

**City of Durham**  
**CITY COUNCIL MINUTES**  
**July 23, 2019**

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- A. OPEN REGULAR COUNCIL MEETING.** Mayor Schirado opened the Durham City Council meeting at 7:30 pm at Durham City Hall.
- B. ROLL CALL.** *Council Present:* Gery Schirado, Chris Hadfield, Leslie Gifford, Keith Jehnke, and Chuck Van Meter  
*Staff Present:* City Administrator Linda Tate and Lynn Schroder  
*Public Present:* Sarah Bushore, United States Census Bureau; Kristin Leichner, Mike Leichner, and Cindy Leichner, Pride Disposal; Stacy and Ethan Shetler, Tualatin residents; Kol Helland, Tualatin resident; and Bob Plame, Durham resident.
- C. JUNE 25, 2019 COUNCIL MINUTES.** Councilor Gifford moved to approve the minutes of the June 25, 2019 City Council meeting. Councilor Hadfield seconded the motion. The minutes were approved unanimously (5-0). **MO 072319-1**
- D.** Mayor Schirado read the **CALENDAR OF MEETINGS.**  
**Tuesday, August 6, 2019,** Regular Meeting of the Planning Commission at 7:30 p.m., Durham City Hall  
**Tuesday, August 27, 2019,** Regular Meeting of the City Council has been canceled  
**Monday, September 2, 2019,** City Hall will be closed in observance of Labor Day  
**Tuesday, September 3, 2019,** Regular Meeting of the Planning Commission at 7:30 p.m., Durham City Hall  
**Tuesday, September 24, 2019,** Regular Meeting of the City Council at 7:30 p.m., Durham City Hall.
- E. PUBLIC FORUM.** Mayor Schirado welcomed Boy Scouts Ethan Shetler and Kol Helland.
- F. PLANNING COMMISSION UPDATE.** The Council scheduled a work session with the Planning Commission to discuss the Tree Protection Ordinance on September 17, 2019 at 6:30 at Durham City Hall.
- G. PRESENTATION ON 2020 CENSUS.** Sarah Bushore of the United States Census Bureau presented information on how the 2020 Census will be conducted in Durham. The U.S. Census will count everyone in the United States on April 1, 2020. The goal of the Census is to count everyone once, and only once, in the right place. The fundamental purpose of the Census is to apportion the 435 seats belonging to the US House of Representatives. A secondary purpose is to allocate federal funding. This Census will provide an opportunity for people to self-report via the internet or telephone.
- H. RESOLUTION 621-19, A RESOLUTION OF THE CITY OF DURHAM ADJUSTING SOLID WASTE DISPOSAL RATES FOR PRIDE DISPOSAL COMPANY.** Councilor Gifford moved to approve Resolution 621-19, a resolution of the City of Durham adjusting solid waste disposal rates for Pride Disposal Company. Councilor Van Meter seconded the motion. The resolution was approved unanimously (5-0). **MO 072319-2**
- I. RESOLUTION 622-19, A RESOLUTION EXTENDING WORKER'S COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF DURHAM.** Councilor Van Meter moved to approve Resolution 622-19, a resolution of the City of Durham extending worker's compensation coverage to volunteers of the City of Durham. Councilor Gifford seconded the motion. The resolution was approved unanimously (5-0). **MO 072319-3**

**J. RESOLUTION 623-19, A RESOLUTION OF THE CITY OF DURHAM COUNCIL IMPOSING A FEE FOR THE REVIEW AND ISSUANCE OF SPECIAL EVENTS PERMITS.**

Tate provided background on the proposed fee increase for Special Use Permits. Tate suggested that the fee to administer the Special Use Permits be increased from \$25 to \$50 to offset increased costs associated with administering the permits. Because of damage to park paths from route markings from past events, Tate now inspects park trails after an event to ensure that the path has not been marked. She noted an uptick in event sponsors using spray chalk on the paved path to mark a route. Spray chalk is difficult to remove. The City does not allow it to be used on paved surfaces. However, some event sponsors have used it to mark routes. As a result, City staff needs to check the route after each event and follow up on route mark removal. Tate clarified that the City does not charge for the use of the park but for the cost to administer the permit. By not charging for the use of the park, the City maintains its recreational immunity.

Councilor Gifford felt that \$50 was not enough if staff was taking twice the amount of time to administer the permit. She suggested \$75. Councilor Jehnke asked if the City requires a deposit. Tate stated that because the City is on a cash basis of accounting, deposits are difficult to administer.

