

City Council Chambers  
January 22, 2013

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:35 p.m.

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Councilors Excused: None

Staff Present: City Manager Benoit, Police Chief Curzon, Fire Chief Ames, Finance Director Carlson, Public Works Director Cook, Community Development Director Estes, City Attorney Henningsgaard and Library Director Tucker. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

#### REPORTS OF COUNCILORS:

**Item 3(a):** Councilor LaMear reported that she went on a tour of Mississippi Avenue in Portland with the Downtown Association and consultant Michelle Reeves, who was hired by the ADHDA for the Main Street program. The tour was excellent and she looked forward to see what Ms. Reeves would ask the Downtown Association to consider.

**Item 3(b):** Councilor Herzig said he also went on the tour, adding is a good time to consider pedestrian safety and traffic flow in the downtown area. The Lower Columbia Diversity Project hosted a Martin Luther King Day gathering yesterday and Marc Siegel, Senator Merkley's representative attended the event. On January 31, 2013, the Lower Columbia Diversity Project will give a presentation about re-envisioning the prison system at the Judge Guy Boyington Building and everyone is invited to attend.

**Item 3(c):** Councilor Mellin reported that she received an email from Johanna Ogden from the Oregon Historical Society regarding the history of Sikh Indians who used to reside in Astoria. The Sikhs had created a political party called Ghadar about 100 years ago in Astoria at the Finn Hall, which began a political movement that inspired Gandhi to campaign for the British to leave India. The Oregon Historical Society wants to recognize Astoria as the birthplace of the Ghadar party. Other cities are also celebrating the 100-year anniversary of the Ghadar party. Ms. Ogden has written a letter to Mayor Van Dusen asking for the City's support. Councilor Mellin informed Ms. Ogden of the Heritage Square project and suggested that recognition of the Ghadar party be included in the Heritage Square project.

**Item 3(d):** Councilor Warr believed the City should support the recognition of the Ghadar party. On Wednesday, January 23, 2013, he will be attending a Transportation System Plan (TSP) meeting.

**Item 3(e):** Mayor Van Dusen reported that on Thursday, January 24, at 11:15 am at the 17<sup>th</sup> Street Dock, a celebration would be held in recognition of Astoria's designation as a United States Coast Guard City. A granite monument will be unveiled at the foot of 17<sup>th</sup> Street. This will be an important event as the Coast Guard is an integral part of the community. City Manager Benoit confirmed several Coast Guard boats would be present and there would be a fly-over. An entourage of Coast Guardsmen will be there and refreshments will be served. Senator Betsy Johnson, Mayor Van Dusen, Captain Jones, and City Council will conduct the unveiling. Mayor Van Dusen announced that the City Council's Goal Setting Session has been scheduled for Friday, January 25, 2013. The community will be given a month or two to consider the Council's goals. He also introduced former Mayor Edith Henningsgaard.

#### CHANGES TO AGENDA:

City Manager Benoit requested that Council approve the addition of Regular Agenda Item 6(k): Emergency Riverbank Stabilization Project.

#### CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 12/17/12  
5(b) City Council Special Meeting Minutes of 12/27/12  
5(c) City Council Minutes of 1/7/13  
**5(d) License to Occupy a Portion of the 5<sup>th</sup> Street Right-of-Way (Public Works)**

Councilor Herzig requested the removal of Item 5(d): License to Occupy a Portion of the 5<sup>th</sup> Street Right-of-Way.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor LaMear, to approve Items 5(a), 5(b) and 5(c) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig expressed concern about an unofficial walking trail on 5<sup>th</sup> Street between Kensington and Lexington. He wanted to know if the proposed fence would block the walking trail, as the photographs did not make this clear. Blockage of the walking trail could be an inconvenience. Director Cook stated he did not believe that the 10-foot right-of-way would block the trail.

