



CITY OF
West Linn

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West Linn, Oregon 97068
<http://westlinnoregon.gov>

**WEST LINN
CITY COUNCIL MEETING
NOTES
August 3, 2020**

[Pre-Meeting Work Session](#)

[Call to Order](#)

Council Present:

Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Staff Present:

Interim City Manager John Williams, Assistant to the City Manager Dylan Digby, IT Director Shane Boyle, Human Resources Director Elissa Preston, Finance Director Lauren Breithaupt, City Attorney Tim Ramis, Acting Police Chief Peter Mahuna, and Public Works Director Lance Calvert.

This meeting was conducted via Webex due to COVID-19 and federal and state restrictions on public gatherings.

Approval of Agenda

Council President Richard Sakelik moved to approve the agenda for the August 3, 2020 West Linn City Council Special Meeting with the addition of the appointment of a Sustainability Advisory Board (SAB) member under 10b.Citizen Advisory Group (CAG) Appointments, addition of the White Oak Savanna Natural Play Area discussion under 10. Council Reports, and Item 9b. Leadership and Council Roles and Responsibilities, Documents, and Discussion. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Public Comment [10 min]

Public Comment - Friends of Pickleball

CJ Koll testified to the difficulties in finding information on the City's website and in contacting the Parks and Recreation Department. He discussed the lack of communication and areas of improvement with Parks and Recreation Director Warner regarding what was happening around Sunburst Park. The GO Bond site had been more frequently updated, and Director Warner had been communicating with the Hidden Springs Neighborhood Association (NA) and Sunburst II Homeowners Association (HOA). The leadership of the two associations has kept its membership up to date and he encouraged the City to use the HOAs and NAs to assist with communication. He found it difficult to be involved in City Council meetings now that the start time had been moved from 6 pm to 2 pm. He acknowledged the move had to do with COVID-19 and that different times allowed different membership groups to testify, but would still like clarification from Council. He appreciated Mayor Axelrod's mention of the tower contract in the pre-meeting. He hoped the information he requested would be shared with the public and the NAs of Hidden Springs and Marylhurst. He urged the Council to hold off on approving any contacts on the project until the public had more time to comment.

Mary Baumgardner testified regarding her concerns about police oversight, the Michael Fesser case follow-up, and the outreach that had apparently been a bit slower than Mr. Fesser understood it would be. She hoped that would be addressed with action. She encouraged a written apology to Mr. Fesser by the West Linn Police Department (WLPD).

Jane Forbes stated she lived next to Skyline Ridge Park and testified that she had no problems with the tennis courts in the last six years she had resided there. When the courts reopened in June, the difference in tone and sound was immediately apparent. The noise from the

pickleball courts continued at a level she had measured as being beyond tolerable and even damaging if exposed to for long periods of time. The noise from the game could be heard throughout her house, including her home office, but the noise from tennis was inaudible. She was unable to use her patio because of the "thwacking" noise during evening hours. The noise often began before 8 am and continued intermittently until dusk. She had consulted with professionals regarding pickleball court noise and the distance of the courts to her house indicated a need for "careful abatement" and the orientation of the court increased the noise level. Her property line was about 50 feet from the courts, with the living room and bedroom windows about 60 feet from the courts. Director Warner had noted during a July 16 meeting that he would look into noise remediation and share the results by July 30. She received an email on July 28 that said he had evaluated the issue but had not offered any steps toward resolving her noise complaint. He noted that encasing the courts with sound-dampening materials would be problematic because police could not see to the other side of the park when driving by which was considered a safety concern. She believed it was a false concern because Director Warner had pushed to install an enclosed concrete bathroom building in the park. Keeping the pickleball courts at Skyline Ridge Park negatively impacted their work, outdoor space, seeking solace inside the home, and health and wellbeing. If the pickleball courts remained in place, opportunities must be given for NA feedback, formal noise surveys, changes to the current fencing system around the courts, as well as acoustic fencing thereby costing the City of West Linn upwards of \$100,000 or possibly more. She asked to have the pickleball courts and nets immediately and permanently removed.

Mayor Axelrod noted Council did not normally respond to general comments during the meeting, but he assumed Council would return to its usual meeting times when the pandemic ended next year. Council had found that the new start time had worked well for the most part. He recommended discussing Ms. Baumgartner's comment about an apology letter under the DEI agenda item today. Regarding the noise from the pickleball courts, he believed analysis was needed by Parks and Recreation and that they should consider the matter to ensure proper planning and siting of pickleball courts. Council wanted the courts to be accessible, but did not want them to be a problem for nearby homeowners.

Council President Sakelik asked for clarification about meeting times from Mr. Koll. If he wished to be able to testify, he could perhaps record a comment to be played during the meeting, if allowed by public meetings law.

Mr. Koll was open to the suggestion of recording his comments. He was a school teacher and could not comment in person during a 2 pm meeting. He confirmed he would occasionally like to comment in person, but other times he would like to respond ahead of time to items he saw on the agenda.

Council President Sakelik asked Ms. Forbes if she had been contacted before the pickleball courts were installed and if a window of time existed during the day that she could tolerate the sound created.

Ms. Forbes replied that the NA president had received an email from Director Warner early this year for feedback from the community regarding whether or not it wanted a pickleball court. About half of the residents had responded, and that was the extent of the inquiry. The noise levels using the National Institutes of Health (NIH) application, which was considered reliable, were shown to be beyond tolerable limits and above a safe decibel limit over long periods of time; therefore, no window of time would work.

Councilor Cummings suggested revisiting the rule that information for a Council meeting had to be submitted to staff by 5 pm on Thursday. The rule was in place because staff worked every other Friday. Council meetings that started earlier in the day added to the difficulty in submitting items in time. She would like to discuss ideas on how to address those issues.

Jeff Bernasconi asserted that the Parks and Rec Department had fundamentally changed the use of Skyline Ridge Park without due process, planning, citizen input, or appropriate citizen oversight. The change had impacted him and his family. He requested the City not spend any more money and to remove the pickleball nets now. Parks and Recreation was relying on an exemption to sounds in the Municipal Code for outdoor school and playground activities. Director Warner had stated he was unaware of the exemption prior to the meeting with the Community Service Officer on July 16. Skyline Ridge was a small, quiet, neighborhood park and the tennis courts were very close to his property line. By resurfacing and changing the lines, Parks and Recreation had halved the distance of impact noise and quadrupled the number of players. The change in frequency, pitch, and volume caused by a wooden paddle repeatedly striking a ball was not reasonable. The NA met regularly, but the change to pickleball was never on the agenda. He asked Council to direct Parks and Recreation to remove the pickleball nets.

Mayor Axelrod believed Council was interested in having Parks and Recreation consider the pickleball courts. He believed some merit would exist in removing the nets momentarily. The City tried to accommodate a broad interest in use of the parks, and pickleball had come in after the parks were designed. It appeared their installation needed further consideration. If time allowed, Council would touch on the matter later in the meeting.

[Presentation to the Council \[20 min\]](#)

[Clackamas c800 Group Emergency Communications Tower \(**added to agenda 7/28 after confirmation with speaker**\)](#)

[Clackamas County Presentation](#)

Interim City Manager Williams stated a proposal at Clackamas County suggested building a radio tower on the property near the end of Kapteyns Street and Marylhurst Heights Park. The property was owned by the Oregon Department of Transportation (ODOT) and, though surrounded by the city, was not annexed to the City of West Linn, so the County's ordinance and review process applied. The City had asked for a presentation about the tower to inform the citizens and Council. The presentation to be given by Mr. Hartsock was also included in the meeting packet.

