



11300 SE Fuller Rd
Milwaukie, Oregon 97222
(503) 780-4806

Board of Directors Action Request

To: Board of Directors
From: John Hartsock, Manager
Date: November 20, 2019
Re: City of Lake Oswego Cooks Butte Lease Termination

REQUEST: It is hereby requested that the C800 Board of Directors provide staff direction concerning the request from the City of Lake Oswego to terminate the Cooks Butte Lease.

ISSUE: C800 received the attached letter dated November 12, 2019 from the City of Lake Oswego to terminate our lease for the Cooks Butte communication site. This has significant system implications both coverage and financial. We do have an alternative site called Skyland that we were working with prior to the City granting us a lease on Cooks Butte.

Cooks Butte is the far superior site. Attached are three coverage projections. The first is with no site at Cooks Butte or Skyland, the second with Cooks Butte, and the third with Skyland. Mobile coverage would generally be acceptable in all three. Portable on the hip would be poor to unacceptable outside with no Cooks Butte or Skyland. With Cooks Butte most of the City would have our desired in building coverage. With Skyland a small portion of the City would have in building coverage and some outside areas with poor to unacceptable coverage.

It should be noted that with either Cooks Butte or Skyland – more importantly with Skyland – a second site is needed in the northern portion of the City. We have attempted to locate at a site on Kerr Road and the Lake Oswego High School in that area without being able to obtain a lease.

In soft costs and fees, we have expended approximately \$150,000 which will be lost. There will be added cost for Microwave and network re-design to accommodate this change. Further we will likely need to develop interim solutions for network and Microwave to be able to complete the overall system prior to the Skyland site being constructed so as not to significantly delay the overall project. We anticipate considerable objection and possibly a LUBA and/or a Court of Appeals action to obtain land use on Skyland.

The project team is concerned about system performance and potential liability claims.

FINANCIAL: To be determined

LEGAL: To be determined

RECOMMENDATION: It is hereby recommended that the C800 Board of Directors provide staff direction concerning the request from the City of Lake Oswego to terminate the Cooks Butte Lease.