

Scappoose Drainage Improvement Company
Board of Directors Monthly Meeting Minutes – April 14, 2022

Present via Zoom video/teleconference:

Jeff Mapes, President	Geoff Wenker, Landowner
Gary Wheeler, Vice President	Marie Gadotti, Landowner
Amanda Hoyt, Secretary/Treasurer	Debbie Murphey, CalPortland Attorney
Len Waggoner, Director	Bob Short per Zoom ID
Karen Kessi, Director	Kyle Hoyt, Landowner
Chase Christensen, General Manager	Caroline Lobdell, WRLC per Zoom ID
Laurie Mapes, Staff	1-503-894-9662 per Zoom ID
Jeff Condit, SDIC Attorney	Christy McDonough, Cadman
	Gerry Heslin, Cornforth Consultants

President Mapes called the meeting to order at 6:07 p.m. through the Zoom virtual meeting platform. President Mapes read the names of the persons in attendance with the exception of the attendee(s) noted above by telephone number, who declined to identify themselves. Minutes below associate with Agenda items.

Public Comment

Marie Gadotti read a statement regarding condition of the Evans pumps and reference to them in the manager's report and stated that pump repairs absolutely need to be made.

Meeting Minutes Approval

Director Kessi made a motion to approve the minutes of the March 10, 2022 board meeting as presented. Director Waggoner seconded the motion. All directors voted in favor of the motion.

President's Message

President Mapes noted that the meeting tonight includes an executive session. He added that the board typically sets executive sessions to follow business matters and that the public is welcome to rejoin the board meeting after the executive session.

Company Financial Review & Expenditure Approvals

GM Christensen noted that the power bill was approximately double the previous monthly bill. The financial reports include duplicate posting of a Miller Nash bill that he will resolve. Director Hoyt reported that she reviewed the financial reports and did not see anything unusual. Director Hoyt made a motion to accept the transaction list as presented. Director Kessi seconded the motion, and all directors voted in favor of it. President Mapes made a motion to authorize Director Hoyt to move \$20,000 from the state pool to the checking account. Director Kessi seconded the motion, and all directors voted in favor of it.

Amendments to Bylaws Review, Approval

President Mapes noted that, at the last annual meeting, there was resistance to the proposed bylaws amendments regarding reimbursement of SDIC expenses and that the proposal has been dropped. Attorney Jeff Condit reported that, in January, he sent revised bylaws amendments to Western Resources Legal Center, the Oregon Farm Bureau, the attorney for Airpark, and Debbie Murphey, CalPortland's attorney; he received comments only from Ms. Murphey. Mr. Condit revised the proposed amendments to accommodate those comments and present a revised version for the board to consider this evening. President Mapes made a motion that the board propose to

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the SDIC membership adoption of the bylaws at the annual meeting. Director Wheeler seconded the motion. There was no public comment. All directors voted in favor of the motion.

Planning for Annual Meeting

President Mapes noted that the meeting notice mailed to landowners will include the proposed bylaws amendments and a presidential message or annual report. GM Christensen reported that he, consultant Todd Graham and Laurie Mapes have been working on finding a virtual platform that will allow voting virtually, will take into account acreage, and will allow verification of virtual attendees' identities and authority to vote as well as create a permanent record of the votes. It is anticipated that SDIC's Zoom account can be used with the video system in the Council Chambers. Plans include early check-in of virtual participants and a trial run of the system before the meeting.

There was discussion of how the meeting will be conducted and likely agenda items.

Geoff Wenker noted that Certificate of Authority and Proxy forms need to be updated with dates.

Cadman 408 Review and Single-Phase LONO

Gerry Heslin, engineer with Cornforth Consultants, answered questions about his firm's review of the Cadman 408 project and single-phase LONO request for exploratory geological borings on the Ellis property. He has taken a brief look at the overall project and explained that the issues will be similar to the issues Cornforth identified for SDIC in the past, including that the project will introduce more water into the district; it is just a matter of quantifying it. Mr. Heslin noted that Cadman proposes the mine to be close to the toe of the levee, with a steep slope and that some of the drawings are not to scale. Stability of the levee with the new mine slope and quantifying the impacts to the interior drainage system will be Cornforth's focus.

GM Christensen reported Cadman proposes to drill more wells around the perimeter of the mine site and in the Multnomah Channel. USACE requires a 408 permit for the borings because they fall within the extended prism of the levee. It was determined that the information from the borings would be presented to USACE too late in the review process if they were submitted along with the entire 408 package; it will be more helpful to gather the information now. Therefore, Cadman is requesting a single-phase LONO for the geotechnical borings alone. GM Christensen noted that SDIC has been interested in knowing what the subsurface ground structure looks like and that most of the earlier borings were not as deep as the 140-foot depth of the mine now proposed. He stated his opinion that the borings are warranted and that SDIC should support them. Mr. Heslin added that the data will better inform Cadman's design process. He added that the holes will be filled, and the proponent must explain how that will be done and how the wells will be abandoned. Mr. Heslin stated that the borings will be informative for the loadout structure but, most importantly, for the hydrology.

