

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

**Tuesday, December 9, 2003**

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

Mayor Thalhofers called the meeting to order at 7:01pm.

**PRESENT:** Mayor Thalhofers, Councilor Ripma, Councilor Thomas, Councilor Kight, Councilor Kyle, and Councilor Daoust.

**ABSENT:** Councilor Gorsek (excused).

**STAFF:** Jim Galloway, Acting City Administrator; Rich Faith, Community Development Director; Dave Nelson, Chief of Police, Kyra Williams, Finance Director, Marnie Allen, City Attorney; and Debbie Stickney, City Recorder.

**GUESTS:** See Attached List.

Mayor Thalhofers asked are there any agenda updates?

Galloway replied we have no updates this evening.

**2. CONSENT AGENDA:**

- 2.1 Resolution:** A Resolution authorizing the City to enter into an agreement with Fairview for building inspection services.
- 2.2 Resolution:** A Resolution recognizing the completion of the public improvements in the Sandy Heights subdivision and accepting them into the City's Fixed Asset System.
- 2.3 Resolution:** A Resolution declaring certain personal property as surplus and authorizing disposal.
- 2.4 Resolution:** A Resolution approving the Evaluation Form and Job Description for the Troutdale Municipal Court Judge.

**MOTION:** Councilor Daoust moved to adopt the consent agenda. Seconded by Councilor Kyle. Motion passed unanimously.

**3. PRESENTATION:** Presentation to Erik Kvarsten, City Administrator in appreciation for his service to the City of Troutdale.

The Council presented Erik with a plaque in appreciation for his service to the City.

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

None.

**5. COMMITTEE APPOINTMENTS:** Budget Committee, Planning Commission, Citizens Advisory Committee and Parks Advisory Committee appointments.

Mayor Thalhofer read the Selection Committee's recommendation.

**MOTION: Councilor Ripma moved to approve the Selection Committee's recommended appointments. Seconded by Councilor Kight.**

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

**Motion passed 6-0.**

**6. REPORT:** A report from Alexis Dow, Metro Auditor, on upcoming audit reviews.

Alexis Dow stated that her audits focus on performance issues. Alexis asked the City Council to let her know what areas about Metro may be of concern to them.

Council indicated the following areas:

Mayor Thalhofer – I don't think that government employees should receive bonuses for performance.

Councilor Kight – accountability of funds with regards to the hotel/motel tax imposed two years ago (which this council opposed) that go to the Oregon Convention Center, Performing Arts Center, City of Portland parks, and Fareless Square (from downtown Portland to Lloyd Center). A portion of that money was to come back to east county cities, I'm not sure that is happening. I would like you to look into renegotiating the IGA so a portion of the money does come back to the east county cities if that is not happening now.

Councilor Daoust – I would like to receive a copy of your audit results. I would like us to be able to access resources at Metro with regards to surveys conducted so the city doesn't have to conduct a survey that may have already been done by Metro.

Councilor Ripma – I would like to see a map showing the required densities region-wide; the regional tax support for Metro; per capita expenditures by Metro in jurisdictions; and tax receipts by various Metro cities from industrial and employment lands/per acre.

**7. PRESENTATION:** A presentation by Multnomah County concerning the Beaver Creek Bridge project.

Ed Abrahamson, Transportation Planner with Multnomah County stated with me tonight is Harold Maxa who is the project manager for the Beaver Creek Bridge project. The State of Oregon has passed legislation called the Oregon Transportation Investment Act, OTIA. As part of that they are using money from vehicle registration fees to fix the failing bridges in the State of Oregon. The Beaver Creek Bridge, which is adjacent to Glenn Otto Park, met the criteria for being replaced. We put a sign up by the bridge that reads, "OTIA project coming", and we were proceeding with replacing the bridge. Last spring some citizens from the area saw the sign and found out that the plan was to replace the bridge. They feel that the bridge is a historic structure and it should be restored and retained and not replaced. They asked us if we would review that decision and study different options. We have done that and the result of that study is included in the technical report, which we distributed to you. We have spent approximately \$100,000 to get through this stage to look at the various alternatives. We have come up with what we call the County's preferred alternative.

