

Scappoose Drainage Improvement Company
Minutes of the Annual Landowners Meeting, June 27, 2022

Present:

Board and Staff: Jeff Mapes, President, Board of Directors; Gary Wheeler, Vice President; Amanda Hoyt, Secretary/Treasurer; Len Waggoner, Director; Karen Kessi, Director; Chase Christensen, General Manager; Laurie Mapes, Staff; Jeff Condit, SDIC attorney; Todd Graham, SDIC technology consultant.

Landowners/Representatives: Margaret Magruder for Columbia County; Tom Lowry, Robert Hostettler and Debbie Murphey for Northwest Aggregates; Joe Baker for Olsen Farm; Robert Short for Airpark Development; Craig Ellis for Loren Ellis & Sons LLC; Chris Negelspach, Scappoose City Engineer for City of Scappoose; Geoff Wenker; Kyle Hoyt; Marie Gadotti; Joe Gadotti; Tim Berge; Dixee Partee; Jana Johnson; Gina Means.

Participating via Zoom virtual meeting platform: Michelle Johnson; Donna Pelissier; Matt Ropp; Jeremy Jones; Caroline Lobdell of Western Resources Legal Center

President Mapes called the meeting to order at 7:05 p.m. at the Scappoose City Hall Council Chambers, 33568 E. Columbia Avenue, Scappoose, Oregon. It was announced that a quorum was present; landowners representing 5045 votes of the 6055 total in the district were present.

Public Comment

President Mapes noted that all landowners are participants in the annual meeting, that discussions will be open to all landowners, and that landowner input is encouraged. He asked at this time for public comment from anyone not a landowner. Caroline Lobdell of Western Resources Legal Center stated that she had sent to the city and county a copy of her March letter to SDIC regarding management issues and flood mapping, along with a public records request for information about the role of each entity in the accreditation process.

Agenda and Introductions

There were no objections to the proposed agenda. Introductions of board members, staff, legal counsel and members present were made.

Approval of 2021 Annual Landowner Meeting Minutes

Dixie Partee made a motion to approve the minutes of the August 9, 2021 landowner meeting as presented. Marie Gadotti seconded the motion. Debbie Murphey commented that the minutes omit matters that were discussed. The motion was approved unanimously.

SDIC Annual Report to Landowners

President's report: An annual report was included in the mailing to all landowners. President Mapes noted that the 2022 meeting was the first landowner meeting to be held with the option of virtual attendance and that voting required presence in the room. He thanked the city for use of its facilities and board and staff members for preparations for the meeting. He reported that,

Scappoose Drainage Improvement Company
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after Geoff Wenker's departure from the board last year after twenty years of service, board work was restructured so that GM Chase Christensen has an assigned board member to work with on each of a list of assigned SDIC functions but that demands on board members remain heavy. He noted that the board anticipates expenses may exceed \$410,000 in the coming fiscal year but the board decided to keep the assessment at \$350,000 and rely on carryover funds. The possibility of bridge loans and lines of credit will be investigated. President Mapes noted that a line item of \$25,000 for consultants is included in the budget for anticipated assistance needed including for long-range planning. Regarding accreditation, President Mapes expressed appreciation that the city and county will provide notice to landowners affected by flood mapping changes and hold community outreach meetings. He noted that a multi-year approach to repairs at the Evans pump station is planned. He noted that the board adopted a financial practices policy drafted by Special Districts Association of Oregon, that SDIC's attorney has been attending board meetings to help the board follow public meetings law and best practices, and that the SDIC website was transferred to a website host that assures compliance with laws governing public bodies.

Manager's report: GM Christensen recapped the monthly reports he has provided over the past year. The Evans No. 2 pump and motor were repaired. Visual and video inspection showed the three remaining Evans pumps all have cavitation damage, with the diffuser for No. 1 worn through. The Evans pumphouse roof was repaired. The North pump siphon breakers in the discharge lines were malfunctioning and were machined locally because replacement parts were difficult to obtain. Both siphon breakers are functioning now. The tide gates have been cycled and serviced and all of them are operating as designed. A custom trash rake for the Cherry Orchard pump was fabricated. Recent high water came close to closing the south tide gates. When the current freshet has passed, Evans No. 1 pump will be pulled and repaired. GM Christensen is in contact with the U.S. Army Corps of Engineers (USACE) propulsion department, Triangle and Ridgefield pump companies and a local landowner involved with working on the Evans pumps after the 1996 flood regarding the damage to the pumps so that re-ruining them can be avoided. Toe drains still need to be located. Dealing with the Willamette Basin Mercury TMDL is a big issue.

