

**MINUTES**  
**Troutdale City Council – Regular Meeting**  
**Troutdale City Hall – Council Chambers**  
**104 SE Kibling Avenue**  
**Troutdale, OR 97060-2099**

**Tuesday, December 11, 2007**

**1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE**

Mayor Thalhofer called the meeting to order at 7:00pm.

**PRESENT:** Mayor Thalhofer, Councilor Kight, Councilor Ripma, Councilor Thomas, Councilor Canfield, Councilor Kyle, and Councilor Daoust (7:05).

**ABSENT:** None.

**STAFF:** John Anderson, City Administrator; Rich Faith, Community Development Director; Jim Galloway, Public Works Director; Debbie Stickney, City Recorder; David Ross, City Attorney; and Elizabeth McCallum, Senior Planner.

**GUESTS:** See Attached.

**2. CONSENT AGENDA:**

- 2.1 Accept Minutes:** June 26, 2007 Regular Meeting, June 26, 2007 Work Session and July 10, 2007 Regular Meeting.
- 2.2 Resolution:** A resolution accepting a perpetual nonexclusive Public Utility Easement at 726 SW Kings Byway from Wendy and David Lawler.
- 2.3 Resolution:** A resolution accepting a right-of-way dedication at 726 SW Kings Byway from Wendy and David Lawler.
- 2.4 Resolution:** A resolution approving an Intergovernmental Agreement between Metro Regional Government and the City of Troutdale for funding of the Year Eighteen Annual Waste Reduction Program.

**MOTION:** Councilor Thomas moved to adopt the consent agenda. Seconded by Councilor Kight. Motion Passed 6 – 0.

**3. PUBLIC COMMENT:** Please restrict comments to non-agenda items at this time.

Lorne Mitchell asked folks to remember to secure their recyclables during the windy season. Mr. Mitchell voiced concern about locating the new library in downtown Troutdale because of the lack of parking. My preferred location would be on SW 2<sup>nd</sup> and Buxton (the current City Conference Building site). This site would provide adequate parking and is located

close to downtown. My second preferred site would be the land on the southwest corner of Troutdale Road and Stark (Mt. Hood Community College property). My third preferred site would be the old Thriftway stores.

(Councilor Daoust arrived at 7:05pm.)

Michael Mainridge stated I came before the Council a couple of months ago regarding the McMenamings Edgefield concerts. Since that time McMenamings held a meeting with the residents but it didn't sound like they committed to a lot during that meeting. Mr. Mainridge asked the Council: 1) Has there been any additional activity going on with regard to this issue? 2) Was there any written commitments from Edgefield? 3) Will you make public the commitments from Edgefield as well as any work that is being done on the sound ordinance?

Mayor Thalhoffer responded I believe that we have this issue settled. I am not certain if any of the commitments are in writing at this time, but I believe that they will be before the concerts start back up. Both the commitments and the noise ordinance will be made public and we will be receiving a written report from Chief Nelson that we will make public.

Mayor Thalhoffer suggested that Mr. Mainridge contact Chief Nelson.

Mayor Thalhoffer asked Mr. Anderson to confer with Chief Nelson on the issues raised by Mr. Mainridge.

Mayor Thalhoffer stated since the folks from Multnomah County are not here yet we will proceed with Agenda Item #5.

**5. PUBLIC HEARING / ORDINANCE (Introduced 11/27/07):** An Ordinance adopting Comprehensive Plan Map and Zoning District Map amendments on approximately 124 acres of former Multnomah County Farm property.

Mayor Thalhoffer read the ordinance title and opened the public hearing at 7:11pm.

Elizabeth McCallum, Senior Planner stated I would like to bring to your attention the amendments to Attachment A of the Ordinance. Two weeks ago I indicated there were some typographical changes that needed to be changed, which have been done. I have no new information to present to you at this time.

Elizabeth McCallum showed the Council a photo of Attachment A and B of the Ordinance. Attachment A is the Comprehensive Plan Map. Low density residential will be on the properties that Reynolds School District hopes to buy, Lots 3, 5, 6 and 7. Commercial planning area will be on Lots 1 and 2. Lot 4 should also be commercial, so we do have another correction that needs to be made to Attachment A. Lot 4 is also a lot that McMenamings plans on buying. Open space will be along the southerly border of Lot 2. Attachment B is the corresponding zoning changes. For the Reynolds property we have R-7 zoning on Lots 3, 5, 6 and 7. McMenamings is purchasing Lots 2 and 4; Lot 4 should be General Commercial as is Lot 1 and the northerly portion of Lot 2. The southerly portion of

Lot 2 would be Open Space. Those final corrections to Attachments A and B will need to be made.

Councilor Kight stated one of the issues that came up before was the trail system that is going to be on the southerly border of those particular properties. Will that trail system be completed or at least started once the development starts as a condition of the development?

Elizabeth McCallum replied I really don't know at what point and time the trail will be constructed. As we discussed at the last meeting, there are easements that will be provided along the southerly areas of Lots 2 and 3 to the public for access. The adopted condition reads, "A 25' wide public access easement for the Ridgeline Trail across the southerly portion of Lots 2 and 3 extending the Ridgeline Trail from Lot 2, which was approved as part of the golf course expansion under Conditional Use File 07-010".

Councilor Kight stated just so I am clear, you are not sure when the trial will be built but it will be a condition of the development. Is that a cost to the property owner or the City?

Elizabeth McCallum replied I don't have an answer to that.

Rich Faith, Community Development Director, stated this was not a condition of the subdivision, so the current or prospective owners of that lot are not conditioned under their development to construct that. It is kind of left hanging there as perhaps a negotiable item in the future.

Councilor Kight stated otherwise the City will be responsible for putting in the trials.

Rich Faith replied we very well may be, yes.

Councilor Thomas stated I am not sure that the trial system has anything to do with what we are actually voting on tonight.