Ed Abrahamson showed the Council a power point presentation reviewing the information contained in the technical report (copy of that report is included in the packet), which includes background, the project purpose and need, the methodology, the alternatives, the evaluation criteria, the constraints and the next step.

Ed Abrahamson stated the project budget is \$1.73 million. \$1.49 million will come from OTIA and \$.24 million from Multnomah County. The money that we receive for this project is for replacement of the bridge. If anything other than replacement of the bridge is selected, we would have to meet with the State's Bridge Committee, OTIA Subcommittee and the Oregon Transportation Commission to get their permission to use the funds for something other than replacement of the structure. The only thing they have approved the funds for at this time is replacement of the bridge. The County's preferred alternative is number 5, the replacement of the existing bridge with a new bridge. That was based upon the evaluation matrix, which showed this alternative rated fairly well. It falls within our constraints, it is within the budget and it meets the sufficiency rating. Our next steps include briefing the City of Troutdale, which is what we are doing tonight, and reviewing the preferred alternative with the state if it is something different than replacement. Last Monday night we held an open house to present the alternatives. The turnout was not very large but those present were very informed about this project. There was very strong feeling of those in attendance that we should try everything possible to restore the bridge.

Councilor Kight stated I live approximately 400' to 500' to the south of the bridge. The frontage of my property is Beaver Creek. A potential conflict of interest could arise with that bridge. Under its current construction there is a pinch point there so that during high floodwaters the water backs up to my property. Although at this point I favor alternative #3, which wouldn't change that, I would like to ask the City Attorney if I have a potential conflict of interest.

Marnie Allen, City Attorney stated it sounds like there could be a potential conflict in that your property may be benefited by a decision that the Council makes. Although it is a bit removed because I am not sure that this Council has the final decision in what will happen with the bridge. Assuming that this decision will influence that, then there could be a potential conflict, which would mean you need to disclose that potential conflict and then you could participate in the deliberations and decision. I don't believe, based on what you have told me, that you have an actual conflict because you haven't indicated that there is some degree of certainty that you will benefit financially one way or another as a result of this decision. Having said that, it is up to you whether you want to declare an actual or potential conflict.

Councilor Kight stated I would say this would be a potential conflict because I wouldn't benefit financially one way or another. I am declaring a potential conflict of interest and will participate in the discussion and deliberations.

Councilor Thomas stated you came up with a sufficiency rating of 49. How much of that was based on the structural integrity of the bridge and not so much the width factor? How safe is the bridge?

Ed Abrahamson replied it is not in danger of falling down. There is a weight restriction on the bridge; I believe it is 30 tons. The bridge is not in danger of failing.

Councilor Thomas stated I favor alternative #3.

Mayor Thalhoffer asked under alternative #3A and 3B how much of the parking lot at Glenn Otto Park would be taken?

Ed Abrahamson replied we don't know exactly what that impact would be at this point. The Parks Master Plan calls for a bike/pedestrian path and this bike/pedestrian bridge could serve that purpose and there would be no net negative affect. What we need to be concerned about is the proposed location of the caretaker's residence.

Mayor Thalhoffer asked if you could put all of the factors into a computer what would be the number one option?

Ed Abrahamson replied everything is equal. We have certain standards we have to meet; replacement of the bridge would be the top alternative.

Councilor Kight stated on page 9 of your report it says that the existing bridge appears to be in good condition. In alternative 3, which is where I am leaning right now, is to restore the bridge and add a pedestrian/bike path, how far to the south of the current bridge would the bike/pedestrian bridge be?

Ed Abrahamson replied we aren't sure yet.

