



22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

WEST LINN CITY COUNCIL MEETING NOTES February 20, 2024

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.

Staff Present:

City Manager John Williams, City Recorder Kathy Mollusky, Public Works Director Erich Lais, and City Attorney David Bowser.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Council President Mary Baumgardner moved to approve the agenda for the February 20, 2024, West Linn City Council Meeting. Councilor Carol Bryck seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.

Nays: None.

The motion carried 4 - 0

Public Comment [6:10 pm/10 min]

[Public Comment - Daniel Hayes](#)

[Public Comment - Alexa Leland](#)

[Public Comment - Ashley Benfit](#)

[Public Comment - Carrie Pellett](#)

[Public Comment - Karen Sessions](#)

[Public Comment - Kelsey Badger](#)

[Public Comment - Shannon Brogden](#)

[Public Comment - Charlotte Wilson](#)

[Public Comment - Karen Spearrin](#)

[Public Comment - Ashley McMullin](#)

[Public Comment - Roger Straus](#)

[Public Comment - Teri Cummings](#)

[Public Comment - Karie Oakes](#)

[Public Comment - Kathy Selvaggio](#)

[Public Comment - Ed & Roberta Schwarz](#)

Vince Miles, West Linn, Vice President, Bolton Neighborhood Association (NA) spoke about Dan Hayes' letter regarding the traffic on Jolie Point Road.

Jean Keller, West Linn, talked about Mr. Hayes' letter regarding Jolie Pointe Road.

Teri Cummings, West Linn, spoke about the David Farley case.

David Farmer, West Linn, spoke about the Dr. David Farley investigation.

Kathy Selvaggio, West Linn, spoke about the Dr. Farley case, submitting into the record an editorial she had co-written with Ms. Cummings and Martha Boyce, published in the *West Linn Tidings*.

Lisa Pratt, Wilsonville, requested genuine police reform within the West Linn Police Department, beginning with Police Chief Mahuna being fired.

Natalie Ramona spoke about Jill Goldsmith's investigation report, noting it validated her experiences regarding the Dr. Farley investigation.

Joshua Wilson, Wilsonville, spoke about Chief Mahuna's dereliction of duties to his officers and the public.

Dan Hayes discussed his letter to Council about Jolie Pointe Road.

Mayor Bialostosky replied that Staff would review the letter and follow up with Mr. Hayes.

Chandler Leland spoke about her and her sisters' experiences with both Dr. Farley and the Police Department.

Karie Oakes, West Linn, asked for Chief Mahuna's resignation.

Shannon Brogden, West Linn, had a letter read on her behalf about her experiences with Police Officer Christensen, Police Chief, Mahuna, and DA Wentworth in the Dr. Farley investigation.

Jeff Wilson, Canby, spoke about his daughter's abuse by Dr. Farley.

Katie Medley, Wilsonville, spoke about her sexual assault by David Farley and her experiences with the Police Department and DA's Office.

Nicole Snow, Provo, Utah, stated Jill Goldsmith's report validated her traumatic experiences with the Police Department and DA Wentworth. She demanded Chief Mahuna's resignation.

Mayor Bialostosky apologized for what the survivors had been through, assuring Council took the comments seriously.

City Council and the City Manager expected the Police Review and Recommend Committee to thoroughly review what happened and recommend actions the City should take.

Council President Baumgardner clarified the Police Review and Recommend Committee would meet this Thursday to discuss the matter. She apologized for the situation and understood what was being said regarding the successive, repeated trauma, noting when someone was trusted to help and what happened did not feel like that, it was additionally harmful. She believed no one should have to experience this, from the initial unwanted, harmful contact to the dismissive treatment of the cases. She promised to do what she could to effect significant change.

[Mayor and Council Reports \[6:20 pm/15 min\]](#)

[Reports from Community Advisory Groups](#)

There were none.

[Council Liaison Appointments](#)

Mayor Bialostosky placed before Council the following liaison appointments:

- Councilor Bryck to the Planning Commission.
- Mayor Bialostosky to the Historic Review Board.

- Council President Baumgardner to the Parks and Recreation Advisory Board.
- Councilor Groner to the Arts and Culture Commission.

Council President Mary Baumgardner moved to approve the Mayor's appointments. Councilor Lou Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.

Nays: None.

The motion carried 4 - 0

Business Meeting [6:35 pm/30 min]

[Agenda Bill 2024-02-20-02: Amend the West Linn-Wilsonville School District Intergovernmental Agreement regarding cost sharing for the Willamette Falls Drive Road Improvement Project](#)

[IGA Amendment Information](#)

[Presentation](#)

[Public Comment - WL-Wilsonville IGA - Teri Cummings](#)

Public Comment

Teri Cummings, West Linn, requested Council not approve the amendment until a work session was held and asked which GO Bond projects would not be completed if funds were diverted to the Willamette Falls Drive project.

Karie Oakes, West Linn, noted the IGA amendment was noticed less than five days ago and over a long weekend. She requested no Council action be taken and that a work session be held.

City Manager Williams explained the IGA amendment required a special meeting because the contractors needed to move onto other work, and if they did, the City would lose the contract and future costs for the project would be far more expensive.

- As mentioned in the Staff report, a land use hearing on the application was not being held tonight. City Council had approved the environmental permits for the project and created conditions related to the scope of changes which had been met. The conditions were to remove on-street parking on Willamette Falls Drive, evaluate the design of the built environment and retaining walls, and about cut-and-fill and providing a cut-and-fill report.
- The timeline was urgent as the City was in a position where the costs of the project were now known, and the project needed to move forward. If the City did not fulfill its side of the project, the entire project, including the conditions of approval placed on

the School District, would not work. Some costs had already been incurred due to the timeline.

Public Works Director Lais presented the Staff report, noting the plans for the subject revision were approved just a couple weeks ago, so the costs were not known until recently. The project was bid in 2022 dollars and Staff knew the price would increase with the appeals from last summer and no construction for two summers. The School District had been crunching its numbers, so the information being presented had only recently become available. He reviewed the project's background and timeline, as well as the revisions shown on the plan sheets and several renderings. The major project costs from the original IGA and the redesign were also presented.

