

City of Durham
CITY COUNCIL MINUTES
August 23, 2022

- A. OPEN REGULAR COUNCIL MEETING.** Mayor Schirado opened the meeting at 7:32 PM via Zoom.
- B. ROLL CALL OF COUNCIL MEMBERS.** *Councilors present:* Mayor Gery Schirado, Council President Chris Hadfield and Councilors Leslie Gifford, Chuck Van Meter, and Keith Jehnke
Councilors absent: None
Staff present: City Administrator Linda Tate and Administrative Assistant Becky Morinishi
Visitors via Zoom: Kristin Leichner, Cindy Leichner, and Mike Leichner from Pride Disposal; Peters Road Residents: Tom Bailey, Chanda Bailey, Royce Hermans, James Kehn, Kathy Kopacek, David Streicher, Joanne Hermans
- C. COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes from the June 28th City Council meeting. Councilor Van Meter seconded the motion. The vote was unanimous (4-0).
MO 082322-01
- D. Mayor Schirado read the CALENDAR OF MEETINGS.**
- **Monday, September 5, 2022,** City Hall will be closed in observance of Labor Day
 - **Tuesday, September 6, 2022,** Regular Meeting of the Planning Commission at 7:30 PM via Zoom
 - **Tuesday, September 27, 2022,** Regular Meeting of the City Council at 7:30 PM via Zoom
- E. PUBLIC FORUM.** There were no comments from the public.
- F. PLANNING COMMISSION UPDATE.** There were no Planning Commission meetings in July or August.
- G. PRIDE'S PROPOSED PROGRAM CHANGES AND THEIR RATES.** Kristin Leichner from Pride Disposal shared proposed program changes. She noted that there is no CPI increase this year. She introduced two optional service additions to the Council. The first program allows residential customers to put food scraps in their yard debris carts. If adopted by the Council, this program would cost an additional \$0.35 per month for all residential customers and would begin January 1, 2023. The second program, Recycle+, is an opt-in program for residential customers that would allow those who choose to enroll the ability to recycle materials not included in the standard curbside recycling program. These materials include #1 plastic clamshell containers, compact fluorescent light bulbs, plastic film and bags, and textiles such as clothes, sheets, and towels. The fee for participating customers is a base fee of \$2.50 per month plus \$9.25 per customer-scheduled pick-up. If no pick-ups are scheduled by the customer for the month, they would only pay the \$2.50 monthly base fee. This program could start before January 1, 2023 if adopted by the Council. Leichner stated that the Council could choose to adopt both programs, neither program, or just one program and opened herself up to questions.

Councilor Hadfield asked if the price to pick up the Recycle+ recycling bin every week would be \$9.25 each week. Leichner responded that it would be the \$2.50 per month base fee plus \$9.25 for each scheduled pick up. However, Leichner noted that other customers in Washington County usually schedule a pick up every 2-3 weeks. Hadfield asked how the customer goes about requesting the pickup. Leichner responded that they can schedule by calling or going on the website. Hadfield asked if food scraps get thrown in with grass clippings and if they need to be taken to a different place to be recycled. Leichner confirmed that all food scraps, including meat, cheese, and chicken bones, are put into the yard debris bin. It is taken to a Type 3 facility, which is a little farther away and a higher cost. Hadfield asked if all residents would be able to compost food scraps. Leichner affirmed and noted that, although food scraps are only 7% of material, it is better for the environment. Hadfield asked if this is easier than just recycling yard debris. Leichner answered that it is the same. The only difference is that it goes to North Plains instead of Canby once it leaves the transit station. Hadfield commented that \$0.35 does not seem like a lot to make the changes. Leichner agreed and said the

rate is based on a City of Tigard study. Hadfield asked for verification that there would be no CPI increase in January. Leichner affirmed and stated that Tigard is used as a benchmark for Durham. Based on Tigard reports, there is no need to increase rates.

Hadfield asked how long it takes for people to get used to putting their food scraps in the yard debris bin. Leichner stated that there is a strong demand to compost food scraps, so customers are motivated. Councilor Gifford asked for a status update on Pride adding batteries to the recycling package. Leichner stated that they started accepting batteries in November of 2021 and that it should be stated somewhere on the bill to let customers know. She stated that batteries can be placed in a 1 quart Ziploc bag and set on top of glass on glass recycling days. She noted that it is best to place tape on the ends of rechargeable batteries to prevent fire. There is no additional cost for this service.

Councilor Van Meter asked if Pride is attempting to get ahead of the "Metro curve" by offering these recycling options. He asked if Metro is planning to force these programs in our area. Leichner responded that this is mostly in response to customer demand. Metro focuses more on commercial food scraps as these have a much higher impact. Residential may be next, but Leichner does not know for sure. Van Meter stated that he likes what Pride is doing with these new programs. He asked if there is anything else to be aware of. Leichner explained that Metro disposal fees increase 7-8% per year. All haulers pay this and the cost is passed on to the customers. This is not an issue for now, but will be in the future.

City Administrator Tate noted that Durham will need to adopt regional service standards for multifamily units. Leichner explained that these standards include color-coding on bins and purchasing new glass carts. New blue carts will need to be purchased at \$65 each within 7 years.

