

Mary's River Estates Road District Meeting

Date: December 12, 2024 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), Yvette Spitz, Rick Veronen, Kevin Cornelius

Call to order: 7:04 by Joe

Additions/Deletions to agenda: Fiber installation fiasco, contracting for snow removal for 2025

Review of minutes/approval: November 14, 2024. Debbie typos reported back to Sandy. Sandy changed typos. [Debbie makes a motion to accept the minutes as written for October 10, 2024.](#) [Sandy 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- 12/09/2024 and Transaction report 11/12/24-12/09/2024. We received a large amount of taxes from Benton Co. \$124,000.00 at this time and more today not posted yet. GRI bill paid for evaluation of chip seal, and 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. See attached records.

Mail: Invoice for SDAO \$180.00, Quicken software renewal at end of December without statement of cost yet. Invoice from K&D through November 25, 2024. Total payment to K&D is almost at the \$15,000.00 we authorized for. Details in invoice is by who is performing the different types of work at the engineering firm such as Principal Engineer or CAD draftsman. Debbie received proof of service for delivery of the small claims to Blacktop NW.

Review of Action items:

Small Claims Court Filing against Blacktop NW.: Debbie: At the last meeting we approved filing in small claims court against Blacktop NW. (BTNW) which Debbie did on line. A case file was given and notifications are received on line. The next thing is to serve the complainant via Marion County Sheriffs for \$50.00 and filing fee of \$102.00 to Benton Co. It was served on Dec. 5th. BTNW has fourteen days to respond until Dec. 19th. BTNW options are to 1) do nothing 2) file counter complaint in small claims or move it up to District court and that is where lawyers would need to be involved. We would then have fourteen days to respond which will be before our next meeting. Debbie wants to go over options so we can decide what to do now with a response from BTNW that will happen before our next meeting. She goes over the options: No response: we go back to Benton County and ask for default judgement in our favor of for \$10,000.00 (max in small claims court) the filing and delivery fees. Also asked for is a punitive damage prevailing party fee of \$5,000.00 for BTNW lack of dealing with this in a timely manner which is up to the courts to decide. If the Courts give us a default judgement, we have to write a letter of demand for payment to BTNW, give them a reasonable time (30 days) for payment. We also need to keep the CCB updated every forty-five days of what is happening with the case. Debbie has written to CCB and given them our court number for filing in small claims court. CCB assured Debbie that a small claims judgement could go against the bond if it was something that would have been covered by the bond. The \$5,000.00 punitive damages may not be included. If we get paid then everything is fine. If BKNW does not pay we give

a letter of demand and if he does not pay, we go back to the court and let them know he did not pay us and that sets up to go the CCB with a judgement and ask CCB to pay us out of the bond. What is not clear is what happens if BTNW takes this to Circuit Court? Which is back to the attorneys involved. Debbie is still not inclined to drop it. In case Debbie gets the response in a short turn-around time to respond, she would like to get the list of attorneys given to us by LGLG and contact them to see if they would take us on as a client to circuit court. Sandy thinks we need to keep them apprised or they will be in the dark. Joe says we should wait and see what the response is. Debbie is concerned there might not be enough time to contact them after a response from BTNW and we would have to call an emergency meeting, etc. Joe asks for more clarification on "the what happens if" scenarios of the case going to circuit court and the possible time frames for getting a lawyer. Debbie gives explanation that she just wants to be prepared for this and touch base with a potential lawyer, but hoping BTNW will just go the easy route or nothing at all. **Sandy makes a motion for Debbie to contact the lawyers that Carri Connelly from LGLG suggested in case we needed to go to a higher court. Joe seconds the motion. Joe: All in favor? Commissioners Joe, Debbie and Sandy agree, motion approved. Action item: Sandy to send the lawyer information to Debbie via email received from Carri Connelly. And also send to Debbie the final evaluation from GRI.**

Tree in ROW Benton Co response: Sandy has gotten side lined with other things and will call tomorrow and let Joe and Debbie know the answer to who is responsible to clear up the tree in our ROW.

Getting new Arborist: Sandy sent out requests to Josh Cantrell at Mid-Valley Woodsman and Luke Whiteman at Big's Tree Service. Both responded with costs and equipment that is used.

Emails from Big's Tree Service LLC: 12/12/2024

Fantastic. I forgot to mention in my first email, included in that pricing, we have 60' bucket truck, 12-yard dumping chip truck, 12" chipper, mini skid steers with multiple attachments, stump grinder, etc.