Key comments and responses to Councilor questions were as follows:

- Staff, engineers, and consultants re-evaluated the best fit for the large retaining wall. The retaining wall design was driven by the need to balance the cut-and-fill area and the floodplain. The revised plans for the Willamette Falls Drive improvements were approved in February 2024.
- The grade elevations were now shown as contour lines on the plan sheets, and re-grading would occur regardless of what wall was installed.
- Staff confirmed the road was shifting to the south because a larger retaining wall was not constructed on the school's property.
- The revised plan split one retaining wall into two types of retaining walls. He clarified the slide showed the wall sections on two plan sheets. The upper half was the proposed wall on the far left near driveway into parking lot, and would be a keystone, modular block wall similar to the school's existing wall.
- The bottom half showed the section of wall continuing on from the upper right side which would be a soil-nail wall. The soil-nail wall was a better choice environmentally because it minimized the depth of excavation required given the wall's height; balanced the cut-and-fill so the floodplain would not be raised; and the tiered structure allowed for a gentler contour to be blended into the hillside.
- Pacific Habitat was the consultant who helped with the land use investigation and was involved in the design concept. The revised plan was reviewed by a team of contractors and design consultants to determine what would work in the confined area. He confirmed Pacific Habitat was an environmental consultant but would not consult on the engineering of a wall.
- The main condition Council changed was to eliminate the on-street parking close to the roundabout. Most of the redesign was in the roundabout area where the parking spaces were removed, resulting in the slope changing a little bit. The stormwater facilities and cut-and-fill areas had to be changed from the original because of the environmental work as part of the Waterway Access Permit (WAP) permit. The road location was not expected to change much on the east side of the driveway, but changes were made to the retaining wall design because the pond, or stormwater facility, was required.

- Although the pathway in the park was close by, the sidewalk on the south side was included in the Willamette Drive Concept Plan which showed bike and pedestrian improvements on both sides of the road; the same that would be required of a private developer. Additionally, the existing path in the park was not ADA compliant.

Council President Baumgardner noted the Willamette Falls Drive Concept Plan approved in July 2021 had sidewalks on both sides, but the revised plan did not include sidewalks on both sides because some sections had constrained areas. Planning Manager Wyss had stated that requirement was flexible, which was why some Willamette Neighborhood Association (WNA) members had been asking for a long time for this particular plan to be reviewed specifically with respect to that sidewalk. Now, time to revise the plan was no longer available. She was disappointed because she did not believe the revision regarding the engineering of the wall was vetted by any environmental professional, as she did not believe Pacific Habitat Services was capable of providing an environmental review.

- What she had requested with her conditional agreement to not uphold the appeal had not happened, and the process was not timely. It did not matter when Council received information or how much time they had for discussion if there was no possibility to provide input on changes.
- The revised plan was basically the same but with potentially worse habitat impacts. The City would have to continue creating infrastructure adequate to serve peoples' needs, even though it might happen in spite of wildlife. She was disappointed and believed the WNA was, too.

Public Works Director Lais explained one reason for the wall system's design was so it could be tucked up closer to the existing roadway, thus reducing impacts to the habitat and wildlife.

Council President Baumgardner replied habitat had to have connectivity, biodiversity, and habitat for all species, not just large mammals. The wildlife in Fields Bridge Park was small vertebrate and invertebrate species such as rough-skinned newts, red-legged frogs, and painted turtles, all of which were native species that needed to travel, and a vertical 18-ft wall was not accessible to wildlife. The current habitat serviced species diversity, and the wall would not service, for instance, songbirds. A vine growing up the wall would not look as harsh, but it was not habitat. She hoped the City could mitigate the impacts in the next phase, but significant mitigation would be needed to offset the impact of this design.

Further responses to Councilor comments and questions from Staff were as follows:

- To date, about \$1.3 million of incurred costs had already been spent, as well as another \$700,000 to finish the design. The City would also incur additional costs for the contractors to remain onsite passed the planned construction deadline of the summer of 2022 to build the improvements.
- While decisions had already been made to not continue with some City projects due to increasing construction costs, such as stormwater and sidewalk improvements on

Sunset and the ODOT right-of-way on 10th, everything that was still currently planned or previously discussed by Council would move forward. Fortunately, with a biennial budget, the City had two years to spread out the cost of the improvements. Staff explained how no annual street maintenance was planned for 2024 because waterline work needed to be completed first; therefore the \$1.4 million in 2024 street maintenance funds would be shifted to this road improvement project, along with \$752,000 of GO Bond money.

- The Hidden Springs realignment was part of Metro's Regional Flexible Funding Allocation (RFFA) and not a GO Bond project. The local funding component had fallen through, however, so the project was not moving forward.
- The School District could not complete the sidewalk and bike path on the north side of Willamette Falls Drive until the roadway was moved, forcing the City to do the subject improvements on the south side. The lanes were only 11 ft wide and removing 4 ft would not leave enough space for two travel lanes. Any design changes at this point would potentially leave the City without a contractor because they had already lost two summers with other bid projects they needed to tend to.
- The costs Staff discussed that were due to the delay actually regarded the cost estimate at the time the IGA was approved and all the process that took place afterward that resulted in increased costs, of which Staff was aware; however, there was not enough acknowledgement of those cost increases as the entire process was happening, or when the IGA was approved that costs could increase if the road was not constructed right away.
- Staff knew that summer that the land use approval and WAP were required but had not been clear enough with Council and the community that those processes would immediately result in higher project costs.
 - The IGA had a built-in change order process for increased costs.
- All of the project's permits were obtained in the correct sequence, with the school design and improvement approved before the Willamette Falls Drive improvements could be designed and permitted. The biggest issue was that the cost estimates and accounting for the construction project were put together without a full assessment of the timeline required for the improvements.
 - Blaming the appeal for the delays was not fair, as the land use process had appeal periods built into it, and community members had the right to appeal projects. The issue was that all the time involved with the appeal took the construction timeline further from the cost estimates presented at the outset of the project.

Public Works Director Lais understood that in the early stages of the plan review, shifting the road to the south was necessary to avoid needing a large retaining wall on the school side. He was unsure why they wanted to avoid large retaining walls, other than the previous public works director was not a fan of retaining walls. Additionally, a large retaining wall along the road in front of the school would be more of an eyesore. A wall had been planned for the slope on Skyline going towards the high school, but it was ultimately deleted. The original approved plans had a 5-ft to 6-ft wall on the school side, which currently existed, and another 5-ft to 6-ft

retaining wall on the park path, which was now an 18-ft wall.

