

## Mary's River Estates Road District Meeting

**Date: February 9, 2023** Zoom meeting hosted by Joe

**Attendees:** Joe Chambers (president) Debbie Jackson (treasurer) Sandy Chapman: (secretary), TR Gregg, Rick Veronen, Robyn Lillehei, Janet Cornelius

**Call to order:** 7: 09 PM by Joe, President

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.

**Additions/Deletions to agenda:** None

**Review RD minutes:** Debbie says she has no changes to the minutes, Robyn ask if the minutes were circulated. Sandy says they were not sent out because she thought Joe would send them out being president and he did not. Debbie makes motion that we have no changes to the minutes as drafted and they will be sent out to the participating members of January meeting for review. We will approve minutes in March meeting after review. Joe seconds motion.

**Mail and Financials:** Report by Debbie, Treasurer

Mail received: Yes: A past due notice from SDA for membership dues that she never got the original of. Membership dues for \$140.00 which lets us participate in the insurance program. And that is the \$1,929.00 to be paid. Check received from CPI for \$18.10 for 1992-93 patronage dividend. Those are the proposed bills to be paid.

### **Financial:**

Debbie screenshared:

- 1) MRERD Income/Expenses by Category YTD: 07/01/2022 through 02/06/2023  
Interest Inc

### **Account balances as of:** 02/06/2023

Interest Inc	\$ 1,511.23
Taxes	<u>\$ 119,523.62</u>
Total Income	\$ 121,034.85
Citizens Bank Balance	\$ 1,280.01
LGIP Balance	<u>\$ 170,223.34</u>
Total bank accounts	\$ 171,503.35

MRERD Transaction report 01/09/2022 through 02/06/2023

### BILLS

CPI	\$ (15.83)
INCOME Interest	\$ 485.04
Taxes	<u>\$ 1,234.34</u>

Joe asks about what signs and lights are? Explained that it is for the big street light at the MRE/Hwy 20 Junction.

**Open Forum:** None

**Review of Action Items:**

**Snow Plowing Contract:**

Joe went down to ED Hughes to review the snow plowing contract. \$150.00/ hr. for snow plow. We need to call them when we need road plowed. They have various cost for different equipment used. Minimum 3 hr. charge call. No time frame for when we call and when they come out. We have same contract as we had last time, but with the addition of the cost for the plow. Different cost for day and after hour rates. Robyn asks that we give ED Hughes the names of who is authorized to call for the plowing to be done and also the names of the roads to be plowed. Rick says that some roads like Queen Anne should not be plowed unless absolutely necessary because of the chip seal on it. TR says commissioners need to make the call, and says that Robyn's input is good. Sandy: Clarification on Iris? Yes, to be plowed. Tansy needs to be plowed because people live on the road now. TR ask for a structured discussion with the whole of circuit and review how the winter went and what is needed and from there the commissioners will have what we need for decisions to be made. Joe moves that we accept ED Hughes for the contract and he will go down and add the details of roads needing to be done and who calls them and will go down and sign the contract. Debbie seconds. All agree. Motion carries.

**Grading and graveling of Iris:**

Joe will continue discussion with the County on what needs to be done on Iris in regards to size of gravel needed to be used on Iris. He has talked with Pat Malone and he will talk with Benton Co. Public Works and bring back more information on this subject in March. Sandy asks when routinely is Iris graded and graveled. Joe says it was usually done in fall or spring and was done last fall. Sandy says that it was only a portion of Iris done, so we need to do the whole thing this spring because the whole thing was not done. TR says that a light maintenance only needs to be done because the road is in good shape for the width of it. Queen Annes and Iris both have areas that can be addressed for the issue they have, but says that spending money on grading of Iris on the full length, he is not sure what will be accomplished. Big issue is dust control later. Special zone fixes to soft area on Queen Annes and potholes on Iris. Rick asks if TR is open to walking the road? Rick says the crown of the road is gone and part of the reason to grade is to get the road to drain. Right now the water is running down the lanes of the road which will happen after few years not being graded. Sandy agrees. Tr looking at the future planning of Iris to be widened for emergency access and why spend a lot of money on something that will be torn up later for widening. As far as dust control we learned that lignin works against any future paving or chip sealing. TR feels that the chip seal on QA was a huge success based on the Earth-bind product being used. It has already been identified that Iris is substandard to support emergency vehicles and he doubts that more work will be able to be done to improve that this budget year, but we should look at how much money we put into Iris now. So yes, TR will walk with Rick and Sandy asks to go on the walk also when they go. Joe is asked to be included and agrees. Sandy's input is that the pot holes can be fixed despite the need for widening the road later.

