



**Villages of Garrison Creek Board Meeting
April 28, 2024, SonBridge Community Center**

Board Members Present – Linda Olson, John Cress, Marie Evans, Barbara Larson, David Siviter, Greg Brothers,

Absent – Jonathan Messenger

Guests Present – 20

Welcome and Introductions – President Linda Olson welcomed visitors and invited everyone to introduce themselves.

Member Comments – No comments at this time.

Quorum – Quorum met.

Minutes – John Jaso wished to amend the quote attributed to him in the minutes. Barbara Larson moved, and John Cress seconded to approve the minutes of the March 27 meeting as amended. Motion carried.

Financial Report – Barbara Larson reported that the line for audits is over budget due to two audits being completed this year. Barbara moved and Marie Evans seconded that the Financial Report be approved as presented. Motion carried.

Audits – Barbara Larson reported that the 2021 and 2022 Financial Audits have been completed and are posted on our website.

Delinquency Policy – Barbara Larson reported that the board will be discussing the policy in preparation for submitting a draft copy of the policy next month.

Discussion regarding the letter received from the City of College Place pertaining to the need for an additional back flow unit and booster – Linda Olson read the letter and commented that the board has already started to get estimates for contractors and

engineers. (Letter is attached) The board is conferring with an attorney so that our legal liability is protected. John Jaso recommended that while this work was being done, it would be a good time to make other improvements in the system. John Cress expressed appreciation for John Jaso's suggestions and suggested that John Jaso work with the team assigned to the water system repairs. Funding for this project will be taken from the Reserve Fund. We do not anticipate having to assess extra funds from the membership.

Legal Report – Marie Evans reported that the Walla Walla Superior Court ruled against the Summary Judgement Motion brought by the Plaintiffs and ruled in favor of the Summary Judgement Motions brought by the defendants. The complaint by Coleman, Wright and Hawk Hill filed in 2018 is now dismissed from further action in the court. The full report is attached to these minutes.

Committee Reports

ARC –Denise Bartlow reported for ARC. Her report is attached.

Parking Policy -- We continue to await a response from Allan Fisher regarding his challenge of the proposed parking Land Use Standard. The current Land Use Standard is available on our website.

Safety and Security – Denise Bartlow and Joyce Beecroft report attached. There was a discussion concerning a dangerous area near Village 7 where dozens of cottonwood trees threaten to fall without warning. The board requested that the Safety and Security Committee work with the Landscaping Committee on a long-range plan to rid the area of these noxious trees and have approved landscaping installed in that area. Caution will be taken to observe the riparian zone and state officials may have to be contacted.

Social and Welcome – Anita Williams reminded us that the first social of the season will be Sunday, May 5. Details have been sent to our members via email. The committee has arranged to have a sound system available for these events. They are still looking for extra chairs that could be on hand for those who have difficulty carrying their own chairs to these events. The committee is also looking into the possibility of having a Blue Zone group within the Villages.

Landscape / Reserve Study – Ray Goff's report is attached.

Water Leak Issue Update -- John Jaso reported on the water leak issue. This has been a series of frustrations, but slow progress is being made. The area along Covey Court is the center of the excavations and some repairs have been completed. John Jaso also reported that the irrigation system will be fully operational within a week or so. They are currently programming the new timers and will be monitoring the system to water less often but for longer periods of time. Mike Serra brought up the topic of our aging drip systems which may no longer be working properly. Homeowners should check their drip systems for deterioration in the event they need replacement.

Ad Hoc Committee regarding the new development – John Cress reported that we continue to work towards opening communication with the owners of the property. We will be meeting with our attorney to go over our rights and the responsibilities of the contractors. Currently, the road is being damaged, and while we believe that they will fix the road before they leave, we would like confirmation. We are concerned by the number of large, heavy trucks coming through GVW and at times through the alley behind Village 5. The Agreement that covers the construction area is on the Villages website for any member who wants to become familiar with the document. John Cress is recruiting members for the Ad Hoc Committee as we need to monitor this issue.

Next Board Meeting – Wednesday, May 22 2:00 P.M. at SonBridge

Executive Session – Marie moved that the board go into Executive Session for the purpose of discussing personnel, legal, and delinquencies. Barbara seconded. Motion passed. No action requiring a vote was taken in Executive Session. Marie moved. Barbara seconded to come out of Executive Session and adjourn. Motion passed.

Meeting Adjourned
Attachments below

Legal Report – Marie Evans

April 28, 2024

On Thursday, April 25, 2024, the Walla Walla Superior Court heard Summary Judgement Motions from the plaintiffs and the defendants in the lawsuit Coleman, Wright, and the Hawk Hill Association vs Dick Cook, John Cress, Marie Evans, Ray Goff, Dave Gullo, Ron Hines, Jim Murphy, Cassie Siegal and Scott Towslee, individuals, and The Villages of Garrison Creek Master Property Management Association.

The plaintiff's motion asked for "an order from the court holding the defendants liable for refusing to pay for expenses of traffic control gates on Crestlane Drive within the Villages of Garrison Creek, and that the order should reserve for trial, questions of injunctive relief and damages."