Council President Baumgardner believed a large retaining wall along the edge of the road would be less impactful to habitat than a large retaining wall inside a park next to a wetland. The plan did not seem sensible, and she was disappointed that the new wall was revised for engineering requirements and not for environmental impacts. She acknowledged the importance of designing for safety, but the wall was not designed to have less environmental impact.

Public Works Director Lais reiterated the wall was tucked up to the existing roadway to avoid impacts to the low land floodplain areas and natural areas.

Council President Baumgardner responded that did not mean the wall would have less impact to the habitat of the species currently using the slope that would not be able to use it anymore. She had previously requested the approximate square footage of the combined retaining wall series to determine the percentage of habitat loss on the grassy slope which had some brush and trees. The habitat loss could not be mitigated by planting trees around the wall. She requested a future discussion of other measures that could be taken to mitigate the loss of habitat.

Public Works Director Lais assured the City got the all the required environmental permits, so he was not sure what else could be done. Other options had been considered, but they would not have worked, either structurally or due to impacts to the park.

City Manager Williams understood the request was to have a professional advise on how to design the retaining wall to facilitate habitat or mitigate habitat loss, which had been addressed.

Council President Baumgardner appreciated the focus and duty to the safe engineering of structures, but she was told that a retaining wall on the north side of Willamette Falls Drive at the School District frontage would have also reinforced the slide-prone slope that gave way in 2021 and was noted in the geotech report obtained by the School District. If a retaining wall were constructed on that slope, the retaining wall in the park might not be needed. She said she was having a hard time reconciling all of that information.

City Manager Williams said he understood and agreed it was not an ideal situation. In rereading the Waterway Access Permit (WAP) application, appeal, and Council's decision, he did not believe changing the School District side of the road had not been considered, as that side had already been set through the original design review; perhaps there had been a missed opportunity at an earlier stage some time ago. Earlier stages of the process were probably missed opportunities.

Council President Baumgardner did not recall Council hearing about that option either, so she did not believe Council was able to make an informed decision. Although that opportunity had

passed, the reconciliation was no less difficult because of the cost increase and impacts to the natural park setting. She did not understand why it was so difficult for other people to understand that the retaining walls would have an undeniable and irreversible impact to the habitat.

Mayor Bialostosky confirmed Council had no follow-up questions or comments. He understood time was of the essence regarding the IGA amendment because the contractor had other projects to get to and asked what the impact would be if the amendment was not approved tonight.

City Manager Williams confirmed the project would have to be rebid and the school side of the improvements would not be built because the road needed to be moved.

Public Works Director Lais confirmed the City would still need to shift the road and make the improvements and would lose the cost share with the School District. The City would incur the \$2 million currently in the IGA and could expect additional costs of 25 to 30 percent of the current \$2.7 million estimate in the IGA amendment before Council. He estimated the cost of the City doing the work on its own to be about \$3.5 million.

Councilor Bryck asked if the City would have to eventually pay for and build the sidewalks and bike paths on the north side of Willamette Falls Drive if the amendment was not approved.

- City Manager Williams said he was unsure, noting the facilities were required as part of the School District's approval and the School District had been trying to complete them.
- City Attorney Bowser suggested the Council also consider that the IGA stated the City had to approve reasonable change orders, and not doing so would the IGA's dispute resolution process, which prompted mediation and arbitration.

Mayor Bialostosky called for Council deliberation.

Council President Baumgardner reported hearing about and had personally experienced the lack of public access to the information, revisions, and noticing about the process to interested parties. The City needed to do a better job of making information accessible to the public. She had no desire to limit the School District's projects and did not oppose the School District, but she was against ill-conceived ideas and damaging projects. She had serious problems voting to approve the amendment because of the public access to information and the environmental impacts.

Councilor Bryck agreed, but also understood the City was in a position of having to comply with a legal document, an IGA. Failure to approve the change order could put the City in a much worse position.

Councilor Groner agreed with Councilor Bryck, noting unfortunate decisions had been made in the past, but he believed the amendment should be approved.

Mayor Bialostosky believed each Councilor was approaching the matter considering what was in the best interest of the City, but different conclusions could be reached. He believed Willamette Falls Drive was unacceptable in its current state, partly due to the school construction, but also from repairing water lines over time. The road needed to be improved, and the most financially responsible way was to approve the IGA because of the cost-sharing agreement in place. Having to rebid the project without cost sharing was not a tenable situation. In the future, Council needed to provide clearer direction when giving conditions of approval. He acknowledged the difficulty of balancing financial decisions and decisions impacting the environment, but approving the amendment seemed to be the best financial decision for the City.

Council President Baumgardner clarified she did not expect the retaining walls to be removed from the design, only that an environmental professional re-evaluate the walls to ensure the least impact to the park. She believed the design, the impacts to the park, and the triggering mitigation were an opportunity for Council to make some improvements. The letter from Willamette Riverkeepers had good suggestions and Pacific Habitat Services was already being utilized and consulted by the City for restoration. She would like to have an active role; however, she was not an industry professional and asked that the City hire actual consultants, who would specifically do habitat improvements and mitigation if the plan moved forward. Hiring an environmental consultant who could mitigate impacts from the series of retaining walls on the park's habitat would go a long way in softening the blow to the park.

City Manager Williams noted he was about to make the same suggestion and was sure Staff would find professionals to help with habitat mitigation.

Councilor Carol Bryck moved to approve amendment to the IGA and allow for public improvements to be completed. Council President Mary Baumgardner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, and Councilor Lou Groner.

Nays: None.

The motion carried 4 - 0

[Adjourn \[7:15 pm\]](#)

Notes approved 4-8-24.



