

# Council OKs loan for bridge project

Absence of matching funds would force 'hard decisions'

By ERICK BENGEL  
The Daily Astorian

The Astoria City Council on Monday night authorized staff to apply for a loan to pay for a portion of the Waterfront Bridges Replacement Project.

Aging wooden bridges that connect the ends of Sixth through 11th streets to overwater piers, and provide pedestrian and vehicular access to waterfront businesses and sites, can no longer safely bear heavy loads and need to be replaced.

In 2014, the city entered into an intergovernmental agreement with the state Department of Transportation for the design phase. The department is funding 90 percent of the bridge replacement project; Astoria is responsible for a 10 percent match.

As the design comes together, the city has discovered two additional costs, according to City Support Engineer Cindy Moore, co-manager of the project with City Engineer Jeff Harrington.

One, the city will need to relocate utilities — water and sewer — in the area.

Two, the city needs to improve the "11th Street extension" — wood planking that extends from the 11th Street bridge east of the roadway (in front of Wet Dog Cafe & Brewery). The work would ensure the extension can also handle highway loads when the project is finished.

With the council's approval, city staff will apply for a 25-year loan, with a 3.5-percent interest rate, through the state Infrastructure Finance Authority. The city will leverage its Surface Transportation Program funds; future STP funds will be used to pay back the loan, Moore said.

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Cindy Moore  
city support engineer

These expenses are currently estimated at \$337,000, and the entire cost must be paid solely by the city, according to a staff report.

The project's total estimated cost to the city is \$1.6 million. So far, the city has contributed \$242,987 from Surface Transportation Program funds, federal fuel tax money used by states and localities for transportation projects.

That leaves about \$1.4 million of the remaining match amount for the city to raise. Staff asked ODOT for a funding increase a few months ago, and the request was denied, primarily because the department wanted to see the design developed a little further, Moore said.

Mayor Arline LaMear asked Moore at Monday's meeting what will happen if the bridge replacement project becomes more expensive than is currently estimated and Astoria can't pay for the 10-percent match.

"Then we will be making some hard decisions," Moore said, including "the possibility of eliminating one of the bridges from the project."

"We really will be leveraged as much as we can with STP funds. There's a possibility of using other funds, but this is a 25-year loan that we're looking at," Moore continued. "We would have to look at more drastic alternatives."

In other business:

# Port wants lawsuit over hotel thrown out

Fallout from Smithart's rocky tenure

By EDWARD STRATTON  
The Daily Astorian

The Port of Astoria has asked a judge to throw out the case brought by Portland-area hotel operators Param Hotel Group over operation of the Astoria Riverwalk Inn.

The Port's lawyers filed a motion for summary judgment last week against Param, arguing that "the undisputed facts confirm that there was never an enforceable contract."

Param originally filed suit in November 2015, claiming the Port had breached an agreement to re-assign the company a lease on the Riverwalk Inn from heavily indebted hotelier Brad Smithart and his company Hospitality Masters. The Port Commission had approved of such a transfer at a June 2015 meeting, but the two sides never finalized the transfer.

The Port claims Smithart, who operated the hotel from March 2012 to September 2015, went behind the back of the agency and Param trying to find a better deal as he ended his tenure.

"Upon learning of this behavior, the Port declined to risk further reliance on Smithart and exercised its right to terminate the lease between the Port and Hospitality Masters so it could negotiate a new lease directly with other potential operators," the

Port's lawyers argued. The Port heard several proposals to run the hotel, and in September 2015 chose Astoria Hospitality Ventures. Param included Hospitality Ventures in its lawsuit, claiming the Port showed favoritism toward the chosen operator, whose co-owner is a brother-in-law of a Port commissioner. Hospitality Ventures was eventually removed from the lawsuit, after a judge ruled there was nothing wrong with company's lobbying of the Port Commission for the hotel's operation.

## Debt mounting

As the Port seeks to have Param's case against it dismissed, the agency continues a lawsuit against Smithart.

The Port is seeking more than \$400,000 in past-due rent and revenue-sharing from Smithart, who has denied most of the allegations. A trial was set for July.

The same month the Port filed suit, a Clatsop County Circuit Court judge levied a \$118,331 judgment against Smithart for past-due room taxes owed to the city of Astoria.

Last month, the Oregon Department of Revenue issued a distraint warrant against Smithart for more than \$55,000 in unpaid income tax, allowing the state to garnish his wages and bank accounts. The warrant can become a judgment and lien on any property controlled by Smithart until the debt is paid in full. Smithart still operates the Arc Arcade in downtown Astoria.

# Brown accepts putting records advocate under secretary of state

Associated Press

PORTLAND — Gov. Kate Brown is open to housing a public records advocate in the Secretary of State's Office, rather than under her control.

The Oregonian reported that Brown, who ran on a platform of ethics reform, has proposed creating a records advocate but has repeatedly wavered on who should direct the new position. On Monday, Brown's counsel on

government accountability Emily Matasar said the position would be under the secretary of state.

A bill in the Legislature filed at the request of Brown would create a public records advocate. The advocate would serve as a mediator

between journalists, citizens and public agencies.

Matasar said Monday in a Legislative hearing that Brown is in talks to put the position under the Secretary of State's Office, where the state archives are housed.

Republicans had criticized

Brown for wanting the advocate under her control. Secretary of State Dennis Richardson is the first Republican to hold the office in 30 years.

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