John Hartsock, Manager, C800 Radio Group, stated he had made a couple of minor additions to his presentation. He described the C800 Radio Group and the history and upgrade status of the public safety radio system. The tower was initially proposed to be built in Lake Oswego to provide coverage from I-5 to I-205, but the property had title issues and the lease was withdrawn and another location was sought. The proposed site was an excellent candidate and had the proper zoning for the type of facility proposed. The city's water tower had been considered, but its 113-foot height was insufficient for the antennae and microwave facility. The current plan called for completion in late September and for bringing the system online at the end of the year or early in 2021.

Public safety issues that necessitated a new tower involved increasing digital coverage, including inside buildings, and to provide for wearing of a radio on the hip instead of having to bring it to the head for police officers and firefighters. The proposed installation would meet state code for an essential facility and included earthquake resiliency and a backup generator.

The tower would be 180 feet tall and self-supporting; the height was necessary to clear the potential growth of the nearby trees. The footprint would be small on the two-acre site, no tree removal would be necessary, and the site would be fully landscaped.

The added slides to the presentation addressed exposure to radiation. Non-ionizing radiation emitted by the tower was different from radiation caused x-rays which changed cell structure. The radiation exposure would be .31 percent of that allowed by the Federal Communications Commission (FCC) and was minimal.

Mayor Axelrod stated Mr. Hartsock might hear a lot of criticism about the tower, but it was not directed to the C800 Radio Group, but was more due to concerns for the community neighborhoods' interests. Also, it seemed the project had been suddenly sprung upon the City, and a lot of understanding was needed of the information provided in the proposal. He asked for a scheduling update.

Mr. Hartsock responded that the project was planned to be completed late this year or early next year. The County was ready to issue land use approval, an application had been made for the building permit, and the work had been bid. Construction was anticipated to start in late August or early September.

Councilor Walters asked who from West Linn had been attending the C800 meetings or might have been aware of the plan, and for the date of the last meeting where the West Linn site was discussed.

Mr. Hartsock replied the two primary representatives were former Captain Hennelly and Acting Chief Mahuna who was on the Board and attended regularly. The Tualatin Valley Fire & Rescue (TVF&R) chief was on the Board. The first mention of a West Linn site was in January.

Councilor Walters noted West Linn had not been on the map in the Board's December packet,

but Skylands in Lake Oswego was. She did not see that site on the map anymore and asked what happened to it.

Mr. Hartsock responded that Skylands was on farmland and land use regulations required determining if other sites existed. After C800 did further research, it learned another site was available.

Councilor Walters understood the importance of emergency communications, but had very serious concerns about building a 180-foot tower near the backyards of families and next to a children's playground. She hoped Mr. Hartsock would listen to Council's and the public's concerns.

Mayor Axelrod noted the City has had plans for the subject property for years, though it had not yet annexed or purchased it. No notification was received about installation of the 180-foot tower from the City and he was concerned that no City representative had mentioned the uses the City had envisioned for the property. He disclosed that he lived in the neighborhood where the tower would be installed. He believed it would be necessary to put a time out on the aggressive schedule for further discussion. He was concerned that insufficient vetting had been done in the community and in the City of the best use of the property in the long term.

Councilor Cummings stated she also lived in the neighborhood, but several blocks away from the tower. She was aware of the neighborhood concerns voiced about 10 years ago when another antennae installation proposal was made. She had not been able to read all of the information that came in regarding this project on short notice but, as soon as she saw it, she notified the NA president who put a bulletin out to the neighborhoods. Many of the concerns expressed were about the proximity of the tower to the houses nearby and she asked about the criteria for how far away these types of facilities should be located. Another concern was the potential liability to the mutual agencies involved with the C800 Radio Group should the tower fall over onto nearby homes. She echoed the concerns about the neighborhoods being included in the process and that more time was needed for consideration of the project. She fully supported upgrades to emergency communications systems, but requested the C800 Radio Group allow more time for a public process.

Mayor Axelrod stated he had reached out to one of the County Commissioners for further background and a better understanding of the County's process and options available for alternative sites.

Council President Sakelik shared the same concerns expressed by the other Councilors and believed further investigation and discussion was needed.

Councilor Relyea asked the City Attorney to explore all the land use options. Interim City Manager Williams had indicated that the City did not have much oversight of the property, but his understanding of state land use law was that islands of property surrounded by residential areas could be annexed by a city. It would be wise for the City to consider taking action to

immediately move the property into West Linn, so the City would have more control over how it would be used. He understood the need for emergency radio communications, but he believed alternatives existed to putting a 180-foot tower in a residential area.

City Attorney Ramis explained under the state's annexation law, in most cases a property owner must take the initiative to achieve annexation but in the case of islands like this one, it was possible for the City to initiate an annexation. He would pursue the timetable for an annexation with staff. He clarified that contact should be made with the staff who had been processing the application for information regarding annexation options and timing.

Council President Sakelik asked if Mr. Hartsock had encountered this situation before and, if so, how he had resolved it.

Mr. Hartsock confirmed the situation had been seen before. He had been involved in building the original system in Washington and Clackamas Counties as well as this expansion. One location was in the middle of a residential community in the Damascus area and had a similar situation as an allowed use. People were concerned, but the facility had been built. In other cases, they had met with the neighbors as required in a land use process and had worked through concerns. In the cases where appeals were made, the appellants had lost.

Mayor Axelrod noted a comment had been made that coverage in West Linn was sufficient, and the gaps in the emergency coverage were more in the Lake Oswego area which was why that area had been targeted. Also, he noted the highest ground in the area was further up the ridge in Lake Oswego. Some higher-elevation open ground locations were owned by the city off of SW Bergis Road in the northeast corner of Stafford. He asked if that area had been considered.

Mr. Hartsock responded that he would have to contact C800 Radio Group's Site Acquisition Team and look at all the sites. The Bergis Road location was relatively close to the Skylands site. A need existed to infill the West Linn area. Cooks Butte would have been ideal, but the proposed site in West Linn would enhance coverage to the necessary level. Lake Oswego would be a bit short changed and a site was needed in the northwest corner of that city.

Councilor Walters read a letter of public testimony from Chuck and Gita Howard regarding the tower into the record.

[Public Comment - C800 - Chuck & Gita Howard](#)

Mayor Axelrod stated Mr. Hartsock would hear from staff on the next steps to further vet and consider alternatives. The City would consider its full options.

City Attorney Ramis asked for further explanation about the difficulties of siting on exclusive farmland use (EFU) land. The EFU statute specifically provided for utility facilities necessary for public service through conditional use. Case rulings had determined that would include cellular

communication.

Mr. Hartsock replied that it was required as part of the application to show no other non-EFU sites were available that would provide the same level of service. It was a challenge, particularly when EFU land was immediately adjacent to other zoning types.

Mayor Axelrod stated it seemed the interpretation was that the proposed site was not available because the City had plans for it.

Christine Blanche said she lived in the Marylhurst Heights neighborhood and testified that she believed it made more sense to figure out the whole puzzle before landing on the West Linn site, especially because the Lake Oswego site was needed to work in concert with the West Linn site. Regarding the other plans for the park, she had found records that mentioned a specific dollar amount had been identified for the City to purchase the two-acre lot from ODOT, and she asked for an update on the status of that agreement. Lastly, Mr. Hartsock had stated that he preferred not to have carriers on the same tower, but it did not sound like it was guaranteed that carriers for frequencies higher than 800 MHz could not be added, and that would add to the radiation concerns. If the tower was to be used for those purposes, it would not fit the usage approved for the bond dollars.