Councilor Ripma stated I called Rich about this issue. I was hoping that there was a map that actually showed the 25' wide easement on Lot 3. While who pays for the trial is not a condition of development, the easement is a condition of the development. It will be there and as I understand it the school district didn't want it to be zoned open space. I assume this will be a condition of the development even if this was built as a school, correct?

Rich Faith replied we will have another opportunity to visit that. If the trail is not constructed at the time the school district comes forward with a conditional use application to build a school there, it could be considered at that time as a condition.

Councilor Ripma stated but the existence of the easement would remain.

Rich Faith replied the easement will be recorded on the subdivision plat, which is a condition of the subdivision. The easement preserves the opportunity to construct a trail. There is just the question as to who will construct it.

David Ross, City Attorney, stated this is a Type IV legislative land use hearing. We will use the same rules that applied at the first hearing. Staff has presented their report. The Mayor will open the public hearing for comment. The applicant will have an opportunity to present. The public will then be given an opportunity to testify and thereafter the applicant will be given an opportunity for rebuttal if necessary. Council should declare any conflicts of interest they have.

None declared.

Mayor Thalhofer asked the applicant if they have any further testimony?

Steve Abel stated I am representing both Reynolds and McMenamins and we have nothing further to add.

Mayor Thalhofer asked is there anyone here that would like to testify on this issue?

No testimony received.

Mayor Thalhofer closed the public hearing at 7:27pm.

**MOTION Councilor Thomas moved to adopt the ordinance adopting Comprehensive Land Use Plan Map and Zoning District Map amendments on approximately 124 acres of the former Multnomah County Farm property with changes to the maps (Ordinance Attachments A and B) as defined by staff regarding Lot 4. Seconded by Councilor Kight.**

**Councilor Thomas stated I think what we have here allows the opportunity for both the school district and McMenamins to work together and build a really nice addition to Troutdale. The other benefit is it actually reduces some of the density.**

**Mayor Thalhofer stated I favor the motion. Reynolds School District and McMenamins have worked really well together with the County and the City. This will be nothing but good news for Troutdale.**

**Councilor Canfield stated I agree with the Staff and Planning Commission's recommendation. The applicant has met all of the requirements needed to make these changes. The second part I like is down zoning the properties. That is always a good thing. The proposed potential uses I think will be good for the community.**

**Councilor Kyle stated I will also be supporting this. I was tickled to see the lower density on these properties.**

**Councilor Daoust stated this will be a great project. I appreciate the County working with the school district and McMenamins and all of the work that the Planning Commission did before it got to us.**

Councilor Kight stated I want to applaud the school district as well as McMenamins. I know they will be sensitive to the removal of certain trees that we feel near and dear to here in Troutdale. It is unfortunate that we are losing this open space but if we are going to lose it for development this would probably be the best fit. I am sure we can also negotiate, as far as the development of the trail system, so the taxpayers of Troutdale won't be forced to come up with the cost of doing that. I look forward to that trail system, I am sure it will look great.

Councilor Ripma stated I will also support the motion. I think this is excellent for Troutdale. I congratulate McMenamins, the school district, county and our city staff for working this out. This is really a big plus. I share concerns other expressed about the tress and I hope you will do right by those. I am also satisfied with the trail easement at the south end of Lot 3. Whether we can get someone to build it or we build it ourselves is less important to me.

**VOTE: Councilor Thomas – Yes; Mayor Thalsofer – Yes; Councilor Canfield – Yes; Councilor Kyle – Yes; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Ripma – Yes.**

**Motion Passed 7 – 0.**

**4. MOTION:** A motion to support bridge safety funding.

Mayor Thalsofer introduced Multnomah County Chair Ted Wheeler and Commissioner Lonnie Roberts.

Multnomah County Chair Ted Wheeler stated I am here to ask you to support one of our jurisdictions critical issues which is the Sellwood Bridge. The Sellwood Bridge is the busiest two-lane bridge in the State of Oregon. It carries approximately 30,000 vehicles per day and it is arguably a regional transportation asset. It has a federal adequacy rating of 2 on a scale of 1 to 100. We are half way through a federal two year EIS process and the expectation at the end of that is that we will either substantially rehabilitate or replace that bridge. I actually believe that this goes beyond a mere transportation question. Knowing what we know about what happened in Minnesota, I believe this is now more than just a transportation question, I believe it is a public safety question. I believe that the Board of County Commissioners, in fact I believe this jurisdiction has a duty to respond in some manner to that issue knowing that we have got a bridge that has a rating of 2 on a scale of 1 to 100. We, as a Board, have struggled with what the right strategy should be. At the end of the day we have concluded that we do not have the capacity, as a local government, to rebuild that bridge. It will cost somewhere in the neighborhood of \$300 million to rebuild that bridge. Because it is regional transportation infrastructure it is going to require heavy lifting on the part of the entire region, the state and the federal government to also come to the table with resources. But what we have concluded as the Board of County Commissioners is that we have no leverage at any of those tables if we don't come to the table with local matching dollars in hand. We have been advised of that from a number of people who claim to know these things. If we want to have

