

**Mary's River Estates Road District Meeting**  
**Date: November 14, 2024** Zoom meeting hosted Debbie

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:** Sandy Chapman (Secretary), (Debbie Jackson (Treasurer), Yvette Spitz, James Roush joins at 7:14. Joe Chambers (President) not present for this meeting

**Call to order:** 7:06 by Debbie

**Additions/Deletions to agenda:** Sandy adds another item for K&D during financial report

**Review of minutes/approval:** October 10<sup>th</sup> Monthly Meeting and November 1<sup>st</sup> Special Meeting.

No changes noted for October 10<sup>th</sup> meeting. [Debbie makes a motion to accept the minutes as written for October 10, 2024. Sandy seconds the motion. Debbie: All in favor? Commissioners Debbie and Sandy agree and motion passes.](#) November 1<sup>st</sup> Special Meeting: changes to deadline for notification to the CCB from December 15 to November 15<sup>th</sup> changed. Sandy also adds the stated information on the BBB site came from Joe who went on the site and stated the Blacktop NW information had other businesses on the site. Other corrections were noted to be needed as Sandy took the Public Meeting webinar and all votes need to state the NAME of the Commissioner voting and how they voted. So, on the votes taken in the November 1<sup>st</sup> meeting the names of the Commissioners have been added. [With those corrections, Debbie makes a motion to accept the minutes for the Special Meeting November 1, 2024. Sandy seconds the motion. Debbie: All in favor? Commissioners Debbie and Sandy agree and motion passes.](#)

**Financial Report and Mail:** Mail received: bill from GRI for evaluation for chip seal for \$7623.82. A second bill for LGLG consultation after mediation meeting with CCB for \$769.50. Both through 10-31 with no further bills coming from either one.

Debbie screenshares FY24-25 financials for Income and Expense by Category YTD 07/01/2024-11/11/2024 and Transaction report 10/08/24-11/07/2024. We are beginning to get some taxes in from Benton Co. \$20,000.00 at this time and another \$22,000.00 not posted yet. Checks for K&D Engineering, Oregon Govt. Ethics Commission, lite bill. [Sandy makes a motion to accept the financials as stated and shared. Debbie seconds the motion. Sandy: All in favor? Commissioners Debbie and Sandy agree and motion passes.](#)

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

**Open Forum:** None

**Review of Action items:**

**Daisy Drive update in regards to fiber line installation and plans for our construction to repair the edge of the road bank. (email from BCPW):** Sandy gives information about meeting Devon from North Sky a few weeks ago when driving out. She told him about the proposed construction on Daisy Drive and told him they could not dig along the road and put in the fiber lines there. It is unknown at this time if Dan from K&D has sent in the plans yet to the Co. Time goes on and Sandy tries to keep up with the installation of the fiber lines on Daisy and then meets the neighbor whose house the project is at and he (Justin) says that the lines have been placed. He also told the fiber company that they could not dig there. Sandy sent an email to Gordon Kurtz at BCPW and called Ian the BC oversight person, and received an email from them that the plans were received and the fiber lines were installed about twelve feet from the road edge and should not impair the construction of the shoring up of the road bank: Justin said he thought the lines were about 5 feet beneath the ground surface.

Emails:

11/06/24 at 4:52 from Ian McGuire

Hey Sandy,

Just to confirm, the fiber line is over 12' NE of the edge of the pavement next to the proposed road repair. Well outside of the toe of the gabion baskets. I informed the engineer of the location, and this shouldn't be an issue. Please reach out to me if you need more information.