Councilor Van Meter moved to amend the proposed fee increase to \$100. Councilor Jehnke seconded. Councilor Hadfield objected to the amendment. He considered \$100 to be too much to administer a permit. He stated that events are usually fundraisers sponsored by non-profits. He supported a \$50 fee. Councilor Van Meter moved to amend the amendment to require a \$75 fee for special use permits. Councilor Gifford seconded the amendment. The amended resolution to impose a \$75 fee for special use permits was approved unanimously (5-0). **MO 072319-4**

**K. RESOLUTION 624-19, A RESOLUTION OF THE DURHAM CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH FATBEAM, LLC.**

The City owns a 1.5 inch schedule 40 PVC conduit located under Upper Boones Ferry Road from Lower Boones Ferry to the north end of the City. Tate presented a lease agreement with Fatbeam, LLC. to lease the City's underground conduit for 20 years. The lease agreement does not allow third party beneficiaries. Fatbeam will use the conduit to link internet service to the Tigard-Tualatin School District. Councilor Van Meter questioned if the City could reserve part of the conduit for uses associated with 5G. Tate did not think the conduit is large enough to split. Mayor Schirado stated that there are not any 5G proposals to use the conduit on the horizon. Councilor Hadfield stated that the City installed the conduit at its own expense to lease for revenue. He stated that this agreement achieves this goal and benefits the school district. He supported the lease agreement.

Councilor Gifford moved to approve Resolution 624-19, a resolution of the Durham City Council authorizing the mayor to execute a lease agreement with Fatbeam, LLC. Councilor Hadfield seconded the motion. The resolution was approved unanimously (5-0).

**MO 072319-5**

**L. DISCUSSION ON TERMS FOR TELECOM LICENSE RENEWALS.**

Tate presented background on the 2014 Telecommunication ordinance. In 2014, the terms of the license renewal were set for five years. It is time for the City Council to review and update the license terms. She suggested removing the requirement to calculate the fee as a percentage of gross revenue or lineal feet and instead have a fixed fee for all licensees. She also suggested removing the requirement to calculate a late fee based on the prime rate. Instead, the late fee should be a fixed fee per month.

Councilors directed Tate to prepare a resolution that sets the telecommunication license fee at \$3,000 per year with a late fee of \$250 per month or a portion thereof. The resolution should also expressly state the due date for payment. Tate stated she would provide the direction to the City's attorneys to prepare a new resolution for consideration at the next City Council meeting.

**M. DISCUSSION OF PROPOSAL FROM MYN/CERT FOR SETTING UP COMMUNICATION HUB IN DURHAM.** Mayor Schirado opened the discussion on last month's request from Durham resident, Judy Arthur, to buy a triage center and communication hub for the City to have in the event of a major disaster. Mayor Schirado stated that he sees value in the City owning a communication hub, but he is less supportive of a triage center. Before he could support purchasing a communication hub, he wanted more information on where the hub would be stored, who would be responsible for maintenance and deployment, who would operate it, where it would be set up in the event of an emergency, and a better explanation of the components and cost of the hub. He noted that a major disaster may not happen for a long time and that the City should take a long term view.

Councilor Hadfield expressed his support for the MYN Committee leadership and community emergency preparedness efforts. He agreed that the triage center may not be something the City wanted to purchase. He supported a communication hub but agreed that more information was needed.

Councilor Van Meter supported the concept of a communication hub.

The Council agreed to put together a list of questions to ask Judy Arthur

**N. ADMINISTRATOR'S REPORT.** City Administrator Tate reported that she had received a request to fund a memorial bench in Durham Park. Currently, the City does not have a policy or process for memorial requests. She asked for guidance from the City Council.

Councilors supported a policy that would consider memorial requests on a case-by-case basis upon application to the Council. The application should provide information about the honoree. The Council reserved the right to determine the location of the memorial. The cost for purchase and installation of a memorial bench should be borne entirely by the applicant.

Councilor Hadfield suggested that background check on the honoree should be part of the process.

**O. FINANCIAL REPORTS.** Councilor Gifford moved to approve the financial reports for June 2019; payroll checks 566 to 567; vendor checks 16419 plus 16486 to 16511; and electronic fund transfers totaling \$5,189.95. Councilor Jehnke seconded, and the motion passed (5-0).  
**MO 072319-6**

**P. COUNCIL COMMENTS.** Councilor Hadfield asked the City to fill in dirt next to a portion of the sidewalk on Rivendell in front of the Kingsgate wooded lots.

**Q. MEETING ADJOURNED.** Councilor Gifford moved to adjourn the meeting. Mayor Schirado adjourned the meeting at 9:35 pm.

**Approved:**

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**GERY SCHIRADO, MAYOR**

**Attest:**

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**LINDA TATE, CITY ADMINISTRATOR/RECORDER**