Mr. Hartsock replied that the needed sites had been laid out. If a site in the northwest corner could not be obtained, and it would be needed even with a Cooks Butte site, the coverage would be reduced in that area which would be a risk for fire and law. He could not answer the question about the dollar amount on the West Linn property. He would be willing to have language in a lease with ODOT that limited the tower to public safety use only as done just recently in Wilsonville.

Karie Oakes, President, Marylhurst NA, read a letter into the record in opposition to the tower. [Public Comment - C800 - Marylhurst NA](#)

Mayor Axelrod suggested staff in the City Attorney's Office gather background information. In the meantime, he would reach out to the County Commissioners and encouraged other Councilors to do the same to relay concerns with the proposal and the manner in which it had been thrown at the community. The City would like to work with the parties to find an alternative location.

Councilor Cummings stated that something being done in the public interest should involve the public. She asked if it would be possible to delay the proposed tower.

Mr. Hartsock replied that he was still waiting on approval documents from the County and he could not move forward until they were received. He was willing to work with the City on the matter. How to provide adequate coverage for public safety was a serious situation and because it was a bonded project, it needed to be completed fairly quickly.

Councilor Cummings summarized the issues, noting one was the safety to the people surrounding the potential installation and also that it interfered with the City's park plans and the original goal and stated intentions to purchase the property from ODOT in order to complete the park. If the City had the chance to be involved sooner, it would have made that clear.

Mayor Axelrod recollected that the purchase of the land was in the City's long-range Capital Improvement Plan (CIP) which documented that the City had always planned to acquire the property for other uses in the future.

Interim City Manager Williams confirmed the land was in the Parks and Recreation Master Plan as a proposed project. The purchase price was \$460,000. He was unsure if a deal had been close to being reached or whether it was just an inquiry on price. The Parks Master Plan also mentioned \$800,000 in improvements for the park for which the City did not currently have the funds.

Mayor Axelrod remembered discussions with the former Parks Director Ken Worcester whose vision it had been to bring the property into the parks system.

[Consent Agenda \[5 min\]](#)

Agenda Bill 2020-08-03-01: Approve Draft Notes for June 8 and June 15, 2020

[Draft Notes Information](#)

Council President Richard Sakelik moved to approve the Consent Agenda which includes the meeting notes for the June 8 and 15, 2020 meetings with the minor edits mentioned by Mayor Axelrod. Councilor Jules Walters seconded the motion.

Councilor Cummings stated she would vote 'no' because the minutes were more than a month old and therefore not in keeping with Council rules and objectives to have minutes produced in a timely manner. She asked if any plan existed to remedy the problem.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: Councilor Teri Cummings.

The motion carried 4 - 1

[Business Meeting \[60 min\]](#)

[Agenda Bill 2020-08-03-02: RESOLUTION 2020-05, REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT A AND UPDATING THE MASTER FEES AND CHARGES DOCUMENT OF THE CITY OF WEST LINN](#)

[Master Fees Revision Information \(**updated 7/27 due to minor scrivner's error**\)](#)

Finance Director Breithaupt noted this agenda bill was a housekeeping item for the Master Fees and Charges which had been approved by Council in June. Three minor changes had been made as detailed in her memo in the meeting packet. She confirmed she had updated the Master Fees and Charges document and that she would post it to the City's website after Council's approval.

Council President Richard Sakelik moved to approve Resolution 2020-05, Revising Fees and Charges and Updating the Master Fees and Charges Document. Councilor Jules Walters seconded the motion.

Councilor Cummings stated she appreciated the progress made in reducing the cost and burden of the public records process. She proposed the amount of time provided for free research be increased from 30 minutes to 60 minutes which might possibly reduce the number of incidences where citizens were told they would have to pay \$20 hour for the research and go through a delay in getting their records because a monetary transaction would have to take place. Also, she wanted to be very clear that the legal research of \$100 per hour was only for actual attorney time and that the City Attorney should not be performing clerical-type redactions but should conduct legal-advice work related to potential legal matters. She asked City Attorney Ramis for language that would make her proposal clear.

City Attorney Ramis responded that, as far as he knew, charging for clerical-type work was avoided. The redactions that the City Attorney's Office was involved in should be matters that involved judgement about what was privileged or what needed clear delineation between something that was clerical such as redacting addresses. He suggested language to say that it had to be substantive legal work and not clerical.

Councilor Teri Cummings moved to amend to increase the number of minutes of free research time to 60 minutes and to add the language clarifying that the \$100 an hour fee would apply to work on substantive legal matters done by legal staff. Council President Richard Sakelik seconded the motion.

Councilor Walters asked who would decide what a substantive legal matter was and who would be paid to make that decision. She expressed concerns about the legal costs that were already very high this year and that the City reach the point where it was not recouped its costs.

City Attorney Ramis clarified that decision would be a cooperative one between City Administration and the City Attorney's Office.

Interim City Manager Williams said the suggested change put language into the Master Fees document that described what was already being done. If staff had any question about who should be doing the work, the City Attorney's Office was contacted.

City Attorney Rams clarified that if staff had a discussion with his office, but no work was required, the time taken for the phone call was not charged. He agreed the issues happening at the City had created a huge demand on his services, so the City Attorney's Office had to be as efficient as possible.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

**[Agenda Bill 2020-08-03-03: RESOLUTION 2020-06, Clackamas County Peace Officers Association \(CCPOA\) Contract](#)
[CCPOA Contract Information](#)**

Human Resources Director Preston introduced Steven Schuback, the City's Labor Attorney. She then updated on the contract extension and the impact of current events. In February 2020, the CCPOA requested a one-year contract extension from the City. Pre-negotiations were delayed due to COVID-19, but resumed in June. Because of the uncertainties surrounding the global pandemic, the economy, and current policing issues in West Linn with associated potential policy changes, the City believed a delay in full open bargaining was merited along with a one-year extension of the contract with negotiated wage increases. The City and CCPOA had reached a tentative agreement on a one-year extension and agreed to initiate bargaining a successor agreement February 2021.

City Attorney Schuback stated that because of COVID-19 and the investigations of high-level police personnel in the city, it was an awkward time to go into bargaining. He believed it was wise to let the dust settle on additional police reform first. Other agencies West Linn's size had done the same.

Mayor Axelrod noted that while the legislative short session was anticipated to address some of the police reforms, many more were likely next year in the full session. It would behoove Council to understand the ramifications of other state laws that might come forward to pave the way for the kinds of reforms the City wanted to see.

Council President Richard Sakelik moved to approve Resolution 2020-06, approving the Clackamas County Peace Officers Association Collective Bargaining Agreement and authorizing the Interim City Manager to execute the contract. Councilor Teri Cummings seconded the motion.

Councilor Walters stated she appreciated hearing from City Attorney Schuback that this action was similar to the one taken by the Portland City Council and Portland Police Department because she knew they had been moving a bit faster with reforms than West Linn. She hoped this action would put the City in a good place to put forth some of the reforms that come from the Oversight Task Force.

Councilor Relyea noted that considering the issues the City of Portland was currently facing in trying to have police reform, it was seen that Commissioner Hardesty had moved for a change in their City Charter whereas Ms. Caballero from the Inspectors Office had said that it would take more than just a Charter amendment to address some of the issues. Some issues were embedded in State law, and the West Linn City Council was considering all of the implications and trying to understand what it could do on behalf of the community to keep this conversation going at all levels, including the state level, but at the same time respecting and working in partnership with the WLPD to keep the community safe.