Ms. Gadotti stated it would be helpful for landowners to have more information about the mercury plan before it is adopted and that mercury came from overseas and is not our responsibility. GM Christensen responded that drainage districts, irrigation districts, cities and counties are in communication about their plans, including Scappoose, and are getting direction from the federal government. He received notification that that DEQ will have enforcement and fine authority. He added that help with SDIC's plan is welcome.

There was discussion of plans for Evans pump repairs. Bob Short asked for details. GM Christensen explained that it is not advisable to be down more than one pump at a time and that

Scappoose Drainage Improvement Company
Minutes of the Annual Landowners Meeting, June 27, 2022

the expected repair time of 20 weeks is down from the original estimate of 52 weeks. Evans pumps Nos. 3 and 4 are performing well according to flow tests, as was No. 1 despite the damage to the diffuser. Staggering of repairs over multiple years is planned. Ms. Gadotti opined that the freshet is not an issue and No. 1 should be pulled. Ms. Murphey questioned why only \$55,000 is budgeted for Evans repairs and \$10,000 for ditch cleaning. She appreciated Director Kessi's calls for long-range planning and stated that there is enough knowledge in the room to put together a committee, on which she stated she is willing to participate.

Craig Ellis asked whether the city and county have a deadline for completing the flood mapping. President Mapes responded that they do not have a deadline and that the city wanted WEST Consultants to include in the interior drainage analysis (IDA) the city's stormwater infrastructure WEST had indicated would not affect the mapping as well as include updated LiDAR. Chris Negelspach commented that subdivisions that show as flooded on the draft maps will drain with the infrastructure and that he identified seven basins that were not in the floodplain. He stated that grant paperwork to fund WEST's work is being filled out and should be completed next week. He estimated WEST's work could take another several months. Ms. Gadotti stated that WRLC's (Ms. Lobdell's) letter of March 16 reflects concerns she has had in the past and currently and that her concerns include assumptions that were used in the flood mapping. President Mapes noted that a meeting is planned to answer Ms. Lobdell's questions and that the meeting has been delayed by WEST's difficulty committing to a date. Ms. Lobdell suggested the meeting should include the city and county. Ms. Murphey stated that she would like to attend the meeting and that the maps are of such low level of resolution that they are hard to read. She stated that notice should go out before the maps are sent to FEMA because it is too hard to appeal after that.

President Mapes stated that the SDIC does not limit anyone from meeting with WEST, that WEST provided guidance on the resolution level, and that there was a problem with making the resolution too fine. Mr. Wenker explained that there were meetings with FEMA, state and county map coordinators and SDIC before the USACE certification letter came out in 2019. SDIC was told Multnomah County was in the process of getting the map resolution resolved with FEMA, and the SDIC board decided to wait and follow their process. The resolution was set to meet FEMA standards. The resolution of the maps is influenced by the resolution of the LiDAR and of the IDA and the FEMA standard that must be met. If the resolution is set too high and accurate, the maps end up with little lakes all over. Mr. Negelspach, city engineer, noted that he is not a hydrologist but echoed that hyper-accurate data does not necessarily work well when multiple factors are run simultaneously through a computer.

Ms. Gadotti stated that there were different points in time where different information was decided and the meetings were not public. Mr. Wenker noted that SDIC did not call the meetings and the meetings were not intended to be public. Director Waggoner stated that the

Scappoose Drainage Improvement Company
Minutes of the Annual Landowners Meeting, June 27, 2022

federal government started the process, not the SDIC; if the maps go out and people complain, there is nothing SDIC can do about it. He asked that people please do not look at the SDIC as the party creating the problem because the SDIC followed the federal government's requirements.

