

**City of Durham**  
**CITY COUNCIL MINUTES**  
**June 23, 2020**

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- A. OPEN REGULAR COUNCIL MEETING @ 7:30 p.m. via ZOOM.**
- B. ROLL CALL OF COUNCIL MEMBERS.** *Councilors present:* Mayor Gery Schirado, Council President Chris Hadfield, Councilors Keith Jehnke, Leslie Gifford, Chuck Van Meter.  
*Staff present:* City Administrator Linda Tate and Administrative Assistant Emily Baker.  
*Public who were provided a link to the meeting:* Amparo Agosto from TriMet, Fiona Cundy from TriMet, Leah Robbins from TriMet, Josh Mahar from TriMet, Laurie Volm, Josh Greenhalgh, Sonia Greenhalgh, Broc VanVleet, Sandy VanVleet, Gretchen Downey, Steve Watt, David Baldwin, Melissa Fowler-Baldwin, Cheryl Duvall, Jeremy Jacks, Stephanie Lemari
- C. COUNCIL MINUTES.** Councilor Gifford moved to approve the City Council minutes from the May 26<sup>th</sup>, 2020 meeting. Councilor Van Meter seconded the motion. The vote was unanimous (5-0). **MO 062320-1**
- D. EXECUTIVE SESSION MINUTES.** Councilor Gifford moved to approve the Executive Session minutes from the May 26<sup>th</sup>, 2020 executive session. Councilor Hadfield seconded the motion. The vote was unanimous (5-0). **MO 062320-2**
- E. Mayor Schirado read the CALENDAR OF MEETINGS.**  
**Friday, July 3, 2020**, City Hall will be closed in observance of Independence Day.  
**Tuesday, July 7, 2020**, Regular Meeting of the Planning Commission at 7:30 p.m., via zoom.  
**Tuesday, July 28, 2020**, Regular Meeting of the City Council at 7:30 p.m., Durham City Hall or Zoom.
- F. PUBLIC FORUM.** None
- G. PLANNING COMMISSION UPDATE.** None.
- H. SOUTHWEST CORRIDOR PRESENTATION.** Agosto began the presentation with an update on TriMet's response to the COVID-19 pandemic. She then gave an overview the need for the Southwest Corridor MAX line, the community and economic benefits of the line and construction, and the environmental impacts. Cundy noted that the environmental impact report will be released in the coming months. Cundy went over the conceptual design for the stations and route of the line, their community engagement efforts, and the projects support. She noted the Marquam Hill Connector project to connect the future Gibb St station with the OHSU campus and Terwilliger Blvd. Cundy then gave an overview of the planned stations that will be built around the Tigard and Tualatin area and the design elements of the stations. She mentioned the work they are doing around the Bridgeport Village station and how they plan to connect it with the Tualatin Park & Ride across the street. She said that, since Village Inn has closed, they are looking into opportunities for acquiring and using that area. There were no questions or comments from the Council. Councilor Van Meter noted that the Mayor, who is on the Southwest Corridor Steering Committee, has kept them well informed about the project.

**I. REQUEST FOR RAMP AT 8080 PETERS TO BE DECLARED A NUISANCE.** Mayor Schirado began the discussion of the ramp and 8080 Peters Rd by setting some ground rules. He stated that this was not a public hearing on the issue, but a discussion of whether or not the ramp is an attractive nuisance. He said that they are dealing with Section 5 of Ordinance 196-99 relating to the Council's ability to require abatement for an attractive nuisance. He said they will be discussing whether or not the structure is a public or attractive nuisance, but they will not discuss if it is allowed in its location under the Land Use Code. The Mayor added that they will hear from the party requesting it be deemed a nuisance and the party that built the ramp. He acknowledged that they did receive a petition and letters and the Council will take that into consideration when making their decision, but these will not be addressed in this meeting. He opened the meeting up to Laurie Volm and Josh Greenhalgh.

Volm said the structure is not built to code and that Greenhalgh has circumvented the building permit requirement by putting wheels on the structure. She said it is dangerous because it serves as a fall risk for children and because there are no safety features. She recommended moving the ramp to the backyard or locking it up, but stated she does not think it belongs in the front yard.