Council President Sakelik wanted to make it clear to the public that Council was not kicking the can down the road. Council believed it was doing the most prudent thing because not everything that it might want to change was defined yet and it would make the most sense to take action in the future. Negotiations could start in February which was five months away which was probably an adequate time to see some outcomes from the Task Force and the investigations and to determine some issues for Council's focus.

City Attorney Schuback clarified that a lot of work was ahead before engaging in bargaining in February. The CCPOA would need to take the comments from the Task Force and work on its

draft policy which would take a lot of work and time. This was CCPOA's opportunity to buy the time needed to be prepared for both the City and the public.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2020-08-03-04: League of Oregon Cities Policy Priorities](#)

[LOC Priorities Information](#)

Interim City Manager Williams explained the City of West Linn was a member of the League of Oregon Cities (LOC) which lobbied for key legislation in Salem. Before the regular legislative session, LOC conducted surveys to gather the member cities' priorities on which priorities LOC would work on Council's behalf. Each Councilor had identified their top four priorities and staff had sent the collated priorities back to Council earlier this afternoon.

Council President Sakelik noted three or more Councilors had selected the following as top priorities: N, the Long-term transportation infrastructure; D, COVID-19 Economic recovery; Q, Mental health services; and J, Infrastructure financing.

Mayor Axelrod noted some priorities had been written in, such as police reform, and he had added a statement of interest in ensuring the protection of home rule which he believed was being broken down by the legislature. He believed it was an important issue for which Council needed to keep pressing.

Interim City Manager Williams responded that items could be written on the form before its submittal. He noted nothing could replace Council's personal advocacy with the legislators and the LOC groups.

Councilor Walters noted she had added broadband to her list of priorities because, in the current situation, millions were trying to work and go to school from home. Many parts of the state did not have access to the proper internet to enable that.

Mayor Axelrod noted broadband was a priority for the legislature and LOC.

Council President Sakelik said he had also added broadband for the same reasons as Councilor Walters. He suggested giving LOC the top four priorities as well as the items that were of extreme importance to Council.

Council President Richard Sakelik moved to Recommend that LOC prioritize the following as four top policy priorities N (Long term transportation infrastructure), D (Covid economic recovery), Q (Mental health services), and J (Infrastructure financing) and direct staff to submit this information to LOC along with all the other priorities that Council listed as secondary priorities. Councilor Teri Cummings seconded the motion.

Councilor Cummings said she had separated the priorities by topic. In particular, B, E, F, J, O, Q, S, U, and Z were highly related to COVID-19 impacts and social equity. She asked that this be explained on the form.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2020-08-03-05: Willamette Falls Drive Parking Alignment](#)
[WFD Parking Alignment Information](#)

Jody Carson testified that she was representing the Historic Willamette Main Street group. The group liked the idea of back-in parking on Willamette Falls Drive, but understood the recommendation was to proceed with front-in parking because, though it was a safer option, back-in parking was not readily accepted by most people. The test site back-in parking spaces were used frequently and many times when she drove by they were full. The Main Street group wanted the option of considering back-in parking in the future.

- Some concerns were expressed by the community that fewer handicapped parking spaces appeared to be planned on Willamette Falls Drive.
- The group very much wanted signage indicating the timeframes for parking on Willamette Falls Drive. They were aware the budget did not allow enforcement of those right now, but believed the signs would encourage people to park for a more limited time. Their goal was to have parking on Willamette Falls Drive for people patronizing the businesses rather than for the people working there, and they recommended a three-hour time limit.
- It was extremely important to have a couple of spaces in each block reserved for 15-minute parking. The Main Street group had been working with the Willamette Falls Drive businesses to create temporary signage for 15-minute parking spaces. Due to COVID-19, restaurants were doing a large amount of take-out business and had signed up with delivery businesses who could use the spaces for pickup.
- On another matter, she believed TVF&R had agreed to display the meteorite replica in front of the fire station. The Main Street group would be testifying at the Arts

Commission meeting this week regarding funding for an interpretative sign about the replica. She thanked staff for working with them on that solution.

Mayor Axelrod stated was skeptical that a business owner would leave a car on Willamette Falls Drive all day knowing how patrons needed parking. He asked staff if it was possible to add language to an agreement with those business owners to not allow their parking on Willamette Falls Drive. It would allow enforcement of parking problems without signage.

Interim City Manager Williams responded parking was a long-standing issue downtown. The Mayor's suggestions were possible, but would require resources and staff time. Staff hoped the Main Street group could take the lead in helping business owners understand the importance of where to park.

Ms. Carson clarified the Main Street group was wanting two 15-minute parking spaces on each side of the street in the blocks where the restaurants using delivery were located, though most of the blocks had restaurants on only one side.

Public Works Director Calvert referred to his memo in the meeting packet and noted Council's guidance was sought on installing head-in or back-in angle parking. The street would allow for both types so it could be changed in the future, but the plan currently was for head-in parking. The vast majority of businesses and property owners favored head-in parking, though the divide between those wanting head-in as opposed to back-in appeared to be about equal.

- Also mentioned in the memo were time limits on parking, but he believed that was better dealt with through enforcement staff. Metering also could be considered which, depending upon its setup, could allow for a form of short-term parking. The Main Street Area was designed to accommodate metered parking.
- A rule of thumb for sufficient public and private parking was about 2.75 parking spots per 1,000 square feet of retail and commercial space. Based on aerial photography, he estimated a ratio of 2.33 parking spaces downtown currently and suggested about 100 more parking stalls were needed on Willamette Falls Drive.
- Regarding ADA parking, most of the seven original signed parking stalls did not meet federal ADA standards. Willamette Falls Drive was sloped and some of the ADA spots had been shifted to side streets which were much flatter and more conducive to meeting the requirements. The numbers of ADA spaces would be the same.

Council President Sakelik stated he strongly preferred back-in angle parking based on his past positive experience in another city where the public adjusted to and learned to appreciate back-in parking. He believed starting with head-in parking then changing to back-in would be a bigger ask for the public. He would like to ask staff to do a cost-benefit analysis for parking and associated issues outlined by Director Calvert and Ms. Carson for discussion at an October work session. It would allow the public ample time to give input.

Councilor Relyea also supported back-in parking. Also, an area with limited parking and

competing interests warranted metered parking. He wished a parking structure could be done and the street made into a public plaza so businesses could occupy the street. A farmers' market could be held there and provide a place for a family to eat dinner during a pandemic that appeared would go on for at least the next year. As the city returned to normal, metered back-in angle parking would be a good way to go.

Director Calvert believed that back-in parking would add perhaps two spaces, but it would depend upon how it oriented to the driveways. Potentially, the additional spaces would supply the 15-minute parking spots.

Councilor Cummings said back-in parking seemed safer, especially if one needed to get a stroller, for example, from the back seat. Also, visibility was better when pulling out into traffic. The main resistance to the idea was based on the habit of head-in parking. She understood some drivers were afraid of hitting another car, but many newer cars had backup cameras that could help. The ability to gain two more parking spaces and to be safer when the traffic increases after the pandemic made it worth it.

Director Calvert had noticed the demonstration back-in parking took a lot of enforcement work on the part of the police department as some people used it for head-in parking. He clarified the back-in parking had its challenges but he was unsure that the difficulties were serious enough to not do it, but he wanted awareness that it would create an enforcement need. The simplest solution would be to keep the parking head-in as it had been historically; however, this was an opportune time to change to back-in.