Councilor Kight stated you indicated that there are two types of spans for the pedestrian bridge, one is steel and one is pre-cast concrete. Why were the two types proposed?

Harold Maxa replied there are many options available. We limited ourselves to these two options.

Councilor Kight asked does one type have an advantage over the other?

Harold Maxa replied there really isn't any advantage. Cost is close to the same for both.

Councilor Kight asked which of the two would be more aesthetically pleasing?

Harold Maxa replied it depends on the design. We haven't really looked into the aesthetics of the bridge itself. There are many designs that could be used to make it aesthetically pleasing.

Councilor Kight asked if you went with the concrete, could the design mirror the current bridge?

Harold Maxa replied I suppose it could. Those kinds of features do cost extra money.

Councilor Kight asked could it be done and still stay within budget?

Harold Maxa replied we do know what our budget will be for that option at this point. We would have to reapply for funding if this is the direction we go.

Councilor Kight asked is your decision process being driven by the fact that you have the funds and approval to replace the existing bridge?

Ed Abrahamson replied that was not the driving factor for us selecting the replacement alternative. We are here tonight because we are considering the other alternatives. We are not driven to this decision solely because we have the funds and approval. We are here tonight to listen to you and to look at these other alternatives. If we can be persuaded to look at another alternative we will then meet with the various state committees and request them to allow the funds to be used for something other than replacement.

Councilor Kyle asked do we have evidence that this bridge has caused any accidents?

Ed Abrahamson replied I don't know what the accident rating is. This gets back to the old question that is asked of me at a lot of public meetings, which is, do we have to wait for someone to get killed here before we do something. We do know that we have a narrow structure and inadequate access.

Councilor Kyle stated I lived in Waldport when the bridge was replaced and they saved several spans of the old bridge and made a viewing point using those rails. If you were to replace the entire bridge I was wondering if it might be possible to save those?

Ed Abrahamson replied they could be preserved.

Councilor Daoust stated I have some challenges to some of the findings in the report related to the adverse affect on the stream. We have two listed species, the steelhead trout and the Coho salmon, that spawn and rear under this bridge. Have you entered into any consultation with fisheries or is it premature to do that at this time?

Harold Maxa replied it is premature.

Councilor Daoust asked is there a plan to consult with that regulatory agency?

Harold Maxa replied yes, that would be part of the permitting process.

Councilor Daoust stated I know that David Evans and Associates are an unbiased group of people but as I read through this report it is slanted towards alternative 5. Are there any other alternatives other than number 5 that widen the stream? You called it a pinch point at the bridge, is alternative 5 the only alternative that gets rid of that pinch point?

Ed Abrahamson replied yes.

Councilor Daoust asked why are you calling that bridge a pinch point for steelhead trout and Coho salmon? If they progress above the bridge why is it a pinch point?

Ed Abrahamson replied I can't answer that.

Councilor Daoust stated I guess that is one of my challenges to your findings. What you are saying in how these alternatives affect the habitat is that alternative number 5 is the only one that is acceptable. I would challenge that. What you are saying is that alternative 5 is the only alternative that would be considered not likely to adversely affect the fish species. How would building a brand new bridge and disturbing the stream habitat be the only alternative that would not likely adversely affect fish? I don't understand that. Therefore you have rated alternative number 5 the highest for fish habitat but you are totally wiping out the old bridge and building a brand new one. You are calling it a pinch point but I would challenge that also. You would have to be disturbing the habitat in the stream to build a new bridge, wouldn't you?

Harold Maxa replied until we remove the existing bridge.

Councilor Daoust stated I really do challenge the findings that alternative 5 is the only alternative that would not likely adversely affect these threatened fish species. The reason I bring this up is because that is one of the key factors that rates alternative number 5 higher and pushes this whole report towards alternative 5. Personally I favor alternative 3. It is my opinion that if this Council doesn't come out strongly and say that we prefer alternative 3, than this document will come up with alternative 5. I have tried to point out a weakness that I

have found, and I believe that you have rated alternative 5 too high when it comes to the habitat.