There was discussion of the O&M on which the IDA was based. Ms. Lobdell asserted that the O&M provided to WEST and USACE was not the right one. Mr. Wenker stated that the O&M is not as influential as when the pumps are set to come on, which is reflected in the on-and-off table printed in the IDA. Ms. Lobdell suggested a single meeting with WEST and the city and county to address all these issues. Mr. Wenker noted that the SDIC has been provisionally accredited since 2007, that the provisional accreditation initially was to be good only for two years, and that the USACE certification in 2019 is good for five years. He noted that city staff had FEMA review the IDA and draft maps and that FEMA pre-approved them. President Mapes noted that he and GM Christensen recently met with city and county staff and that he appreciates their involvement in the remaining LOMR steps. It was noted that Multnomah County Drainage District and Sauvie Island Drainage Improvement Company have an informational meeting regarding their flood mapping on June 30, 2022.

Tim Berge stated that he worked with FEMA during the 1996 floods and was involved in the Evans pump station and that he thinks allotting \$50,000 per year for the pumps is a good plan. President Mapes added that the Evans station is a priority.

SDIC Third Bylaws Amendment

President Mapes reflected that there was resistance at the last annual landowner meeting to pass on expenses related to landowner projects and that the current proposed bylaws amendments do not include that provision and have been vetted by Ms. Murphey and others to whom the proposed amendments were sent for comment. SDIC attorney Jeff Condit explained that the current bylaws were adopted in 1996 and amended first in 1997 and again in 1998. The amendments now proposed are "housekeeping" and must be approved by two-thirds of the membership. He noted that the amendments make clear that corporate members can serve on the board through a certificate of authority, include the form to be used for that purpose, and conform to state law regarding the amount of notice required for meetings. Mr. Short made a motion to adopt the amendments as proposed. Mr. Wenker seconded the motion. The voice vote was unanimous in favor of the motion with no one opposed. It was noted that 5045 votes were represented by members present and that two-thirds of the 6055 total votes in the district is 4037.

Election of (2) Directors for a 3-year term

The term of President Mapes was at an end. Mr. Wenker nominated President Mapes. Kyle Hoyt nominated Rob Hostettler. Ms. Gadotti made a motion that the nominations be closed. There was no second. Mr. Condit noted that it simply can be asked whether there are any further

**Scappoose Drainage Improvement Company
Minutes of the Annual Landowners Meeting, June 27, 2022**

nominations. Mr. Hostettler introduced himself as residing on Berg Road outside the SDIC and employed as the aggregate operations manager for CalPortland with five sites to supervise. He stated that he would recuse himself from voting on Bible College property matters and that he would seek advice from SDIC's attorney, Mr. Condit, regarding his ability to vote on matters related to the Ellis property. In response to questioning about what would happen if Mr. Hostettler no longer were employed by CalPortland, Mr. Condit stated that if he lost his designation as CalPortland's representative then he would have to resign, similar to a landowner who moved out of the district and lost eligibility to serve. President Mapes stated that it has been an honor to serve, that he has tried to look out for common interests, and that conflicts of interest are something the board and SDIC membership should be aware of. Mr. Negelspach asked the time commitment for a board member. President Mapes estimated an average of ten hours per week for a conscientious person. Mr. Wenker added that he spent twenty to thirty hours per week when he was president. The results of the balloting were 2761 votes for Mr. Hostettler and 2284 votes for President Mapes.

The term of Director Wheeler was at an end. Mr. Wenker nominated President Mapes, who declined. Mr. Wenker then nominated Director Wheeler. There were no other nominations. Director Waggoner made a motion to cast a unanimous vote for Director Wheeler. President Mapes seconded the motion. The voice vote was unanimous in favor of the motion with no one opposed.

New Business

There was none.

Ms. Gadotti made a motion to adjourn the meeting. Mr. Hoyt seconded the motion. The voice vote was unanimous in favor of the motion with no one opposed. The meeting adjourned at 9:00 p.m.

Approved by the landowners on _____.

Signature

Printed name and title