Thanks,

Ian McGuire, PE, PLS

Engineering Associate

Phone: 541-766-6286

Email: [ian.mcguire@bentoncountyor.gov](mailto:ian.mcguire@bentoncountyor.gov)

<https://pw.bentoncountyor.gov>

-----Original Message-----

From: KURTZ Gordon P <[gordon.p.kurtz@bentoncountyor.gov](mailto:gordon.p.kurtz@bentoncountyor.gov)>

Sent: Wednesday, November 6, 2024 10:10 AM

To: Sandra Chapman <[slcstainglass2@outlook.com](mailto:slcstainglass2@outlook.com)>

Cc: MCGUIRE Ian <[Ian.Mcguire@bentoncountyor.gov](mailto:Ian.Mcguire@bentoncountyor.gov)>; BYER Laurel

<[Laurel.Byer@bentoncountyor.gov](mailto:Laurel.Byer@bentoncountyor.gov)>

Subject: RE: MRERD DAISY DRIVE PLANS versus FIBER LINE INSTALLATION

Hi Sandra,

It is my understanding that the utility permit specified that the lines were to be placed outside the area to be repaired. I believe the lines were pushed out to the east (river) side of the right of way to avoid the shoulder work zone. Ian pointed this out to me at the end of last week, so I don't think you have anything to worry about. By law your contractor will have to call for locates and the fiber should be painted out at that time.

I am copying Ian so he can comment if I've missed something.

Best regards,

Gordon P. Kurtz

Associate Engineer, Benton County Public Work

-----Original Message-----

From: Sandra Chapman <[slcstainglass2@outlook.com](mailto:slcstainglass2@outlook.com)>

Sent: Tuesday, November 5, 2024 8:13 PM

To: KURTZ Gordon P <[gordon.p.kurtz@bentoncountyor.gov](mailto:gordon.p.kurtz@bentoncountyor.gov)>

Subject: MRERD DAISY DRIVE PLANS versus FIBER LINE INSTALLATION

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Gordon,

I have just learned that the fiber lines that are being installed in the neighborhood have been laid in the same area where we are planning to shore up the road on Daisy Drive. I told the contractors they could not dig in that area because of our plans. Now I have no idea how this is going to impact our construction.

Has anyone reached out to you to review our plans in regards to NorthStar placing the lines? I know I talked with Ian (the BCPW engineer that is overseeing the installation) about our proposed construction, but heard nothing back from anyone about what was going to happen until I talked with the home owner at the point in question and he said the lines were already in.

Please let me know if you have any information on this matter.

Thanks,  
Sandy Chapman, MRERD Commissioner

**Additional K&D information:** Sandy got hold of Dan yesterday (November 13) and asked about the plans for the construction costs. They again are supposed to be here tomorrow Friday November 15, 2024. Dan did resend the corrected site plans via email as he said he had to do some revisions when he was writing up the construction bid costs. At first, he tried to say he did not think the construction bid costs were part of the original bid. She told him he had already told her that he had to change the site plans when he was writing up the construction bid costs. And we have not received the revised plans, but the County has gotten them. She has not reviewed what the changes are, but Dan said that Gordon Kurts at BCPW has reviewed them and signed off on them. The project cost breakdown is again supposed to be here Nov. 15. Debbie agrees she knows the construction cost were a part of the original bid. Sandy adds that we would not have had him do it if it was not.

**Sandy's reappointment form:** Sandy walked the form into the office herself.

**WHA information for compliance by November 1, 2024:** Debbie has filled in and sent the forms in for them to roll over our insurance.