leverage in the state discussions or if we want to have leverage when the next reauthorization comes around in 2009, our community needs to have thrown something into the game. How much? We don't know that answer. There are no clear rules with regard to reauthorization. We are making an assumption that one-third of the value of the project is a reasonable goal for us to shoot for. That is approximately \$100 million that we would be attempting to raise for that project. To that end we have done some preliminary polling, and I think most of you, or some of you, have seen some of the preliminary polling data we have. What it showed was that the public understands the Sellwood Bridge issue and they would be willing to step up and support the vehicle registration fee increase in order to get the matching dollars to potentially leverage state or federal dollars down the road. What it also showed was there is some support for other bridge related projects. I also want to be clear that whatever we do around the Sellwood Bridge or potentially some of the other limited bridge projects, there is no way that this will address all of Multnomah County's transportation needs, they are huge. Right now our projected capital maintenance backlog over the next twenty years on our bridges totals over \$450 million. That doesn't include the approximately \$350 million capital maintenance backlog on our 300 miles of roadway, which is largely the unincorporated areas of East County. In order to put a vehicle registration fee request on the ballot, we have to get the approval of all jurisdictions that are overlapping with more than 300,000 residents. That includes Tri-Met, Metro, Washington County, Clackamas County, all of the jurisdictions within Multnomah County (Portland, Gresham, Wood Village, Fairview, Troutdale, Lake Oswego and Maywood Park), so that is what we are doing. We are unified as a Board that this is the right thing to do. Commissioner Roberts is here to support us. What we are specifically asking for from you tonight is your approval of an IGA that allows us to put this question to the public for a vote.

Multnomah County Commissioner Lonnie Roberts stated we are faced at this time with at least twenty-five years of neglect on these roads and bridges. We have six bridges that we maintain in Multnomah County and the average age of those bridges is around 90 years old. When you have a bridge that is only 2% of what it should be, there is no maintenance, it is either rebuild it or build a new one. The rebuilding cost would be almost the same as building a new bridge. We are up against a timeline if we are going to seek federal backing on this project. If we go to Washington DC empty-handed you are going to come away empty-handed because the first thing they are going to ask you is how much money have you raised or what plans do you have to raise some money. We hope that if we can promise them the \$100 million that they would come up with the rest, but we don't know. The problem we have is we are under time constraints. If we miss the 2009 deadline on this money we can't do anything until 2015 and I don't know if that bridge will even be open by 2015 at the rate it is going. One thought to fund these bridges was tolling. I believe that we have a lot of users on our bridges that don't pay anything. In fact two-thirds of the Sellwood Bridge users are not even from Multnomah County, they are from Clackamas County and parts of Washington County. We have enormous amounts of usage of our bridges from Clark County and they don't pay anything either. I thought that tolling would collect those dollars from people who use the bridge. But we are hamstrung by the state. The state loves to tell the cities and the counties to do certain things and then they don't give us the tools. Right now, by state law, we are forbidden to toll the bridges. The cities can toll bridges but the county can't. In my mind that takes a very important tool away from us in facing this issue. There were three

polls, which basically said the same thing. What is surprising is that people said the roads weren't that bad but they believe that the bridges are. Well the roads are that bad. A lot of times the roads are bad but you can't see it. The roads need to be addressed and the longer we wait the more it will cost. The bridges are an enormous safety issue. I don't want to see that bridge collapse. Right now larger trucks and buses can not use that bridge; we had to stop them. There is a 10-ton limit on the Sellwood Bridge. What we need from you is to support us in taking this issue to the public to get it on the ballot. We can't do this without you. If we can't get everybody to support this I don't know what we are going to do because that problem is not going to go away. We are here tonight to ask you to understand the real seriousness of this issue and the timing, and to support us on putting this on the ballot.

Chair Wheeler stated I wanted to report to you the results of our meeting with Wood Village earlier this evening. They voted unanimously to support the IGA and allow us to proceed.

Councilor Thomas asked is it a \$27 per year increase in the vehicle registration fee?

Commissioner Roberts replied yes.

Councilor Thomas stated within the IGA you didn't limit it necessarily to the Sellwood Bridge, what you did is you stated any bridge on the Willamette River. Item #9 in the IGA becomes a bit of a challenge for me. The fact that none of the money that you will be collecting will be coming back to the City of Troutdale, and I don't think a lot of Troutdale citizens feel that the Sellwood Bridge affects them at all.

Commissioner Roberts stated because of the regional position of those bridges if that bridge goes down the traffic won't stop, it will just put additional loads on the other bridges and that will affect the commerce and the movement of people coming and going to work. I understand what you are saying, but this is at a point where you have to grit your teeth and understand that if we start saying that there is nothing in it for us and we step back, then the whole region starts to suffer.

Councilor Thomas asked what is the participation of Clackamas and Washington Counties since they put a lot of wear and tear on that specific bridge?

Chair Wheeler replied Clackamas County in particular. Your point is well taken. If I had my way Multnomah County would not be in the bridge business. We do not have the capacity to maintain the transportation infrastructure, particularly the bridges which are regional in nature, that we are required by state statute to manage. My first choice would be that we be out of the bridge business and that we have a regional bridge authority, but I also know that I can't waive my magic wand to make that happen in the near term. In the near term what I have is a potential crisis in the form of the Sellwood Bridge. This is really a conversation that we should have had 25 years ago and it is a conversation that I will continue to pursue. We have come to the conclusion that we have a duty to act. That does not mean that we will capitulate on the fight to pursue regional funding of regional transportation infrastructure. We work with Clackamas County and Washington County on a regular basis on a number of issues, but they are not ready to come to the table yet. Metro has been unsuccessful in

putting together any sort of a regional transportation solution, even though we are very willing to participate in some sort of a regional solution that would address our transportation needs. As you know the state legislature has been unable to address a statewide solution around transportation infrastructure. With regard to your question regarding the IGA, yes it leaves the door open for the possibility of putting other bridge projects in the mix, but I don't want to commit to that today. The Sellwood Bridge is the urgent critical issue that we are trying to address.

Mayor Thalhoffer stated it bothers me to think that people are even driving over the Sellwood Bridge at this time. It has a rating of 2 on a scale of 1 to 100. What rating did the bridge in Minnesota have?

Commissioner Roberts replied 50.

Chair Wheeler stated I want to be really careful about not stepping over the line on hyperbole on that. We believe that the Sellwood Bridge is safe and it is being monitored on a quarterly basis. I want to assure you that if I got to the point where I felt, or my engineering team felt, that the bridge was unsafe, I would not hesitate to close it.

