

Mary's River Estates Road District Meeting

Date: January 9, 2025 Zoom meeting hosted Joe

Meeting will be recorded for the purpose of note taking by secretary. Recording will be kept for one year on personal computer and approved written minutes will be kept on website indefinitely.

Attendees: Joe Chambers (President) Sandy Chapman (Secretary), (Debbie Jackson (Treasurer), Kevin Cornelius, Robyn Lillehei, James Rouch, John Buskirk

Call to order: 7:01 by Joe

Additions/Deletions to agenda: Ricks email with fiber updates; Schedule budget meetings?

Review of minutes/approval: December 12, 2024 No changes to minutes, but email from Yvette Spitz added as addendum. [Joe makes a motion to accept the minutes as written with addendum of email added.](#) [Debbie seconds the motion.](#) [Joe: All in favor? Commissioners Joe, Debbie and Sandy agree, minutes approved.](#)

Financial Report and Mail: Debbie screenshares FY24-25 financials for Income and Expense by Category YTD 07/01/2024- 01/07/2025 and Transaction report 12/09/24-01/07/2025. We received more taxes from Benton Co. Paid engineering through November, sweeping bill paid and see others on transaction report.

The financials will be added to permanent record on website and be sent out via google groups email with approved minutes each month.

Mail: no e-mail received by Debbie until today with reminder about insurance payment due in March. She will get it taken care of before then.

Review of Action items:

Update of Complaint to small claims court for Blacktop NW.: BTNW did respond to the claim and disputed the complaint and said they had lost a 200,00.00 job. (they filed a counter claim against us) Debbie called to small claims court and asked about it and they said there is not any way to talk to the judge about it. He would decide that when we met. The other question was if this was a new claim (from BTNW against us) it is supposed to be related to our original action. Again, the judge will take that up. We had an option offered to go to mediation on the (counter claim) and had until Dec. 27 to respond. Nothing needed to be done with the court if we chose not to mediate, (MRERD did not want to mediate, nothing was done with mediation before). By not responding that we did not want to mediate, the case is forwarded to the court to schedule. Debbie is also keeping the CCB apprised of the ongoing details every 45 days as they require. The mail for the court case goes to Debbie's actual address because the court needed a physical address, not a PO. Option noted by Robyn that a physical address could be used as the Post Office address with the MRERD PO Box number.

Tree in ROW Benton Co response: Sandy called Benton Co the day after last meeting in Dec. and received a return call from BJ Haley on Monday. Talked with him about the situation with the downed tree saying the property owners cleaned up their part up to their property line and the rest of the tree was "probably in the middle of our platted roads and/or in the ROW". He said it was up to us to take care of it being it was "middle of the platted road" and our responsibility to take care of it. Joe asks if I confused him in saying "in the platted road". He may have thought it was actually in the road. Sandy says no. She explained to the Co. that the paved road was off from the platted road and clarified where the tree was in relationship to the paved road. She did not think there was any confusion. She feels it is the RD responsibility to take care of the tree, it is not on the people's property it is in the ROW. Joes' stance is asking: do we then have to keep all the ROW clear back to the platted area? We would need to do a whole lot more than just that one tree. There are a lot of vertical trees all over the place that are in the ROW. Asking if Sandy is saying it is the RD responsibility to take this one tree out, do we have to take out any log that is in the ROW? Sandy takes the point if something is a hazard, then we should take it out. She does not understand the

conflict from Joe that it is not our responsibility of the RD to take care of this (downed) tree that is right off of the roadway. The tree has been down for a year and she feels it is our (the RD's) responsibility to get it out of the way, not the property owners' responsibility (that lives next to this ROW). Joe does not view it the same way, saying in town there are areas on your property that it is their responsibility to maintain as a property owner. They do not own them, they are ROW for the general citizens of the town, like sidewalks and the area between the sidewalks and the road. People do or don't. It is the same thing here, a ROW area. He does not know why the property owner feels it is our responsibility to take care of it (the downed tree) and does not feel it is his responsibility to take care of it. Robyn suggests that maybe Joe would like to call (the County) and say we are worried about this as a general issue. And clarify as a RD that we understand our obligations system wide, not as an individual problem. Clarification on why it is a hazard? A neighbor made a complaint about near misses at that corner (not related to the downed tree) but site problems and mentioned the tree needing to be removed. Sandy says: If someone goes off the road and hits the tree, who is liable? Robyn agrees, that is the question we need to ask the County. Make it as a system wide question. We have multiple hazards that are in the ROW should a vehicle go off of the road. In inclement weather people do slide off of the road. Is it a RD situation if they slide off and they are in ROW and hit a boulder or go into ditch and hit a tree? If the County cannot clarify that, that is a very good thing to go to a lawyer about. Debbie adds that last time when we had some non-cooperative people when we wanted to cut back, if we get this clarified and someone slides off into a ditch. Clarification asked about what the problem was in the beginning when the tree first fell down: the property owner did not want anyone on his property cutting up the tree for insurance reasons. Continued situation in MRE, what is a ROW, easement who has responsibilities for that area. On the road it is the Rd responsibility. ROW is a gray fuzzy area depending on perceived future liability or esthetics, it goes property by property what the owner wants the RD to do. Some of it depends on what the owner already does like mow down to the road... Sandy asks do we need to get rid of the rest of the tree, can we leave most of it and remove the hazard part near the road? Do we need permission from the property owner to even get the rest of the tree out of there, being it is in the ROW. Just need to decide and tell the property owner that we are going to remove the tree from the area. Joe wants to clarify with the Co. what the RD responsibility is for the general RD. If we do this once how much more will we need to do. Sandy adds the trees next to the road are more of a danger than the downed tree and also need to be cut down. We cut down five feet of brush why does it not include trees to be cleared? Response: Trees are very different. If a tree of a certain size is damaged in a job and the tree dies the contractor is responsible and can get sued. People are very particular about trees and the courts usually side with the owner. Trees have value for different reasons. Sandy sums up the issue: what is our liability with any tree whether down or standing within five feet of the edge of the road? Joe adds within the ROW. Robyn says, there is not a ROW in all parts next to the road, that is part of the problem. Adds there is a difference between a fallen tree and healthy ones that are standing. Needing to ask an opinion of the County of those differences. [Debbie makes a motion for Joe to contact Benton County and get the clarification for all of this. Joe seconds. Joe all in favor? Commissioners Joe, Debbie and Sandy agree.](#)