### **Website Concerns:**

Debbie and TR helped get on to the account for the website and redirected the billing account from Johns' debit card to Debbie's debit. Debbie is now the account holder.

### **Authorization at Citizens Bank for President:**

Sandy called Citizens Bank for the paperwork to be done to change over safety deposit boxes and debit cards and checking authorization. It is now all in order to be signed. Some in person signatures and some E-signatures to be done.

### **Posting minutes to website:**

Sandy makes motion to post APPROVED MINUTES to the website and send out APPROVED MINUTES also to Google Groups email. Joe seconds. Joe asks: All in favor? All agree and motion is carried.

**Review of Projects:** No projects on going at this time.

### **New Business:**

#### **MRERD/MREPOA- Website fees:**

Debbie: we all attended the POA. Debbie gives history of payment of website fees and POA said they did not have the full amount to pay at once and the POA paid  $\frac{1}{4}$  of the website fee and  $\frac{1}{2}$  of the domain fee to MRERD. MRERD paid 2 years ahead for better rate for premium plan and domain fee. Now its time to bill for the rest of past due 1 year they owe back to MRERD. At annual POA meeting they felt that since MRERD had more financial stability and the POA was not getting the normal dues from residents of the community that MRERD should pay a bigger share. TR clarifies that when the new website was being made that RD was considering doing their own website. It was strongly insisted that it be a shared participation at the time. It was a known and accepted at the time of conception that it (the fee) was 50/50 payment split. It was debated whether one would pay and the other be reimbursed. **ACTION ITEM:** TR and Debbie will get together and review the prices being quoted. TR feels that they insisted to be a part of the website and payment to be done. Sandy says at the meeting that POA \$20 dues are going down and POA inferred that the RD should pay more of the website fee. Sandy is in favor  $\frac{3}{4}$  to  $\frac{1}{4}$  payment.

Debbie makes a motion that since the agreement was made last year with the MREPOA and they were given a 1-year advance on this contract by the MRERD, to continue with the previous payment plan of 50/50 split. The time for renegotiation of payment is next year when the current agreed upon payment is up. She will present the MREPOA treasurer with the bill for the remainder owed to MRERD. Debbie will put in her calendar to bring this up in a meeting prior to current agreement ending. Sandy agrees with the motion and to reassess the agreement with MREPOA at the end of this contract. Sandy seconds. Joe: All in favor? All agree, motion passes.

### **Inclement weather Issues:**

**Live webcam information:** Sandy asks if TR had anything on this issue. TR says there is not a problem in increasing the capabilities of our website. Google Groups have important information given by residence with weather problems. And we have trip check. We need to be sanctioned by the RD to look into this webcam issue. We can approach Alyrica or Pioneer to see what they can do as a sponsor. We would need a property owner to agree to put the webcam on the property. It would be like trip-check where you can go online and see the temperature and road conditions. Joe asks if

there would be any other time when we would use it besides winter? There are several places on the roads in the district where it would be beneficial. TR says right now we are dependent on an individual to tell us what is going on especially on MRE hill. Sandy says that even if someone sends out an alert on the roads that not everyone checks their email all the time. So asks what do we have to do? Send out an email to the district on their opinions of a webcam? Whether we do that or not we still need to get pricing information. TR says it would be more on the commissioners to apportion the money to make that happen and the commissioners making the service available. Need to check it out with Pioneer for costs and setting up the website. We need the commissioners to be on board before anything else is done. Rick asks who is going to go out to check the weather? TR says it will be an internet feed, no one needs to go out. Joe asking who will investigate it and who will be doing other things, about the cost of it paying for a full year and using it for only three months.

