

Scappoose Drainage Improvement Company
Minutes of the Annual Landowners Meeting, August 9, 2021

Present:

Board and Staff: Geoff Wenker, President, Board of Directors; Gary Wheeler, Vice President; Jeff Mapes, Secretary/Treasurer; Len Waggoner, Director; Karen Kessi, Director; Chase Christensen, General Manager; Janell Greisen, Office Administrator; Laurie Mapes, Staff; Jeff Condit, SDIC attorney.

Landowners/Representatives: Kyle Hoyt; Amanda Hoyt; Margaret Magruder for Columbia County; Tom Lowry, Robert Hostettler and Debbie Murphey for Northwest Aggregates; Sean Clark, Nancy Ward and Chip Bubl for Port of Columbia County; Joe Baker for Olsen Farm; Josh Ellis for Ellis Farms; Ken Bernet; Julie Knudtson; Marie Gadotti; Joe Gadotti; Gina Means; Tim Berge.

Public: Betsy Johnson, State Senator; Aaron Bruner, Western Resources Legal Center; Mary Anne Cooper, Oregon Farm Bureau; Paul Vogel, Columbia Economic Team.

President Geoff Wenker called the meeting to order at 7:03 p.m. at the Scappoose City Hall Council Chambers located at 33568 E. Columbia Avenue, Scappoose, Oregon. The pledge of allegiance followed, and a report that public notice for the meeting was given by publication, mailing and the SDIC website. Attendees then introduced themselves.

Laurie Mapes tallied votes represented by landowners and confirmed that a quorum was present. Marie Gadotti moved to approve the minutes of the 2020 annual landowner meeting. Ken Bernet seconded the motion, and the motion was approved by voice vote with no member opposed.

The President's Annual Report to Landowners was a handout available to landowners at the meeting. President Wenker reviewed highlights of it, and discussion followed about the engineering studies that resulted in flood mapping currently under review as part of the Letter of Map Revision ("LOMR") required by FEMA as the final step toward accreditation of SDIC's levee and drainage system. It was noted that both the City of Scappoose and Columbia County must participate in the LOMR request to FEMA and that the next steps in the process toward approval by the city and county are uncertain.

President Wenker reviewed financial reports, noted that the assessment remained at \$350,000 this year, and noted that 60% of the assessment is divided equally among tax lots with the remaining 40% assessed based on acreage and elevation.

SDIC's General Manager, Chase Christensen, reviewed planned pump repairs and prioritization for ditch cleaning, vegetation removal on the levee and other matters in the budget. He noted that locating toe drains on the inside of the levee is a priority item based on U.S. Army Corps of Engineers ("USACE") inspection reports. The biggest toe drain is on the Olsen farm, there is one on Ellis property by the Cherry Orchard pump station, and there is another toe drain at the North

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tide gate. The Cherry Orchard pump station installed in the 1940s was removed in the 1970s and rebuilt, and the as-built drawings for the 1970s installation do not indicate the relative location of the toe drain, making it a challenge to locate the toe drain. Chase noted that the toe drains are clay tile and that they typically parallel the levee and then daylight into a ditch. The one on Olsen farm is almost 1000 feet long. Chase noted that he thinks the Olsen and North toe drains are working, but he is unsure about the Cherry Orchard toe drain. Chase noted that state requirements regarding total maximum daily load of mercury in the Willamette basin will have an impact in the future on how ditches are cleaned and may influence how spoils are spread.

Robert Hostettler for CalPortland reported that CalPortland is in the final leg of its Section 408 review process with USACE for expansion of its gravel mining operation into Bible College property. President Wenker noted that Cadman, the materials company pursuing a Section 408 permit for gravel mining on Ellis property, has been meeting monthly with USACE to work out what studies need to be done.

Chris Negelspach, City of Scappoose's engineer, reported that the city is working on its stormwater master plan update and hopes to complete it by the end of 2021. Hydrologic and hydraulic modeling is underway now. Projects in concept planning include a playground at the E. Columbia substation and an electric vehicle charging station at the library. Projects in engineering review include East Airport Phases III and IV, an OMIC remodel, and a subdivision at the end of SE Maple Street. A rezone hearing for Chapman Landing is scheduled this week but no specific project for Chapman Landing is proposed yet. An 80-unit apartment complex on SE 2nd street by the peace candle is under construction. Mr. Negelspach noted that the city, like SDIC, is facing Mercury TMDL requirements with a plan due in September 2022.

President Wenker reminded landowners that SDIC has a website that the board and staff continue to improve.

President Wenker reported that he has served on the board since 2002, that his term is up, and that he is not running again. Nominations for President Wenker's seat were opened. Ken Bernet nominated Amanda Hoyt. President Wenker made a motion that Amanda Hoyt be elected by unanimous consent. Laurie Mapes seconded the motion. The motion was approved by voice vote with no member opposed.

Landowners then discussed proposed Bylaws Amendment #3. SDIC attorney Jeff Condit acknowledged comments from the Oregon Farm Bureau and Western Resources Legal Center and expressed appreciation for receipt of those comments in advance of the landowners meeting. Mr. Condit explained that amendments to Section 3.2 are designed to conform SDIC's bylaws to past practice for members who are corporations and that the only substantive changes to Sections 3.3 and 3.4 allow proxies to be designated by e-mail; in other respects, language is just

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reorganized. Amendments to Section 6.8 conform SDIC's bylaws to public meetings laws regarding meeting notice, including provision for emergency meetings, which could be especially important in a flood situation. The number of directors needed to call a meeting was changed to two because discussion by a quorum violates the public meetings law. Article 16 requires notice of proposed bylaws amendments to be mailed with notice of the annual meeting.

Attorney Condit noted that Section 5.1 contains the most significant substantive change. It delegates to SDIC's board of directors authority to adopt fees to recoup SDIC's costs. He noted that the section does not give land use authority to SDIC and cannot expand its authority beyond the general authority for managing the levee system and preventing flooding; the proposed bylaws amendment would delegate to the board of directors the authority to adopt regulations that state statutes grant to the landowners. Attorney Condit noted that the legal question raised by the Oregon Farm Bureau and Western Resources Legal Center is whether the authority can be delegated to the board. Attorney Condit stated his opinion that delegation of authority to the board falls within reasonable interpretation of state statutes but that the essential question is whether landowners want the authority to be delegated to the board.

Discussion followed, with some landowners and public members expressing concerns about the proposed bylaws amendments as drafted. Jeff Mapes made a motion to withdraw the proposed bylaws amendments and form a subcommittee with Jeff Condit and volunteers to address bylaws amendments for the next annual meeting. Gina Means seconded the motion. The motion was approved by voice vote with no member opposed.

Karen Kessi thanked staff for their work to prepare for the landowners meeting and General Manager Chase Christensen for outstanding service. Board members then presented to outgoing President Geoff Wenker a plaque, purchased by board members personally, to thank him for his many years of dedicated service to the SDIC.

Jeff Mapes made a motion to adjourn. Kyle Hoyt seconded the motion. The motion was approved by voice vote with no member opposed. The meeting adjourned at 9:49 p.m.

Approved by the landowners on _____.

Signature

Printed name and title