Councilor Cummings believed the City was heading in the direction of needing metered parking because of the situation at Historic City Hall. She expected that drivers from Oregon City where parking was metered would park on the West Linn side and walk over the bridge if the City did not have meters. That situation opened the door to discussion of metered parking on Willamette Falls Drive as well.

Councilor Walters said she found it difficult to back out of a space downtown, especially with a big vehicle parked to the side, even with the reduced traffic due to COVID-19. The back-in angle parking was a bit tricky and pretty tight, but she believed people would get used to it. She had used back-in parking and found it rather simple with the backup camera in her car. She advocated for back-in parking, but knew plenty of people would not consider it the right choice.

Mayor Axelrod wanted to stay with the plan of minimizing signage and was concerned about having to deal with increased enforcement. He was concerned also about the impact of cars' exhaust on sidewalk diners from back-in parking. It would be unpleasant, especially from big diesel trucks. The back-in spaces would also be a bit narrower than those he had used in another city. He slightly favored keeping the parking as head-in for now, but he agreed that if it was to be changed, now was the time to do it. The approach was to slow down traffic on Willamette Falls Drive and to discourage commuters from driving through that area.

Council President Sakelik reminded of the bike strip between the cars and where people might be sitting, so he was not as concerned about exhaust.

Council President Richard Sakelik moved to move that the Willamette Falls Drive project proceed with the back-in angle parking. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Interim City Manager Williams received confirmation from Council that they would like to discuss parking issues and metered parking at an October or November work session.

[7. Budget Discussion \[60 min\]](#)

[Budget Information 5 Year Forecast](#)

[Budget Information Dashboard Questions](#)

Council President Richard Sakelik moved to Remove Item 7 regarding budget discussions to the September 21 Work Session. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Council President Richard Sakelik moved to Extend the Meeting to 7:00 pm at the latest to complete the rest of the agenda. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[City of West Linn Response to COVID-19 Public Health Emergency \[5 min\]](#)

Interim City Manager Williams noted numbers for COVID-19 were still moving upward and urged everyone to stay safe. Employee and City building status remained the same. Staff continued to ensure monies owed to the city by the federal government were being received.

Councilor Walters strongly recommended the City purchase cotton masks for staff as the disposable ones were uncomfortable to wear for long periods. She updated on the school district's proposed hybrid model where small cohorts would attend in-person school on alternate days and attend school online otherwise. The in-person part of the hybrid would not start until October, though the official school start date of August 31 had not changed. The other choice was a fully online course on a different platform. The deadline to choose that option was Friday by midnight, and the deadline for the hybrid option was today at 5 pm.

Councilor Relyea referred to the earlier discussion on parking and proposed asking staff to research what would be involved with implementing a system where certain portions of Willamette Falls Drive were closed to create a public plaza environment where the businesses could extend as far as needed into the street.

Mayor Axelrod suggested staff consult with the downtown businesses for their opinions as well as the Main Street group. He pointed out the streetscape needed to be finished first, at least the parts where extending into the street would be considered.

Interim City Manager Williams agreed to gather the information for presentation at Council's meeting in early September, and noted possibly something could be done sooner than that.

Council President Sakelik described a recent experience in Safeway where an employee had told him she would like it if he spoke to the management about customers who were not wearing masks in the store. He noted a sign stating masks were required according to the Governor's mandate, but the employee said management was not enforcing the rule. He proposed Council send a letter to Safeway regarding mask wearing.

Councilor Walters noted other stores that were better about enforcement and she was concerned by Safeway's actions as one of the largest employers in West Linn. She agreed that perhaps a friendly reminder letter from Council might be in order. She expressed frustration that Clackamas County with a population of 423,000 was not receiving the level of funding from CARES that Washington and Multnomah Counties were receiving due to the CARES regulation that counties needed a population of more than 500,000 people to receive direct funding. She proposed a letter of support from Council to the Commission or to state legislators to request the metric be changed for the next round of funding.

Councilor Relyea recommended offering assistance to Safeway in enforcing the policy, perhaps through the police officer normally assigned to the high school as school was not in session, or perhaps through another uniformed presence to help enforce the rules without being

confrontational.

Interim City Manager Williams confirmed he would draft the requested letters for Council's input.

[Diversity, Equity, and Inclusion Discussion \[15 min\]](#)

Martha Boyce, Oregon City, read a letter into the record on behalf of the Concerned Citizens of West Linn expressing concerns about the continued employment of Chief Kruger.

[Public Comment - Concerned Citizens of West Linn](#)

Council President Sakelik read into the record a letter by Michael Rutten regarding the delay in Council actions on the Michael Fesser matter.

[Public Comment - DEI - Michael Rutten](#)

Mayor Axelrod noted Councilors had responded to Mr. Rutten's letter via email. Some elements noted in it had been addressed in the summary table the Mayor had given to Council Sunday night. He recommended Council discuss the table then turn it over to staff for possible addition to the DEI Information Hub.

[Police Oversight Taskforce Update and Appointment of Alternates](#)

Mayor Axelrod noted four names appeared on three of the Councilors' lists: Fred Groves, Evan Wickersham, Surja Tjahaja, and Timothy Mullins. He placed before Council adding them as alternates to the Police Oversight Task Force.

Councilor Teri Cummings moved to Appoint to the Police Oversight Taskforce as Alternates Fred Groves, Evan Wickersham, Surja Tjahaja, and Timothy Mullins. Council President Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod confirmed he would send letters on behalf of Council to those applicants who were not selected to encourage them to stay engaged and to be involved, and that Council and the Task Force would want to hear from them. They had a voice in the community, just not a vote on the Task Force.

Interim City Manager Williams updated that he was still trying to find a facilitator and would provide a short list of facilitators to Council in the next few days. He asked Council for any recommendations they might have for facilitators.

Councilor Walters recommended Emmett Wheatfall from the County as a facilitator and agreed she would work with Interim City Manager Williams on approaching and bringing on Mr. Wheatfall if he agreed. She recommended a Doodle poll of the chosen members of the Task Force to determine their availability in August. She was concerned about the Mayor's timeline recommending a September meeting because any recommendations by the Task Force that required changing the Charter needed enough time for measures to be prepared for a ballot. The Task Force process was already a month behind and she wanted to see it on track as soon as possible.

Interim City Manager Williams confirmed he would contact the Task Force to determine their availability in August, and approach Mr. Wheatfall or find another facilitator in the next couple of days and report back to Council.

[Matter of Michael Fesser and West Linn](#)

[Councilor Relyea Email Matter of Michael Fesser and WL](#)

[City County Insurance Letter](#)

[Ledger showing receipt of Tort Claim](#)

[Paul Buchanan Email](#)

[Tort Claim Notice](#)

Councilor Relyea described the documents he submitted for this agenda item, noting the purpose of the discussion today was to facilitate a change in the City's processes so Council at large could benefit from having information available in a timely manner when major issues arose for the City. Charter changes were lengthy and their passage dubious, and he believed a better option would be for Council rules to clearly state the responsibility to keep Council advised at all times fell upon the Mayor as well as the City Manager.

He read into the record the email he had sent to Paul Buchanan, Michael Fesser's Attorney, noting its main intent was to understand the level of notice Mayor Axelrod and previous City Manager Stein had during litigation. Three supporting documents sent to him by Mr. Buchanan's office were included in the packet. He also read into the record the response from Mr. Buchanan, noting he had not yet submitted for the public record the Facebook postings referred to in Mr. Buchanan's letter.