Please let me know if I can be of further assistance.

Luke

Big's Tree Service LLC

541-740-8817

On Mon, Dec 9, 2024 at 11:08 AM Sandra Chapman <slcstainglass2@outlook.com> wrote:

Hi Luke,

I appreciate your quick reply. Thank you for the information on prices and working details. We have a process we have to go through when contracting any business. We meet monthly to discuss our road districts business.

Our next meeting is this Thursday and I will present your information to the other Commissioners.

We will then proceed to meeting and discussing the work and deciding the next step.

Thanks for your patience,

Sandy

On Dec 7, 2024, at 12:58 PM, Lucas Whiteman <bigstreeservicellc@gmail.com> wrote:

Fantastic. Our crew structures consist of either a 2 or 3-man crew (we seldom work alone).

We don't typically work on an individual hourly rate, unless it is a part of a larger project. Being transparent, hourly rates for 1-2hrs aren't always in our best interests, financially.

Working on a right away projects for road districts, or municipalities are typically the exception.

As a generalization, our two-man crew typically bills for \$2,000 per 8hr day, and 3-man crew for \$2,500.

As you mentioned, the next best step would be to drive the roads to get a feel for what you are looking for, and be able to put a more accurate price point on project.

I live in town in Philomath. When would be a good time to meet?

Luke

Big's Tree Service LLC

541-740-8817

On Dec 9, 2024, Josh Cantrell <mvwoodsmen@gmail.com> wrote:

Hi Sandy,

Here is an hourly rate breakdown. Hopefully it makes sense and doesn't read too much like a bad breakfast menu. Basically, I prefer to run my full crew (3 people) and when the whole crew is working, I like to make around \$3000 a day give or take depending on how long of a day we work. You'll see that I give a discount for keeping the crew together. That being said, sometimes depending on what is needed I might only send 2 people or just come out by myself if something fairly simple and quick needs to be done. The easier people make it all on us the easier we can make it their wallet.

We currently carry insurance up to the standards required by Benton County who we also do work for and I can supply said certificates.

Thank you

Josh Cantrell

Mid-Valley Woodsmen LLC

541-740-1063

After discussion of costs and equipment presented by each company and discussion that either would be adequate for our needs, [Sandy makes a motion that we hire Bigs Tree Service LLC for our tree service needs as they are \\$500.00 a day less expensive. Debbie seconds the motion. Joe: All in favor? Commissioners Joe, Debbie and Sandy agree, motion approved.](#) Discussion followed when question was asked about why this tree at the corner of MRE near Chicory, has required such special handling. Answer: No one has taken the initiative to take care of the rest of the tree in the ROW after the property owners took care of the part of the tree that fell over their property line when they decided not to have anyone on their property because of insurance reasons. The tree is very large and being close to the road is a hazard that needs to be taken care of.

Next step for Daisy Drive work: Joe: K&D turned their plans in to Benton Co. Have we heard anything else? Debbie: The plans have been accepted by Benton County. Debbie looked up the contract with K&D and the agreement with them ended with what has been done, with a proposed bid package for the two areas on Daisy that need repair; (the shoulder repair and the end of Daisy pavement repair). This 78-page document is set up to send out to contractors for them to send in a bid from it. K&D would get the bids and review them. There are different phases of work that need to be done with criteria for payment. K&D would approve the work before payment. The question from Dan at K&D in an email from Nov. 22,2024, is asking if we want them to put together a proposal for construction phase services? Debbie says, yes. She does not want to manage this project. Joe agrees we need to send out for bids and find out the costs for retaining his (K&D's) services for managing the project(s). Debbie: we may as well ask him (K&D) for the bid phase services and construction phase that he refers to. All Commissioners agree that they do not want to manage the job as we need someone that knows what needs to be done. Per the bid document, payment is done when

approved by engineer. Debbie makes a motion that we respond to K&D with an acceptance of the bid documents with corrections to typographical errors. And ask for estimates for the next bid and construction phases. Joe adds that we ask when we should do this type of work. Debbie adds we are needing an estimate of construction estimates from K&D. Sandy adds: The jobs should be separated in the bid stage. Joe seconds the motion Joe: All in favor? Commissioners Joe, Debbie and Sandy agree, motion approved. Joe is asking what the homeowners' responsibility is with the slope repair. Sandy says K&D plans are only to build the wall and put the culvert through. The homeowners' responsibility is to go from there. They can do what they want to do with the runoff water from the culvert. Sandy has had a discussion with Justin the owner and he is already talking with someone on what to do with the runoff from the culvert.

