Washington Law provides for broad powers for the directors of homeowners associations in general. Improvement of a walking path on land owned by the Club is clearly within the scope of the Board's powers under Paragraph 4.1.1 of the Bylaws.

Conclusion

Based on my review of the governing documents of the materials described above, installation of a path on the Parcel, as well as providing access across Lot 135, are allowed under the governing documents of Lakemoor, and within the scope of powers afforded to the Board. As we have discussed, use of the Parcel for recreation will likely involve revision of the Thurston County Open Space Agreement, and this letter does not discuss that issue.

Thank you for the opportunity to assist you with this matter, and please do not hesitate to contact me if you have any questions or if I can be of further assistance.

Very truly yours,

SWANSON LAW FIRM, PLLC

FRANK J. JASPER
FJJ/dl

Arland D. Schneider, Ph.D., P.E.
930 Wilson ST NE
Olympia, WA 98506-4786
September 21, 2017

Board of Directors
Lakemoor Community Club
P.O. Box 2285
Olympia, WA 98507-2285

Dear Board Members:
As you President requested, I'll make some brief comments about the impact that runoff from the 22 acres owned by the Lakemoor Community Club has on Ken Lake.

During the eight years that I had a house at Ken Lake, I read and studied all the hydrologic publications I could find regarding the Lake. Based on these publications and my personal observations, I concluded that the 22 acres has no significant impact on Ken Lake. Some of the major findings from the hydrologic reports are:

The 22 acres is small in comparison to the total area of the entire watershed. The Lakemoor Flood Mitigation Study prepared by the City of Olympia after the December 2007 Flood estimated the drainage basin area to the Ken Lake outlet as 638 acres. The 22 acres is only about 2 percent of the entire watershed and, as forested land, could not contribute a significant amount of runoff to the lake.

"The major overland flow contributor to Ken Lake is the developed area." This is a direct quote from the Washington State study done at the request of the Lakemoor Community Club and published in 1989. None of the other studies contradicts this finding. As the lake watershed continues to be developed, the contribution of the forested watershed will become smaller and smaller. This is evident by observing the flow through Lakemoor Lot 135 since the Woodlands Apartments were built. At times, the winter flow is nearly continuous; whereas, before the development, there was no flow except during large storms.

The groundwater contribution to Ken Lake from the 22 acres must be small. A 2008 groundwater modeling study for the Allison Springs, City of Olympia water wells shows the regional water table beneath the entire 22 acres to be below normal Ken Lake elevations. As such, water from the main aquifers could not flow to the lake. Only groundwater from small perched aquifers can flow to Ken Lake.

Other factors could be considered, but the information from all the hydrologic studies shows the 22 acres having little impact on Ken Lake.

Sincerely yours,

Arland D. Schneider, Ph.D., P.E.

Telephone: (Cell) 360-259-2450

E-mail: adschneid@aol.com

Date: October 17, 2017

To: LCC Board of Directors

RE: 2017 Ken Lake Water Quality Monitoring Project.

Final 2017 Report

The LCC Board of Directors approved a 5-year plan to actively monitor the water quality of Ken Lake. The plan outlined the necessary equipment to purchase in order to conduct on-site monitoring and the proposed laboratory samples to be sent out for analysis.

The purpose of this endeavor was to develop verifiable data of the lake's health and be able to address issues that may arise needing remediation efforts.

This plan submitted a 2017 budget estimate of $2,424 and future cost projection of $2,084 in 2018; $2,684 in 2019; $1,684 in 2020 and $1,684 in 2021. The total estimate for the 5-year period is $10,560.

The initial samples collections and technical equipment operations was a learning process. Given that the primary researcher is not a field scientist or works in an environment that conduct scientific study or analysis, experts were sought out and asked to give opinions and recommendations.

Dragon Analytical Laboratory in Olympia conducted our collected laboratory lake sample analysis. They looked at Nitrates; total Nitrogen; total Phosphate; Chlorophyll-a; total suspended solids and Coliform.

We were able to collected samples on four separate occasions with all tested parameters reporting no levels at or above recommended guidelines.