Ed Abrahamson replied we will discuss that with the consultant.

Councilor Ripma stated I would like to persuade you to look into alternative 3. I appreciate that the county is looking at the alternatives. I agree that it comes down to restoration or replacement as being the only alternatives within the current budget. One of the things that has disturbed me in the way that this has been analyzed and that is driving the county to alternative 5 is the lane width. It disturbs me that the conditions of the highway in that area and the way the highway is used, being in a heavy pedestrian area right next to a park and posted at 25mph. It is only 100 yards from another bridge that is narrower. All of those things are reasons that would, to me, reduce the importance of lane width to the sufficiency rating but probably under highway engineering standards that probably isn't allowed. It tends to drive alternative 5 high and push down alternative 3 because the lanes are narrow yet I would argue that the narrow lanes don't have the same safety hazard there as they would on a 55mph highway. The narrow lanes could even serve a good purpose of slowing down the traffic in an area where there are a lot of pedestrians. I am obviously interested in the history of the bridge. The County has acknowledged that it is historic.

Ed Abrahamson stated if we pursue funding for alternative 3 with the state committees I would hope that this City Council would be there with us to assist us.

Mayor Thalhoffer called for a break at 9:03pm and reconvened the meeting at 9:14pm.

Mayor Thalhoffer asked is there anyone here that would like to speak to us on this issue?

David Sell stated my preference is alternative 3. For the past twelve years I have been working as the project manager for projects on the Historic Columbia River Highway. We have numerous bridges in the same type of situation that this bridge is in. They have been found to be very valuable as far as historic structures and the state has actually passed a resolution, senate bill, protecting those structures as well as the whole Historic Columbia River Highway. I feel the Beaver Creek Bridge is very valuable to the rest of the highway. It is the gateway. I do appreciate the county for taking the time to look at different alternatives. They have come up with some creative ways to at least resolve the situation with this bridge. I know they prefer alternative 5 but I think we need to support alternative 3. I know if this council and the county goes to the state to request to use the funds for restoration of the bridge I can bring a lot of support to that meeting.

Mayor Thalhoffer suggested that the Councilors each stated their position.

Councilor Kight stated my recommendation would be alternative 3A or 3B with the concern of the pedestrian bridge to architecturally mirror the existing bridge.

Councilor Kyle stated I would support alternative 3 with the hope that if it is the county's decision to replace the bridge that we could at least preserve and use the material from the existing bridge.

Councilor Daoust stated I support alternative 3. I think alternative 5 is rated too high when it comes to fisheries habitat.

Councilor Ripma stated I support alternative 3 and I support the County going to the state committees and asking for use of the OTIA funds for alternative 3.

Councilor Thomas stated I would support alternative 3 also.

Mayor Thalhofner stated I am leaning towards alternative 5. That gives us a wider and safer bridge in my opinion. I can see that the votes are not there for alternative 5. I hadn't completely made up my mind to support alternative 5.

Mayor Thalhofner stated the City Council's preferred alternative is 3A or 3B.

**8. PUBLIC HEARING / ORDINANCE (Introduced 11/18/03):** An Ordinance amending Chapter 2.48 of the Troutdale Municipal Code regarding elections.

Mayor Thalhofner read the ordinance title and opened the public hearing at 9:22pm.

Debbie Stickney, City Recorder stated the majority of the amendments to the elections chapter of the Troutdale Municipal Code are being proposed to allow us to follow the procedures set forth in the Oregon Revised Statutes, which contains election provisions that apply to city elections. The amendments being proposed for the candidate election process will change the filing period for candidates from 15 days to approximately 90 days. Filing for candidates will remain by petition with 25 signatures. The remaining process will follow state law. The amendments being proposed for the initiative and referendum process will change the filing period for a referendum petition to be filed from 60 days after the council enacts a measure to 30 days, which is consistent with the state election law. Additionally we are proposing that we add language to our code that specifies when a measure can be placed on a ballot, which is contained in Section 2.48.050 of the proposed ordinance. In response to testimony heard at the November 18<sup>th</sup> Council meeting, and at the Council's direction, I have added language to Section 2.48.010(a), which is the definition for a completed petition to add a reference to ORS 250.305, which specifies the required percentage of the registered electors that need to sign a completed petition. For a referendum it is 10% and an initiative is 15%.