**ACTION ITEM:** Sandy says she will look into the cost and how it works. Tr says geographically it needs to be on the Hill. TR agrees to look into webcam info with Sandy.

### **Upcoming Maintenance of Roads:**

Joe says nothing coming up until April. Sandy asks if Joe got an estimate from Adam May with CutawayINC. for mowing? Joe: No estimate received. **ACTION ITEM:** Sandy will call him back and have Adam send us an estimate. Joe says that coming up ditches need to be looked at. Sandy says Adam May also did ditches last year for us and could do that again. Ditches need to be looked at to see if any need to be cleaned out. She has notices that the ditches in front of some culverts are filling up and Yvette says her ditches need to be cleaned. So, a review of ditches and culverts need to be done to determine what needs to be done.

### **Committees and Volunteers:**

Joe ask what previous committees there have been and who has been on them to see who may be still interested in being on committee. Rick says there was a group that was looking safety improvements. They had looked at painting signs on the roadways, putting up signs that show the speed you are going. That got squashed a few years ago and Adam brought it up at the POA meeting in January. Wanting to know if they came up with reasonable approaches. Was there money that could be in the budget for that kind of work. Sandy answers: she got a map from John (retired RD president) that showed where Benton County said new speed limit signs need to be and there is a limit on the number of signs that can be put up. We are rural and the rules are speed limit signs every 2-10 miles. There is just a possibility that what the Co. recommends can be altered because of what the wording says. Sandy suggests that a sign be put across from the end of Finch says "entering MRE 25 MPH speed limit". Robyn says there was a specific request starting in 2019 that the RD commissioners investigate, because of the safety committee, that the investigate jurisdictional control. The county was saying we could not put up certain signs. There was a request that the RD have a meeting with lawyers to find out whether or not the MRERD could determine where to place the signs and what the wording could be including painting 25 MPH on the road. In the lawyer meetings that did take place in 2020 and 2021 there was an attempt by the lawyer who was a specialist in municipal agencies, like the road district, to have the County sign an agreement that they would negotiate with us on certain things and the County would not sign it. The lawyer was stymied on this because of what under State Statutes it was reasonable that Benton Co would sign an agreement with the road district to discuss things like this, but Benton Co. refused. So that is where the sign project fell apart. Robyn says we need to clean our signs, some of the evacuation signs are gone, removed. Says there are certain rules on where /how signs are placed. This would be a great

Public Works conversation: can they clean the signs, is it under our jurisdiction, how do we clean them? **ACTION ITEM:** Sandy will look into the sign issue further with the county. Joe is calling public works on other things. Robyn suggests that we review the notes on the specific meetings regarding the legal attempt to get the County to coordinate with us. It was a 2021 executive meeting with discussion afterwards meeting so notes are written.

Joe asks if there are other committees in the past? Sandy says there was a committee on trees that Rick was a part of. Rick and Robyn did a dead tree survey. Rick says there was a committee on hard coat of Columbine that Andy Evans spearheaded. He was a commissioner at the time in 2010. Volunteers have walked the roads when crack sealing has needed to be done to get an idea of what is needed. Walking paths committee started and survey done and stakes put in and then metal stakes pounded in for future reference. That project got tabled for various contentions between neighbors. Robyn says there is the Budget committee that was reinstated after years of not having one. It was hand-picked without having a call for volunteers from the community to be involved.

