

## KSMA Board Meeting Agenda

October 24, 2022

Attendees (via Zoom): Susan, Linda, Ray, Paul B., Brian, Jeff, Doneg, Jackie (computer issues and not able to participate)

- Annual meeting – quick recap
  - Susan relayed Jackie’s comment that the room at the Community Center was very noisy
  - Suggestion to move back to the church facility or use the Faye Jensen (left side) of the Community Center facility (which might be just \$75 versus \$450 for room used).
  
- Maintenance issues - Susan
  - Susan and Scott C. drove the community to identify potholes (which will be filled), sand piles (which will be removed), and kiosk issues (the key pads were fixed and motion sensor lights were installed)
  - Question of how to create greater visibility on KSMA roads – Susan discussed
    - Goal is to widen the streets, as much as possible, to within 5 feet of the edge of paved street)
    - Coastways will do the work of removing encroaching sand and grass, etc.
    - Before this widening work, and trimming trees to increase visibility, there will be outreach to owners (even though the trees are likely on KSMA property)
  
- Lower Quads deck safety repairs – Paul B.
  - Paul stated that repairs are needed to KSMA-built/owned decking inside the quads
  - Work would be conducted by a licensed contractor (after receiving a project quote) that has performed work in KS previously
  - **Requested approval of maximum \$2,500 expenditures for project. Approved by board of directors**
  
- Possible modifications to KSMA-lot on Ocean Drive to provide access for mobility-challenged residents – Susan
  - Susan indicated that a request from an owner was received asking if KSMA could facilitate access to the beach for owners with mobility challenges
  - One suggested made was possibly paving a portion of the KSMA-owned beach front lot; possibly installing a wooden walkway
  - Additional suggestion was to consider purchasing a roll-out pathway that are used at some public beaches
  - Board discussion centered on whether KSMA should provide this amenity or whether County activities through the Kiwanda Corridor Project would provide beach access for individuals with limited mobility. Also, some concern that parking would become a greater challenge on Ocean Drive if a paved beach access point were created. And, some concern about maintenance and liability issues might result if building
  - Some expressed hope that facilitating mobility challenges within KSMA (rather than require travel outside of KSMA) might be accomplished
  - **The issue was left open for further discussion.**

- Road construction update – Ray
  - Ray stated that there is a product (Aquaphalt) that can fill potholes in KS for about \$60 for a 2' x 2' pothole
  - Ray offered to do this work. **Board members were supportive and appreciative of Ray doing this work. (Assumption that KSMA would reimburse Ray for cost of Aquaphalt.)**
  
- Board policy on contracting with Board members – Doneg
  - Doneg raised issue mentioned at prior KSMA board meeting suggesting that KSMA establish a policy whereby KSMA would not provide financial compensation to board members for work done on behalf of KSMA, with an exception to the policy if there were exceptional circumstances.
  - There was general discussion of not providing financial compensation to board members. There was a recommendation that, if established, it should be a broad policy statement on this and not try to get into specifics in the policy statement.
  - Question raised of whether a Board member could be employed by a firm that KSMA contracts with.
  - There was discussion of approach to and intent of having such a policy. Goal identified as eliminating both the appearance and actual conflict of interest. And goal identified as providing transparency to, and maintaining trust with, KSMA members.
  - **Request was made for Doneg to draft a policy statement and circulate to Board members for consideration at subsequent Board meeting.**
  
- Financials review - Brian
  - Brian shared on screen the KSMA “P&L Budget vs. Actual” document. He indicated that we continue to be in a strong financial position. We have not raised annual fees for years and had just one special assessment which was used for the road paving project.
  - In the 2023 budget, we will be able to adjust the budget to more closely track with actual spending on road maintenance post-paving of Ocean Drive.
  - Brian reviewed our recent experience securing Directors and Officers (D&O) insurance as well as general liability insurance. Difficulty getting D&O insurance right now, but it is in place. In replacing insurance that was canceled, KSMA was able to increase the general liability insurance coverage to \$3 million and the D&Os insurance to \$3 million.
  - KSMA has very low amounts of annual fees that are past due.
  - **Board members expressed appreciation for Brian continuing to monitor and track KSMA spending.**
  