Director Wheeler asked whether Mr. Heslin had information about what had caused the CalPortland pit's catastrophic failure along Honeyman Road and the likelihood of a similar occurrence closer to the levee. Mr. Heslin replied that he had not seen data about the CalPortland pit wall failure.

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Manager's Report

GM Christensen reviewed his monthly report. During discussion of the report, the following comments were added:

Infrastructure: GM Christensen reported that CRPUD representatives are almost certain SDIC will see energy savings from the No. 2 pump repair and believe the project likely will qualify for grant money through a federal program that could help in the future if the other Evans pumps are repaired.

GM Christensen explained that, because the cavitation umbrella on Evans No. 2 was damaged and the four Evans pumps have similar design, he assumed the others might be similarly damaged. This is the reason he dewatered the bays for the three other Evans pumps and inspected them. All three of the other pump housings have cavitation damage, with No. 1 being the worst. GM Christensen showed pictures of holes in the housing caused by cavitation damage and pictures of the newly repaired No. 2 housing for comparison. GM Christensen said his first thought regarding cause of the damage was pumping water too low, or the result of blocked intakes which lowers the water level in the pump basins. He expressed surprise at the size of the cavitation umbrellas because they will not go out through the Evans ceiling and there is no way to get a crane in and it seems surprising that USACE would approve a system without a repair plan. GM Christensen is considering consultation with a pump specialist. GM Christensen is concerned that the cavitation damage to No. 1's housing is so bad that it might not be reparable, and a replacement may not be available.

Director Wheeler commented that, given the condition of the No. 1 pump, SDIC also should also focus on the ones that are reparable before the damage is beyond repair. GM Christensen reported that No. 3 has the next-worst damage. GM Christensen plans to have someone inspect it to determine whether it is or is not reparable, and then look at No. 4. Both pumps work fine, and there are no vibration alerts on them. It was noted that the only way to know whether there is damage and how much is to de-water the bays and examine the housing, which perhaps should be done annually. GM Christensen will work on development of a repair process, and there was consensus that a special meeting may be needed to move ahead with authorization of repairs.

It was noted that the housing may not have been examined since 1998, and the board expressed appreciation for GM Christensen's investigation and discovery of the problems.

Kyle Hoyt asked to speak and commented that GM Christensen is modest about what he is doing but the difference in the district between two years ago and now is "night and day." Mr. Hoyt stated GM Christensen is rebuilding our district for the long term and deserves credit for all the things he does that he does not report about.

GM Christensen stated that he is looking at hiring chipper contractors for vegetation control, as the best use of the money budgeted for the remainder of this year.

Automation of pump No. 2 at Cherry Orchard is another possible project as it is the only non-automated pump left in the district. GM Christensen stated that a bid of \$8,000-\$10,000 was

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obtained a couple of years ago but likely is less than the cost today. It was noted that this project should remain under consideration.

GM Christensen reported that he researched mileage reimbursement practices. He found that the refund for an automobile is 58 cents per mile but could not find an amount for a truck and trailer. He suggested \$1 per mile for his use of his personal pickup truck and trailer for SDIC business. President Mapes made a motion to compensate the GM \$1 per mile when he uses his personal truck and trailer for SDIC business. Director Wheeler seconded the motion, and all directors voted in favor of it.

Personnel: Director Kessi had no report other than personnel are doing a great job.

408s:

President Mapes made a motion that the board provide Cadman a single-phase LONO for its project to do exploratory geological borings. Director Waggoner seconded the motion. There was no public comment. All directors voted in favor of the motion. GM Christensen and President Mapes will draft the letter reflecting the motion. Mr. Condit noted that either President Mapes or GM Christensen can sign the letter.

GM Christensen noted that the CalPortland 408 submission to USACE is on a thumb drive and that he has not had an opportunity to review it. It is a “determination package” that was submitted to USACE, and GM Christensen has not investigated whether it is public record or proprietary information. Mr. Condit stated that, if a public records request is made, SDIC will have to investigate whether there are trade secrets or other proprietary information that might be excluded from the public records law. SDIC can ask CalPortland whether it considers information to be protected and, if CalPortland identifies such information, then SDIC will have to determine whether CalPortland is correct because the records requester can instigate legal proceedings.

There was no discussion of the Bernet/MCYC Single Phase LONO.