CITY OF West Linn

22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

CITY COUNCIL AGENDA

Tuesday, February 20, 2024

6:00 p.m. – Special Meeting – Council Chambers & Virtual*

- | | |
|-----------------------|------------------|
| 1. Call to Order | [6:00 pm/5 min] |
| 2. Approval of Agenda | [6:05 pm/5 min] |
| 3. Public Comment | [6:10 pm/10 min] |

The purpose of Public Comment is to allow the community to present information or raise an issue regarding items that do not include a public hearing. All remarks should be addressed to the Council as a body. This is a time for Council to listen, they will not typically engage in discussion on topics not on the agenda. Time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

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|---|------------------|
| 4. Mayor and Council Reports | [6:20 pm/15 min] |
| a. Reports from Community Advisory Groups | |
| b. Council Liaison Appointments | |

- | | |
|---------------------|------------------|
| 5. Business Meeting | [6:35 pm/30 min] |
|---------------------|------------------|

Persons wishing to speak on agenda items shall complete the form provided in the foyer and hand them to staff prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

- | | |
|--|-----------|
| a. <u>Agenda Bill 2024-02-20-02</u> : Amend the West Linn-Wilsonville School District Intergovernmental Agreement regarding cost sharing for the Willamette Falls Drive Road Improvement Project | |
| 6. Adjourn | [7:15 pm] |

Agenda Bill 2024-02-20-02

Date Prepared: February 14, 2024

For Meeting Date: February 20, 2024

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager

From: Erich Lais, PE – City Engineer/Public Works Director *EL*

Subject: Amendment to Athey Creek Intergovernmental Agreement for Construction of
Public Improvements

Purpose:

To present information regarding proposed amendment to existing Intergovernmental Agreement (IGA) between the School District and the City in order to complete public improvements.

Question(s) for Council:

Does the Council want to amend the IGA to allow for completion of the City's portion of planned public improvements in coordination with the new Athey Creek school?

Public Hearing Required:

None required.

Background & Discussion:

The City and the District are requesting a modification or amendment to the Intergovernmental Agreement Between West Linn Wilsonville School District and City of West Linn for Athey Creek Middle School Transportation Infrastructure Improvements. Pursuant to section 5.2 of the IGA, no amendment, change, or modification of this Agreement shall be valid, unless in writing and signed by the parties hereto.

This amendment is necessary because of cost increases related to timeline extensions and design amendments to the original project scope and schedule. Original costs were estimated prior to the items described below, and it has always been known that costs would increase as a result. Following are details related to these items.

Below is a timeline summary regarding the Planning Managers approval of a Water Resource Area, Tualatin River Greenway and Flood Management Area Permits for Transportation Improvements along Fields Bridge Park – 821 Willamette Falls Drive (WAP-23-01/WRG-23-01/FMA-23-01) that was the result of the project delay:

- May 31, 2022, Athey Creek Middle School Offsite Improvement Plans approved
- January 5, 2023, development review application submitted
- March 14, 2023, application deemed complete

- April 20, 2023, Planning Manager approved the application
- May 4, 2023, appeal was filed
- June 6, 2023, appeal hearing held by City Council
- June 20, 2023, continuance hearing by City Council
 - Motion made to add safety barriers along retaining walls exceeding 4-feet in height
 - the on-street parking on Willamette Falls Drive is removed
 - evaluate the design of the built environment (retaining walls) during the required redesign of the road improvements which will remove on-street parking
- July 10, 2023, findings adopted, appeal denied

During this application and appeal process period, the Middle School was well under construction along with several offsite improvement projects – with the exception of the Willamette Falls Drive improvements which could not be initiated, or even final designed, until the land use process was completed. In short, the School District’s contractor lost their 2023 window to make the road improvements to Willamette Falls Drive.

In addition, City Council’s final approval included decisions to delete on-street parking and evaluate the built environment, which resulted in several more months of construction delay and increased design fees; material storage/rental fees, etc.

If the IGA amendment is not approved at this time, the 2024 construction window is also in jeopardy which would result in additional delays and significantly increased costs above what is described in this memo.

Below are the increased costs for construction:

- Willamette Falls Drive changes (contractor): \$2,535,105.71
- Willamette Falls Drive changes (subconsultants): \$213,040.40
-

Total Increase Above Original IGA Expenditures: **\$2,748,146.11**

The proposed amendment to the IGA establishes a new cost split between the District and the City as follows for these increased costs:

- 65% (City) = \$1,794,747.96
- 35% (District) = \$953,398.15

A detailed breakdown of these expenditures is found as Exhibit B within the attached IGA amendment. Staff has reviewed these costs in detail to ensure that everything has been correctly allocated to each party based on the original IGA.

Budget Impact:

\$ 1,041,869.19 from the Street fund. These funds are available as part of the City’s general capital road improvements budget.

\$ 752,878.77 from the GO Bond fund. These funds are available as part of the City’s identified GO Bond project BD1828 (Willamette Falls Drive, Tualatin River to 16th St.)

These increased costs will mean delaying other potential projects across the City.

Sustainability Impact:

This project includes completion of multimodal improvements making this portion of the corridor more accessible to walking and biking. It is also designed to protect nearby sensitive resources to the greatest extent possible, and has been reviewed by Council through the land use application described above.

Council Options:

1. Approve amendment to the IGA and allow for public improvements to be completed.
2. Deny amendment to the IGA and cancel project.

Staff Recommendation:

Staff recommends Council approve the amendment to the IGA and allow for public improvements to be completed. Although it is a significant cost increase, this project is important to safety and multimodal service in the corridor, and costs would be far higher in the future if we do not move forward now.

Potential Motion:

Motion to approve amendment to the IGA and allow for public improvements to be completed.