Mayor Thalhoffer stated I am not talking about hyperbole, I am talking about a bridge that collapsed with a rating of 50 and a lot of people were killed. The Sellwood Bridge has a rating of 2, that is not hyperbole, that is a fact. We have to be alarmed and concerned about that. Maybe the Sellwood Bridge should be shut down if it has a rating of 2. 70% of the traffic that uses the Sellwood Bridge comes from Clackamas County. Tell me how Clackamas County is going to share in this. It seems to me that Multnomah County shouldn't have to foot the entire bill if 70% of the usage is from folks coming from Clackamas County.

Chair Wheeler stated the way that Clackamas County could potentially participate in this is when we take this back to the region. It will be even better if I can go and say that Multnomah County gave at the office and now it is everyone else's turn because this is regional transportation infrastructure. That would be the appropriate time for Clackamas and Washington Counties to put their two cents in as well. However, I think we are a long way from that point. I have only been to two JPACT meetings during my tenure, but I still see everybody defending their own local priorities. I don't see us acting like a region when it comes to regional transportation infrastructure.

Councilor Canfield stated I appreciate the position you are in. I think every city in the state is in the same position with regards to road maintenance. The low federal adequacy rating of 2 is very concerning to everybody. How long has the Sellwood Bridge had that low rating of 2?

Ian Cannon, Multnomah County Bridge Services Manager, replied I think it has been since 2003. It was recalculated down to a 2 rating as a result of one of the federal inspections where some of these deficiencies were identified.

Councilor Canfield asked what was the rating prior to that?



Ian Cannon replied I don't recall.

Councilor Canfield stated when I moved backed to Portland in 1977 I drove across that bridge two times a day and it was no news then that the bridge was deteriorating. Commissioner Roberts mentioned 25 years of neglect. Regarding the Sellwood Bridge, what kinds of maintenance has been done over the last several years?

Ian Cannon replied routine maintenance. We have done joint repairs and in the last ten years we have repainted the deck. When there are acute problems we identify those and fix them. What is going on now is the result of two things. The overall deterioration of the structure and also slide activity on the approaches which has been a problem with that bridge since just shortly after it was built.

Councilor Canfield asked who maintains the roads on either end of the Sellwood Bridge?

Chair Wheeler replied ODOT on the west side and the City of Portland on the east side.

Councilor Canfield asked since that bridge has such an impact on Portland, have you approached Portland to generate a little more of their fair share of the money?

Chair Wheeler replied I offered to give them the bridges because in most cases with those Willamette River bridges the City is responsible for the roads on either side and frankly the traffic enforcement across those bridges as well. As you can imagine with nearly half a billion dollars of projected deferred capital maintenance, there is less then enthusiasm on the part of the Portland City Council to take that on. Again, what leverage do we actually have? We can sit here and talk all day about what the right policy is, but at the end of the day we are the ones stuck with the dogs and we are the one without the leverage. I see this as a way to shake up that dynamic a little bit. They won't take it on and it is unrealistic to assume that they would ever take it on.

Councilor Canfield stated you mentioned that these bridges are a high priority in Multnomah County. Compared to other priorities that the County has and deals with, where would you put the maintenance and the replacement of these bridges, like the Sellwood Bridge, in the scheme of things?

Chair Wheeler replied that is a tough question. As far as our transportation priorities, I believe it is the number one transportation priority and I think it is one of the top priorities overall for the County just by virtue of the fact that we did see what happened in Minnesota.

Councilor Canfield asked what has the County done to look at other ways to rearrange your existing revenues and expenses to make this, in actual budget terms, a higher priority with your existing revenues?

Cecilia Johnson, Multnomah County Department Director for Community Services, stated we have consistently been at the regional table as well as approached the state about the road fund and the limitations of the road fund in terms of what it provides. It consists of the gas tax

and other fees and it has been flat for several years. Our population is not growing significantly and the way in which the distribution is required by the state to go to small cities as well as the City of Portland, it has been a limited fund. If you are asking what has Multnomah County done in regard to consideration of general funds for road services or transportation services, the last seven years that I have been here Multnomah County has faced a deficit each of those years and we have cut services in every realm. We don't really see ourselves as having an available pool of general fund dollars for this. We did loan \$8 million from the general fund to the Sauvie Island Bridge.

Councilor Canfield stated so what you are saying is that you considered, in a larger sense, general fund money to help out with road or bridge expenses, but even though it is a high priority you are not willing to sacrifice other general fund programs, is that correct?

Chair Wheeler replied yes that is correct. Before the Sauvie Island Bridge work started that was our number one transportation priority. As bad as the Sellwood Bridge is, it is not as bad as the Sauvie Island Bridge so we did loan \$8 million to that project just to make sure that it happened but we will suffer the consequences of that. Have we thought about cutting other programs, no not really because even if we took \$20, \$50 or \$70 million out of our general fund, which would mean closing libraries, health clinics, shutting down mental health services, etc., it wouldn't get the project done. Regarding our general fund, we are most certainly not the City of Portland. So when you read about all of the extra money floating around and people are not sure how to spend the extra money, that is not us. We are now on our eighth year of progressive budget cuts and we will cut again this year. Last year our deficit was \$32 million. Due to what I like to think is good fiscal discipline on the part of the Board, we have reduced that down to \$18 million. Coming up with \$100 million in our general fund budget is just not going to happen.

Councilor Canfield stated I appreciate the County's position. I think you have said in a nutshell what the political priorities are in Multnomah County and unfortunately replacing bridges is not a high priority. This is a regional problem and I don't think it would be fair to lay the burden of paying for a regional problem on Multnomah County, specific to Troutdale folks I have a real problem with that.

Commissioner Roberts stated we are not asking you to support us in raising these funds, we are asking you to be a part in allowing us to put it out to the people and let them make a decision. If they decide they don't want it they will vote it down.