**City Council Action:** Motion made by Councilor LaMear; seconded by Councilor Warr, to approve Item 5(d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None

## REGULAR AGENDA ITEMS

**Item 6(a): Ordinance Granting a Nonexclusive Right and Franchise to Lightspeed Networks, Inc. (1<sup>st</sup> Reading) (City Attorney/City Manager)**

Presented for your consideration is a proposed ordinance granting a franchise to Lightspeed Networks, Inc., doing business as LS Networks, to operate telecommunications facilities within City rights of way. The ordinance:

- Requires utilities LS NETWORKS to pay a fee to the City equal to 7.0% of the gross revenue earned within the City.
- Provides procedures for amendment and renewal of the franchise.
- Imposes certain reporting requirements.

This is the first franchise agreement for LS Networks. LS Networks provides telecommunications services to larger institutional customers such as Columbia Memorial Hospital, Clatsop Community College and the city. The provisions of this franchise are similar to the franchise agreements negotiated with other users of our rights of way. City Attorney Henningsgaard and City Manager Benoit recommend that Council conduct the first reading of this proposed ordinance.

Mayor Van Dusen opened the meeting to Council questions and discussion. There was none. Mayor Van Dusen asked if any member of the audience would like to address the nonexclusive right and franchise. There was none.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Herzig to conduct the first reading of the ordinance granting a nonexclusive right and franchise to Lightspeed Networks, Inc to operate telecommunications facilities within City rights-of-way. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Estes conducted the first reading of the ordinance.

**Item 6(b): Ordinance Establishing a Criminal History Records Check Policy (1<sup>st</sup> Reading) (Police)**

The City of Astoria currently has no ordinance establishing criminal history record checks to be conducted on applicants for potential employees, liquor license applicants and certain volunteers. To better protect the City and its citizens, I am proposing the attached local ordinance be considered for adoption to allow for these types of checks and so that the City is in compliance with applicable Oregon Administrative Rules and Oregon Revised Statutes. If adopted, this ordinance will allow the City of Astoria to access Oregon State Police criminal offender

information through the Law Enforcement Data System (LEOS), for all applicants for employment, public service volunteers with the City of Astoria, and liquor license applicants. Persons in any of these positions must operate with the public's highest degree of trust and confidence. It is recommended that Council hold the first reading of the proposed ordinance.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to conduct the first reading of the ordinance establishing a criminal history records check policy. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Police Chief Curzon conducted the first reading of the ordinance.

**Item 6(c): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2012 Oregon Legislature (1st Reading) (City Attorney/City Manager)**

Enclosed is an ordinance implementing "global" re-adoption of various Oregon Revised Statutes that appear throughout the Astoria City Code. It is recommended that Council conduct the first reading of this ordinance.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to conduct the first reading of the ordinance re-adopting certain state statutes to reflect changes made by the 2012 Oregon Legislature. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Fire Chief Ames conducted the first reading of the ordinance.

**Item 6(d): Resolution Establishing Public Works Capital Reserve Fund (Finance)**

In order to address long-term capital financial acquisitions and replacements within the Public Works Department, it would be prudent to establish a new Capital Reserve Fund and to set aside revenue on an annual basis. In order to facilitate the tracking of these funds, the Public Works Department, along with the Finance Department, are asking to create a new fund called the "Public Works Capital Reserve Fund". This fund will only be used for the set aside of funds from the annual Public Works Fund budget for future capital purchases/projects. Expenditures from this fund will be budgeted for in the year that the capital acquisition is made and will require consent of the City Council.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to adopt a resolution establishing a Public Works Capital Reserve Fund. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 6(e): Authorization to Bid -- Spur 12 and Cedar Creek, Watershed Forest Thinning and Road Improvements (Public Works)**

A forest thinning is proposed in the Astoria Watershed. A key aspect of the project involves removal of alder near streams due to the negative impact that decomposing alder leaves have on the quality of the City's water supply. The leaves produce tannic acid compounds that interfere with the disinfection process during treatment. As previously approved by Council, this sale was advertised in June 2012. Due to market conditions at the time, no bids were received. Based on current market conditions it is anticipated that interest in this thinning will be high.