Discussion evolved to Rick asking Joe if he had met the people living on Tansy. Joe says in talking with ED Hughes, Public Works is telling them that the end of Tansy, dirt road area to Iris Circle is County Road. Robyn says no, it is Road District Road from original platting of the MRE. Construction Co and CPI have been misled over the years by some of the people that are developing the area as to it being County vs RD Road. Tr brings up the subject of the chained off access road off of iris being down and was wondering if the Commissioners were aware of it? Joe says he is aware of it. Tr asks if it was sanctioned or approved of? Sandy says John said he was going to put the chain back up and her understanding that it was opened up for construction people to go to the back of Tansy But it was supposed to be closed back up. TR said it sounds like it is opened up for intended purpose. Joe says we do not want it locked back up. Sandy asks why? Joe says because we do not want the heavy equipment running on Tansy Drive and destroying that road. Joe says tractor trailers are going in and out now for site development. Rick suggests that Joe get them to do a quick scrape of the road when they are done to keep the road in passable form in case of need during fire times. The point of the chain was to keep recreation vehicles out of the area and create ruts and the road is not usable in emergencies. Joe says that is not going on. He would know because he is right at that chained area. Robyn says that an individual Commissioner cannot make a judgement call without having conversations with the fellow Commissioners to make a policy. It is a very clear thing that (a Commissioner) is not allowed to make an individual decision for something that relates to road district areas. In the past when Ron Hartz used that as a logging road, he was required to do mitigation on the area because of the damage that was caused. She feels that if the only reason that you don't have the construction people not go on Tansy is for a closer easier way. They are making a mess of it and previous developers were not allowed to do. The lock across the bottom there are 2 padlocks. One belongs to the RD and the other belongs to (a Red Knox lock that the RD paid for) The fire dept has a key to. The contractor that was given the road district key added a third padlock and now CPI has a fourth one there. The padlocks are supposed to be put on so that any individual key can release the padlock in the event of a wildfire. This was not always done and prior contractors added their own padlock. This was brought up to John, he called the contractor. Joe says that the road has been improved with grading and graveling. Rick says the purpose was to keep it functional for an emergency exit. Joe is asking who it is an emergency exit for? Rick responds: for the fire department and Robyn adds: or the residence above if the other part of Tansy is blocked. There is supposed to be 2 ways out. When Tansy was built there was supposed to be 2 ways out just as in the rest of the subdivision. Joe says yes but we are still a "one-way out". Robyn says that is why they

are emphasizing turnarounds, drive arounds. Republic garbage does not want to go up there and do garbage because there is not a turn around. Bottom line Sandy asks, "The chain is supposed to be across that road"? Robyn says that is why there are "no motor vehicle" signs up there because of the damage that was caused. Sandy continues: Is there building going on now? Joe says: "Yes". Sandy: And there is traffic on there now in the rain and muck and causing damage? Robyn says: you can go look at it, it is a good thing that TR brought it up. Sandy asks if they should be going up there in the winter time now as it is and Robyn says it is up to us as the RD district to determine that.

### **Information for Drafting a Policy for Roadside Mowing/Brush Cutting**

Sandy goes on to give information on what she found on the Benton Co. GIS maps, finding original survey maps showing 60 feet wide platted roadways. This was found that out when we did the (walking path) survey. When we did the mowing last spring we had a big problem of people stepping in the way of the mower and not getting the mowing done as we wanted to. People are wondering what is the RD jurisdiction. She says that we have the jurisdiction. She has been researching what people need for roadside clearance. She called the Fire Dept and spoke with Rich Saalsaa for their requirements for road side clearance. They want a 20-foot wide road and 13' 6" above road clearance. They highly recommend a 10-foot clearance off the road edge for fuel load fire reduction. Rich asked if we were having to maintain the same standards as Benton County? I talked with Rich Spofford, road maintenance manager at Benton Co. Public Works and he talked about the Manual of Uniform Traffic Control Devices. He said that there is no standards for cutbacks at the side of the road, but sight lines have to be considered with the curves and maintain adequate sight lines. Take into consideration open bedded trucks or other traffic, when spreading gravel and such which is approximately 20 feet clearance. Robyn says that is why the turn outs on Iris were developed and Rich Saalsaa approved. Sandy also talked with Joe Mardis, the Benton County Surveyor who pointed her in the direction of the ORS 368.251 Road Hazards. He said that we have the ORS standards to go by and are able to use the law to maintain our roads.