Greenhalgh went over his conversations with Tate and the Tualatin Building Department. He said Brian LaVigne, Tualatin's Code Compliance person, went out and looked at the ramp and told him to reach out to Tate about the City's Land Use Code, which he did. Then LaVigne and Chris Ragland, Tualatin's Building Official, came back out and put a Stop Work order on the ramp before he was able to put rails on it. He asked Ragland if putting wheels on it would allow him to not need a building permit and allow him to continue working. He said Ragland checked with some contacts with the State, then came back to him and said that would be acceptable and he would remove the Stop Work order. After that Greenhalgh was informed of the nuisance request and had to stop working again. He said he has researched ways to make the ramp safe, including non-drying paint, yellow and black signs, putting a locked gate on it, climb-proof fencing, etc.. He added that he has not had the opportunity to put any of these features on the ramp, because he has not been able to work on it. He has been working on ideas for temporary safety measures to increase its safety while he builds it.

Mayor Schirado asked if the Council had any questions for Volm or Greenhalgh. Councilor Van Meter said that after listening to Greenhalgh it is clear he is concerned with people climbing or using the ramp unsupervised and that he is testing ideas for making it safer. He asked Greenhalgh how comfortable he is that kids will be deterred by the abatement measures. Greenhalgh said that he is very confident, adding that there is no way to be 100% sure kids won't get hurt, but that he will do everything he can to make it safe. He acknowledges there is a need for safety. He added that he can't deter the risks associated with biking, but he can deter the risks of the structure. Mayor Schirado asked him about the extended use of the structure as his son gets older. He asked how long his son will use it and at what point will he determine it is no longer needed. Greenhalgh said it depends on his upkeep of it and how long his son is interested in biking. He said when it is no longer needed he will remove it.

Mayor Schirado went over the Council's options for this discussion. He said they can determine it is an attractive nuisance and require abatement, they can say it is not a nuisance, or they can request more information from staff.

Councilor Jehnke stated that it is clear that Greenhalgh knows the ramp is an attractive nuisance and he is ready to take the appropriate steps to abate it. Councilor Van Meter asked the age of the children on Peters Rd., and Councilor Jehnke responded that the ages range from 6 months to 19. Greenhalgh said that he understands the ramp is an attractive nuisance and that he would like the opportunity to abate it.

Tate noted that the ramp will still need to be addressed under the Land Use Code. Mayor Schirado said that the Council can make a decision on whether or not the ramp is a nuisance and require the home owner to abate the nuisance, and the Planning Commission can make a decision on its location and whether or not it is allowed under the Land Use Code. He stated that the Planning Commission could make the decision about the ramp's location and their decision may impact the way Greenhalgh abates the nuisance. Councilor Van Meter asked what the next steps would be if they call it an attractive nuisance. Tate said she would send the home owner a notice that they have 10 days to abate the nuisance. She noted that the council could work with the home owner since he also has to go to the Planning Commission.

Councilor Hadfield said that the issue could go to the Planning Commission without having to make a decision at this meeting. He also noted that kids may still see the ramp, with the abatement measures in place, as a challenge and try to climb it. He added that he would like to see no decision made at this meeting and see if Greenhalgh wants to apply for a variance, noting there is a strong argument for mitigation of the issue. Councilor Gifford stated that she feels it is an attractive nuisance, but would like the Land Use issue to be resolved first. Councilor Van Meter and Councilor Jehnke both agreed that they should wait to see the Planning Commission's decision before making theirs. Mayor Schirado noted that the Council seems to be in agreement about postponing the decision. He added that Greenhalgh can work on a plan for abating the nuisance to bring to the next Council meeting on the issue.

Councilor Hadfield said that whatever is decided will make some people unhappy. He added that property owners may be more accepting of a Land Use decision, rather than the Council calling it an attractive nuisance. He asked Tate if there has been an appeal and she responded that the Land Use part of the issue has been put on hold until the nuisance issue has been addressed so that Greenhalgh would not have to unnecessarily accrue additional expenses.