The defendants' motions included:

- Dismissal of all claims against the individual defendants because "the plaintiffs fail to meet their obligation to provide evidence supporting their allegations of bad faith by any of the individual defendants."
- Dismissal of the remainder of the plaintiffs' claims because "the plaintiffs failed to produce evidence sufficient to create issues of material fact."

Included in the remaining issues were:

- Maintenance of the Phase X gates.
- Maintenance of south of the creek.
- Collection of dues from the exited properties.
- Negotiations and exchange of moneys with Pahlisch Homes
- Malfeasance or improper actions by the Board of Directors.

Superior Court Judge Brandon Johnson denied the motion from the plaintiffs saying that the gates obviously benefit the residents of Phase X to a greater extent than the rest of the area, and therefore, are the responsibility of Phase X for their maintenance. He cited the MPMA CCRs and the Washington RCWs as his references.

Judge Johnson ruled in favor of all the defendant's motions, **dismissing all claims** against the 9 individual defendants and the Villages of Garrison Creek MPMA.

The issue of the exited properties had been resolved in January 2022 and that matter was unsuccessfully appealed. The plaintiffs have 30 days to appeal the ruling of April 25 if they choose to exercise their right to do so.

We will get a copy of the ruling when it is signed and filed by the court.

ARC Report to Board

April 28, 2024

- *Notices were placed in the flyer boxes with reminders from ARC regarding spring projects and required approvals. This has been an effective tool as there have been numerous inquiries by email and in person regarding changes to landscaping and repainting of houses.
- *Follow up notices were sent to 2 residents regarding repairs/painting of home that was noted during 2023 home observations.
- *Home observations will begin in June. This will also include follow-up from 2023 notices. A note on observations- the repair most cited was porch/pillar repairs that are showing signs of rot or disintegration. 13 homes were notified of this.

Overnight street parking has been addressed with some residents.

Security / Safety Committee Walk Thru

Sidewalk breakage – The following areas pose possible safety hazards to walkers.
Areas along GVW have been marked with blue tape.

- *GVW at the west exit of the alleyway. Both sides of the alleyway.
- *At the east side entrance to V10 gates. Previous grinding has occurred, needed again.
- *V9 back pathway behind homes, at the end of the street. Two locations.
- *On GVW by Larch entrance, behind home at 810 SE Parkside.

Signage- Park on the other side of street signage was inspected. There are 11 that need replacing, including 2 that had been broken off at ground level. The signage is either

missing, faded or mangled. The signage is important in maintaining the passageway for emergency vehicles.

SOC Cottonwoods- A large cottonwood tree fell recently, along the SOC trail, without outward signs of interior rot being present. In considering what is known about cottonwood trees, the age and size of remaining cottonwoods, it is the view of the committee that a thoughtful discussion with those knowledgeable about cottonwoods would be pertinent. There are approximately 100 cottonwoods still left along the SOC trail, that could potentially become a hazard to walkers. Having a long-term plan on removal and replanting could be beneficial from a safety point and maintain the aesthetics we all love about this trail.

Tree near electrical box- A pine/spruce tree by trail 3 crossing on Creekside has been trimmed away from the electrical box. We will monitor for continued growth which may come in contact with the electrical box.

DRAFT



CITY OF COLLEGE PLACE

Public Works Department

625 South College Avenue

College Place, WA 99324

509-394-865

April 19, 2024

Villages of Garrison Creek

HOA

College Place, WA.

The City of College Place is required by the Washington State Department of Health to conduct hazard assessment surveys of the drinking water distribution system. Hazard assessment surveys are required and conducted to determine the degree of risk that a property may pose to the City of College Place supplied domestic drinking water system. The level of risk is set forth by the Washington State Department of Health in Washington Administrative Code (WAC) 246-290-490, City of College Place Code 13.06 and assessed by the cross-connection control specialist of the City of College Place.

The Villages of Garrison Creek domestic water is supplied by a main line feed at the location of SE Garrison Village Way and SE Parkside Place. The Villages of Garrison Creek supply vault contains a 6" main line and 6" water meter. The domestic water that travels beyond this city meter is deemed *customer owned/used* water. Customer owned (used) water is not allowed to return to the city distribution system. The return of used water has the potential to occur through a backflow or back siphonage incident.

A hazard assessment survey of the Villages of Garrison Creek reveals that the property comes under the category of *high degree of hazard* according to WAC 246-290-490. Premise isolation through the means of an approved backflow preventer will be required to protect the City of College Place domestic water system. In addition, any installed backflow assembly must be tested at least annually.

code of reference:

WAC 246-290-490 Cross Connection Control Manual, Accepted Procedure and Practice.

Section (2b) subsection(ii)

WAC 246-290-490 2(b)(i), (ii) *PNWAA Accepted practices and procedures:*

Ch.4 pg.9 table 4-2; (unapproved auxiliary sources)

Ch.5 pg. 5 (sources interconnected or not)

Ch. 4 pg. 2 (complex of piping),

Ch.4 pg. 6 (history of backflow incidents)

(current leaking system-vulnerable to low/loss of pressure
back siphonage)

WAC 246-290-490 (4)(C) (decorative ponds)

City of College Place municipal code 13.06.070 allows for a time period of 30 days to implement corrective actions. Corrective actions must be in place no later than May 19, 2024. Please contact the City of College Place Cross Connection Control Specialist to arrange a time to discuss a plan for implementation.