Ken Lake did experience 2 algae type blooms during the year. One was the typical blue-green in late May and then a brownish bloom in July. Samples were taken and analysis to ensure the water was still safe for recreational activities.

During the course of the year several residents have offer support and comments that are always appreciated.

There are concerns that the SE and SW canals may need attention. Core samples have been taken but the analysis has not been completed. Future action on any remediation is a LCC Board action

So, after our first year, we can confidently conclude that Ken Lake is in good health. During year 2, we'll be refining our process, evaluating site sample collections, continue to conduct

dissolved oxygen levels, temperature and Secchi depth. With the approval of the 2018 LCC budget, we'll be adding a pH/EC/ORP probe to further refine our understanding of Ken Lake's health.

It is also appropriate to thanks our neighbors and all the Ken Lake residents for the conscious job they are doing to minimize contamination going into our lake.

Respectfully submitted,

Al Hatten

1971 Cambridge Ln SW

360-754-7731

PROPOSAL: Ken Lake Trial Dog Park

PART A: Requesting a 6 month Trial Dog Park in the Ballfield Park to be approved.
PART B: Funding to pay for setting up the Trial Dog Park to be approved.

Thank You for the time and willingness to listen to this project proposal.

Working Group Members:
John Payne (Common Areas Manager), Leola Wheeler, Bill Chernoff, Carol Gruen, and JP Anderson (6).
All members agree with what is being presented in this proposal.

Mission: Create a safe place for neighborhood dogs to exercise freely.

Resources:
Between all working group members, many dog park (DP) facilities have been visited.
Communication has been good.
We email frequently and have met on-site once. We have discussed designs, various rules and regulations used in other DPs, appropriate dog owner etiquette, have noted the amounts of barking at DPs, noted what seems to work, what is/can be problematic and why, etc.
We have found guidance documents & references which were helpful in gaining insight on this project.

Paramount Issues:
Safety of KL Ballfield Park users: We considered the location of the Trial Dog Park relevant to other Ballfield facilities and needs.
Safety of dogs and dog handlers
Duration of the Trial / Temporary Dog Park: Working Group thinks 6 months is an appropriate length of time to see how this goes for the dog owners, neighborhood residents, and the KL board of directors.
Cost: We knew we needed to be prudent and Keep set-up costs as low as possible.
Keeping the DP from being a nuisance or offensive
*Guidance from within the Working Group was very helpful, resulting in an improved design and other changes that made the DP better for all who would use the park.
Permits: City Planner didn't find a requirement for private community use of community land, not waterfront.
Insurance: Insurance issues were researched regarding a dog park: dog owners are responsible unless the Board is notified of dangerous dog and nothing is done (July 18, 2017 Ken Lake Board Meeting Minutes). In a request for clarification the Ken Lake insurance agent said the community does not need insurance to have a dog park.

Location & Design at Ballfield Park: Proposed TDP is 137' x 115' x 100' = 5640 sq. ft.
Overview & Detailed Maps: The location is in-between the tennis courts and softball field. It is part open grass and part woodland/shrub habitat.
Tennis Court: The DP is between the tennis court and dog fence and is situated to not impact shrubs and allow access to tennis court gate for entry / exit.
Softball Field: The DP is situated such that there is room to run for a foul ball near the first base line.
Football Field: The DP is situated to the right of the closest goal post.

Fencing:
Fencing: The working group unanimously agreed the DP needs to be enclosed by a fence.
Fencing prevents a) runaway dogs, b) dogs from interfering with and perhaps intimidating park users,

c) disruption of park activities, and d) ***leaving feces across Ballfield Park.

Needed Features: Shown with colored lines on Detailed Map

1) A *double gated entry*. This prevents dogs from escaping during entry/exit and reduces the 'crowding' effect when a new animal enters an occupied dog park,
2) *Dog proof fencing*. This is a deterrent to digging near fences and finding a way to escape.
3) Fencing that would do the required job, yet be temporary AND relatively inexpensive.
4) Many types of fencing were discussed and many ideas were discarded.