- Architectural Committee discussion – Paul
  - Paul provided an overview of a pending Application for New Home Construction for an undeveloped lot identified as Lot 1 located at the north end of Dory Drive (formally Lot 119-8). The lot has an atypical configuration, nestled next to undeveloped wetlands.
  - Paul indicated that he intends to respond to the owner as soon as possible with the response of KSMA.
  - Concerns were raised about the new home being proposed to sit just five feet away from the paved KSMA pathway running alongside the property as well as the hot tub extending

to within 2 feet of the rear property line which abuts the Shorepine Village walkway to the beach.

- There was a thorough discussion among Board members of whether and how the home design complies with KSMA set-back policies. There was also discussion as to whether legal review was needed to assist the KSMA board’s consideration of the Application; the majority opinion was legal review would be time-consuming, inefficient, expensive and would not result in a greater understanding of the factors to be considered by the Board.
  - Paul reminded Board members that KSMA policy is that Application approvals are valid for 12 months and the approvals are limited to the owner making Application.
  - Upon conclusion of the discussion of the Application for New Home Construction, **the Board of Directors voted to: “Approve the new home construction design, with modifications that ensure a 10-foot set-back to the north / rear property line, and on the condition that no structures or walls are allowed within the rear set-back.”**
  - Paul and Susan indicated their intention to provide a written response to the owner stating the decision of the Board.
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- Items raised at KSMA Annual Meeting – Doneg
    - Doneg reviewed two issues that were raised by owners at the KSMA Annual Meeting in September.
    - REC #1: One owner recommended that KSMA send a letter to the Kiwanda Corridor Project (KCP) to indicate there should be no KCP-related activities/development within the boundaries of Kiwanda Shores without having prior discussions with KSMA.
      - This concern might have been raised because one of the lots in Kiwanda Shores was previously — but no longer — owned by the Jensen family.
      - In discussing issue, Board members felt this concern might not be valid given the Jensen family no longer owns the lot and because there are no indications in the KCP materials that the County intends to extend the KCP into the KS boundaries.
      - A board member recommended that we not send a letter on the topic of KCP development within KS boundaries, but it could be beneficial to send a follow-up letter to KCP indicating that KSMA requests that a fence be installed at the southern end of the KS properties – along the intended Pacific Avenue development that calls for a beach overlook, parking and restroom facilities – that is similar to the fence and development set-back that was requested by KSMA and was incorporated into the KCP plans, which is planned to run along the eastern KS boundary with the Jensen Property community park.
    - REC #2: Establish a beach access path near the south end of Ocean Drive, given that the proposed KCP activities as well as possible KS owner development of currently undeveloped KS lots at the south end of Ocean Drive could block current informal access routes to beach.
      - Doneg reviewed the location of other beach access paths within KS. The distance required to travel to access a beach access path along Ocean Drive ranges from 3 to 8 lots. At the southern end of Ocean Drive, there are 17 lots from the southern end of the street to the nearest beach access path.
      - Board members were generally in favor of considering providing an additional beach access path at or near the southern end of Ocean Drive.

- One suggestion was to ask the owner of two adjacent lots at the southern end of Ocean Drive if they would be interested in selling an easement to KSMA. Another suggestion was to inquire with a range of owners along the southern end of Ocean Drive if they might be interested in selling an easement along their property that would run directly toward the beach, with KSMA having the ability to negotiate the most favorable purchase arrangement. **It was agreed to hold off on further Board consideration until the next Board meeting.**
- **Next board meeting date was set for January 9<sup>th</sup> at 6:00 pm Pacific Time. At the request of Paul B, the Board agreed to convene a Board meeting prior to the January meeting if needed to respond to developments with the pending Application for New Construction.**