Update on Daisy Drive work: Sandy: Two proposals received from K&D. One for the Daisy Drive Slope Repair project, a second for the Daisy Drive Pavement Repair project. Each proposal has an explanation page, a Terms and Conditions, a page of the breakdown for each proposal broken up into three phases: 1) Bid Phase Services; 2) Construction Engineering; 3) Construction Surveys. Each phase has explanations of what K&D will be doing for the Road District during each project. A fourth page details the number of hours each separate service will be billing under each of the phases. Following is the signed proposals attached in these minutes.



2025-Daisy Drive
Slope Proposal sign



2025-Daisy Drive
Pavement Proposal :

MRERD does not have any idea how much these are going to cost and we have to do this next step to advertise and get bids received which will go to K&D to review and we will decide together with them. Comments: Debbie: We need to get the bid out so we can have idea on when we can do this. She asks can this be done anytime. James responds as a contractor: it can be done, but time is added because of the rain and mud and mess adding countless hours of clean up. Summer time, dry season is the best to do any type of earth work. Things move quicker and there is not giant mess to clean up as in winter. Bids may come back with clauses in them that say bid is based on dry weather conditions with a list of things with additions of other things that cause a change in work order. Yes, it can be done anytime, but it will cost less to have in done in the dry season. Sandy adds: you can



specifications
23-139.pdf

not do pavement in the rain. In the 78-page specification document it talks about added cost for different things. As an example, in rain if the contractor has to stop and start there will be added costs. It will be to our benefit if we do the job in the dry season. Robyn adds, in general, the RD has emphasized hiring professional engineering and K&D in this instance will help in determining, aside from the cost, when it is appropriate for the jobs to be done. She states that there has been a need for this as it has not been done in the recent past for some jobs. That is part of the job for them to help oversee this. Sandy adds that in the Specifications document there are all of these things stated that the engineer will stay on top off which we know nothing about. Robyn; that is why you have agreed to do professional hiring. This was done for the Columbine 2020 work as well as the 2009 project when we first graded and reshaped things. Advertising needs to be done for this job because the job will probably be above the 279-level contracting. This means that Journal of Commerce in Salem will get an ad, that we will pay, for which will get this out to contractors that are looking for work. Debbie: We need to go ahead and get the advertisement out there. [Debbie makes a motion that we accept the two bids received from K&D for professional services and have them get the advertising done and bid packets out. Joe seconds the motion. Joe: All in favor? Commissioners Joe, Debbie and Sandy agree. Motion passes.](#)

Sweeping update: Sandy: Sweeping is done and the bill is paid. As far as dealing with this company Superior Floor and Power Sweeping, it was the worst I have had with a contractor. I asked repeatedly for written proposal via text and email. I wrote that we had a "not to exceed" amount and no reply was gotten. The day before the roads were swept, Sandy received a text from the owner that said "tomorrow looks like a good day". I again asked for a written proposal and did not get one. They showed up the next morning and did the sweeping. All we went by was a verbal quote and the final bill came in under the NTE amount. Sandy thinks we need to look for another company before next year that is more reliable. There is a list of other sweeping companies that we can contact and see how they work. Joe asks Debbie how her property looks where the sweepers dumped the road debris? She said they dumped just off the edge of the road and did not back up over the boards to get over the curb for fear of ruining the equipment. Then Paul had to spread the debris every time the trucks dumped a pile. Kevin said next year they would take more debris dumped on their property with sweeping. Robyn asks about getting a dumpster and the RD had looked into this with a cost of about \$2,000.00 quoted. She points out that with paving there is maintenances like on a house it is not cheap. It is different than grade and graveling.



