



- A. OPEN REGULAR COUNCIL MEETING.** Mayor Keith Jehnke opened the meeting at 7:30 PM at Durham City Hall.
- B. ROLL CALL OF COUNCIL MEMBERS.** *Councilors present:* Mayor Keith Jehnke, Council President Joshua Drake, Councilors Chuck Van Meter, Leslie Gifford (on Zoom) and Gary Paul
Councilors absent: None
Staff present: City Administrator Jordan Parente and Administrative Assistant Becky Morinishi
Visitors: Planning Commission Chair Susan Deeming; Planning Commissioner David Streicher; Kristin Leichner and Eric Anderson of Pride Disposal; Resident Marie Hanson of SW Thistlebrook.
- C. COUNCIL MINUTES.** Councilor Van Meter moved to approve the minutes from the June 25th, 2024, Executive Session and Regular City Council meeting. Councilor Paul seconded the motion. The vote passed (5-0).

MO 72324-01

- D.** Mayor Jehnke read the **CALENDAR OF MEETINGS.**
- **Tuesday, August 6th, 2024**, Regular Meeting of the Planning Commission at 7:30 PM
 - No Regular Meeting of the City Council for August 2024; next meeting date September 24th, 2024, at 7:30 PM.
- E. PUBLIC FORUM.** None
- F. PLANNING COMMISSION UPDATE.** No July Planning Commission Meeting due to Independence Day holiday.
- G. RESOLUTION 666-24, A RESOLUTION OF THE CITY OF DURHAM ADJUSTING SOLID WASTE DISPOSAL RATES FOR PRIDE DISPOSAL COMPANY.** Kristen Leichner of Pride Disposal Company presented to the Council. She stated that several years ago, the Council voted to follow the City of Tigard's disposal rates. A third party consultant conducted a rate study for Tigard and proposed new rates based on the data. The increase equates to a 7.1% increase on a 32-gallon residential cart and took effect on July 1st, 2024. This adjustment was earlier than the usual January rate increase, but the next adjustment will not take place until the end of 2025. Dropbox rates remain the same as before. Councilor Van Meter asked what benefits the City of Durham gets from the franchise agreement with Pride. Ms. Leichner said that Durham is paid a 4% franchise fee, has a free annual Bulky Waste Pick Up Day, and Pride provides dumpsters for leaf disposal twice a year. Councilor Van Meter asked if residents of Durham take advantage of Bulky Pick-Up Day. Ms. Leichner stated that they do.

Mayor Jehnke asked about Metro's 56% rate increase over the past four years. Ms. Leichner stated that there was no increase in 2020 due to Covid and they are now raising rates to try to meet costs. There is a \$40 per ton Regional System Fee that funds programs such as hazardous waste drop-off and RID Patrol. Councilor Van Meter asked how many tons Pride delivers. Ms. Leichner stated that Pride delivers 600,000 tons. Council President Drake asked for a ballpark estimate of Pride's percentage for Metro fees. Ms. Leichner

responded that Metro fees equate to 20% of the total garbage bill. Councilor Van Meter moved to approve the rate increase. Councilor Paul seconded the motion. The vote passed (5-0).

MO 72324-02

- H. RESOLUTION 667-24, A RESOLUTION OF THE DURHAM CITY COUNCIL ESTABLISHING A TREE COMMITTEE TO REVIEW THE CITY'S TREE ORDINANCE AND RECOMMEND ORDINANCE CHANGES.** Durham City Council passed Motion 52824-02 to form a Tree Committee at its May 28th, 2024, meeting. Resolution 667-24 formally defines and provides parameters for the purpose and roll of Durham's Tree Committee. Council President Drake moved to approved Resolution 667-24. Councilor Van Meter seconded the motion. The motion passed (5-0).