Dog 'Poop' Station:

A self-regulated honor system: All users are responsible to pick up after their dog (see Rules and Regulations)
We propose a PVC tube on a post to dispense plastic bags similar to what Priest Point Park has.
Users stock the tube with recycled plastic bags. This will cost almost nothing.
A 20 gallon garbage can with a lid. Try to keep capacity small-medium as it will be very heavy if full.
Ken Lake has a regular trash pickup schedule and the dog waste will be included.
If a 3rd 'Poop' Station id found in storage, it would be used. But a garbage can will still be needed.

Dog Park Hours:

Usual Ken Lake park hours: dawn to dusk. Open only to Ken Lake Residents and each must wear the wrist band.

Rules and Regulations:

This document is in your packet .
A sign with bullet points spelling out the Rules & Regs will be attached to the DP entry fence. Estimated cost is $50.
The Rules & Regs can be emailed to all Ken Lake residents so they are aware of how the DP is supposed to operate.

Nearest Neighbor Outreach:

I planned to visit 8+ homes to discuss the possibility of a nearby DP and ask for ideas, concerns, and issues. I did visit 5 homes/residents who were delighted Ken Lake would have a DP (trial run) and that it would be so close to them. The very nearest neighbors were very happy to hear of it and thought it was an appropriate use for the park.

Dog Park Support Group:

A 'Dog Park Support Group' will be formed to help set up the park, watch over and manage the park, problem solve as issues arise, encourage proper etiquette, explain rules and regulations, schedule work days, etc.

PART B: FUNDING NEEDED FOR KEN LAKE TRIAL DOG PARK

Decisions & Cost Estimates

A) Rent a temporary chain-link fence from *National Fencing*. They deliver, install, and remove.
$630.00 + tax: 6 mo. rental of 282 linear feet of 6'x12' fence panels, including hardware.
B) Dog Proofing fencing from the ground up to the chain link fence. Dog Group will install.
$197.00 [$132 +$65 = $197 for poultry fencing and attachment mechanisms]
C) **$200.00** 3 4x4' Chain link Gates = $66.70 x 3 = $200 (will try to get *National Fencing* to do this instead).
D) **$54.00** 3 sets of Gate Hardware = $18.50 x 3 = $54
Total $1081.00 for fencing
E) **$40.00** Poop Containment & Removal [$15 for PVC & post & garbage can $25 = $40]
F) **$50 .00** (??) Rules and Regulations Sign
Total $1,171.00

$1,264.68 TOTAL COSTS [$1,171.00 + $93.68 (.08 tax)]

