

Russ Axelrod ([00:00:01](#)):

All right, I'd like to call to order the West Linn City Council for an executive session for Monday, February 10th, to conduct deliberations and persons designated by the governing body to negotiate real property transactions and to consult with the council.

Kathy Mollusky ([00:00:15](#)):

Just relax.

Russ Axelrod ([00:00:17](#)):

Sorry, catching my breath. Russ Axelrod, here.

Kathy Mollusky ([00:00:20](#)):

Kathy Mollusky, City Recorder.

Jules Walters ([00:00:22](#)):

Jules Walters, City Councilor.

Peter Mahuna ([00:00:23](#)):

I'm Peter Mahuna, Police Captain.

Holly Bartholomew ([00:00:26](#)):

Holly Bartholomew, West Linn Tidings.

Teri Cummings ([00:00:30](#)):

Teri Cummings, Council President.

Ken Warner ([00:00:31](#)):

Ken Warner, Parks and recreation.

Tim Ramis ([00:00:32](#)):

Tim Ramis, City Attorney.

John Williams ([00:00:34](#)):

John Williams, Acting City Manager.

Russ Axelrod ([00:00:36](#)):

Great, thank you. Let's... Oh, we've got...

Richard Sakelik ([00:00:40](#)):

Richard Sakelik, City Councilor.

Russ Axelrod ([00:00:42](#)):

He's on the phone.

Richard Sakelik ([00:00:43](#)):

On the phone.

Russ Axelrod ([00:00:44](#)):

Thank you. It looks like Bill Relyea, Councilor Relyea is absent for the moment. Let's read the script.

Kathy Mollusky ([00:00:51](#)):

City Council will now meet in Executive Session pursuant to ORS192.660(2)(e) to conduct deliberations of persons designated by the governing body to negotiate real property transaction and ORS192660 2(h) to consult with council concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Kathy Mollusky ([00:01:10](#)):

Representatives of the news media and designated staff shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed to not report on any of the deliberations during the Executive Session, except to state the general subject of the session, as previously announced. No decisions may be made in Executive Session.

Kathy Mollusky ([00:01:26](#)):

At the end of the Executive Session, we will return to open session and welcome the audience back into the room.

Russ Axelrod ([00:01:32](#)):

Thank you very much. The door is being closed, and Tim, do you want to start us off?

START REDACTION (00:01:41)

END REDACTION (00:23:13)

Tim Ramis ([00:23:19](#)):

Sure, sure. I [inaudible 00:23:21]. Yeah, I can start off and the essential question that's been brought to us by CIS is this the time to settle the Fesser case. And I think you're familiar with the general facts of that from our discussion before. What has surfaced as a proposal is essentially in two parts. One is a cash payment of \$600,000. And the other is a meeting-

John Williams ([00:23:58](#)):

From CIS-

Tim Ramis ([00:24:00](#)):

From CIS, yes. The other is a meeting that Mr. Fesser's counsel have with, help me here.

Peter Mahuna ([00:24:09](#)):

Chief Kruger, myself, Captain Rollins, manager John and the Mayor.

Tim Ramis ([00:24:17](#)):

And the meeting would be an opportunity for Mr. Fesser to describe his contributions to the community and his concern about how he feels he's been treated. And it would be the opportunity for the city's leadership to acknowledge they've heard this. But we have rejected as part of the solution is a written letter apologizing essentially buying into his theory. And so the meeting is a substitute for that.

Tim Ramis ([00:24:51](#)):

The recommendation from legal counsel that's working on the case is that while \$600,000 is a lot of money and it's unpalatable in many ways, there's also good reason to avoid going to trial on the issue and exposing all of the evidence that there is on the case. So recommendation is to go along with the \$600,000 settlement and the meeting.

Tim Ramis ([00:25:17](#)):

Now if you were to choose to do that at some point you would want to formulate that into a motion and have you adopt it in open session.

Russ Axelrod ([00:25:33](#)):

Is the plan to script something out for us or are we going to, if we do that-

Tim Ramis ([00:25:38](#)):

Yes-

Russ Axelrod ([00:25:39](#)):

We would have it pretty tightly scripted I would think.

Tim Ramis ([00:25:43](#)):

Yeah. Something along the lines of thank you very much, but we-

Russ Axelrod ([00:25:48](#)):

We're not going to acknowledge things or we're going to need to be very careful about-

Tim Ramis ([00:25:53](#)):

Yes.

John Williams ([00:25:54](#)):

We have legal counsel in the meeting. We'll have [inaudible 00:25:58].

Tim Ramis ([00:25:58](#)):

We'll have our defense counsel in that meeting and as part of the pre-meeting to make sure we're clear on what we're going to do.

Russ Axelrod ([00:26:07](#)):

When is this supposed to happen?

Tim Ramis ([00:26:09](#)):

Hasn't been set.

Peter Mahuna ([00:26:11](#)):

There's a written date in there but I think it's just a proposal.

Tim Ramis ([00:26:14](#)):

Yeah.