Watershed Road Spur 12 provides essential access to the eastern central area of the watershed. Sections of this road were poorly constructed over 50 years ago. It is in need of major repairs to prevent it from becoming increasingly unsafe. A portion of thinning proceeds derived from the sale would be used to road improvements.

Clean water is the driving reason for the sale. After expenses associated with road improvements, re-seeding, and other miscellaneous expenses, the net revenue is estimated at approximately \$200,000.00. Net revenues would be deposited in the Capital Improvement Fund. It is recommended that Council authorize solicitation of bids for the Spur 12/Cedar Creek Forest Thinning.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor LaMear to authorize solicitation of bids for the Spur 12/Cedar Creek Forest Thinning and road improvements. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig understood thinning meant harvesting some of the Alder trees and that the City will be paid by the contractor. City Manager Benoit confirmed that after road improvements, the net revenue is estimated to be about \$200,000. Traditionally, this revenue is deposited into the Capital Improvement Fund.

**Item 6(f): 11th Street CSO Separation – Gibbs & Olson Design Engineering Services Contract Amendment (Public Works)**

In June, Council awarded the 11th Street Combined Sewer Overflow (CSO) Separation Project design engineering services contract to Gibbs & Olson. Gibbs & Olson are currently finalizing bid documents. Bid advertisement is scheduled to begin in early February. When the original scope and fee was prepared by Gibbs & Olson, \$10,000 was allocated for potholing of City utilities during the design phase. At 90% design, there are more conflicts than originally estimated, so the potholing effort is now estimated at \$14,060 for a requested increase of \$4,060. Potholing is expected to reduce potential change orders during construction, which could far exceed the cost of this amendment. The amendment also includes a fee of \$5,323 for design for replacement of old, existing waterline that runs east-west through the 8th Street intersections. It is recommended that Council approve a contract amendment with Gibbs & Olson for the 11<sup>th</sup> Street CSO Separation Project in the amount of \$9,500.00.

City Manager Benoit explained that potholing consists of digging holes to identify infrastructure to confirm its location and size.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor LaMear to approve a contract amendment with Gibbs & Olson for the 11<sup>th</sup> Street CSO Separation Project in the amount of \$9,500.00. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

**Item 6(g): 11<sup>th</sup> Street CSO Separation Project – Authorization to Bid (Public Works)**

The upcoming 11th Street Combined Sewer Overflow (CSO) Separation Project primarily consists of installing over 10,000 linear feet of new storm water pipe in established City rights-of-way. In certain instances, it will be necessary to replace existing water and sewer pipes where construction of the new storm pipe compromises the integrity of the existing infrastructure. Due to the extent of utility replacement work along 8th Street, the entire roadway will be rebuilt from curb to curb and most of the sidewalk will be replaced. The scope of the project includes construction at 8th Street from Commercial to Niagara; 11th Street from Exchange to Kensington; 9th Street from Duane to Harrison; Irving Avenue from 11th Street to 12th Street; 10th Street from Duane to Jerome; 9th Street from Marine Drive to the outfall; and 11th Street from Exchange to Irving.

The 90% engineer's estimate for construction is \$6,092,565. Due to the high probability of unforeseen conditions, a 20% budget contingency is recommended. The total project cost, with contingency, is estimated at \$7,311,078. City staff is working with the Business Oregon Infrastructure Finance Authority (IFA) on a loan amendment for a Financing Contract increase in the loan amount totaling \$4,062,500. The IFA contract amendment will be presented to Council for approval prior to, or in conjunction with, the construction contract award at the March 18, 2013 meeting. It is recommended that the City Council authorize staff to solicit bids for the 11th Street CSO Separation Project.

Mayor Van Dusen noted that this project would be challenging for the entire community given the length of the construction and the streets affected.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to authorize staff to solicit bids for the 11th Street CSO Separation Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 6(h): Liquor License Application – Christopher Holen, dba Baked Alaska Located at No. 1 12th Street, Suite 1, for an Additional Privilege and Extension of Premises for an Off-Premises Sales License (Finance)**

A liquor license application has been filed by Christopher Holen, doing business as Baked Alaska LLC, located at No. 1 2th Street, Suite 1. The application is an Additional Privilege and Extension of Premises for an Off-

Premises Sales License. The appropriate departments have reviewed the application. It is recommended that Council approve the application.