Mayor Axelrod responded that he was used to receiving City business at his City address. When he had received this legal notice at his home address, he was alarmed and disturbed by not knowing its content and what it dealt with. He contacted the City Attorney and inquired why he had received the legal notice at his home address and asked what he should do. He was advised that the matter had already been received at the City, the City was working on it, and the City would be coming back to Council with its analysis and recommendations. The City

Attorney said it involved a personnel matter. Mayor Axelrod was still concerned about delving into a legal issue involving staff. He relied upon counsel's advice to allow them to bring it back to Council which he understood to be the proper procedure. Knowing what is known today about what the case involved, perhaps that was not the best decision. He had apologized to others already, and perhaps he should have opened the legal notice and read it at that time, but he relied upon the system in place and went through the City's legal counsel on a matter that involved personnel. It would help greatly to clarify the issue regarding interference and to clarify the boundaries of involvement and discussions that could be held. He had explained his actions to *The Oregonian* at the beginning and to Mr. Buchanan. He did not know if it would involve a Charter change; he was reluctant to change the Charter for elements that could be addressed in other ways.

Council President Sakelik stated one of the biggest points of confusion for him about the process was that he was fairly certain in late 2017, the City Charter was changed to address Council's ability to give input to a City Manager on personnel, but not directives. From his perspective, the appropriate action for the Mayor to have taken was to share the legal notice with the rest of Council, provide his thoughts on the matter to the City Manager, and to let her know Council was aware of it, so all of Council could discuss it. Council had no inkling of the matter and especially after the Newberry incident it was disconcerting to discover it through Maxine Bernstein's article. He had not seen the tort claim until he had asked for it. He believed it had been clear that Council had the ability to view the tort claim and to not be so concerned about the personnel interference clause. He confirmed that the counsel Mayor Axelrod had spoken to was City Attorney Ramis.

Mayor Axelrod asserted that Council was aware of the tort claim because he had explained it in executive sessions which have been released. No member of Council had asked for a copy of the tort claim. Council had relied upon Citycounty Insurance Services' (CIS) management of the case and for bringing information to Council, and that was the process he followed. He had not read the tort claim and had not known its details. He had turned it in to the City based on advice from counsel that it had already been officially accepted by the City and was being worked on, and it would be coming back to Council.

Council President Sakelik clarified he had asked for a copy of the tort claim, but not until February of this year when it was brought up. He agreed that Mayor Axelrod had mentioned the tort claim in an executive session about three months later, but it would have been appropriate for all of Council to see it. It was the Mayor's responsibility to open the legal notice, and to read it and not disregard it, especially because of its potential importance.

Councilor Cummings agreed an ongoing problem existed with the Mayor receiving information the rest of Council did not. It gave the impression that they were second-class Councilors. She would have liked to discuss the problem in a facilitated meeting about how Council worked together, noting the five Councilors and their votes were equal. They relied on the Mayor to lead the meetings, to help set the agenda, and also to relay information that people might mistakenly believe they should give to the Mayor assuming he would give it to Council. This

time, the problem was particularly serious. The tort claim had been delivered on June 4 and had not been shared with Council until a month later. When that happened, it had been explained as a personnel matter under investigation with the details to come later. When Council was told about it on September 4, what they were told was not true.

Mayor Axelrod interjected to state Councilor Cummings was implying that he had withheld information, but he had not known the details of the case. He had turned the tort claim over to counsel, and had relied upon counsel to bring the matter to the full Council when prepared to do so.

Councilor Cummings responded that she was trying to express her disappointment. The reason was because she believed Council needed better ground rules on how to work together, and to clarify the role of the Mayor as leader of the Council, its main spokesperson, and the person who received information. The Charter stated the City Manager needed to keep Council informed at all times and that meant Council deserved to know about potential huge liabilities such as this one where the City was facing one of the biggest lawsuits it has had in a long time. Council had not known of the gravity of this matter but it deserved to understand it and to question what was being done about the conduct of the police. Instead, Council had been told on September 4 that everything was fine. Perhaps if all five Councilors had seen the tort claim, that conversation would have been different.

Mayor Axelrod replied that he agreed.

Councilor Walters noted quotes from Councilors Cummings and Sakelik appeared in the newspaper earlier this year on matters that she and Councilor Relyea were not aware of. She believed that such information was essential to share with them as new Councilors. It was essential for Council to work together as a body.

Councilor Relyea agreed that most people, including Mr. Buchanan based on the email he had received from him, believed that the Mayor was the chief spokesperson for the City and that was the reason the notices were sent to his attention. He clarified that the courier delivery notification did not state that the tort claim was received by Mayor Axelrod at home. The letter to Chief Kruger on which the Mayor was cc'd was delivered to the City of West Linn and signed for by City staff. The intent was not to put anyone on trial today or to assign blame, but rather to seek solutions on how Council could improve how it conducted business for the community. He had looked at the censuring and discipline section of the Council rules, but they specifically spoke to the occurrence of substantial violations. A violation could not happen unless language placed the duty and responsibility on someone. The only place that duty and responsibility appeared was in the Charter, and it was placed on the City Manager. The City Manager was responsible for keeping the Council advised at all times on affairs such as these. When he and Councilor Walters had joined Council, no discussion took place on the tort claim and associated issues, even though it concerned the violation of a person's civil rights which had federal implications. Consideration needed to be given to the reasons City Manager Stein was let go with no cause, and to perhaps change the dismissal to one with cause and seek compensation

for whatever the City provided to her as part of her severance. She shirked her responsibility and, because the Charter was so hard to change, language should be adopted in the Council rules to state that whoever received such information had the responsibility to share it with the rest of Council. He would not want to be part of any decision-making body where his fellow members were not keeping him informed on a major issue that would shed negative light on that entity. That was exactly what had happened here. Council had not received the communications and therefore had not been able to act. If the information had been received, the issue could have been addressed in a timelier manner which would have been better for the City as a whole.

Mayor Axelrod replied that he fully agreed and had already brought the idea to City Attorney Ramis that Council should reconsider the severance with Ms. Stein. He fully agreed with clarifying the procedures and protocols.

Councilor Relyea recommended tasking staff and the City Attorney to craft language to be reviewed by Council and incorporated into the Council rules.

Council President Sakelik suggested having the language put into a ballot for a vote because it would be good to have it in the Charter. City Manager Jordan had attempted to ensure no interference would take place and that was part of what caused one of the aspects of this issue. The community could be given the opportunity to vote on cleaned-up language if they wanted Council to be involved and not feel like its hands were tied. It would be necessary to educate the community first before it went to a ballot. He believed the Charter did need to be modified to mirror related updates to Council rules.

Mayor Axelrod requested City Attorney Ramis and Interim City Manager Williams create language for updating Council rules on the protocols, including a collaborative element, for dealing with receipt of information. He believed the current circumstances were unusual and he did not recall receiving before something like the tort claim addressed just to him. That was why he had turned it in to staff with the request to report to Council with their advice.

[Status of Michael Fesser Apology Letter](#)

Council President Sakelik would like Council's consensus on whether to have Acting Chief Mahuna send the apology letter, and to find the details on what was requested for the letter to address them specifically. Then staff should state for the community's benefit who was against sending an apology letter. He guessed that was a CIS attorney. He recommended the apology letter be placed on the DEI Information Hub which would complete Council's duty to the community.