VGC Board Meeting 4/28/24

VGC Reserve Committee and Common Area Committee Reports

VGC Reserve Committee Report

- 1) The Reserve Committee convened 4/26/24 to discuss the City of College Place's (CP) recent mandate that we install a water backflow preventer upstream of the V1/2/5/6/7 water meter in the V1 park (see attached 4/19/24 letter from CP).
- 2) Board members Olson, Larson and Evans and volunteer Common Area Committee member Goff attended a meeting at CP headquarters at which time the 4/19 letter was presented and discussed. In summary, we were advised by CP that because we have the Clock Tower/Garrison Creek irrigation system underground along with the water lines with which we distribute potable water and irrigation water to V1/2/5/6/7, we have a higher risk of potable water contamination due to the fact that we could accidentally create a cross connection between the two water systems. CP further advised that the presence of our two ponds in the vicinity further increases the risk of contaminating the CP potable water. Because of these two risk factors, CP is mandating that VGC install a backflow preventer so that if we ever had a contamination situation in our system, our tainted water could not flow back into the CP main line and introduce contamination.
- 3) CP advised that we have 30 days from April 19 to install the backflow preventer, but that that date could be extended if we are making significant progress in the project.
- 4) CP further advised us that the installation of a backflow preventer would reduce our already low water pressure by 10 PSI, so we will undoubtedly find it necessary to also install a water pressure booster pump downstream of the V1/2/5/6/7 water meter.
- 5) CP anticipates a cost range of \$40,000 to \$100,000 to be funded by VGC to implement these two projects.
- 6) Ray Goff has contacted several installation contractors. All contractors contacted indicated they would have to have an engineering firm provide equipment specifications and engineering drawings before they could bid the projects.
- 7) Contact was made with Sharpe and Preszler Construction in Richland; Eagan Construction in Walla Walla, and; Pipe of Washington, Inc. in Pasco. Nelson Construction of Walla Walla did not return our calls.
- 8) Sharpe and Preszler Construction and Eagan Construction both indicated they could not start our projects until September/October.... and that they prefer we engage PBS Engineering and Environmental in Walla Walla as our engineering firm.
- 9) Pipe of Washington, Inc said they could fit in our projects this year...and they preferred we engage Anderson Perry & Associates in Walla Walla.
- 10) We have contacted PBS Engineering and Environmental and have an onsite meeting with Michael Melder on Wednesday, 5/1.
- 11) Will contact John Wells of Anderson Perry Monday a.m.
- 12) The Reserve Committee recommends to the VGC Board that we continue discussions with the indicated Engineering firms and installation Contractors to further understand the scope of the projects and how to proceed. As a priority next step, we recommend

that the VGC Board hire an attorney versed in WA environmental law to consult with us on whether we truly have to do this project at our sole expense. The Reserve Committee believes VGC needs such an attorney to begin challenging CP on their position that because we have only one meter for V1/2/5/6/7 CP water, that any problem that occurs after that meter is our responsibility, when, in fact, it was CP who 25 years ago allowed the Developer to put in one meter rather than running CP water to meters on the property of each of our 151 Homeowners in V1/2/5/6/7. Our sense is that Water Providers are obligated to deliver safe, potable water to every household in their jurisdiction, but we are not lawyers and require legal guidance to determine if we can push CP to take responsibility and partial or full financial responsibility for implementing these projects.

- 13) The Reserve Committee further recommends that our attorneys send an appropriate response to CP advising them that we will be putting together a plan after our counsel has fully reviewed the Assessment that CP refers to in their 4/19/24 letter and fully reviews Washington law governing this matter. Our attorneys should include in their response that 30 days to remediate what is outlined in CP's April 19 letter is not a realistic timeframe, and that we will be back to them within 30 days to communicate our timeline and plan. Next week, we will send the Board the first draft of a proposed Gantt Chart for project timing for our legal counsel to review.

VGC Common Area Report

- 1) Recall that CP has advised us that we are experiencing a 720 GPH water leak somewhere in the V1/2/5/6/7 water system. We have thus far excavated two "highest potential" water leak sites pinpointed in the V5 Covey Court loop by a leak detection firm from Tri Cities, with both excavations finding no leaks.
- 2) On the recommendation from Total Comfort Solutions, we changed contractors to American Leak Detection of Spokane, described by TCS as a better leak detection firm. Based on ALD's findings, we excavated and found and repaired a leak at 844 SE Covey Ct. This reduced our 720 GPH water loss by 150 GPH, as reported at the last Board meeting.
- 3) We have since excavated at two additional ALD "high potential" water leak sites in the Covey Ct loop, but unfortunately, both contained no water leaks.
- 4) John Jaso will report on next steps.

Ray Goff, Volunteer

VGC Reserve Committee and VGC Common Area Committee