Snow Plowing contract w/Ed Hughes: Sandy screen shares the proposal.

Minimum 3-hour charge at a rate of \$140.00/HR. from 7AM to 5PM and \$150.00/HR. from 5PM to 7AM. Question asked about timeframe for them coming after being called. The RD called on the 3rd day after it snowed thinking the weather would melt off the snow better than what happened. Clarification wanted on the statement on the proposal of estimated 10-hour time frame to get the snowplowing done. This statement has been on all proposals at least since the '20-21 timeframe. After discussion and questions answered [Debbie makes a motion to accept this proposal from ED Hughes for snowplowing. Joe seconds the motion. Joe: All in favor? Commissioners Joe, Debbie and Sandy agree. Motion passes.](#)

PLEASE NOTE: An email was received on January 13, 2025 from ED Hughes saying that they are closing. We will not have them as a snowplowing contractor now.

Open Forum: None

New business:

Ricks email the Commissioners on 12/31/24 an update on fiber co.:

Rick: In review of the Dec. minutes an item related to fiber optics was for the community to keep their eyes on remediation work. Here were a couple of positive items to note.

One related to the culvert that crosses the Lehyman (Leman) property access on Iris adjacent to Kornelius. (Cornelius) We noted that the culvert was nearly blocked from ditch work performed. The crew was advised, and they cleared it that same day.

A second item was that the crew graveled in the large sinkhole in Queen Anne Drive. This was not caused by the fiber optics work, but had been there since before the road was chip sealed. (The chip seal went right over the hole so it broke through immediately.) While there is gravel present over the chip seal the large hole is filled. This is a free-be from them. They did not fill a similar pothole in front of the Radatich (Radetich) residence. However, this also was not caused by them, but had been present since the original chipseal.

Just reporting as you asked.

Regards,

Rick Veronen

Fiber Problems:

Joe feels we need to keep a list and take pictures of these areas and others needing repair. He has not been contacted by anyone from about what they were going to do. Sandy has not talked recently to anyone since the rains have started. She has been upset with what she has seen being done and said things to them at the time and does not know what is going on now. Now she is seeing them digging down into the ditch near the end of Daisy. The fiber lines are already in and no explanation of why they are re-digging and then putting a very thin layer of gravel, not packed down over the dirt which is not going to stay with the rains pouring down. It will just wash into the culvert. About two weeks ago Robyn talked with a worker that was measuring with a precision measurement and he has discovered that the fiber lines were not laid deep enough. He told his boss and the response was "What? Do we have to do the whole job over?" Some say the PND people were fired. They are not on the job. They are in Kings Valley now, not fired at all.

Other things for the punch list: We were not able to get our striping done, sweeping delayed, mud in places that are for turnouts at the MRE Rd./Columbine/Daisy junction and other areas of the roadsides. Iris being one of the bigger issues. **Action Item: Sandy to text Devon and ask when they will redo Iris and "make it better than what it was?"**

Oversite of the fiber installation is by Benton County Public Works. They had to get a permit for this. Robyn had concerns about the signage along Daisy that was put up to alert people of the presence of fiber optic lines in the ground. She got a copy of the permit and addressed Benton Co. with the concerns and got the signs removed. Suggestion: we need to make up our punch list and present it to Benton Co. and we need to be specific on what we are going to be asking for in remediation repairs for the RD. James suggest we get an estimate for all repairs and tell Pioneer that we will be doing the repairs and that they will be paying for the repairs to be done. This was done by a resident that had several broken lines when the fiber was trenched in. Pioneer came back and said not to repair anything, that they would get it done. Other: reminding BCPW that they are the ones doing the permitting and are the over sight for this fiber installation. Pictures are needed.

Robyn adds that the fiber team punched out holes in the asphalt in two places. She put one back in at the junction of Columbine and Queen Anne. Wondering if she should paint them to be able to get them identified so they can be sealed back in by the fiber Co. This will be added to the punch list of problems needing to be repaired. James noted that there is also one on Iris that was not put back.

Yvette request to change meeting minutes: (see above Review of Meeting/Approval)

Addition of people requesting to be on Google Groups e-mailings: Joe ask if we know who these people are? Robyn says that she looked things up and Joe is a manager, Rich Kestner as "owner" and manager, Robyn is a manager, past president for POA, Yvette will be a manager as the current president David Cambell does not want to be a manager. Managers add people that cannot add themselves to the Google Groups email list. If people cannot get on themselves, they can send an email to one of the managers listed in the flyer (that was delivered to the residence along with information on the bear problems a few weeks ago). Criteria to be added is that they live in the Road District. Approval is always need to be able to post. People can get on the email and read things, but not be able to post. Troubleing posts can be restricted. Managers get a notice that there is an approval pending to be added. But there are all sorts of problems that can come up and some people are not getting the invite for approval. One problem is the invite being caught up in spam folders and not being found by those asking to be approved.

Meeting adjourned at 8:45