Filing complaints against Blacktop NW at Angie's and Houzz and BBB: Sandy: Last meeting we agreed to file complaints against BTNW with Angie, Houzz the BBB and to send the chip seal evaluation done by GRI to all the other road districts and to Benton County. Sandy has sent it to Benton Co. and Vineyard Mountain RD (no response back) and is still working on the other districts. No complaints have yet to be filed with the other entities. Debbie suggests that we hold off on the other complaints until after our court hearing and possible judgement. Agreed to hold off by Sandy.

Dig out of Yvette's roadside ditch: Sandy dug out the ditch by Yvettes and the water is running much better. There was a lot of grass slowing the water at an area that was higher than the outlet of the culvert. Now the water is flowing easily. There is a ditch dug down to gravel with water flowing to the culvert that goes down the hill and under the road. Yvette is happy because the abundance of water that is flowing from a culvert that runs under the road onto her property, as well as the runoff from the hillside on her side of the road is not backing up.

Sweeping update: Sweeping is supposed to be done tomorrow Dec. 13. on paved roads only. The cost was a NTE \$2,500.0 for two sweeper trucks for 10 hours, per the verbal proposal by Shane the owner of Superior Power Sweep INC.

Fiber installation fiasco: Sandy just wants to talk about the mess from the fiber installation; Iris is a mud trail, ditches are fuller with dirt than before the work started, sides of roads are gone (no shoulder). One driveway has no shoulder and the water will erode under the driveway now. A report was heard of water and electric lines being cut when fiber lines are being dug in and repairs are not being done properly. Joe said the roads have been blocked for days on Iris, there are no flaggers when working. Trucks are being parked on private driveways. They are not using the turnouts for their work vehicles. People are needing to back up on the closed roads. No knowledge of where they will be working. No knowledge of when or if the remedial work is being done. Repairs are inadequate when they are done and the ground is not smooth as prior installation, but bumpy and rutted. Edges of driveway is sloped into the ditch. A worker said that he has seen that a landscape company has been hired to repair things after other installations he has been a part of are completed. The community needs to stay on top of the situation. We have no knowledge of when the remediation will start or if it is done.

Contracting for snow removal for 2025: Sandy asks if we should stay with Ed Hughes for snow plowing or ask for other proposals? The people in the second house on left side of MRE Rd. have plowed before. We could ask and make sure they are a licensed and insured contractor. Yvette says they have plowed before when there was snow and the response to plowing was slow to come. Rick suggests we get information on sanding the road when it is icy. **Action Item: Sandy to contact Ed**

Hughes Co. and the neighbors at the bottom of MRE Rd. for snow plowing contract and possible sanding.

Open Forum: None

New Business: None

Meeting adjourned: 8:30

Addendum to minutes:

Email shared by Yvette

From: Yvette Spitz <yhspitz@gmail.com>
Sent: Tuesday, December 31, 2024 12:55 PM
To: Sandra Chapman; Joe Chambers; hundance10@gmail.com;
kevincornelius@peak.org; Rick Veronen (badmed711@aol.com)
Subject: Re: MRERD MEETING MINUTES 12-12-2024 (draft)

Sandy

In the section,

"Dig out of Yvette's roadside ditch: Sandy dug out the ditch by Yvettes and the water is running much better. There was a lot of grass slowing the water at an area that was higher than the outlet of the culvert. Now the water is flowing easily. There is a ditch dug down to gravel with water flowing to the culvert that goes down the hill and under the road. Yvette is happy because the abundance of water that is flowing from a culvert that runs under the road onto her property, as well as the runoff from the hillside on her side of the road is not backing up."

Since I mentioned the problem this year in the email and in person, I would like to have the following sentence added before "Sandy dug out". Here it is "Yvette usually dig out the ditch every year south of her driveway as it fill out easily after fall/winter and full maintenance of the ditches have not been done professionally for many years. Yvette could not do the work this year due to severe back injury. Sandy graciously offered to dig it out. "

Thank you for adding that, which reflects reality, the exchange of emails and verbal comments during many MRERD meetings.

Happy New Year.

Yvette