PROPOSAL: Ken Lake Trial Dog Park Con't

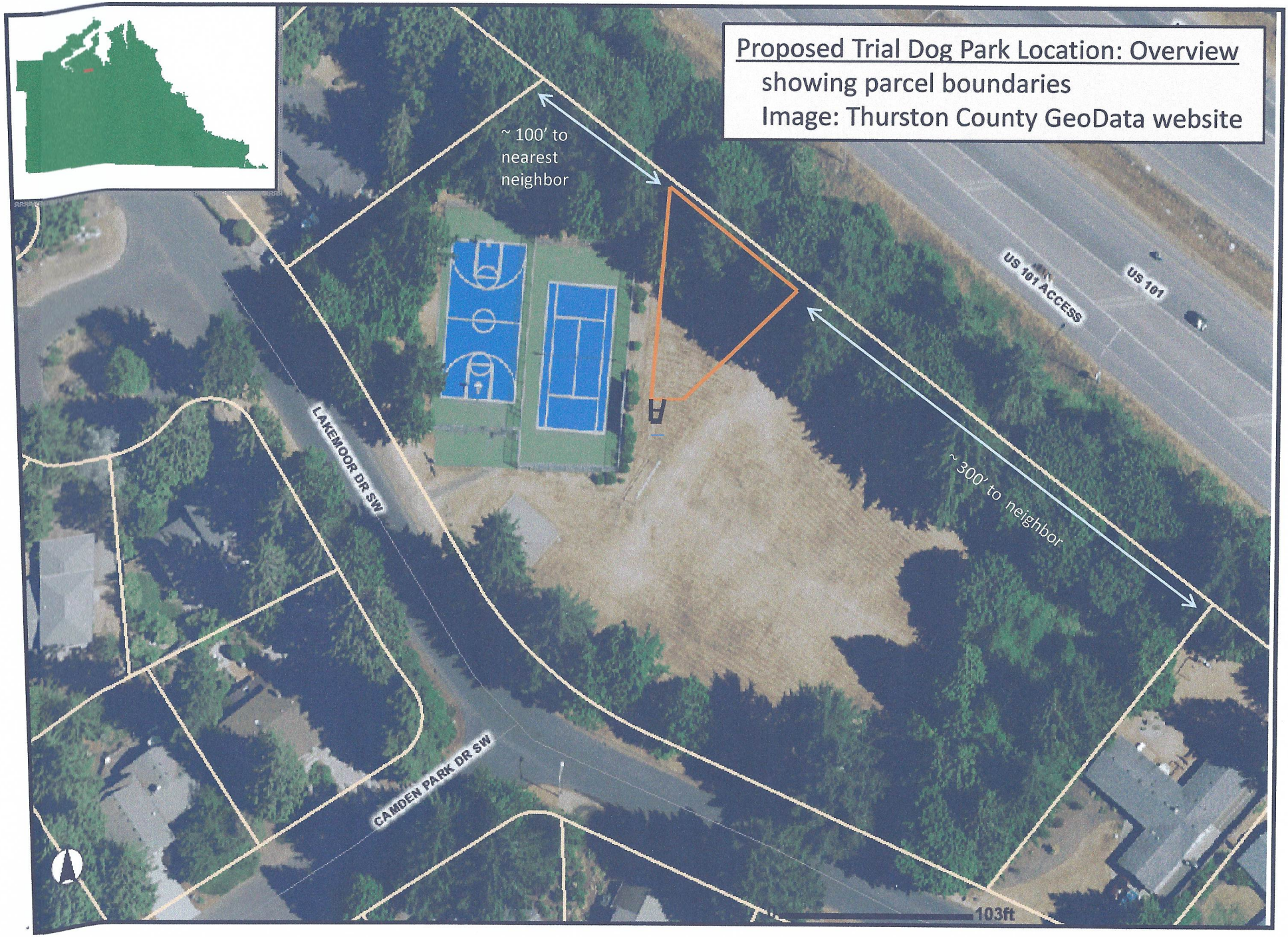
Funding Possibilities:

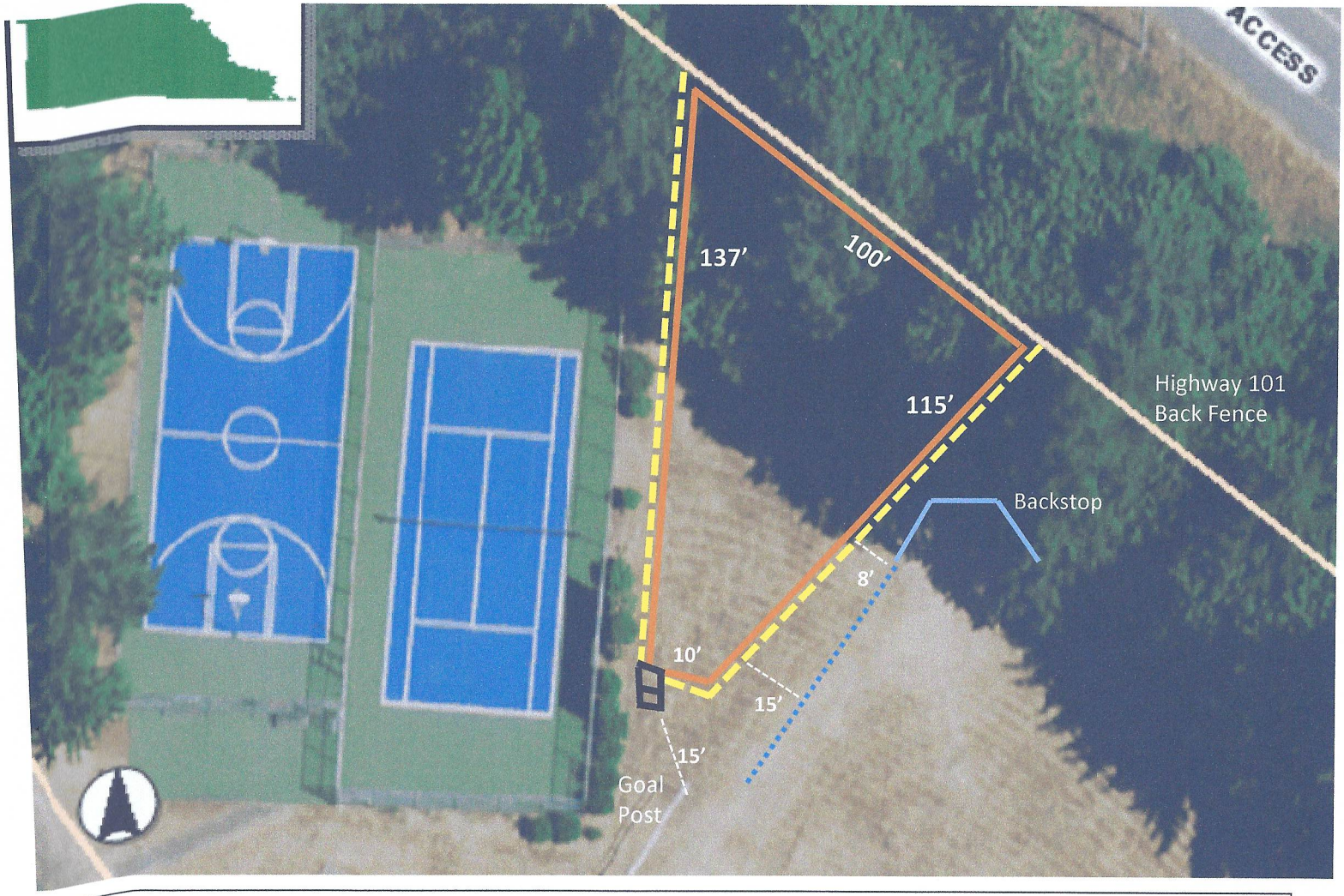
1) A fee ($25) for using the DP during the 6 month trial period. Like the Community Garden fees.
    a. Without knowing how many dogs are in the neighborhood, it is difficult to estimate how much use there will be, thus how much revenue this will raise.
    b. A payment mechanism will need to be set up.
2) Solicit benefactors to donate funds ($100(?) to help cover the cost of creating the TDP.
3) Perhaps the 'Common Area Budget' could contribute some funds?
4) The Board may fund a portion of the Project.

Documents Attached:

Overview Map of proposed Dog Park (DP) location within KL Ballfield Park.
Detailed Map showing DP location relative to other facilities, dimensions, amount of needed fencing, etc.
Photo showing the grassy area and a small section of woodland/shrubs that will be enclosed with fencing.
References: Cover pages of 2 documents on dog parks.
Rules and Regulations for Sign

Marian Bailey, Lead Working Group Member **October 17, 2017**


Proposed Trial Dog Park Location: Overview
showing parcel boundaries
Image: Thurston County GeoData website
~ 100' to nearest neighbor
~ 300' to neighbor
US 101 ACCESS
US 101
LAKEMOOR DR SW
CAMDEN PARK DR SW
A
A
103ft



Colored Lines Key

Boundary:
Orange lines

Highway 101 Fence:
Peach line

Fence needed:
Yellow dashed lines

Dog Proofing Fence:
Orange lines

Double Gate Entry:
Black lines

White dotted lines:
distance from a pt.

Blue Dotted line:
backstop
imaginary line

Proposed Trial Dog Park Location: Detail

TDP Working Group **Oct 2017**

Size: *137' x 115' x 100' = 5,640 sq ft*

Side Fencing needed: 262 feet + 20' for entry area = *282 linear ft.*

Dog Proof Fencing needed: *362 linear ft.*

Chicken wire along ground & up fence interface to prevent small dog or digging dog escape.

Double Entry: *3 gates + 20' fence for side panels*

To prevent dog escape during entry and exit.

Proposed Trial
Dog Park Site.