Found under ORS Chapter 368- County Roads edition 2021

#### 368.001 Definitions

(5) "Public road" means a road over which the public has a right of use that is a matter of public record.

**(6) "Road" means the entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles.** "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways or alleys;
- (b) Road related structures that are in the right of way such as tunnels, culverts or similar structures; and
- (c) Structures that provide for continuity of the right of way such as bridges. [1981 c.153 §2]

#### ROAD HAZARDS

**368.251 Obstruction of road drains prohibited.** No person shall stop, obstruct or in any other manner impair or damage any drain, ditch or other man-made or natural waterway that:

(1) Prevents water from causing damage to, flowing across or standing on a public road under county jurisdiction; or

(2) Benefits a public road under county jurisdiction. [1981 c.153 §26]

368.255 [Repealed by 1975 c.771 §33]

**368.256 Creation of road hazard prohibited.** (1) Except as authorized by the county governing body, an owner or lawful occupant of land shall not allow:

(a) Any water to overflow, seep or otherwise discharge from that land onto a public road under county jurisdiction including, but not limited to, water that is passing over the land, diverted from the land by an obstruction on the land, flowing from the land because of rainfall or discharged from an irrigation sprinkler or other device.

**(b) Any structure, tree, drainage way, soil deposit or other natural or man-made thing on that land to present a danger to or create a hazard for the public traveling on a public road or facilities within the right of way of the public road by obstructing, hanging over or otherwise encroaching or threatening to encroach in any manner on a public road that is under county jurisdiction.**

(2) A person is not in violation of this section if there is no reasonable method for the person to control, stop or remove the cause of the violation. [1981 c.153 §27]

## **Under ORS CHAPTER 371 ROAD DISTRICTS and ROAD ASSESSMENT PLANS 2021 EDITION SPECIAL ROAD DISTRICTS**

**371.485 Authority of district over roads and highways.** A road assessment district has authority over all roads and highways within the district, except state primary and secondary highways, and streets, alleys or public ways within a city within the district other than as provided by ORS 371.480. [Amended by 2003 c.802 §108]

With people standing in the way of the mowers they do not have a legal stand according to this ORS statute is saying, the statutes are saying that we as the RD have to maintain our roads as we see fit. We have the road itself, but we also have 20 feet on the side of the road which is the legal right of way that we could clear if we needed to make the passage safe. Rick says the problem is that the road is not centered... Sandy says it does not matter... Robyn says; it does matter we had a legal opinion on that from the County. Sandy continues: the road is wandering in the 60 foot right of way. The 60-foot platted area. Despite the road not having 20 feet on each side, maybe 10 on one and 30 feet on the other, we still have a mandate to keep our road safe to travel through. Robyn says that Sandy is still incorrect about the fact that we can maintain.... Robyn says that such properties as Campbells' and Piersons' properties actually go into the middle of MRE Road. Sandy knows this. Robyn continues: There was a large meeting at the fire dept, where Laurel Byer (at Benton Co Public Works) says we can do ditching next to the road, but you cannot do mowing if it is on private property because the road was put in the wrong place. But on the other hand, where the road is now on private property, we have taken it, the road does belong to us. This is because it was not contested when the road was incorrectly placed. The road does belong to us, but we cannot go out and say the RD gets another 10 or 20 feet. Sandy says she is not saying that will happen. We still have a mandate per say. If there are bushes coming right to the edge of the road and it is on peoples' property, Benton County is telling me that it is ours to clear out if we need to, basically. Joe

