

PANORAMIC ACCESS SPECIAL ROAD DISTRICT

Panoramic Access Special Road District

P.O. Box 1226, Sisters, OR, 97759; Email: panoramicroads@gmail.com

MINUTES: Regular meeting: 15 December 2020

Zoom Video Conference meeting: hosted by Annie Wittenberg

IN ATTENDANCE:

Mel Bartels, Jim Becker, Alex Head, Nyle Head, Steve Johnson, Lee Lucas, Roy Rathja, and Annie Wittenberg,

PREVIOUS MINUTES: Minutes of the general meeting 10 November and the special meeting 14 November 2020 are approved as distributed: **MSP** (motion made, seconded, and passed; the vote is unanimous unless otherwise indicated).

TREASURER’S REPORT: The current checking balance is \$64,872.35. One check of \$43.91 for OGEC is outstanding.

BUSINESS

Bills: We expect a bill from Ryder Election Services soon and our insurance needs renewal in January.

Ballot status: Ballots were mailed to 142 properties. As of 15 December, Ryder Election Services (RES) has received 105 ballots back (73.9% return rate). We know of at least 7 more ballots that have been mailed, but not yet received by RES. That leaves 30 ballots unaccounted for. We know that because of mail delays some ballots have taken 3 weeks to get to RES. Since we are not ready to act on the ballot results, the ballot deadline is extended to 4 January 2021: **MSP**. Kerry Zenich, Ronnie Duff and Lee will continue to follow up with non-voters to get as many ballots turned in as possible.

ROAD IMPROVEMENT

Enewetak/Lake status: PASRD put Karnopp Peterson LLC (KP) of Bend on retainer to assist with researching and fixing any legal access problems to Enewetak Lane and north Lake Drive. KP has determined that easements created when Panoramic View Estates Subdivision (PVES) was platted are public – so half of Enewetak is public. Likewise, when the property south of PASRD was platted by Wild Horse Plains LLC the other half of the east-west part of Enwetak was dedicated to public use, and this public use dedication was recognized by Aspen Lakes LLC when they acquired the property. That leaves only half of Enewetak located on 69220 Enewetak that may not be public. However, the county engineer considers the part of Enewetak connecting Lake Drive to Emerald Valley Road to be public. And, PASRD has been maintaining Enewetak as if it were public since at least 2009. A land use action with associated administrative, legal and surveying fees would be needed to really designate this part of Enewetak as public – which does not seem worth the effort; especially since Brian and Lee talked to the land owner who strongly supports paving and continued maintenance of Enewetak.

There is however an urgent problem that needs to be addressed. The part of Enewetak that lies on golf course property is technically outside the road district boundary. State law prevents special road districts from maintaining roads outside the boundary of the district. We need to annex this 40’ easement into PASRD immediately.

Enewetak Lane north of Emerald Valley is half on private road easements. Lake Drive north of the PVES boundary is totally on private road easements. KP recommends that PASRD obtain modifications to these road easements to grant the road district and its agents legal access for the purpose of road maintenance and improvement. KP is being directed to start this work.

KP determined that ORS 371, under which PASRD is organized as a special road district, grants road districts authority to levy taxes and perform road maintenance and improvement within the district. It

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does not distinguish between ‘public’ and ‘private’ roads. So, it appears it is legal for PASRD to plow snow and do other road maintenance and improvement on the private portions of Enewetak and Lake.

Lee did send letters to all affected property owners asking for their cooperation to modify easements.

Road Improvement Committee report: Jim reported on conference calls with David Ulbricht, our SDAO consultant, and Jim Shannon, our legal advisor, for possibly financing the paving project paid for by per lot assessments. David promised an updated bond payout schedule and to link us up with a potential trustee. Jim promised to send us a draft resolution on doing assessments for board consideration.

In separate responses to an email inquiry from the board on November 27, neither David nor Jim knew of any special road district in Oregon that had used ORS 223 to pave roads using an assessment. David further said that bond lenders much prefer bonds secured by the taxing authority of special districts as being more secure than assessments. This probably means that PASRD can expect to pay a higher interest rate and more points to obtain financing – or in the worst case there might be no lender willing to invest in our bonds.

ORS 223 is unclear on the precise order of engaging a road contractor and doing an estimated assessment – we need the contract to know how much the assessment needs to be, but we need the financing before signing the contract. This question will be relayed to David Ulbricht and Jim Shannon.

In the meantime, Nyle and Jim Becker will obtain a proposed contract from Vic Russell to consider should the ballot vote be favorable.

ROAD MAINTENANCE

Status of repairs: Road work is suspended until spring when the ground thaws. R&O will begin work on Emerald Valley probably in early March. Presumably, Olin Sitz will complete work on the Lake ‘S’ curve about this same time.

The bid to add 1000’ of gravel (4” edge, 6” at the crown) at 20’ wide to Emerald Valley Road is \$13,000. The work must be done before any possible paving. We still need two more bids on this work.

ADMINISTRATIVE

PASRD Policies and Procedures: Lee completed revised the draft policies and procedures document too late to distribute before this meeting. It will be posted to the district website and an announcement will be sent out to our email list.

Website report/status: No report due to Whitney’s absence.

ADD ITEMS

Parcel locker at entrance: The mail handler again pleaded for more parcel locker space. She had 117 parcels to deliver the day before and quickly ran out of lockers. The overflow goes back to Sisters, where residents must come and get them. It was agreed to purchase a parcel cluster box unit from Home Depot and to install it when the ground thaws; \$3000 is authorized for purchase and installation: **MSP**.

FUTURE MEETINGS

General Meeting: 7pm, Tuesday, 5 January 2021 – Zoom teleconference

Lee Lucas, Secretary