MO 72324-03

- I. CITY OF DURHAM TREE WORK.** City Administrator Parente stated to the Council that on April 2nd, 2024, the City Arborist, Sav A Tree, recommended nine trees at the treed lot, two birch trees at the park entrance, and the ash leaning over the bridge crossing Fanno Creek at the park, should be cut. Mr. Parente said there was a great deal of dissatisfaction with the mess the company left after they did the work. He said the company was very apologetic and would be returning to clean up the mess. The trees did not drop where they wanted and damaged two maple trees. The intent was to leave big logs and habitat poles, but to remove the limbs and brush. Several community members were upset about the work that was done. Council President Drake asked if people were upset about the trees coming down or the mess that was left. Mr. Parente responded that he trusts the arborist's professional opinion that the trees were hazards. He said he believes that fewer people would have been upset if the company had done a better job. Councilor Van Meter asked if Mr. Parente discussed having the trees cut with anyone prior to the work being done. Mr. Parente said that another arborist walked the site and concurred with the condition of the trees but did not provide a quote. Mr. Parente sent Sav A Tree's quote to members of City Council ahead of authorizing work and that Mayor Jehnke recommended no treatment for the diseased trees.

Mayor Jehnke asked if the same protocol citizens have to follow is followed by the City when it wants to cut trees. Mr. Parente responded that the City's current ordinance does not require that the City follow the same protocol. Mayor Jehnke recommended putting it in the quarterly NewsNotes to inform residents prior to doing major tree work or removals in the future. The Council discussed the history and zoning of the treed lot, noting that it is zoned Office Park and was left that way when it was purchased by the City to provide flexibility in the future.

Resident David Streicher presented to the Council about the removal of the trees in the treed lot. He noted that he was appearing as a resident and not as a representative of the Planning Commission. Mr. Streicher stated that he was unhappy with the trees being cut without notification to the public and that doing so is an unnecessary expense to the City. He stated that the City is not liable for injury due to Oregon's Recreational Immunity laws. He believes the Planning Commission should play a role in determining if trees on City-owned property can be removed. Mr. Streicher wants the treed lot treated as a nature preserve to protect trees throughout their entire life cycle and would like City Council to make an official decision on how it should be maintained. He noted that this path forward would improve animal habitat and natural ambience and avoid the expense of further tree removals. Mayor Jehnke said some residents view the treed lot an asset under its current zoning. The

Council discussed whether the treed lot is covered under Recreational Immunity and asked Mr. Parente for more information. Mr. Parente said he will investigate and return an answer.

J. ADMINISTRATOR'S REPORT

- City Administrator Parente informed the Council that Congressional Representative Salinas would like to work out of Durham City Hall one day to provide access to residents.
- Mr. Parente told the Council that the City Accountant said he would be getting the delayed financial reports back to the City within the next few days. The annual financial audit was delayed due to the tardiness of the financial information.
- Mr. Parente informed the Council that PGE would be coming out to look at the 4,000 lumen light in the park and potentially change out the bulb to something less bright.
- Mr. Parente told the Council that Durham Heights is ready to start building. Mr. Parente has had several discussions with the City Attorney regarding Durham Estates' driveways. HB 2001 (Middle Housing law) is specific about access requirements and the City cannot require a traffic study. Mr. Parente added that the City may be able to ask for a traffic study for another property on Upper Boones Ferry that is seeking to subdivide. He also informed the Council that the 3-lot subdivision on Ellman would be going before the Planning Commission in September.

K. FINANCIAL REPORTS.

- Councilor Gifford moved to approve payroll checks 686-687, vendor checks 17549-17576, and electronic fund transfers totaling \$3,288.65. Council President Drake seconded the motion. The vote passed unanimously (5-0).

MO 72324-04

- L. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.** Mayor Jehnke informed the Council that he would be meeting with the new Tigard-Tualatin School District Superintendent and to let him know if they have any questions to pass along. Councilor Van Meter said that a resident's shed was crushed by a falling tree.

- M. ADJOURN.** Mayor Jehnke adjourned the meeting at 8:53 PM.

Approved:

KEITH JEHNKE, MAYOR

Attest:

JORDAN PARENTE, CITY ADMINISTRATOR/RECORDER