Mayor Van Dusen stated for the record that he owns a soft drink company that does business with the Applicant; however, he believed he could vote objectively on this application.

Councilor LaMear asked what is meant by off-premises liquor sales.

Christopher Holen, No. 1 12<sup>th</sup> Street explained that he intends to add a brick oven pizzeria as part of an expansion to his establishment. He would like to sell beer and wine to-go in a sealed container. Oregon Liquor Control Commission requires an additional privilege on top of his original liquor license to enable the sale sealed beer and wine to-go.

Councilor Herzig noted that it is illegal to consume alcohol on the Riverwalk. People will not be able to buy the liquor, step outside and drink the alcohol. They will still need to take it home. Mr. Holen confirmed that is the intent.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to approve the Liquor License Application by Christopher Holen, dba Baked Alaska for an Additional Privilege and Extension of Premises for an Off-Premises Sales License. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen commended Mr. Holen for his volunteer work with regard to Hurricane Sandy. Mr. Holen explained that he was invited to cook at the James Beard Foundation in the lower west side of Manhattan shortly after Hurricane Sandy. He and his wife also volunteered and helped prepare meals at a FEMA (Federal Emergency Management Association) food center on Coney Island.

**Item 6(i): Liquor License Application – MAD, Inc., Mike Davies, dba Beach Burrito, Located at 11 W. Marine Drive, for a New Outlet for a Limited On-Premises Sales License (Finance)**

A liquor license application has been filed by MAD, Inc., Mike Davies doing business as Beach Burrito, Located at 11 W. Marine Drive. The application is an Additional Privilege and Extension of Premises for an Off Premises Sales License. The appropriate departments have reviewed the application. It is recommended that Council approve the application.

Mayor Van Dusen stated for the record that he owns a soft drink company that does business with the Applicant; however, he believed he could vote objectively on this application.

Councilor LaMear noted that the Staff report states the application is for an off-premises license. City Manager Benoit verified that was an error; the agenda and application state the request is for an on-premises license.

Councilor Herzig noted Beach Burrito is in the same building as a Subway that has a children's play area. He asked if any issues exist with selling liquor in a building that also has a children's play area. City Manager Benoit confirmed it was legal to serve beer and wine where food is served.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to approve the Liquor License Application by Mike Davies, dba Beach Burrito for a New Outlet for a Limited On-Premises Sales License. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 6(j): Transient Room Tax Payments (Finance)**

As of the end of December 2012, the Best Western (Genesis Hotel LLC) is delinquent in their transient tax payment to the City. They are in arrears for the months of September and October for a total amount of \$33,504.27, including penalties and interest. The verbal agreement specifies for them to remain current and to pay off the balance in four payments over the months of February and May. A lien will be filed on the property following Council approval.

City Manager Benoit explained that City Code requires Staff to notify City Council of this verbal agreement, which must be ratified by the Council. Per City Code, Staff is requesting that Council allow Staff to file a lien on the property for the delinquent amount of \$33,504.27.

Mayor Van Dusen understood different laws apply to tax funds and asked if the verbal agreement made by Staff is legal. City Attorney Henningsgaard explained the agreement must be ratified by City Council. City Manager Benoit added once Council approves the verbal agreement negotiated by staff, that verbal agreement will become a legal agreement put in writing and signed by the parties.

Councilor LaMear asked why placing a lien on the property is necessary if the agreement is signed. City Attorney Henningsgaard explained that the lien gives the City security in case the property owner defaults on payment. A lien would allow the City to take enforcement action. The lien will be lifted once the debt is paid in full. He confirmed if the hotel falls behind on tax payments in the future, Staff and Council would revisit the matter at that time.