Councilor Kyle stated I am concerned about this being a Multnomah County problem when a lot of the usage isn't even from Multnomah County; that concerns me greatly. To me a toll would be a fairer way to address this. Is Multnomah County trying to get that through the state?

Commissioner Roberts replied I don't know of anything collectively. I think we ought to go to the legislature, but we have this time crunch and we are boxed in and I can't guarantee that they would deal with this in the February special session and we can't wait until 2009. In January I will call some of the legislators that I know and bounce this off of them.

Chair Wheeler stated I have certainly made mistakes in my tenure as County Chair, but I have only been physically threatened once and that was after my suggestion that we consider tolls as an option on the Willamette River bridges at some point during the next fifty years. I knew it was politically unpopular to suggest it. The core issue, as we discovered, is we don't have tolling authority and that is one of these issues of preemption. As you all know the state loves to preempt local governments from being able to do anything that might later impact the statewide solution. We also did a tolling study specifically around the Sellwood Bridge as part of the early planning. What the tolling study concluded is because of the proximity of other bridges that Multnomah County does not control, if you toll the Sellwood Bridge what it would do is shut down traffic on the Sellwood Bridge and everyone would go down the river and they would go over the Ross Island Bridge and the other bridges. Tolling in that case doesn't work. The problem is Multnomah County doesn't own all of the bridges over the Willamette River.

Councilor Kyle stated this looks like we really don't care about the region out here, but I do. The voters want to know what is in it for us because there is usually nothing in it for us. I am wondering can we reword the IGA to include all of the bridges. We have an important issue out here on 223<sup>rd</sup> that goes under the railroad and that causes a big problem for us. I guess my problem with this is that if you want it to be successful out here, we need to be looking at how East County is going to benefit. But the reality is that it probably won't make any difference how East County votes on this, Portland will carry it and it will be a tax imposed on us based upon how Portland votes. When I looked through the polling it was clear to me that the Portland voters obviously do show more support for those bridges than the rest of the county.

Chair Wheeler replied I appreciate that. We pay more attention to the things that impact us directly and we are more inclined to support those.

Councilor Kyle stated what I see with this tax is once it goes into place, I don't see a sunset in the IGA or a dollar limit, so it will be around for a long time.

Chair Wheeler replied it could have a sunset, that hasn't been determined yet.

Councilor Kyle stated I don't know how much revenue that this would even produce, but could you include everything?

Chair Wheeler replied not everything. No where near everything. In terms of bridges yes, it is possible. We left the door open in the IGA for the possibility of other bridge projects to be brought in.

Councilor Kyle stated that is exactly my thought. There is an opinion/attitude out here. If we are going to do something it would be nice to feel like it is a win for all of Multnomah County. The traffic that goes across the bridge right now, did you say that was limited to 10 tons weight?

Commissioner Roberts replied that is the max.

Councilor Kyle asked how big of a vehicle is that?

Commissioner Roberts replied a small truck.

Councilor Kyle stated cars, trucks and work vans would be paying the vehicle registration fee in Multnomah County. I am just wondering if there is anything else using that bridge that would be exempt from paying the fee.

Karen Schilling, Planning Director for Multnomah County, stated the vehicle registration fee that Multnomah County is allowed to enact goes up to 26,000 pounds. Anything over 26,000 pounds gross vehicle weight would be exempt from the vehicle registration fee.

Councilor Daoust stated I can see putting the vehicle registration fee out for public vote and if the people want it they will vote for it. That makes perfect sense to me. Why do we need this IGA?

Commissioner Roberts replied it is state law.

Councilor Daoust stated so the County itself can not put this on a ballot measure.

Chair Wheeler replied that is correct.

Councilor Daoust stated you have to have an IGA with everybody involved.

Chair Wheeler replied that is in the state statute.

Commissioner Roberts stated one of the oddball things about this is that two of the signers on the IGA, Clackamas and Washington Counties, are the ones that have more usage on the bridge and they are not even paying for it. But that is the position we are in and there is nothing we can do about it at this point.

Councilor Daoust asked so what is the reading from Clackamas and Washington Counties?

Chair Wheeler stated I met with the Chair of Washington County this afternoon and he can not speak for his board, but he supports it and he will urge support from his board. I have spoken with two Clackamas County Commissioners and both of them support it, so that is a majority. I will be appearing before those boards formally.

Councilor Daoust asked does this IGA mean any less money will be coming to Troutdale?

Chair Wheeler replied this IGA does not mean less money coming to Troutdale.

Councilor Daoust asked is it the Federal Highway Administration that does the bridge assessments?

Chair Wheeler replied yes.

Councilor Daoust asked if Congress tells the Federal Highway Administration to assess the safety of bridges and they come out and assess the Sellwood Bridge as being in poor condition, doesn't that go back to Congress and don't they put some kind of rating on the Sellwood Bridge? I guess what I am getting at is why is it a barrier talking to Congress about how bad the Sellwood Bridge is if they are the ones assessing how safe it is.

Commissioner Roberts stated the only way that Congress would hear it is if our congressional delegation were to put it on an agenda.

Chair Wheeler stated the frustrating part of this process for me is trying to determine now what the rules will be in 2009 for the reauthorization. If you speak to any member of congress they will tell you those rules have not been written, they can not make any promises.

Councilor Daoust asked you call it a reauthorization bill, is this a special pot of money for transportation systems?

Chair Wheeler replied yes. This is a process that happens every six years.

Councilor Daoust asked if we do put this on the ballot and the vehicle registration fee gets approved, I didn't hear whether that would raise the \$100 million you need or not?

Chair Wheeler replied it would.

Karen Schilling stated a \$15 vehicle registration fee would allow us to bond \$100 million over 20 years.

Councilor Kight asked what was the rating on the Sauvie Island Bridge?