Attachments:

1. Proposed Intergovernmental Agreement Amendment
2. IGA Amendment Line-Item Narrative Summary

**AMENDMENT #1 TO
INTERGOVERNMENTAL AGREEMENT BETWEEN WEST LINN WILSONVILLE SCHOOL
DISTRICT AND CITY OF WEST LINN FOR ATHEY CREEK MIDDLE SCHOOL
TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS**

A. WHEREAS, the City of West Linn ("City"), an Oregon municipal corporation, and the West Linn-Wilsonville School District ("District"), an Oregon school district, are authorized pursuant to ORS 190.003 et seq. to enter into intergovernmental agreements for the performance of any and all functions and activities that a party, or its officers or agencies, have authority to perform; and

B. WHEREAS, City and District are authorized pursuant to ORS 280.150 to "jointly, in such manner as they shall agree upon, construct, acquire, own, equip, operate and maintain facilities which will directly aid each participating governmental unit in performing a duty or duties imposed upon it or aid in exercising a power or powers conferred upon it, and may appropriate money and/or may issue bonds therefor"; and

C. WHEREAS, In the exercise of their respective duties and powers, the City and District have previously planned and conferred regarding the residential growth of the City, now and into the future, and the need to plan for, construct, and operate, among other things, school facilities, and transportation and other infrastructure facilities to serve the planned school and transportation facilities in coordination with such growth; and

D. WHEREAS, and the City and District have previously entered into an "INTERGOVERNMENTAL AGREEMENT BETWEEN WEST LINN WILSONVILLE SCHOOL DISTRICT AND CITY OF WEST LINN FOR ATHEY CREEK MIDDLE SCHOOL TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS" (IGA); and

E. WHEREAS, the development of Willamette Falls Drive improvements has been delayed by land use application and appeal; and

F. WHEREAS, the delay has caused increased costs for construction and subconsultant work for the Willamette Falls Drive improvements; and

G. WHEREAS, the City and District have agreed to amend the IGA regarding the Willamette Falls Drive improvements costs;

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the undersigned parties jointly and respectively agree to amend the IGA as follows:

1. Exhibit B is replaced by the revised **Exhibit B** attached hereto.
2. The "total value not to exceed" in Term 4.2 is hereby amended to three million eight hundred and sixty seven thousand six hundred forty seven dollars and eighty five cents (\$3,867,645.85). This total includes the additional \$1,794,747.96 in City obligations as outlined in Exhibit B .
3. District is informed that change orders (in total) may not exceed 125% of the amended total amount set forth above without approval of the City Council.
4. City represents to District that \$3,867,645.85 is currently identified to be appropriated for the City Improvements.
5. All other terms and conditions of the IGA remain in full force and effect.

6. Counterparts. This Amendment may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

7. No Third Party Beneficiaries. None of the duties and obligations of any party under this Amendment shall in any way or in any manner be deemed to create any rights in any person or entity other than the parties hereto.

8. This Amendment is full and complete resolution and satisfaction between the City and District for anything arising from delay of development of the Willamette Falls Drive improvements by land use application and appeal.

IN WITNESS WHEREOF, the parties hereto have entered into this Amendment as of
this ____ day of _____, 2024:

WEST LINN WILSONVILLE
SCHOOL DISTRICT

CITY OF WEST LINN

By:

Its:

By:

Its:

EXHIBIT B

West Linn - Wilsonville School District
2019 Capital Bond Program
New Middle School Right-of-Way Improvements Cost Breakdown

			Allocation		Cost	
#	Description	Value	District	City	District	City
General/Soft Costs						
1	Mobilization	\$ 25,489.33	70%	30%	\$ 17,730.53	\$ 7,758.80
2	Supervision	\$ 64,300.80	70%	30%	\$ 44,728.03	\$ 19,572.77
3	Bond	\$ 55,449.75	70%	30%	\$ 38,571.19	\$ 16,878.56
4	Insurance	\$ 52,324.20	70%	30%	\$ 36,397.04	\$ 15,927.17
5	Project Management	\$ 107,833.43	70%	30%	\$ 75,009.60	\$ 32,823.83
6	Design	\$ 577,695.56	70%	30%	\$ 401,848.58	\$ 175,846.98
7	Traffic Engineer	\$ 6,450.26	70%	30%	\$ 4,486.84	\$ 1,963.42
8	Estimating	\$ 8,890.65	70%	30%	\$ 6,184.39	\$ 2,706.26
9	Geotechnical	\$ 20,050.00	70%	30%	\$ 13,946.90	\$ 6,103.10
10	Arborist	\$ -	70%	30%	\$ -	\$ -
11	Constructability	\$ 4,668.90	70%	30%	\$ 3,247.71	\$ 1,421.18
12	Land Use	\$ -	70%	30%	\$ -	\$ -
13	Survey	\$ 11,485.00	70%	30%	\$ 7,989.04	\$ 3,495.96
14	Testing and Inspection	\$ 5,776.95	70%	30%	\$ 4,018.48	\$ 1,758.47
15	Wetland Consultant	\$ -	70%	30%	\$ -	\$ -
16	Environmental	\$ -	70%	30%	\$ -	\$ -
17	Public Works Permits (6%)	\$ 343,419.02	70%	30%	\$ 238,884.38	\$ 104,534.64
Streets/Trails						
Brandon Place Alignment - B						
18	South	\$ 386,832.43	0%	100%	\$ -	\$ 386,832.43
19	Center	\$ 296,305.43	100%	0%	\$ 296,305.43	\$ -
20	North	\$ 297,537.43	100%	0%	\$ 297,537.43	\$ -
Willamette Falls Drive Alignment -W						
21	West, North Side	\$ 459,747.43	100%	0%	\$ 459,747.43	\$ -
22	West, South Side	\$ 534,459.43	50%	50%	\$ 267,229.72	\$ 267,229.72
23	East	\$ 215,168.43	0%	100%	\$ -	\$ 215,168.43
Epperly Way Alignment - E						
24	Section	\$ 141,198.14	0%	100%	\$ -	\$ 141,198.14
Dollar Street Alignment - D						
25	North Side	\$ 222,242.14	50%	50%	\$ 111,121.07	\$ 111,121.07
26	South Side	\$ 289,995.14	100%	0%	\$ 289,995.14	\$ -
27	Brandon-Bridge Path	\$ 40,589.00	100%	0%	\$ 40,589.00	\$ -
28	Fields Park Path	\$ 30,415.00	50%	50%	\$ 15,207.50	\$ 15,207.50
Storm Improvements						
29	CI-A South and D-A Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
30	CI-A North and Connections	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
31	CI-B and D-B Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
32	CI-C and D-C Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
33	OV-D1 to MH-07	\$ 187,643.00	100%	0%	\$ 187,643.00	\$ -
34	CI-10 and 30LF Pipe	\$ 20,100.00	0%	100%	\$ -	\$ 20,100.00
35	CI-11 to FTMH-17 and 57 LF Pipe	\$ 20,100.00	0%	100%	\$ -	\$ 20,100.00
36	CI-13 to CI-03 and 21 LF Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
37	CI-WFD-S0 and 20 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
38	CI-WFD-N0 and 20 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
39	FTMH-08 to WQMH-01 to Outfall	\$ 155,158.00	100%	0%	\$ 155,158.00	\$ -
40	CI-14 and 14 LF Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
41	CI-12 and 12 LF Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -

42	CI-02 to CI-01 and 8 LF Pipe	\$ 20,100.00	100%	0%	\$ 20,100.00	\$ -
43	CI-04 to WQMH-02 to Outfall	\$ 161,952.00	100%	0%	\$ 161,952.00	\$ -
44	CO-01 to MH-04	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
45	CO-06 to OF-02	\$ 173,668.00	100%	0%	\$ 173,668.00	\$ -
46	CI-WFD-01 to SFCB-WFD-01 and 9 LF Pipe	\$ 30,100.00	0%	100%	\$ -	\$ 30,100.00
47	OV-WFD-N1 and 23 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
48	FTMH-01 to FTMH-07	\$ 355,556.00	100%	0%	\$ 355,556.00	\$ -
49	CO-02A to CO-02B and 24 LF Pipe	\$ 14,600.00	100%	0%	\$ 14,600.00	\$ -
50	CI-WFD-2A to OV-WFD-S2A and 5 LF Pipe	\$ 30,100.00	0%	100%	\$ -	\$ 30,100.00
51	CI-WFD-2B to OV-WFD-S2B and 5 LF Pipe	\$ 30,100.00	0%	100%	\$ -	\$ 30,100.00
52	OV-WFD-N2A to OV-WFD-N2B and 26 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
53	CO-03 to MH-15	\$ 14,600.00	100%	0%	\$ 14,600.00	\$ -
54	MH-08 to OF-03	\$ 15,600.00	100%	0%	\$ 15,600.00	\$ -
55	CB-01 to SFCB-WFD-N3 and 15 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
56	CI-WFD-3 to SFCB-WFD-S3 and 5 LF Pipe	\$ 30,100.00	0%	100%	\$ -	\$ 30,100.00
57	CO-10, associated drainage, to OF-05	\$ 23,600.00	50%	50%	\$ 11,800.00	\$ 11,800.00
58	CO-04 to MH-10	\$ 14,600.00	100%	0%	\$ 14,600.00	\$ -
59	SFCB-WFD-N4 and 15 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
60	CI-WFD-4 to OV-WFD-S4 and 11 LF Pipe	\$ 255,100.00	0%	100%	\$ -	\$ 255,100.00
61	CO-05 to MH-12	\$ 14,600.00	100%	0%	\$ 14,600.00	\$ -
62	SFCB-WFD-N5 and 14 LF Pipe	\$ 30,100.00	100%	0%	\$ 30,100.00	\$ -
63	CI-WFD-5 to OV-WFD-S5 and 10 LF Pipe	\$ 30,100.00	0%	100%	\$ -	\$ 30,100.00
64	FTMH-16 to MH-17	\$ 23,600.00	100%	0%	\$ 23,600.00	\$ -
65	STRC-334 and 6 LF Pipe	\$ 9,600.00	100%	0%	\$ 9,600.00	\$ -
66	CO-08 and associated wall drainage	\$ 9,600.00	100%	0%	\$ 9,600.00	\$ -

Water Improvements

Dollar Street

67	Dollar Street	\$ 151,072.00	100%	0%	\$ 151,072.00	\$ -
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Brandon Place

68	Brandon Place	\$ 94,103.10	80%	20%	\$ 75,282.48	\$ 18,820.62
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Willamette Falls Drive

69	Willamette Falls Drive	\$ 344,644.18	80%	20%	\$ 275,715.34	\$ 68,928.84
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Project Total		\$ 6,809,920.13	70%	30%	\$ 4,737,022.25	\$ 2,072,897.89
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Change Order #1

Contractor Costs

70	CR #111 - ASI 006 ROW Changes	\$ 1,663,442.53	50%	50%	\$ 831,721.27	\$ 831,721.27
71	Extended General Conditions	\$ 582,372.00	0%	100%	\$ -	\$ 582,372.00
72	Storm Filtration System	\$ 162,510.70	33%	67%	\$ 53,628.53	\$ 108,882.17
73	CR #215 - Storm Connection Private to Public	\$ 6,562.60	100%	0%	\$ 6,562.60	\$ -
74	CR #228/196 - Brandon Place Temp Access	\$ 50,934.55	0%	100%	\$ -	\$ 50,934.55
75	CR #230 - Wall Block Relocation and Storage	\$ 69,283.33	0%	100%	\$ -	\$ 69,283.33

Consultant Costs

76	Wetland Consultant	\$ 46,754.40	25%	75%	\$ 11,688.60	\$ 35,065.80
77	Design	\$ 134,074.00	35%	65%	\$ 46,925.90	\$ 87,148.10
78	Survey	\$ 11,485.00	25%	75%	\$ 2,871.25	\$ 8,613.75
79	Geotechnical	\$ 19,200.00	0%	100%	\$ -	\$ 19,200.00
80	Permit Extension - DEQ	\$ 1,527.00	0%	100%	\$ -	\$ 1,527.00

Change Order Total		\$ 2,748,146.11	35%	65%	\$ 953,398.15	\$ 1,794,747.96
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Grand Total		\$ 9,558,066.24	60%	40%	\$ 5,690,420.40	\$ 3,867,645.85
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**Intergovernmental Agreement Between West Linn Wilsonville School
District and City of West Linn for Athey Creek Middle School
Transportation Infrastructure Improvements
July 21st, 2022**

Subject: IGA Change Order #01

The District has pursued completion of the improvements detailed in the Intergovernmental Agreement (IGA), but various changes have been directed by the City of West Linn in the time since.

The District has received costs for the various impacts to the project. These costs are primarily the direct result of the delay caused by the change of permit requirements and other direction from the City with regard to the design and construction of the transportation infrastructure improvements. Exhibit B to the IGA has been amended to include additional line items pertaining to these costs.

The below narrative describes each additional line item to ensure clarity of the scope and reasoning for the allocation of fiscal responsibility. The District has made every effort to find reasonable cause for assuming responsibility for some of the expenses in good faith.