Mayor Van Dusen stated for the record that he owns a soft drink company that does business with the Applicant; however, he believed he could vote objectively on this application.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to ratify the verbal agreement with Best Western and file a lien on the property for the delinquent amount of \$33,504.27. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 6(k): Emergency Riverbank Stabilization Project**

City Manager Benoit noted photographs of damage to the Riverwalk from a windstorm in December 2012 were shown at a previous meeting. The Engineering Department has worked to solicit quotes to repair the damage, which range from \$25,611.76 to \$41,925. T.F.T Construction, Inc. submitted the lowest quote. Staff is recommending Council authorize a contract with T.F.T Construction, Inc. in the amount of \$25,611.76.

Public Works Director Cook noted that T.F.T Construction, Inc. is a firm based in Scappoose, Oregon and has done extensive work for the City in the past, including paving on Niagara and 7<sup>th</sup> Street.

Mayor Van Dusen confirmed there was no public testimony regarding the Riverbank Project.

City Manager Benoit clarified the project would be paid for from the Promote Astoria Fund, where the City has budgeted funds for repairs and maintenance on the Riverwalk.

**City Council Action:** Motion made by Councilor LaMear [2:40:23], seconded by Councilor Warr to authorize a contract with T.F.T Construction, Inc. in the amount of \$25,611.76. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Councilor Herzig noted that the Columbia River Maritime Museum would reimburse the City for the work completed on the museum's property, and so would be sharing some of the project's cost.

**NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS**

Jim Campbell, No. 1 3<sup>rd</sup> Street, President, Columbia House Condominium Association, read a statement for the record regarding the health concerns associated with tens of thousands of starlings nesting on the apartment buildings. The Association has spent more than \$13,000 to date attempting to mitigate the problem. He reviewed several remedies that were suggested by an outside consultant and explained that the Association initially chose to install 24-hour lighting in an attempt to disturb nesting behavior. However, the starlings adapted to the light, so the Association is now using air horns tuned to a specific frequency to deter the birds. He described how the horn stimulus is used. The horn's noise levels meet Federal OSHA standards. The technician determined sound levels to be well below the average sound levels of automobile traffic adjacent to Marine Drive. The horn is now being used in shorter durations, as the Association is in the final stages of the project. He distributed a handout regarding an issue, which included a study conducted by the University of Colorado as well as the test results of the technician's sound level evaluation. He asked that City Council allow the Association to continue use of the air horns for a few minutes a day.

City Manager Benoit explained that City Code allows the City Manager's office to issue noise and sound permits. Columbia House Condominium Association was granted a one-month permit. Numerous complaints were received, which resulted in termination of the permit.

Councilor LaMear believed if people understand why the air horns are sounding, they would be more supportive. She suggested publishing an article in *The Astorian* that explains the issue. Mr. Campbell confirmed that the air horns only need to be used for about 10 minutes at dusk when the birds are present. The horns were not being used currently because the starlings are gone for now, but the Association wants the horn option because the birds will return.

Mayor Van Dusen called for public testimony regarding the issue.

Phil Bales, 1185 Alameda, Astoria, stated the horn is the same type of device that Seattle uses when opening bridges. People familiar with the sound know that the horns are not signaling an air raid, a crashing ship or other emergency. He supports the use of the air horns to deter the starlings.

Robert Clark, 1770 4<sup>th</sup> St., Astoria, asked what specific issues the birds were causing, adding that bird droppings could be cleaned. Mayor Van Dusen responded that tens of thousands of birds are nesting in the pilings, so feathers and other things are also an issue. Mr. Campbell added the birds are capable of carrying up to 25 known infectious diseases, as stated in the handout.

Councilor Mellin appreciated the research that the Association has done. She believed sounding the horns is the least invasive option and suggested a public education campaign on the issue.

Mayor Van Dusen asked how long the Association wanted the permit to remain in effect. Mr. Campbell reiterated that the birds have left and the air horns will only be necessary when they try to return. The Association prefers that the permit be ongoing because the Association does not know when the birds will return and they always do overtime. City Manager Benoit suggested that the Association work with the press to educate the public on their issue in an effort to reduce the complaints being sent to the City Manager's office.