Chair Wheeler replied 6.

Commissioner Roberts stated remember that the Sauvie Island Bridge is the only way in and out of that island.

Councilor Kight asked at what point do you close the bridge, when it has a zero rating?

Chair Wheeler replied that is the question of the day. We will continue to monitor the bridge. They have identified specific stress areas and specific cracks and they measure those on a quarterly basis. They believe that they have reduced the weight restriction sufficiently to allow for the bridge to continue to operate for some period of time. If there is any change in either the measurements or the tolerances, that would signal a problem in terms of whether we continue to keep it open or not.

Councilor Kight stated you don't have the ability to toll because there is a state law that stands in the way of that happening. What support do you have from JPACT on this?

Chair Wheeler replied I don't know.

Councilor Kight stated here is my concern, I don't think that there is anyone in this room or listening to this on television that upon hearing this testimony hasn't come to the conclusion that these bridges need to be fixed. It is the how do we get there part. I will use Wapato as an example, here we have a \$58 million jail that four years later is still sitting empty because we do not have the operating money. What I am concerned about is lets say we get everyone on board and we raise the \$100 million and then because you have the cultural problem (JPACT) of what is in it for me crowd, that you don't get the support because they know they are going to lose money in their district or county for their own projects. What happens if we collect the money and then we can't do the job?

Chair Wheeler replied there are two options that I see there and we would have to test both options to see which or if either is viable. Option 1 would be to not collect the dollars until we have the other commitments. Option 2 is if we do not get the dollars from the state or the federal government, ultimately what we are talking about is closing the Sellwood Bridge and we would then potentially reallocate those dollars towards other bridge needs on the Willamette River. I hope we don't have to make that decision. We need to be clear about it before we go to the voters and we have to decide what we are going to ask them and how we would deal with that scenario.

Councilor Kight stated if by some miracle we were able to get the vehicle registration fee doubled, and you have the bonding ability over a twenty year period for \$100 million, and you receive the financial support on the federal side with the blessing of JPACT, what is the time estimate for actually repairing the bridge?

Chair Wheeler replied 2015 would be a realistic timeframe to have it reopened.

Councilor Kight asked what is your default position in case this process doesn't go through to its finality? Would you go to the state legislature to try to change the law to allow tolling and close the Sellwood Bridge?

Chair Wheeler replied I am not sure I want to offer that up yet. At the end of the day I want the state and the region to do the right thing. Even if we have the tolling authority there is still the problem of the patchwork of ownership of the bridges across the river.

Councilor Ripma stated I am the City of Troutdale's representative on the East Multnomah County Transportation Committee. This is the third time I have heard this proposal. I have asked a lot of questions and I still have a lot of questions because what you are presenting here doesn't answer them. You have analyzed that you have to go to Washington and Clackamas and you have spoke to some of their governing body's representatives, but their citizens won't have to pay the vehicle registration fee.

Chair Wheeler replied that is correct.

Councilor Ripma stated so this probably won't be a problem for them which is why they sound favorable. This resolution in our packet has blanks in it; it doesn't represent what you are actually going to put out to the voters. First of all the amount isn't named, so we are being asked to endorse you going to the voters with some sort of amount but that isn't determined.

Commissioner Roberts stated the amount will not exceed \$27 per year.

Chair Wheeler stated there is still a lot of work to be done. Before I invest any more taxpayer dollars in this project I want to know whether or not you are even going to let us put it on the ballot. If the answer is no lets be straight up about it. I am asking you to take a leap of faith with us. All we are asking for at this point is will you let us do it. If not that is fair. I have heard articulate reasons and concerns about this.

Councilor Ripma stated perhaps we can give you an opportunity to put this off the table tonight. As you can tell we are a tougher sell than Wood Village. The people of Troutdale would not vote this in. But if we put this to a vote of Multnomah County we will get overwhelmed by the voters in Portland and we will be stuck paying it. That is one of the concerns about trusting an agreement like this and I don't think there is anything that you can do about that. You are asking us to agree to something that I don't know how you will be able to sell this to the voters of Troutdale. Let me ask another question on the ambiguity here. You make a great case for the urgency of the Sellwood Bridge and its danger and what you are dealing with, but this resolution doesn't talk about the Sellwood Bridge. It mentions the Sellwood Bridge only as one of the Willamette River Bridges. The wording in this IGA is the term of this agreement shall be in perpetuity. I heard you say that the Sellwood Bridge has been a disaster for twenty-five years, forty years it has been unconscionable and suddenly we are looking at our watch and we have to get this done by May so we can get this federal funding. Why is this suddenly urgent when it won't get reconstructed at best until 2015?

Commissioner Roberts replied we are in a time crunch because of the condition of the bridge and secondly we just haven't had the kind of leadership in the past that had the guts enough to step up. Chair Wheeler came in and he is assessing various issues that we are dealing with and we have been talking about this, but when the Minnesota thing happened it was like us getting hit in the head, bridges actually can come down. If a bridge rated at 50 can come down and we have a bridge rated at 2 it gets you to start thinking.

Chair Wheeler stated there is something about putting critical infrastructure in the hands of elected officials that is just a bad idea. I haven't figured out what is the cause of that but there is no constituency for the future when it comes to infrastructure. There is a problem here and I don't know what is at the core of it, but we better step up to the plate and do something differently. There are a lot of blanks in the IGA because I really don't know where this is going. I don't know if I have three votes for this. I will tell you why people should care about this in Troutdale and that is if we can not find funding for this project, we have absolutely no

hope whatsoever of finding funding for the other \$700 million in the capital maintenance projected backlog in the next twenty years.

Councilor Ripma stated you mentioned that the cracks in the bridge don't seem to be widening at the moment. It sounded to me like taking off the heavy trucks had something to do with that. Is that why it is perhaps stabilized at the moment?