says: that is if it is in the road... if it not in the road... if it is 5 feet off of the road then it is not in the road. Debbie says; she does not think we can decide this tonight and we need to work on getting a policy. Sandy agrees and says that is what she is trying to start with all of this conversation. Debbie: we need to deal with all of the past legalities, deal with the actions toward our contractors, we gave notice and there was great disruption. Contractors may not want to come back and we need to prevent that. Sandys says we have the legal ORS statues standing behind us, we need to notify people to go forward with future any mowing. Robyn says that what Debbie says is correct. She had confrontations with neighbors. We can notify all we want to. We do live with these people. There are cherished trees... people could do more to improve their properties so there would not be such an issue. As agreed with Debbie, we do need a policy and then roll out an education situation which is not going to be reached by google groups or the website because everyone does not go on that. It needs to be decided how to reach everyone. Rick suggests we have a committee to draw up guidance for mowing. What is the reasonable distance from the road that we can mow even if the property is right up to the road? What is a reasonable height? If people do not want us to mow, what do they have to do to maintain it so that the hazards are gone? This is a good committees project. Joe says yes this is a good thing that goes along with what we have identified with parts of the road and the trees that need to be cut back. Sandy says that is another thing she wanted to talk about. She spoke with retired president of Vineyard Mountain RD. Joe Heaney, was president for about 20 years. What they do with the trees they cut down about 1/2 mile a year. So, we need to get some type of plan going for that and get started implementing and cut down some of these trees that are coming up right to the edge of the road. Debbie has concerned if this tree cutting is actually in the roadway, a recognized right of way. If it is then we can say it is a safety problem cut it down and have the expense of that. Sandy says we can look at the Benton Co. GIS maps and overlaid with the platted surveys and determine right of way. Rick says that that was brought up with the County and that it cannot be trusted. Joe says the county maps say we cannot count on them for accuracy. Asks Robyn about the prior surveys and we should have the results of the surveys that were done? Robyn says the most recent done on Iris, a bunch of stacks were put in. Prior commissioners John, Val and Rebecca rolled out a program to get a surveyor out here. The surveyor was out there and was confused about things even though the RD hired him. Robyn does not know what happened to that, there were no further discussions in the RD minutes that she could verify. Everything on Iris was surveyed and at different times the surveyors do come out and do various sections. Cole surveying has come out worked on Columbine and did the survey for the walking path. Some of those stakes showed up halfway from the road to the front door of prior residence Kitzman/Berman who sold. Sandy asks if there is a copy of the map. Rick says it doubles the cost for maps. For the purpose of the walking paths the RD did not want to spend the money to get actual maps of the survey work done. Metal stakes were pounded in to find the right of way for future reference for the right of way. Sandy says that does not help much (not having a map).

Sandy all in favor of getting a policy for mowing/ brush cutting that is why she started all of this research. We can come to an agreement of what needs to be done, taking in consideration what the fire dept. needs, what Benton Co has done in the past and their standards, what we have to do to appease the neighbors. When Benton Co came through a number of years ago they just came through and mowed, did what needed to be done. Rick says that he will work with me on the policy. Robyn says that she spent 2.5 days without power and there is a lot of education that needs to be done to make things better. Robyn says CPI will cut down trees for free and that can be done again.

Joe says any policy needs to be reviewed by legal before a policy is put out.

Kevin says in 2022 he wanted to be on the budget committee and as accepted and is still interested to continue. Joe says thanks, Sandy says TR was interested also. Says we need to get some dates set up for the upcoming budget committee. Rick asks if it makes sense to diversify the budget committee because right now, we have the budget committee from the back part of the community, as opposed to trying to get input from someone from the hill or Daisy to serve on the budget committee? Debbie says, yes, makes sense, but she is out of steam. **ACTION ITEM:** Put on the agenda: budget committee members, dates for meeting.

Joe moves to close the meeting. Debbie seconds, all in favor, all agree.

9:17 PM Meeting adjourned by Joe