Accreditation/LOMR: President Mapes reported that Paul Vogel of Columbia Economic Team was contacted for an update and confirmed that there are two main issues, the city’s inclusion of its storm water infrastructure and CET’s interest in retaining as much developable property as possible. President Mapes reported his understanding that all the people at the county who knew anything about the LOMR process are now gone and it would not be desirable to catch the commissioners off guard when WEST updates to the flood mapping are complete and the county needs to move forward with its role in the flood mapping process. President Mapes noted that Mr. Condit in the past drafted a memorandum explaining the process and the county’s role in it. There was discussion about getting on the Commissioner’s agenda soon and perhaps presenting to them what Mr. Condit wrote, out of courtesy, to alert them to what their role will be.

Mr. Wenker noted that the city is waiting for funding to pay WEST to move forward with adding the city’s system to the flood mapping.

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GM Christensen reported that USACE is requesting funding for levee inspection in the 2022-23 budget year and expects SDIC to have a routine inspection early next spring. The inspection is important to accreditation as well as continued participation in the RIP.

Best Practices: Director Kessi would like the board to take action next month on whether the board will continue to hold meetings virtually or return to in-person meetings. It was noted that the SDIC office internet is insufficient for virtual meeting platforms.

Scappoose Storm Water Master Plan: It was noted that Mr. Condit drafted a letter proposing an IGA with the City of Scappoose. Director Waggoner suggested that the next step would be discussion with city staff and, later, presentation to the city council. Mr. Waggoner will contact city officials to initiate this process.

Rental Home: Director Kessi reported that the rent was received. A decision needs to be made about renewal of the lease, which is up on July 31. If SDIC does not renew it, SDIC needs to give 90-day notice to the tenant. The property manager recommends that SDIC renew the lease. The manager recommends that SDIC offer the tenant a one-year lease at \$2,000/month or a month-to-month agreement at \$2,100/month and let the tenant choose. Director Kessi made a motion to offer renewal to the tenant with the tenant having the choice of those options. Director Wheeler stated that, typically, if a landlord does not increase rent at renewal times it is problematic to raise it significantly later. President Mapes seconded the motion. There was further discussion of the motion and terms of renewal. Director Kessi voted in favor of the motion, and the other directors voted against it. President Mapes made a motion that SDIC offer the tenant a twelve-month lease at the current amount of \$2,000 if the tenant will authorize auto-pay. There was no second to the motion. Director Waggoner made a motion to offer the tenant a twelve-month lease at \$2,100/month with auto-pay. Director Wheeler seconded the motion. Directors Waggoner and Wheeler voted in favor of the motion and the remaining directors voted against it. President Mapes made a motion to offer the tenant a twelve-month lease at \$2,025/month. Director Wheeler seconded the motion, and all directors voted in favor of it. It was noted that the tenant currently pays through auto-pay.

Legal: There was no report.

Mercury TMDL: GM Christensen reported that the process is ongoing.

President Mapes stated that an executive session would be held next. He reminded attendees that there is no guarantee that the board would not conduct any business after the executive session and that they were welcome to wait in the virtual waiting room. At 7:58 p.m., President Mapes announced that the board was going into executive session under ORS192.660(2)(h), following a five-minute break.

The board returned to public session at 8:55 p.m.

Schedule Upcoming Meetings

The next SDIC board monthly meeting will be May 12, 2022 at 6 p.m.

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Review of Action Items

- President Mapes will forward to the board Mr. Condit’s memo on the LOMR process.
- GM Christensen will start work on the budget and review it with Director Hoyt.
- GM Christensen will forward to the board Mr. Condit’s draft letter regarding a potential IGA with the city.
- Director Kessi will inform the property manager about the new lease option for SDIC’s tenant.
- Directors Hoyt and Wheeler will sign checks.
- (Director Hoyt already has made the funds transfer from the state pool.)
- Director Waggoner will reach out to the city about a meeting regarding an IGA.
- Mr. Condit will contact Caroline Lobdell about a meeting.
- GM Christensen will ask WEST about the cost of an infrastructure review.
- GM Christensen will look into a plan for work on Evans pumps.
- President Mapes will write the annual report.
- President Mapes and GM Christensen will work on the notice for the annual meeting.

Adjournment

Director Waggoner made a motion to adjourn. Director Wheeler seconded the motion. All directors voted in favor of the motion. The meeting adjourned at 9:01 p.m.

Associated documents:

- Meeting Agenda
- SDIC Monthly Manager’s Report 4/14/2022
- 20220414 Balance Sheet
- 20220414 P&L Budget vs Actual
- 20220414 P&L This vs Last
- 20220414 Check Register
- 20220414 Credit Card Register
- 20220414 Transaction List

Approved by the Board of Directors on: May 12, 2022

Laurie Mapes
Signature

Laurie Mapes, Staff
Printed Name and Title