Ian Cannon replied yes.

Councilor Ripma stated this IGA is asking the people who drive cars and light trucks to pay for the bridge repairs caused by the heavy trucks. Why can't this be contingent on your getting the heavy trucks to contribute also? How can you present us something when what is causing all of the cracks to widen has been stopped by reducing the heavy trucks, and so the benefit from repairing the bridge will be to allow the heavy trucks back on the bridge, but they are not even contributing anything towards fixing it.

Commissioner Roberts stated the large trucks are not going to go across that bridge because it is too narrow. The intermediate size trucks probably caused some of that damage.

Councilor Ripma asked how can we get them to pay?

Ian Cannon stated there are a couple of things going on with the Sellwood Bridge. One is it was built in 1925. It was the third bridge out of three that was built out of a bond measure back then and it got the money that was left over and it doesn't probably have the long-term value that was built into the Burnside or Ross Island Bridges. There is general deterioration from one end to the other. The kinds of vehicles that have been going across it for a long time are heavier than the load it was designed for originally, which has contributed to it. The acute problem is this movement on the west hillside. Actually if you had no vehicles on it that west hillside is going to continue to move and continue to tear up the columns of that west part of the bridge. Taking the trucks and busses off of it does seem to have stabilized those cracks over the short period of time that we have been monitoring it. It is my belief that if we had no vehicles on there the bridge would continue to self-destruct.

Councilor Ripma stated I saw the polling data at East Multnomah County Transportation and it looked a little shaky to me. By that I mean it is over 60% but the questions were carefully asked. One thing that was brought up at the East County Transportation Committee was the fact that the Sellwood neighborhood does not want the bridge widened and probably would actively oppose any kind of doubling of the registration fee if that was to be the result. What are you going to do to the Sellwood Bridge? Are you planning on widening it if you rebuild it? This IGA does not say what you are going to do.

Chair Wheeler replied I don't know the answer to the question. There are several options being looked at from simply rehabilitating the current span all the way to creating a new alignment to the north of the current bridge that is much wider than the current bridge.



Councilor Ripma stated I wish that the IGA said something about trying to establish a regional bridge authority, getting the other counties involved.

Chair Wheeler stated I would not have any opposition to adding that because I support that.

Councilor Ripma stated perhaps it might be best to bring the IGA back to us fixed. I can't support it the way it is now.

Chair Wheeler asked what is the alternative that you are proposing?

Councilor Ripma replied the Minnesota bridge is being fixed by the federal government as far as I know. As you say in your letter, historically our community has relied on support from the state gas tax for maintenance funding and then you go on to say that the gas tax hasn't been raised. Multnomah County has gas tax money; it is where you put it. I am okay with raising the gas tax statewide to help fund infrastructure, but the idea that this bridge that carries most of its traffic from other counties should be imposed as a doubling of the car registration fee on the people of Troutdale strikes me as the worst way to go. I can think of lots of other ways. This ought to be regional. The fact that we are in such a rush when the soonest that the bridge could be replaced is 2015, there is time now to seek a better solution. I can't fault you for wanting to fix it, but since you asked I can't think of a less fair way to do it for the citizens of Troutdale.

Councilor Kyle asked do you need to get the approval of all of the jurisdictions?

Chair Wheeler replied yes, it has to be unanimous.

Councilor Kyle asked is \$27 the most that you can increase the fee by?

Chair Wheeler replied yes.

Councilor Kight asked have you entertained the idea of increasing the gas tax?

Chair Wheeler replied yes. It would be strongly opposed by the Dealers Association and would probably also be opposed by some people in higher elected offices who would like to reserve the gas tax for a statewide solution.

**MOTION: Councilor Daoust moved to sign the Intergovernmental Agreement between Multnomah County and all of the rest of the jurisdictions. Seconded by Councilor Kight.**

**Councilor Daoust stated I really admire the leadership that I am seeing here and I admire the leadership on this council when I see it to. One thing that I don't want to do is circumvent the popular vote. We can sit up here and guess what the citizens of Troutdale might or might not vote for, but I don't want to sit up here on the council and circumvent that. If there is some little role we can play here by signing this IGA just to move it one small step further, why not. What is there for us to lose by letting it go to**

popular vote? I am all for letting the people vote. If this gives Multnomah County the okay to move that way, then that is why I want to see this happen. They have thought of other alternatives. Let Multnomah County make their case. Let them define what the ballot measure is going to say in the end, how much it will be, what the impact will be. Let them refine it and let them move forward. If the people don't like what they have refined and moved forward, then they will vote it down.

Councilor Kight stated Chair Wheeler this is the first time I have seen a county chair step forward with this kind of leadership. You and the other commissioners have finally stepped forward with a solution. It may or may not be the best solution, but at least you are working towards that end. You are bringing the issue to the forefront. Of course this was moved forward by the fact that one of the bridges collapsed in Minnesota. We have bridges with a lower rating. No one wants to take the bridges so you are painted in a financial corner. In fact I am hopeful that you get support on JPACT should this process go through and the voters decide that yes we need to replace the bridge. If they don't support it that may lead to the closing of that bridge. You have a lot of steps to go yet and it will take a lot of time and energy on your part. You and the County Commissioners are to be commended for that. I am going to support this.

Councilor Thomas stated I have some real serious reservations. I understand and appreciate your position. I think you have done a fantastic job. Not having some firm commitments in here from the other counties on how we are going to pay for this bridge and relying on some speculations, it will be hard for me to go out and explain to the citizens of Troutdale why I voted for this. Based on what I have heard today I can not support it.