Mayor Van Dusen suggested that Council authorize a 60-day permit, automatically renewable every 30 days, providing the Association an additional 60-days before the horn use had to stop. Police Chief Curzon believed more complaints would be received as dusk occurs later in the evening. He asked if a specific time limit could be set regarding when the horn could be used.

Councilor Herzig confirmed this is a year-round problem as the birds' arrival is not seasonal. He suggested reintroducing the 24-hour light and quoted that "periodic random intermittent negative reinforcement" is advised. The lights could be the random, negative reinforcement. He did not want the complaints to be ignored. City Manager Benoit clarified that Staff explains the situation with the starlings to those filing complaints.

Councilor Herzig believed if the complainants are informed about the problems the birds are causing, they would be more sympathetic about the air horns. City Manager Benoit stated if a time period is set for the horn's use and efforts are made to inform the public as to why the horn is being used, a public meeting could be arranged either with City Council or with the Association. Council Herzig confirmed that the Association would be willing to speak with those with definite complaints. Contact information for the Association would be provided to Staff.

Mayor Van Dusen stated he favors approving an ongoing permit for the Association. While the noise is irritating, the birds pose a real health hazard to the residents of the 40 condominium units.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin, to approve an ongoing 60-day noise permit that is automatically renewable every 30 days. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mr. Campbell agreed to do his best to not sound the air horns after 10 p.m.

Suzanna Glad, 82316 Highway 103, Seaside, stated it is important to include a truck route in the TSP to provide opportunities for grant funding. Getting trucks off the streets will protect the sidewalks and old buildings, as well as pedestrians. She asked if the City of Astoria could include the truck route in its TSP to work up grants or work

with the County to determine how to fund a minimal route on Wickes Road. Campbell Group has verbally supported such a route and had about nine-tenths of the land needed for the project.

Councilor Warr confirmed the truck route has been an addendum in the last several TSP plans because he never stops talking about it. At this point, he agrees with ODOT that funding does not exist for the project, which is expensive, though he hopes the situation changes.

Ms. Glad replied her only request is to ensure the project is in the TSP so grant funding would be available. She noted that she has starlings in her barn and suggested electrocuting the 10,000 birds because they would just go elsewhere. She would be interested in learning how to address the starling issue as well.

Mr. Clark asked if Lightspeed Networks, Inc. would be functioning as a competitive service with Centrylink or if it would be a regulated utility. City Manager Benoit explained that Lightspeed has built the infrastructure in Oregon to supply broadband service and is interested in serving large industrial and municipal entities, like Columbia Memorial Hospital. They do not provide residential internet service.

Director Brett Estes confirmed the TSP committee would meet Wednesday, January 23 and a public meeting will be held in April or May 2013. The meeting is open to the public but will not be a forum where people could bring concerns about a possible bypass. He confirmed Councilor Warr continually promotes inclusion of the bypass in the TSP.

Mayor Van Dusen announced Councilor Warr has been appointed by the Clatsop County Commissioners to represent the five cities in Clatsop County on the COL-PAC, the Columbia Pacific Economic Development Commission. Councilor Warr received support from all the mayors in the county. Councilor Warr explained that COL-PAC works on economic issues and provides funding in certain circumstances. Currently, COL-PAC is working on an industrial cluster concept for the Columbia River Region. He is pleased to have been appointed.

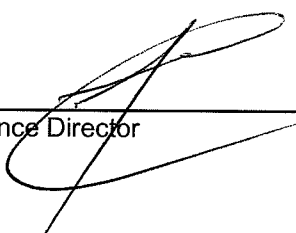
Edith Henningsgaard, a resident of Columbia House, appreciated Council's attention to the Association's problem with the starlings. The issue has been a real challenge for the residents and the City because the birds carry a lot of germs and she hopes the issue will be resolved.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.

**ATTEST:**

**APPROVED:**

  
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Finance Director

  
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City Manager