Mayor Schirado stated that they are referring it back to staff to get more information. Tate confirmed that the council does see this as a nuisance that will need to be abated, but right now it is going to staff to move forward on the Land Use Code issues.

**J. BUDGET PUBLIC HEARING.** Mayor Schirado opened a public hearing on the 2020-2021 budget. There was no public present. Mayor Schirado closed the public hearing and reopened the Durham City Council meeting.

**K. BUDGET CONSENT AGENDA.** Councilor Gifford moved to approve the Budget Committee minutes from the May 26th, 2020 meeting, adopt resolution 630-20, a resolution of the Durham City Council declaring the City of Durham's election to receive state revenues and to adopt resolution 631-20, a resolution adopting a budget, making appropriations, categorizing, and levying taxes for budget fiscal year 2020-21 for the City of Durham, Washington County, Oregon. Councilor Jehnke seconded the motion. The vote was unanimous (5-0). **MO 062320-3**

Mayor Schirado noted that Durham is ahead of many cities that are having to address the COVID-19 pandemic in their budget for next year.

- L. ADMINISTRATOR'S REPORT.** Tate told the Councilors to send her any questions they have for Police Chief Steele, who will be presenting to the Council during their September meeting. Councilor Van Meter asked when the current contract is up and Tate said it expires June 30, 2021. Councilor Gifford stated that this is the last year of the current contract. Mayor Schirado said many police departments and cities across the country are taking a look at their police budget in light of the nationwide protests.

Tate told the Council that the City of Tigard is making plans for the Water Building that is one of the system assets of the water system. Councilor Jehnke, who is on the Tigard Water Advisory Board, said he reached out to the Tigard Water District but has not heard back on about it. Tate provided the Council with Tigard's potential plans for the building in her memo included in the meeting packet.

Mayor Schirado said that cities in Washington County will be eligible to receive part of a \$1.5 million fund to reimburse costs cities have had to incur in order to support the community through COVID-19. He said the City will not receive any of the funds since Durham has not had any expenses due to COVID-19. Tate said that there is a Business Recovery portion of the County CARES fund from which she is attempting to get some funds to support Durham businesses. Mayor Schirado said it would be nice to help out the businesses that have had to close down during the pandemic. Tate added that staff have been sending out information about county and state business support programs to all Durham businesses.

- M. FINANCIAL REPORTS.** Councilor Gifford moved to approve payroll checks 589 to 590, vendor checks 16685 to 16693, and electronic fund transfers totaling \$5649.89. Councilor Hadfield seconded the motion. The vote was unanimous (5-0). **MO 062320-4**

- N. COUNCIL COMMENTS & MISCELLANEOUS INFORMATIONAL ITEMS.** Mayor Schirado told the Council that Mayor Bemis of Gresham has resigned from his position as Mayor and on the board of the Metropolitan Mayor's Consortium (MMC). Mayor Schirado added that the City Manager and Police Chief of Gresham have also resigned and he thinks there may be something under the surface of these resignations. He then brought up that Mayor Holladay of Oregon City has a recall petition out against him. Adding that Mayor Holladay is very far right and may have an agenda that is not in line with his colleagues. Councilor Jehnke added that Mayor Holladay had posted to social media against the Black Lives Matter movement and protests, which received a lot of backlash from the Oregon City Commissioners and public.

Mayor Schirado told the Council that the MMC has sent a letter to the Legislature for the Special Session that begins on Wednesday, June 24<sup>th</sup>, in support of a number of legislative concepts that are being brought up regarding police accountability and state-wide COVID-19 response.

Councilor Gifford requested that there not be a meeting in August.

Tate brought to the Council's attention the League of Oregon Cities' survey about issues the Councilors want the LOC to prioritize in the upcoming legislative session. She said she will email them a copy so they can look over it.

**O. ADJOURN.** Councilor Gifford moved to adjourn the meeting. Mayor Schirado adjourned at 9:16 PM.

**Approved:**

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**GERY SCHIRADO, MAYOR**

**Attest:**

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**LINDA TATE, CITY ADMINISTRATOR/RECORDER**