



- A. **OPEN REGULAR COUNCIL MEETING.** Mayor Keith Jehnke opened the meeting at 7:34 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 (Zoom) and Gary Paul
Councilors absent: None
Staff present: City Administrator Jordan Parente and Administrative Assistant Kait Garlick
Tree Committee members: Susan Deeming, JR Tarabocchia, Craig Lockwood, Forrest Boleyn, David Streicher
Visitors: Adam Fuller, Susan Fuller, Sean Lee, Mark Schrimp (Zoom), Nikki Hough (Zoom), Jim Shelman (Zoom)
- C. **COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes as corrected from the September 24th, 2024, Regular City Council meeting. Councilor Van Meter seconded the motion. The vote passed (5-0).

MO 102224-01

- D. Mayor Jehnke read the **CALENDAR OF MEETINGS.**
- **Tuesday November 5, 2024,** Regular Meeting of the Planning Commission at 7:30 PM.
 - **Monday November 11, 2024,** City Hall closed in observance of Veterans Day.
 - **Tuesday November 19, 2024,** Regular Meeting of the City Council at 7:30 PM.
 - **Thursday November 28 - Friday November 29, 2024,** City Hall closed in observance of Thanksgiving.
- E. **PUBLIC FORUM.** None.
- F. **PLANNING COMMISSION UPDATE**
City Administrator Parente gave a brief update on the most recent Planning Commission meeting, which included the approval of a resident's tree removal application, and an overview of the presentation given by the Tree Committee.
- G. **TREE COMMITTEE PRESENTATION – PROPOSED TREE ORDINANCE CHANGES.**
The Tree Committee presentation was led by J.R. Tarabocchia. The basis for the proposed updates is to address increasing risks from hazardous trees. Mr. Tarabocchia began with his personal experience with falling trees, including a near-fatal tragedy caused by a tree that hit his neighbor's home during the storms last winter, illustrating the urgency for change in the City's current processes. The proposed ordinance aims to balance public safety with environmental preservation, incorporating diverse community perspectives and expert input. Key flaws in the current ordinance, such as vague removal guidelines and insufficient safety measures, are outlined as targets for improvement.

The proposed changes to Durham's tree ordinance also aim to address gaps in the current process, such as unclear guidelines for hazard tree removal, lengthy and costly processes for residents, and conflicting regulations. The new ordinance prioritizes safety, preserves the tree canopy, and simplifies procedures by clearly defining hazard trees and streamlining removal processes. It also introduces measures like reducing developer credits for preserved trees, requiring replacement trees, and establishing clearer oversight for public trees. Additionally, the ordinance includes increased fees and penalties to support these improvements and ensure a fair and efficient system for all.

A concern that was repeatedly discussed was determining the appropriate balance of responsibility between the City and homeowners in managing tree risks. While the City is expected to play an active role, including occasionally hiring arborists, homeowners retain the right to independently consult professionals. Questions were raised about legal implications if a city-employed arborist or the City Administrator were to inaccurately assess a tree, resulting in damage. The City Council recognized the need for further discussion with legal counsel to clarify liability issues.

Mayor Jehnke requested a redline version of the proposed ordinance document, showing changes from previous ordinances. This would clarify what has been added, removed, or adapted from other cities' regulations. Mr. Parente will schedule a work session for the City Council to review the proposed changes, compare them to existing ordinances, and determine how to move forward; the goal is to consolidate and simplify the tree protection rules contained in both the Development Code and Municipal Code. The City Attorney and potentially the City Arborist will be consulted to ensure legal and technical accuracy.

H. RESOLUTION 669-24, A RESOLUTION OF THE CITY OF DURHAM CITY COUNCIL ESTABLISHING A NEW BUILDING PERMIT FEE SCHEDULE CONSISTANT WITH THE CITY OF TUALATIN.

The Council was presented with a resolution regarding adjustments to Durham's building permit fees to remain aligned with those that Tualatin adopted in July 2024. Tualatin has proposed a 5% annual increase over five years as a response to fees that have remained stagnant in prior years. Durham's adoption of the new fee schedule ensures consistency with the intergovernmental agreement between the cities. Questions were posed by both council members and the public about the impact of these increases on construction costs. Comparisons are drawn with significantly higher fees in Portland, emphasizing that Tualatin and Durham maintain low fees. Mr. Parente also mentioned that now would be a wonderful opportunity to reassess Durham's other building fees that are set by the City and are not part of Tualatin's fee schedule, citing that these fees have not been updated in decades. Further discussion regarding Durham-specific building fees will continue at a future meeting. Councilor Gifford moved to approve the motion. Council President Drake seconded the motion. The vote passed (5-0).

MO 102224-02

I. ADMINISTRATOR'S REPORT

- City Administrator Parente gave an update on two grants submitted earlier in the week. The first, through the Oregon Department of Forestry, aimed to secure about \$300,000 in funding, with approximately \$30,000 allocated for administrative costs. The proposal included support letters from key organizations, such as Clean Water Services and Tualatin Soil and Water Conservation District. The second grant submission involved a cybersecurity initiative. This second grant was a re-submission of a previous application.
- Mr. Parente also gave a brief overview on the upcoming FEMA requirements for floodplain management, which offered three policy options: banning all development in floodplains, adopting a FEMA model ordinance, or requiring habitat studies for any development. Concerns were raised about the implications for city parks, most of which are within the floodplain. The Council discussed adopting the model ordinance to balance development needs with compliance. A decision must be communicated to FEMA by December 1, 2024, with full adoption required by July 1, 2025. Further insights from a FEMA expert were anticipated to inform the final decision.
- Lastly, Mr. Parente gave an overview of where things stand with the ongoing issues with the City's current accountant. Despite repeated assurances, the current accountant has not delivered on-time financial reports which has prompted the City to begin the transition to a new provider based in neighboring Tualatin. Marina & Co. quoted higher fees but offers specialized expertise in municipal accounting and has the capacity to take on Durham as a client immediately.

J. FINANCIAL REPORTS

Councilor Gifford moved to approve payroll checks 690-697, vendor checks 17592-17627, and electronic fund transfers totaling \$16,766.87. Council President Drake seconded the motion. The vote passed (5-0).

MO102224-03

K. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS

Councilor Paul addressed a MACC email regarding local cable provider Ziplly's plans to cease service in Durham. Ziplly claimed a lack of customers was the reason, but council members questioned whether the proper 120-day notice was given. MACC is expected to address this issue at an upcoming meeting.

L. ADJOURN. Mayor Jehnke adjourned the meeting at 9:07 PM.

Approved:

KEITH JEHNKE, MAYOR

Attest:

JORDAN PARENTE, CITY ADMINISTRATOR/RECORDER