Peter Mahuna ([00:26:16](#)):

Nothing's been agreed upon so they really just kind of putting out a target date but pretty quickly. They want it within 30 days if it's signed, so.

Jules Walters ([00:26:27](#)):

I'm sure I know the answer to this, but this isn't something that's going to happen again, right?

Peter Mahuna ([00:26:31](#)):

Oh absolutely not.

Jules Walters ([00:26:31](#)):

Thank you.

Peter Mahuna ([00:26:31](#)):

Yeah no.

Russ Axelrod ([00:26:32](#)):

This was what, about three years ago?

Tim Ramis ([00:26:41](#)):

About three years ago, yeah.

Russ Axelrod ([00:26:41](#)):

Something like that.

Russ Axelrod ([00:26:42](#)):

Prior to our current Chief.

Peter Mahuna ([00:26:46](#)):

There's only one person still here who was even involved with this.

Russ Axelrod ([00:26:50](#)):

What do you need from us?

Tim Ramis ([00:27:01](#)):

Well I guess an indication if you think that's the correct direction. We'll go ahead and put together the settlement agreement. Put together a schedule for a meeting, prepare for the meeting and bring a motion back for the council to adopt.

Russ Axelrod ([00:27:12](#)):

Do we have much choice?

Teri Cummings ([00:27:24](#)):

Yeah.

Russ Axelrod ([00:27:24](#)):

I mean-

Tim Ramis ([00:27:26](#)):

You know I think-

Russ Axelrod ([00:27:27](#)):

It's a lot of money. I hate to see money going like that. To someone in situation like this but, sometimes you've got to-

Teri Cummings ([00:27:38](#)):

Wasn't he demanding more than that though?

Tim Ramis ([00:27:40](#)):

He was, he was.

Peter Mahuna ([00:27:42](#)):

Substantially more.

Tim Ramis (00:27:50):

Yeah.

Russ Axelrod (00:27:56):

Substantially more.

Teri Cummings (00:27:56):

Well how much is-

Peter Mahuna (00:27:56):

I wish CIS was here because-

Tim Ramis (00:27:56):

Twice as much at the beginning-

Peter Mahuna (00:27:56):

Well yeah I think it was two million. I wish CIS was here because they could give us a briefing on the pitfalls of going to trial.

John Williams (00:27:59):

We met with him, the attorney who was representing CIS so there's a [inaudible 00:28:05]. Legal counsel working for them obviously as well as folks from CIS directly. He was pretty clear that he felt this was a good number to settle at considering the amount of risk that is out there getting into a jury trial, from my understanding.

Teri Cummings (00:28:25):

Well then repercussions to going forward, especially since even the parties involved aren't even, it kind of casts a bad light on things and-

Peter Mahuna (00:28:42):

I think we can-

Teri Cummings (00:28:43):

You know the -

Peter Mahuna (00:28:43):

Count on it casting a bad light on us anyways.

Teri Cummings (00:28:45):

Oh sure, but the trial just opens the door for so much drama.

Peter Mahuna (00:28:50):

Yeah.

Teri Cummings ([00:28:50](#)):

You know what I mean I guess.

Russ Axelrod ([00:28:52](#)):

Drama we don't need.

Tim Ramis ([00:28:53](#)):

Yeah, for events that you worked out years ago.

Peter Mahuna ([00:28:58](#)):

Is there any way to close the agreement once it's signed to say we're not going to give a dollar amount out to the media or something like that? Or he can't give a dollar amount to the media?

Tim Ramis ([00:29:06](#)):

Well we can talk to Mr. Campbell about that.

Teri Cummings ([00:29:11](#)):

Don't the public usually... Okay so if this is being paid by CIS, but if it was being paid out of the city coffers we'd have to-

Tim Ramis ([00:29:20](#)):

Well certainly if it was the city that would be tough to do but CIS may have its own policy on whether or not-

Teri Cummings ([00:29:26](#)):

I see.

Peter Mahuna ([00:29:27](#)):

I'm just asking, I [crosstalk 00:29:27].

Russ Axelrod ([00:29:27](#)):

I mean I think that would be a nice thing if we could do which is to settle and agreement and just [inaudible 00:29:33].

John Williams ([00:29:32](#)):

I know when the letter was being contemplated we asked that same question about the letter and the answer was we cannot keep letters secret. So I don't know how that [inaudible 00:29:42] to the settlement. Or it might be that their answer was, he would never agree to keep the letter secret.

Teri Cummings ([00:29:50](#)):

Right. It might kill the deal anyway.

Peter Mahuna ([00:29:51](#)):

Which is why he's not getting a letter.

Tim Ramis ([00:29:53](#)):

Yes. That is why he is not getting a letter.

Russ Axelrod ([00:29:54](#)):

Councilor Sakelik, thoughts?

Richard Sakelik ([00:29:58](#)):

I'm okay with settling. Seems like it's the most prudent thing to do.

START REDACTION (30:06)

Russ Axelrod ([01:04:00](#)):

Good. Alright, so Executive Session, we're adjourned?