Councilor Cummings understood a letter of apology was part of the negotiations in late December 2019 through January of which Council was not a part. Council had been told at the February 10 meeting that CIS wanted to settle at \$600,000 and that another request was made for a letter of apology. CIS did not want to send a letter, but another part of the request was to

have a meeting. At the February 10 meeting, comments from the people who were reporting to Council were couched to make it sound as if Mr. Fesser was still at fault. She would like to know if the WLPD would acknowledge that the internal investigation conducted by Officer Rollins was inadequate. That misstep caused a series of others. She understood Officer Rollins was told to limit the investigation to the City's policies. If the outcome would have been different, Mr. Fesser would not have had to wait 1 ½ years. When the tort claim was filed, she believed CIS thought that the City would be entering into discussions about settling because they handed over the evidence. It went on for 1 ½ years, and ended up with the same bad actors in the WLPD. That subjected the city's citizens to bad behavior and caused a lot of unnecessary suffering on Mr. Fesser's part from the lack of closure. She clarified the letter did not have to be from Officer Rollins, but should be from the leadership because leadership had ordered it to be an internal investigation, despite the fact that the tort claim pointed to possible federal offenses. It would be a good idea if the letter was co-written by Acting Chief Mahuna and Interim City Manager Williams.

Mayor Axelrod reminded of the ongoing independent investigations and believed a letter from Captain Rollins might be problematic, but agreed with sending a letter from leadership.

Council President Sakelik stated that Captain Rollins recently made a statement about the investigation, though he could not recall where he saw the statement, and he did not believe a letter would have any legal impact. However, he was fine with having Acting Chief Mahuna send a truthful letter recognizing what had taken place.

Interim City Manager Williams expressed concern about Council directing individual City staff to take action and about commenting on the investigation while it was being investigated. Acting Chief Mahuna and Captain Rollins had been two of the officers most involved in forging a personal connection to Mr. Fesser in recent months.

City Attorney Ramis believed the intention was to have a letter sent from Council. He was not troubled to put something in writing on behalf of Council along the lines of what the Mayor had said repeatedly in oral apologies.

Mayor Axelrod stated he would be willing to sign such a letter tomorrow.

Councilor Cummings noted the issue of the internal investigation was subsequently referred to even after February 10 when Acting Chief Mahuna had said an investigation was done, implying the matter was taken care of. She could not condone at a policy level the quality of work that went into the investigation and she would like to see better efforts. The efforts to reach out to Mr. Fesser rang hollow to her, if Mr. Fesser, the public, and Council still did not know where they stood on the investigation, whether they thought that was acceptable or not. She would be happy to apologize on her behalf and to state that she did not condone how the situation was handled. She felt very strongly that she did not want to ever see it done that way again. It was reprehensible.

Interim City Manager Williams agreed to verify what was specifically requested for an apology letter and suggested asking Mr. Fesser now because February was a long time ago and the discussion about the letter took place months before that. He would dig into the City's files to find out what that conversation was about. He understood the direction to not send the letter came from CIS, and the idea of a letter was replaced by the idea of a meeting.

Council President Sakelik stated he would speak to Mr. Fesser regarding his expectations for an apology.

Mayor Axelrod said he expected officers to show up at the protests. Perhaps they had been instructed otherwise, but he wanted them to stop by, thank the protestors, state they supported reform, and state that what happened was wrong.

Council President Richard Sakelik moved to Extend the Meeting to 7:30 pm. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, and Councilor Bill Relyea.

Nays: Councilor Jules Walters.

The motion carried 4 - 1

Councilor Walters noted some police officers had been to the protests at 10th Street and Salamo Road, had met with Mr. Fesser and had attended other events.

[Mayor and Council Reports \[15 min\]](#)

[Historic City Hall Coalition Task Force Appointments](#)

Siobhan Taylor, Executive Director, WFLHAC, and resident of the Robinwood neighborhood read a letter from WFLHAC into the record which expressed disappointment with Council's wanting to change its agreement with the Coalition.

[Public Comment - WFLHAC - Historic City Hall](#)

Jon George, Confederated Tribes of Grand Ronde, stated he found it a bit embarrassing that with the government-to-government relationship with West Linn, it had taken over five hours to allow a Tribal Council member to speak. He read into the record a letter from Cheryle Kennedy, Chairwoman of the Confederated Tribes of Grand Ronde, expressing disappointment at City Council's disregard of the letter of commitment with WFLHAC.

[Public Comment - Confederated Tribes of the Grand Ronde - Historic City Hall](#)

Mayor Axelrod apologized for the delay in getting to this agenda item.

Councilor Walters stated her appreciation of the Coalition's work and for the public comments shared tonight. She had not submitted suggestions for the Task Force appointments because three Councilors chose the same people. That could be a coincidence, but it seemed to her that it was a hand-chosen group. She did not understand how Council could talk about diversity, equity, and inclusion, about a multi-cultural center, and about honoring the heritage of the Falls and make choices like that. People of color were members of the West Linn community that could be approached and engaged for this work. She was very disappointed.

Council President Sakelik noted the two letters of testimony contained a lot of accurate information in their explanation of the project, but also a lot of misstatements that were political in nature. The City was not going back on its letter of commitment (LOC). He reminded of how the situation came about, noting that in June 2019, the Coalition asked for \$400,000 of support from the City for the project and provided a lot of impressive information on how the project would proceed. Council liked the idea. Also stated was a commitment that the Coalition would provide about \$900,000, of which about \$650,000 had a high confidence of being received by the following April. The City would essentially be getting two-thirds of the building rehabbed by the Coalition for an investment of one-third, which was a very fair and equitable deal to which the Council agreed wholeheartedly. How the funds would be used was not an issue. In February 2020, the Coalition informed Council that it could not get the grants that were high confidence, was unsure if it could get the ones that were low confidence, and that Council needed to take greater ownership of the project. The Coalition had no more than about \$160,000 of potential grants to put toward the \$1.3 million to complete the rehabilitation of Historic City Hall. He was the one who recommended the City fund the entire project and he believed the intention had been made clear.

In the February 10 meeting, he had commented that the Historic City Hall was a key item, that the City would put in all the funding and be responsible for the programming with the Coalition being the signature tenant, and that the City would be able to accommodate what they proposed. To him, that was a clear statement, and no one had questioned what the City meant. He assumed it was understood. He had also commented at the February 10 meeting that the City would gain the historic benefit of the facility, and its completion would be guaranteed without relying on grants for later improvements. If that route was taken, a new agreement would be negotiated with the Coalition, taking into account the money spent to date and defining the kind of space the Coalition would need, followed by defining the remaining needs and creating a plan for the building. The \$1.3 million investment to the Historic City Hall should be subject to a written LOC regarding parking for the facility from the current owner of the 16 acres previously owned by Stern Investments. The Coalition would bring a lot of value to the entire process between tours, especially with the new information to the mill such as the history of paper, etc. It was agreed that the Coalition would return with some ideas, but what it brought back was the original idea with just the parking spaces when, during the February 10 meeting, 25 spaces had already been approved by the mill in an email sent by Ms. Taylor to the City.

For 5½ months, nothing was done on a new agreement. No disagreement was expressed on how the building would be used, but rather that the City was putting up a \$1.3 million investment and wanted a fair return or expectation of what the Coalition would be doing to be involved to that degree. That expectation had not come about. That circumstance precipitated Councilor Relyea's suggestion at the last meeting to create a committee and move on. Nothing was stated that it should not happen.