**Sweeping update; review of proposal. Request of property owners for a place to dump the debris:** A proposal was supposed to have been received from Superior Power Sweep by the meeting and nothing has come yet. A proposal was asked for sweeping up all the debris as well as a proposal for just sweeping everything into the ditches this year. Sandy feels this is the best option because of all the dirt and debris on the roads from all of the construction as well as the leaves are all down and completely soaked as the leaves fell with the rain coming down. Yvette's opinion is that sweeping into the ditches is a problem in some places because of the shallowness of the ditches and they get filled up and back up the water. She again points to the ditch at the south side of her driveway where she feels the ditch is already shallow and causes water to back up on her property. As well as the sweeping off onto the ditches cause a buildup on the side of the road, then water cannot run off of the road and ice can form. Sandy says special attention will be given to Yvette's concern of her ditches. Sandy's concern with MRE is with all the extra chip rock on MRE that is all the truck is going to be picking up. Debbie asks about how they sweeping is done. Sandy reports that all the roads' edges are swept and they usually start in the middle of the road to get the leaves there first. Discussion concerning the ditch by Yvette's being dug out or shallow dig, or no dig, heard. Sandy says she will come and dig out Yvette's ditch by herself and maybe everyone will be happy. Debbie goes on to the question about requesting the property owners for a place to dump the road debris. Sandy was going to send an email out asking if there were any takers for dumping the debris from sweeping on their property. To have a waste receptacle brought out here for the sweepers to dump into would cost about \$2,000.00. If we did not have to have a place to dump last year the sweepers would have had to drive to Corvallis when the truck was full and dump there and drive back. It would have taken estimated two days to get the job instead of one, if last year the Cornelius's did not offer for the debris to be dumped on their property. Cost of sweeping would be \$150.00 per truck per hour, with two trucks he said \$250.00/ hour for sweeping. Debbie offers to have the debris dumped on her property and will consult her husband. Commissioner agree to sweep and dump and wait until we get the proposals. [Debbie makes motion to engage Super Power Sweep to sweep the roads, not to exceed \\$2,500.00 and to get us on the schedule. Sandy seconds. Debbie: All in favor? Commissioners Debbie and Sandy agree and motion passes.](#)

**Review of Nov. 1<sup>st</sup> Special Meeting and results of CCB information on litigation:** Debbie summarizes the meeting: we met with the CCB mediator Gerrit Southard and Frank Vedack and witness from Blacktop NW. We did not get any counter offer back from Blacktop NW after we asked for the job to be redone or \$100,000.00 compensation given to us. We were sent a letter which stated we were unable to get a resolution and we had 30-days from the date of the letter to let the CCB know how we were going to proceed. Debbie's mission after the Nov 1<sup>st</sup> special meeting was to find out if a small claims court judgement could go against his bond. The Mediator said that it would and if Blacktop did not pay us, we would have access to his professional bond, limited to the small claims court liability for \$10,000.00. This would recoup much, if not all of our legal costs. The receiving of the judgement would remain on the CCB website for ten years. Debbie also wrote to the analyst and got an extension until the end of the month to have our filing for the small claims court. We will need to keep them updated every 45 days on the process. We plan on taking the evaluation from GRI with us into small claims court for their expert opinion. **Debbie makes a motion that MRERD file a small claims court for \$10,000.00 in damages against Blacktop Northwest LLC. Sandy seconds the motion. Debbie: all in favor? Commissioners Sandy and Debbie agree and motion passes. Action item: Debbie will fill out forms on-line on the Benton County website and hand walk the complaint in to small claims court. The forms need to be stamped for the CCB to analyst.**

Debbie brings up that we still need to share with the other road districts and the County the results of our evaluation of the job we received from Blacktop NW. **Action Item: Sandy will call the other Benton County Road Districts and get an email for each to send by email, the evaluation as well as to Gordon Kurts at BCPW.**

Yvette asks about the results of the evaluation for the chip seal job. Debbie summarizes that it was classified as a shoddy job. Evaluation will be sent to Yvette of review. James asks about the mediation meeting if Blacktop NW even showed up? Commissioners answered that he did show and brought a witness and had excuses for the job that people were driving too fast, that we scraped it off with a plow, people peeling out during the job, all manner of other excuses. We stated our case and he said we were pushing him to do it, to which we said we were relying on his expertise to do the job or not. If he felt it should not have been done, he should have said so. Sandy explains to those present that were not at the special meeting that we do not have the finances to litigate for anymore (than the small claims court). James suggests that having a bad review on Google will cause hundreds of people not to use a company. Sandy adds that Angie's and Houzz were mentioned as other places to post reviews. **Action Item: Sandy will contact the Better Business Bureau and the other sites mentioned for filing complaints.**

### **New business:**

**Sign up for Public Meeting Law sessions:** Sandy has already viewed the webinar. Debbie says we are watching the sessions to reduce 10% on insurance as well as information. Everyone is signed up for a session.