Mayor Thalhofer stated I can support it and will support the motion. This state, this region, this county has done very little about anything when it comes to infrastructure. We have not had a gas tax increase in this state since 1993. People aren't going to pay attention to the infrastructure until the bridges fall down or the roads get to a point that they can't be driven on any more. People have to become aware that we have to pay, as citizens of this state and region, for our infrastructure because if we don't it won't be there when we need it to get from one place to another. Business needs it to get trucks from one point to another. In fact I was on the Regional Freight Committee and the freight community has a concern about the congestion costing freight folks extra money because we don't have enough infrastructure. Forget about having enough, we don't even have the money to fix the decaying infrastructure that we already have. Frankly the Sellwood Bridge is a disaster. I am shocked that we have not closed it. Since we have decided to leave it open and repair it, and if this is a method of repairing it, then I am going to be supportive of that because we have got to do something. We can not just sit around which is what this state, region and county has done for years. This may not be the ideal solution, but it is something that could work if we all get behind it.

Councilor Canfield stated I don't think anyone could disagree that the Sellwood Bridge needs to be fixed or replaced. Here is my concern. You need to raise \$100 million to get matching funds. The folks that know about matching funds tell you that you can expect \$30 to \$50 million maybe of federal matching funds. If you look at the estimate for the bridge and it could be up to \$300 million. I think everyone of us could agree that once the pencils get sharpened up it will probably be up to \$500 or \$600 million by the time construction begins. I am not sure even if the voters passed this that it would solve your problem with just the Sellwood Bridge, let alone all of the bridges, which is what the IGA is for. Having said that, I am glad you have this on the table. I am going to be against this now but I would be in favor of it if there were some contingents that some of us mentioned. For instances, have it contingent on adding fees for the heavy trucks that do more of the damage. Perhaps contingent on creation or participation of a bridge authority, or contingent on increased participation or any participation from Clackamas and Washington County. Contingent on increased gas tax and all of these other revenue sources. If we made this contingent on all of these other revenue sources than I would probably be in favor of the IGA, but I can not support what is in front of us right now but I could if we had some contingencies for other players to bring some money to the table.

Councilor Kyle stated this is a band-aid. We need so much more than this. I would love to sit here and fix everything that I don't like about it. But as Councilor Daoust said we don't know what the voters are going to say. I will trust the voters. I can't fix all of this. Unfortunately I think we need much more. I guess this is a start, so I will support it.

Councilor Ripma stated I agree with everything that has been said complimentary about your taking an active role in working on our infrastructure. I totally agree that it has been neglected and there hasn't been enough priority shown to it. If this wasn't such a bad way of going about it, I would support it. I definitely would support a gas tax increase or a regional tax. Councilor Kyle I am addressing this to you because I thought you might be with us. This is a potentially permanent doubling of the vehicle registration fee paid by Troutdale over and above what they pay in any other county. It is potentially permanent; I think we can guess that it might be permanent. It also isn't contingent on getting the matching funds or fixing the Sellwood Bridge or anything else. The way this is worded, it is permanent to work on bridges. We need a better agreement, one that addresses some of the concerns I raised and several others have raised. As far as putting it to a vote of the people, you do realize that we have a chance right now to weigh in on this and we seem to be rubber-stamping this instead of contributing something, after that we will disappear without a trace in the word on whether this passes or not because we are small in Multnomah County and Portland will decide. Portland has much more at stake here, much more to gain than Troutdale. While I appreciate the diplomatic statements about letting the people decide, this is our chance for Troutdale to have a voice because once we sign this, yes we will get to vote but we are pretty unlikely to swing the election. What we are doing is adopting a very poor solution that is very unfair to Troutdale when the bridge situation needs a better long-term fix. Your leadership could be focusing on a better long-term fix, not

picking the one tax that you can impose, a doubling of a car registration fee. I think we need to decide whether it is fair. I believe that it is a very bad idea. The crisis of the Minnesota incident, if you want to focus on that, has to do with all of the bridges. The Sellwood Bridge has been a disaster since it was built practically. All of the bridges need a stable funding source. Leaving them in the hands of the county that just exhausted its car registration funding availability by doubling it now hoping for federal funds, it is a band-aid. When Multnomah County turned over all of the roads to Portland and a large share of the gas tax money and the vehicle registration money, that left the rest of us in the outer part of the county to support county roads totally. The bridges were exempt; Portland has both ends of the bridges but not the bridges. That was a bad deal and it needs to be fixed.

**VOTE: Councilor Thomas – No; Mayor Thalhoffer – Yes; Councilor Canfield – No; Councilor Kyle – No; Councilor Daoust – Yes; Councilor Kight – Yes; Councilor Ripma – No.**

**Motion Failed 3 – 4.**

Councilor Kyle made the following comment while voting on the motion: Could you bring back something better. I am going to have to vote no. I believe that the voters would support something better than this, I would.

## **6. STAFF COMMUNICATIONS**

Debbie Stickney reminded Council that committee interviews are scheduled for Thursday, December 13, 2007 at 7pm.

## **7. COUNCIL COMMUNICATIONS**

Councilor Thomas, Mayor Thalhoffer, Councilor Canfield and Councilor Ripma wished everyone Happy Holidays.

Councilor Canfield thanked staff for a great year and expressed his appreciation for the work that had been done.

Councilor Kight reminded folks that there are several churches in the Portland Metropolitan area and in East County collecting non-perishable food for the residents in Vernonia. They have been devastated by the flooding. If anyone has extra time or wants to make donations in the form of food or money, it would be appreciated.

Councilor Ripma stated in this our Centennial Year for Troutdale, we can be proud of our City. We had a wonderful celebration on October 2<sup>nd</sup> and a great party on October 6<sup>th</sup>. We are a great place.

**8. ADJOURNMENT:**

**MOTION: Councilor Ripma moved to adjourn. Seconded by Councilor Kight.  
Motion passed unanimously.**

Meeting adjourned at 9:40pm.

**Paul Thalhofer, Mayor**

**Approved February 12, 2008**

**ATTEST:**

**Debbie Stickney, City Recorder**