Hadfield asked what part of our monthly fee is the dumping fee, clarifying that only that portion of the bill will go up 7%. Leichner affirmed that only the dumping fee portion of the bill will increase. Mike Leichner noted that 20-35% of the bill (average) is dumping fees.

Mayor Schirado concluded the discussion. Tate said she will prepare a resolution including both programs to vote on at next month's meeting. Hadfield suggested the resolution state that both programs would start in January. Council agreed.

- H. CITIZEN REQUEST REGARDING BOULDERS PLACED ALONG PETERS ROAD.** Administrator Tate provided details about receiving a phone call and letter from a resident who is concerned about the boulders placed in the unpaved right of way along SW Peters Road. The resident requested that Tate contact the City's attorney to ask if the placement of the boulders is legal pursuant to Ordinance 190-97.

At 8:10 pm, Mayor Schirado invited the public to come forward with testimony. Tom and Chanda Bailey of 8020 SW Peters Rd. stated that they have had 5 boulders in the right away, set back from the road, for 15 years and have had no complaints. They wonder how it can be decided which boulders are okay and which are not. Royce Hermans of 8280 SW Peters Rd. said he is a 30+ year resident. He noted that the East side of the road is the worst with potholes and cars parked along the road. There are more delivery trucks now that make the road obsolete. He suggested that it is time to improve the road according to the Master Plan. James Kehn of 7878 SW Peters Rd stated that the boulders are helpful because they keep cars slow. Kathy Kopacek of 7800 SW Peters Rd. asked Tate to read the ordinance again and asked how many feet the right of way includes. Tate read the ordinance and replied that 60 feet is platted, but the asphalt is the only portion currently intended for use by vehicles. Schirado added that the right of way is edge to edge from the center of Peters Rd, 30 feet on both sides. He mentioned that the City currently does not have the budget to improve the road. Jehnke mentioned that the center of the current asphalt may not be the true center of the road.

David Streicher of 8040 SW Peters Rd, the resident who initiated the concern about the legality of the boulders, commented that the ordinance does not say obstruction has to be on the pavement. Some

of the street is “unpaved.” He does not believe it could possibly be true that unlimited bouldering would be allowed on each side, as it would make the road impassable. He stated that the City should be pro-active. Joanne Hermans of 8280 SW Peters Rd. stated that she is more concerned about cars parking in the street at the east end. Schirado stated that discussion needs to be confined to the boulders. Kehn stated that Streicher was fear-mongering and over-stating the topic. Streicher replied that the boulders narrow the road, which is bad for pedestrians, especially children. The ordinance addresses pedestrians also. Removing boulders would allow more room for pedestrians to walk.

Mayor Schirado closed public comment at 8:35 pm and asked the Councilors how they would like to proceed. Jehnke stated that he thinks it prudent to ask the attorney. Van Meter agreed. Tate commented that the current attorney did not write the ordinance and felt that the Council should be able to interpret the ordinance. Hadfield questioned the necessity of taking it to the attorney. He asked if there are other ordinances that apply. He stated that his interpretation is that boulders do not violate the ordinance that was read. Gifford stated that when the ordinance was written, the Council’s concern was keeping stuff out of the paved areas. Jehnke replied that that is not what the ordinance says. Tate noted that it is important to take into consideration the current conditions. The current condition is that 16 feet is paved. Schirado asked Council to consider ramifications if the attorney’s interpretation is that the boulders cannot be in the right of way. What does that mean for fences and mailboxes? Jehnke stated that the attorney could look up precedent. Schirado asked, “Isn’t it in our job description to interpret our ordinances?” Tate said that she interprets “intended for vehicle use” as the asphalt. Hadfield agreed with Tate. Schirado reiterated that they (the Councilors) have the right to interpret an ordinance that they passed. Schirado took a verbal poll on if the matter should be taken to the attorney. Hadfield voted no. Gifford voted no. Jehnke voted yes. Van Meter voted yes. Schirado broke the tie by voting no. The vote determined that the matter would not be taken to the City’s attorney. Tate asked for clarification that it was the interpretation of the Council that the boulders were not illegal per their interpretation of the ordinance. Council agreed.

I. ADMINISTRATOR’S REPORT

- Update on In-N-Out: There is nothing new to report. Mayor Schirado noted that he heard that In-N-Out is planning to open in Hillsboro, but does not know if they are still considering another location in the Portland Metro area.
- Tate provided the annual spreadsheet on City finances from the recent audit and noted that the City is in a good financial position.

J. FINANCIAL REPORTS.

- Councilor Gifford moved to approve payroll checks 633-636, vendor checks 17109-17150, and electronic fund transfers totaling \$14,962.83. Jehnke seconded the motion. The vote was unanimous (4-0).

MO 082322-02

K. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.

- Mayor Schirado reminded the Council that they are invited to Tigard School District’s Back to School event at Tigard High School on August 31st. Schirado noted that he will be out of town during the event.
- Councilor Hadfield asked about the election. Tate provided an update that there are currently two candidates who have turned in forms.
- Councilor Hadfield asked about the possibility of meeting in person again. Schirado stated that the purpose of meeting virtually is to protect the health of the City Hall staff because City Hall would have to close if Tate was ill.

L. ADJOURN. Mayor Schirado adjourned the meeting at 9:12 PM

Approved:

GERY SCHIRADO, MAYOR

Attest:

LINDA TATE, CITY ADMINISTRATOR/RECORDER