### **ADA Compliance for the website NEW FEDERAL LAW, review of webinar seen Nov. 7<sup>th</sup>:**

New Federal laws have been passed that require ADA compliance for several aspects of Public Meetings. We have until 2026 to update to be Federal guidelines. There will be needs for sign language, foreign language and other things. **Action Item: Information to be gotten as time goes on.**

### **Clearing of the corner at Chicory Lane and removal of the dead oak (email notice from David Campbell):** emails received from David Campbell:

On Oct 15, 2024, at 12:43 AM, David Campbell <[coffeerocks1949@gmail.com](mailto:coffeerocks1949@gmail.com)> wrote:

Hey, My neighbor is making a request that the trees and bushes across from Chicory Lane be cut back so that cars can be seen when pulling out of the lane. Even for us it is hard to see. Cars fly around the corner without looking or thinking about a driveway or a lane being there. It is in the right of way. I checked. This is in the RD's realm to fix this issue. So, is your president back or has he backed away completely?  
David

On Tue, Oct 15, 2024 at 4:51 PM Sandra Chapman <[slcstainglass2@outlook.com](mailto:slcstainglass2@outlook.com)> wrote:  
Hello David,

Joe has never been "gone" except for a vacation. And he has never backed away at all. He works full time at his day job. He is the President, but all Commissioners have equal standings despite the designation of president secretary or treasurer. We all do what we can do.

Thank you for bring the problem of the visibility issue to our attention.

Sandy (the name is not Hey)  
MRERD COMMISSIONER

Received 10/22/0at 5:06 from David Campbell;

Since I last chatted with you on line there have been at least two near misses because of the brush and trees across from Chicory. This is not an issue that can wait until next year. This should be taken care of now! It is the RD that needs to take care of it. It is in the right of way....sort of like the downed Oak tree at the same location.

This needs to be handled soon or someone will get hurt. There have been two or three near misses this last month.

And just for your information: I start most or all email and letters with "Hey." And I always will. Did when I worked for Tek and HP.

David Campbell, POA President of MRE Philomath, Or. 97370; 541-908-1201

Sandy continues: So, the question is do we cut back the blackberries out or not? We do need to get the downed tree out of there. The people's property that the tree fell onto have cleaned up their part on their property up to the fence which I think is the actual right of way line. Suggestion by James to call the County to determine what actually has to be done. With his experience working with other counties, is that if a tree falls in the ROW, it was still the property owner's responsibility to clean up the tree up to the road even into the ROW. Debbie states her opinion that it is ironic that the person that did not want their ROW cut by the Road District when we were clearing and cutting back, now wants someone elses stuff cut. What she remembers about the ROW discussion is that: not that we own it or that it is our trees, but we have the right to cut and clear there. She wonders why the people stopped cutting up the tree because she had to take care of a tree that came down in the ROW at her property. She does not see that it is the RD tree. Sandy feels it is the RD tree as it is within the five feet of the road. Discussion: if the RD came to the property owner and said that the tree needs to be cut down, the property owner would be opposed to it, say it is their tree. Can the tree just lay there? There may be liability issue if a car runs into something in the ROW. **Action Item: Sandy will contact Benton Co to ask specifically on this issue.** As far as the blackberry vines they are almost bare, people need to slow down and stay in their lanes. At the last meeting we asked for new arborists for the road district. Our old one Casey Riddle passed away. James offers up that the person he uses is really good, Luke Whitemen, at Bigs Tree Service. He has all the equipment boom

truck, chipper and stump grinder. Number is 541-740-8817. Josh Cantrall has good reputation also. Our previous grass cutter, Adam May is also in the logging business.

James says there is "lake" on Columbine half way into the travel lane. Possibly the fiber installation people have crushed a culvert or blocked something up. Sandy: we need to continue to make our punch list for the problems we are seeing. Discussion: on how bad some of the results we are seeing from the lines being dug on personal property as well as on the roads and what needs to be done. Sloughing off of the bare banks are happening with the rains coming down. There is disregard for personal property and egress and ingress of residence vehicles with the digging company vehicles parking in the way. Sandy had a conversation with Devon on the sloughing of the banks and he said certified straw and grass seed will be placed after the banks are redone.

Meeting adjourned: 8:47