Council had no questions.

Mayor Thalhofner asked is there anyone here that would like to speak to us on this issue?

No testimony received.



Mayor Thalsofer closed the public hearing at 9:25pm.

**MOTION:** Councilor Thomas moved to adopt the ordinance amending Chapter 2.48 of the Troutdale Municipal Code as presented. Seconded by Councilor Ripma.

Councilor Thomas stated this appears to be some real good housekeeping to clean up the code and bring it inline with the Oregon election law, which I believe will be very beneficial.

Councilor Ripma stated I endorse Councilor Thomas' statement.

Mayor Thalsofer stated as do I.

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

**Motion passed 6-0**

**9. RESOLUTION:** A Resolution of the City of Troutdale, Multnomah County, Oregon authorizing negotiation of a financing agreement, related documents and issuance of full faith and credit obligations.

Councilor Daoust stated that because I have consistently withdrawn myself from any discussions on this subject, even though we are only discussing the finance agreement tonight, I would like to abstain from any discussion.

Kyra Williams, Finance Director stated the resolution before you is required to authorize us to finance the purchase of some park property, which you previously authorized us to purchase. Bank of America has proposed a two-year fixed rate loan with mandatory quarterly interest payments. There are no mandatory principal payments except at the end of the two years. The interest rate has been quoted at 3.60%, however that rate will not lock in until one week prior to closing. The bank fees will total not more than \$1,750. We are recommending that you adopt this resolution so that we can borrow funds to pay for the property that you authorized us to purchase.

Mayor Thalsofer asked is \$1,750 the total cost for two years?

Kyra Williams replied no, that is the initial bank fees for processing the loan itself. The interest is in addition to that.

Councilor Kight asked what about title fees and recording fees?

Kyra Williams replied I don't have that information yet. Those would be in addition to the bank fees.

Councilor Kight asked so this is not all of the closing costs?

Kyra Williams replied no. This is just the cost to get the financing from the bank.

Councilor Kight asked are you planning on making any principal payments?

Kyra Williams replied our plan was to make regular principal payments along with the mandatory quarterly interest payments to make the payment even throughout the life of the loan.

Councilor Kight asked would it be paid out of the parks system development change fund?

Kyra Williams replied yes.

Councilor Kyle asked the interest rate has been quoted but we don't know what it will actually lock in at?

Kyra Williams replied correct.

**MOTION: Councilor Thomas moved to adopt the resolution of the City of Troutdale, Multnomah County, Oregon authorizing negotiation of a financing agreement, related documents and issuance of full faith and credit obligations as described. Seconded by Councilor Kight.**

**Councilor Thomas stated this purchase will enhance the livability of that area.**

**Councilor Kight stated this brings closure to the decision of this body to purchase those lots. This will not only enhance the livability it will give us additional inventory of parkland to be developed in the future.**

**Mayor Thalsofer stated I am in full agreement with the motion.**

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

**Motion passed 5 – 0 (Councilor Daoust Abstained from the vote)**

## **10. COUNCIL CONCERNS AND INITIATIVES:**

Council discussed the ALCOA property and Port of Portland's potential acquisition of the site for an intermodal railroad operation.

**11. ADJOURNMENT:**

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

Meeting adjourned at 9:57pm.

**Paul Thalsofer, Mayor**

**Approved January 13, 2004**

**ATTEST:**

**Debbie Stickney, City Recorder**