Line 70 – Right-of-Way Changes – The direct additional cost for the Contractor to complete City directed changes to the transportation infrastructure improvements. Had the City not changed the scope of work from what was agreed to under the IGA, nearly all of this cost would have been avoided. A minor amount of work related to storm water facilities along the streets was added to the project which are appropriate to allocate to the District. The District is willing to accept a more material portion of this cost to allay any sense that the District is acting to avoid reasonable responsibility for the final overall design and permitting. The District also hopes to ensure completion of the work to the benefit of students, families and the community.

Line 71 – Extended General Conditions – The IGA contemplated building the transportation infrastructure improvements concurrently with the school improvements on site. This line contemplates the cost for the Contractor to oversee the work separately after the fact. Without the delays from changes in design requirements from the City, this would not have been necessary.

Line 72 – Storm Filtration System – The cost to operate and maintain storm water management systems including baker tanks, pumps, etc. This line item contemplates 6 months, which is to be an allowance billed to the extent used. Performing the work in the dry season as originally scheduled would not have required this cost. The District is willing to accept some cost associated with this line item, as some small delay could potentially have occurred without changes from the City. Such a delay could have required a short use of these systems.

Line 73 – Storm Connection Private to Public – The cost to ensure proper conveyance of storm water from the existing slope north of Willamette Falls Drive to the storm water system. This line relates to the existing slope between the school and Willamette Falls Drive, it is appropriate that the District cover this expense.

Line 74 – Brandon Place Temporary Access – The cost to build a temporary access road to ensure access to the school. The construction of the roundabout was delayed due to changing requirements from the

City. Without the delay from the City the improvements would have been constructed in the summer of 2022, leaving no reason to construct a temporary access road.

Line 75 – Wall Block Relocation and Storage – The cost to relocate and store concrete wall blocks for the transportation infrastructure improvements. The materials had to be relocated to allow completion of the school improvements. Due to the size and weight of the material, steel plates needed to be placed on the ground below them. Cost includes time to move the materials and the rental of the steel plates. Without the delay from the City the improvements would have been constructed in the summer of 2022, leaving no reason to relocate these materials.

Line 76 – Wetland Consultant – The cost for design of wetland areas due to changes in the transportation infrastructure improvements. A small portion of this work may have been required to accommodate the storm water facility on the south side of Willamette Falls Drive. The District is willing to accept a portion of this expense.

Line 77 – Design – The cost for design services (architect, civil engineer) needed to make the series of changes to the design required by the City. Those changes include some related to the change in permit requirements and others that were not related, including changes directed as late as fall 2023.

Line 78 – Survey – The cost for additional survey south of Willamette Falls Drive to accommodate the design changes required by the City. A small portion of this work may have been required to accommodate the storm water facility on the south side of Willamette Falls Drive. The District is willing to accept a portion of this expense.

Line 79 – Geotechnical – The cost for geotechnical testing and design recommendations related to the design changes required by the City. If the City had not changed the permit requirements cooperatively confirmed by the District and City, the cost would not have been necessary.

Line 80 – Permit Extension – The cost for a one-year extension of the DEQ erosion control permit. Had the project been completed as scheduled, there would have been no need for a permit extension.

The District asks that the City approve the change in cost as Change Order #01 to prevent additional delay and expenses resulting from further disruption of the work, up to and including the Contractor terminating the construction contract.

