

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, October 4, 2016 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: President R. Gambino, C. Bates, J. Fisher-Brown, J. Grant, J. Rustenhoven,  
7 J. Wiseman

8  
9 ABSENT: Mayor A.J. Mattila

10  
11 STAFF: City Superintendent B. Weidner, Recording Secretary C. Duering, City Attorney  
12 P. Gintner

13  
14 I. PLEDGE OF ALLEGIANCE

15 President Gambino called for all to stand for the Pledge of Allegiance.

16  
17 II. CALL TO ORDER

18 President Gambino called the meeting to order at 7:00 PM and established a quorum.

19  
20 III. APPROVE MINUTES: September 20, 2016 Executive Session and Regular Meeting

21 President Gambino said the minutes of the September 20, 2016 regular meeting were not available for  
22 approval because they had not yet been reviewed by the City Recorder.

23  
24 Motion 1: Fisher-Brown moved to accept and approve the minutes from the previous Executive Session.  
25 Wiseman seconded the motion.

26  
27 President Gambino said it was moved and seconded, and called for discussion. There was none.

28  
29 Vote: Motion 1 passed.

30 Ayes: Bates, Fisher-Brown, Gambino, Grant, Rustenhoven, Wiseman

31  
32 IV. ACCOUNTS PAYABLE

33 Motion 2: President Gambino moved to approve the Accounts Payable as presented. Wiseman seconded  
34 the motion.

35  
36 President Gambino said it was moved and seconded, and called for discussion. There was none.

37  
38 Vote: Motion 2 passed.

39 Ayes: Bates, Fisher-Brown, Grant, Rustenhoven, Wiseman

40 Abstain: Gambino

41  
42 V. SPECIAL ORDERS

43 A. Bryan Adams, Lightspeed Networks, Inc. – Request for Franchise Agreement

44 Bryan Adams addressed the Council regarding Lightspeed's request for a franchise agreement. He said  
45 they have partnered with CoastCom the past 11 years, and want to use right-of-ways and their own fiber  
46 networks to continue to serve the customers they have in place. They anticipate their strong relationship  
47 with CoastCom and Wave will continue. He noted Lightspeed's involvement with municipalities that are  
48 providing residential services for their communities. There was discussion regarding Lightspeed's  
49 customer base, and underground vs above ground services; Grant asked who owns the poles; Gintner

1 said the poles are owned by different parties and there is a Federal law in place regulating pole  
2 placement. Fisher-Brown expressed frustration with poor service. Grant, noting Verizon Wireless is a  
3 Lightspeed customer, asked if internet service is provided to Verizon Wireless customers; Mr. Adams  
4 said not necessarily, and explained how the technology works and what CoastCom's part is in the  
5 system. Grant wondered if the City would receive any revenue from franchise fees, since Lightspeed  
6 doesn't currently serve residents in Depoe Bay; Mr. Adams said yes the City would receive revenue, and  
7 that Lightspeed would pay 7% of any transport services they use.

8

#### 9 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

10 Wiseman reported the Personnel Subcommittee did not have a meeting last night because only two  
11 people showed up. The subcommittee will continue to move forward with a job description for the City  
12 Recorder and putting a plan together asking for applications.

13

14 President Gambino reported he attended a Lincoln County Consortium meeting. There was brief  
15 discussion.

16

17 Fisher-Brown referred to President Gambino's written report on his attendance at the recent League of  
18 Oregon Cities (LOC) conference, asking him if there was anything relevant to Depoe Bay; Gambino  
19 replied there was a major confidentiality case involving Councilors speaking to other Councilors one-  
20 on-one, and the court so far has upheld the City against the individual making the complaint. He also  
21 said all the handouts are available on the LOC website.

22

#### 23 VII. PUBLIC COMMENTS

24 There were no public comments.

25

#### 26 VIII. UNFINISHED BUSINESS

27 There was no unfinished business.

28

#### 29 IX. NEW BUSINESS

30 There was no new business.

31

#### 32 X. CORRESPONDENCE

33 There was one item of correspondence, a letter from Wave/CoastCom (copy attached to original of these  
34 minutes).

35

#### 36 XI. CITY STAFF REPORT

37 Weidner reported 1) The Coast Avenue water main project is moving along. Rock has been encountered,  
38 but City Crew has stayed in front with a jackhammer getting the rock out of the way, and no change  
39 order has been necessary so far. 2) Provided an update on the ODOT bypass, explaining that ODOT is  
40 having to make access roads to replace culverts. They are having to tear out trees on both sides of the  
41 highway so they can stretch a new repaired culvert, bursting the new lines straight underneath the roads,  
42 so they don't have to saw cut. They have to clear the path on one side and pull the line through with  
43 heavy machinery. They are replacing the culverts in two creeks, upsizing them and bringing the full  
44 width of their right-of-way. This is why the water main and raw water line from Rocky Creek had to be  
45 moved. Rocky Creek will be offline for one day. The 1.2 million gallon storage tank is full. The goal is  
46 to get the bypass accomplished tomorrow, and be up and running by the end of the day. 3) There was a  
47 water break on Harney Street yesterday that resulted in water shooting 80 feet into the air. The vacuum  
48 trailer came in handy with cleanup. 4) The reservoir platform is completed and pipes have been grouted,  
49 fixed, and cleaned. The structure will be installed starting the end of this week. As soon as it's in, we'll

1 be able to start closing the sluice gate and filling the reservoir. 5) Stonebridge has done their final  
2 paving overlay, and all their storm water runoff will be going into the catch basins. 6) Fisher-Brown  
3 asked about the situation at the Burlwood factory. Weidner said they are back to living in the trailers,  
4 and he has notified property owner Bart Crandall that the Council will be addressing this again. Weidner  
5 anticipates having the City Attorney send Mr. Crandall a letter before the next Council meeting,  
6 proceeding with what's already been approved. He said Mr. Crandall had negotiated a deal and cleanup  
7 was started, but it was less than a month later that they were already moving back in and living on the  
8 lot. He said the County is after Mr. Martin for building issues related to woodworking; the Fire Marshall  
9 is concerned with people living in the structure, the woodstove setup, and chimney height; and the State  
10 is after him because of a right-of-way encroachment; plus the City's concerns with Ordinance violations.  
11 7) President Gambino asked what is going to happen with the felled trees; Weidner said that was part of  
12 the contract between Elk Mountain and ODOT, but he didn't know what will happen to the trees.

13

14 Duering had no report.

15

## 16 XII. COUNCIL COMMENTS

17 Grant said I love you, man.

18

## 19 XIII. ADJOURN

20 There being no further business, the meeting was adjourned at 7:38 PM.

21

22

23

24

25

26

27

---

Robert Gambino, Council President

28

29

30

31

32

---

33 Emma LuMaye, Recording Secretary (transcribed from audio)