As a Councilor, he had a fiduciary responsibility to not give out \$1.3 million to others to have control of an entire building as important as the Historic City Hall. He hoped that the Coalition, as a true partner, would have returned to state they had not performed to the original LOC, meaning it was null and void. Council wanted to redefine it as a partnership which the two letters of public testimony had implied was not the case. Council wanted to be fair, which was the purpose of the Task Force, and to get firm commitments as to what the Coalition was willing to do and how the City would share in the use of the building and income generated by the building. The Coalition had not defined what it wished to do and seemed as if they wanted to take the \$1.3 million and leave the City out of the project. He had a responsibility to the taxpayers to not do that. His goal was to work out a fair agreement that met all parties' desires. He took offense to the political nature of the letters of testimony. He was not the least bit interested in the politics, but was doing what he believed best for the City's use of its money.

Councilor Cummings stated it appeared the problem was a crisis of expectations. Council had been given a lot of very high expectations on which the original agreement was based. It was not possible to meet those expectations. It seemed normal and natural that when part of a hoped-for agreement failed where the terms could not be met, then the City's side of the agreement needed to be adjusted. The purpose of the Task Force was to determine the best way to do that adjustment. She believed Ms. Taylor and Mr. George had an understanding that adjustments were in order. Council was suggesting to work together on the details and on how to make the adjustments. Council and the Coalition had a very strong shared interest in the project and she asked to focus on that.

Councilor Walters noted the comments read by Council President Sakelik were his comments, but were not necessarily agreed to by the full Council. She asked everyone on the call to recognize that a leader of the Grand Ronde expressed his feelings about the way the City government was acting right now mirrors the behavior of the United States government against tribal leaders for centuries. She was very humiliated and upset that the reaction from Council was to shout at those testifying. She believed Council could do much better and needed to be much more sensitive during these discussions.

Mayor Axelrod said it was sometimes better to just listen. Much of this issue arose out of delivery. Often issues were based on the message and how it was delivered. He believed Council President Sakelik in particular used strong messaging and delivery. He believed the matter was Council business and should be determined by Council instead of bringing in another group of citizens who had not been involved. Council was elected to make decisions

around issues like this. He did not support forming a committee, but had suggested the names of some people with historical background in an effort to help. He was quite opposed to a committee and was very upset by the reaction that had taken place which he found equally disturbing. He believed the decision to be made tonight was whether to try to bring in another committee or try to work with the Coalition and the Grand Ronde on a resolution.

Council President Sakelik apologized for raising his voice, but noted it was difficult to see matters represented inaccurately when Council had gone out of its way. He in particular had brought up the \$1.3 million in funding. If Council had not come up with that and he had not pointed out that monies were still available, this discussion would not be taking place. He pointed out that Council had already decided upon forming a committee and would not re-litigate the decision. Council needed to move forward and come to an understanding and put together an agreement of what was expected from each party. It was a business transaction and not a giveaway, and the City needed to be treated fairly but it had not been. Expectations had been set twice, and had not occurred. He wanted to move forward and settle the issue through a committee. He took offense to Councilor Walters' statements. Only two people that he was aware of in the list of suggestions were over 60; the others were well under that age.

Councilor Walters stated that she did not have a problem with people over 60, but Council had discussed DEI and it was nice to have a broad range of people from different generations. Kids in the community would be enjoying the waterfront for many years and should be involved in some of these discussions. No people of color and no indigenous people were among the suggestions by Council for the committee. It was a sorely missed opportunity. She did not appreciate aspersions being cast upon her.

Mayor Axelrod noted this situation was not the Coalition's fault. The City had not previously shown a commitment to the building. Council stepped up to state it would pay for the restorations on a building that had been ignored for about 40 years. He did not believe the City owed it to the Coalition to repair a City building. It was up to the City to restore its most important historic building and welcome the Coalition to manage it as a regional cultural and tourism center. Some comments toward the Coalition tonight had been harsh and he resented that. It was not the kind of City he wished to be a part of. He confirmed he would be stepping down as Mayor, but was unsure of when he would do so.

Councilor Cummings stated she was concerned about the misunderstandings and the outcome of the meeting tonight. The purpose of the Task Force would be to consider what would be a reasonable adjustment to the original terms. She believed all parties acknowledged that needed to be done. In light of Council's values, the terms had changed. The conditions under which Council originally made the tentative agreement were based on contingencies, some of which did not happen, and nothing had yet been signed. It was necessary to go back to the drawing board to discuss what would be done now. She disliked seeing so many bad feelings associated with an important relationship.

Councilor Relyea pointed out no decisions had been made. The whole purpose of forming a

committee was for it to act as a third-party neutral because often people's strong beliefs made it hard to see the forest for the trees. The committee might come back to say the best course of action was to stay with the original agreement and, as Mayor Axelrod pointed out, the City would fund the rehabilitation of the building and the Coalition would manage the site. He was willing to listen to disinterested third parties who would consider the relationship, the building, and the investment and return to Council with a recommendation. Criticism of Council's actions when it was trying to facilitate the agreement was also very harsh. This was not the time for harshness, but was a time for a partnership and for building a relationship. The statements in the letters of public testimony were rather off course. They had opened his ears to the fact that many agreements had been broken with indigenous people, but that was not what was being discussed here; Council was trying to figure out the best course of action.

Council President Richard Sakelik moved to Add Carrie Pellet, Mike Taylor, and Ed Schwarz to the Historic City Hall Coalition Task Force Committee which would also include Interim City Manager John Williams, a member of the Tribes, a member of the Coalition, and a member of the Council. Councilor Teri Cummings seconded the motion.

Ayes: Council President Richard Sakelik, Councilor Teri Cummings, and Councilor Bill Relyea.

Nays: Mayor Russ Axelrod, and Councilor Jules Walters.

The motion carried 3 - 2

Council President Sakelik offered to be the Council representative to the Task Force and would be happy to coordinate the Task Force meetings. His preference was to meet in August and he would generate a Doodle poll to determine the appointees' availability. He asked Ms. Taylor and Mr. George who would be involved from each of their organizations.

Mr. George stated he would take the request back to the Tribal Council tomorrow. He anticipated an answer for Council in two weeks.

Ms. Taylor said she would bring the request back to the Coalition's Executive Council tomorrow morning. She would do her best to have an answer for Council in two weeks.

[Citizen Advisory Group Appointments](#)

Economic Development Committee (EDC)

Parks and Recreation Advisory Board (PRAB)

Utility Advisory Board (UAB)

Sustainability Advisory Board (SAB)

Mayor Axelrod placed before Council appointing the following Citizen Advisory Group Members:

Riad Alharithi & Robert Lauron to the Economic Development Committee
Todd Olson & Eleanor Wynn to the Parks and Recreation Advisory Board
Karen Haag to the Sustainability Advisory Board
Jeremy Rodriguez to the Utility Advisory Board

Council President Richard Sakelik moved to approve the Mayor's appointments. Councilor Bill Relyea seconded the motion.

Ayes: Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: Mayor Russ Axelrod.

The motion carried 4 - 1

Councilor Relyea asked that the discussion of an addition to the Savanna Oaks Nature Play Area be tabled until the next Council meeting due to the lateness of the hour.

Councilor Walters reported the 45-day comment period on I-205 tolling was open beginning today. She would add the announcement to her social media.

[City Manager Report \[5 min\]](#)

Interim City Manager Williams stated staff would also publicize the I-205 tolling comment period.

[City Attorney Report \[5 min\]](#)

City Attorney Ramis had nothing to report.

[Adjourn](#)