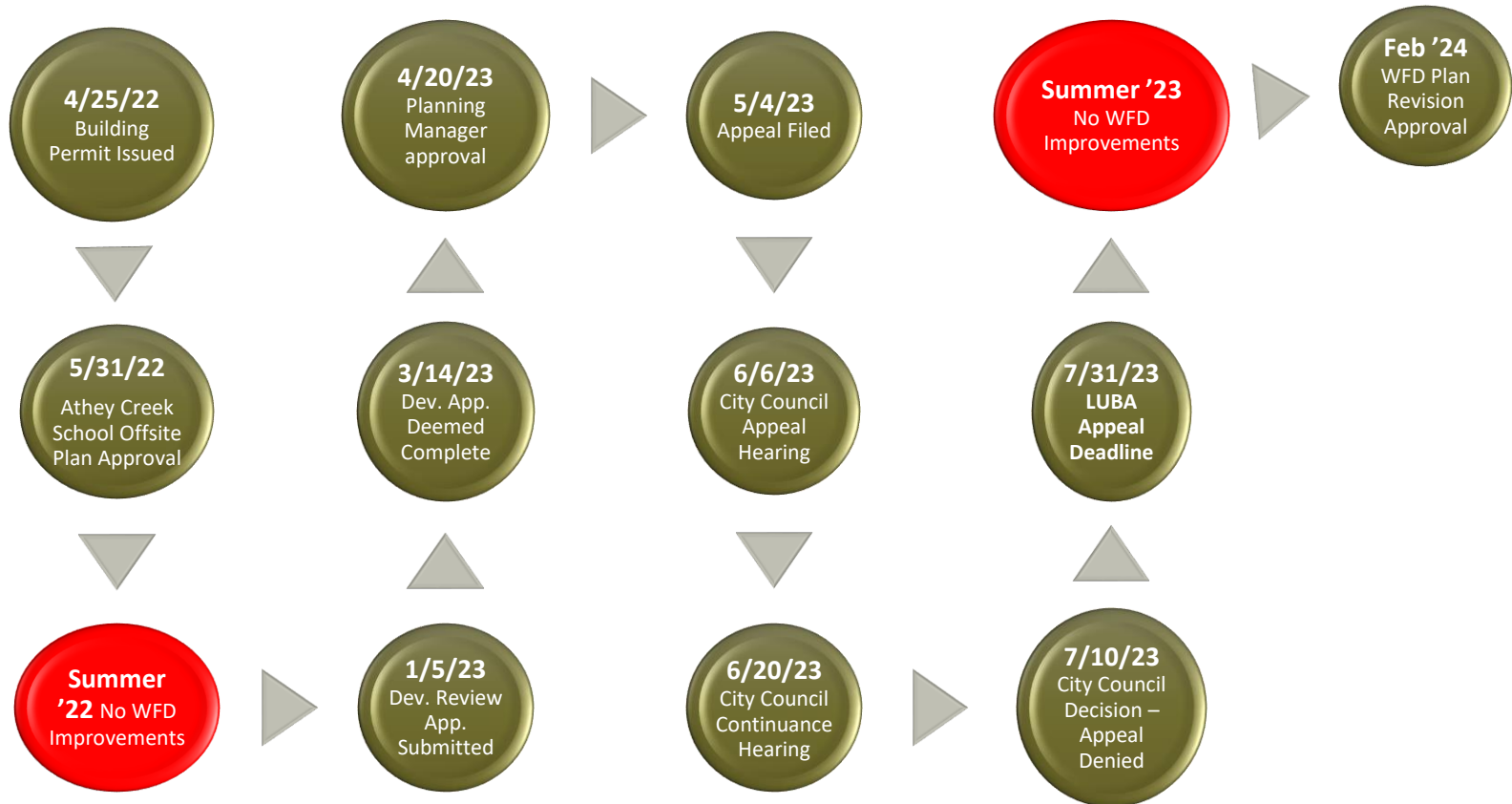


CITY OF
**West
Linn**

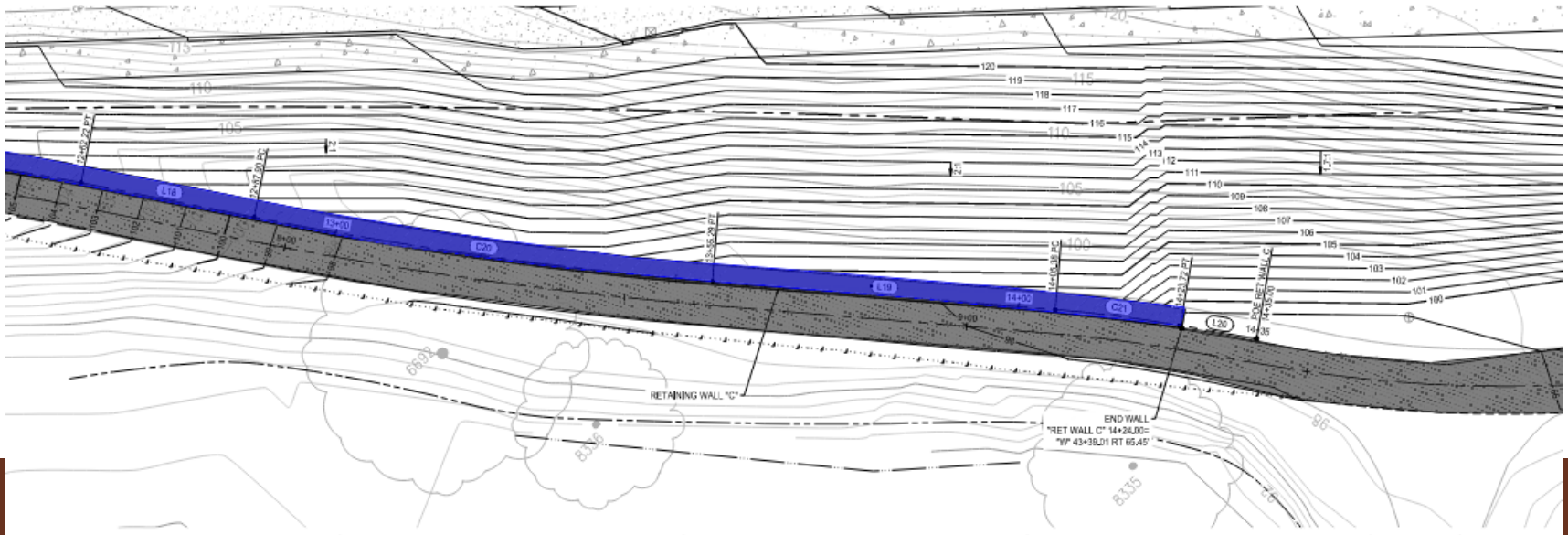
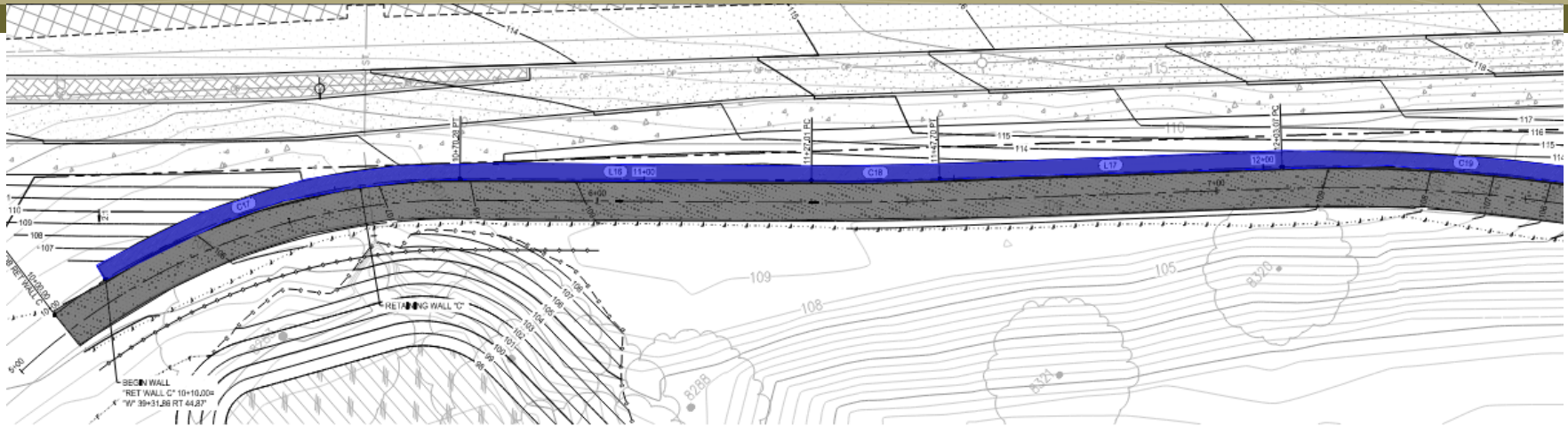
Intergovernmental Agreement between West Linn Wilsonville School District and City of West Linn

Amendment #1

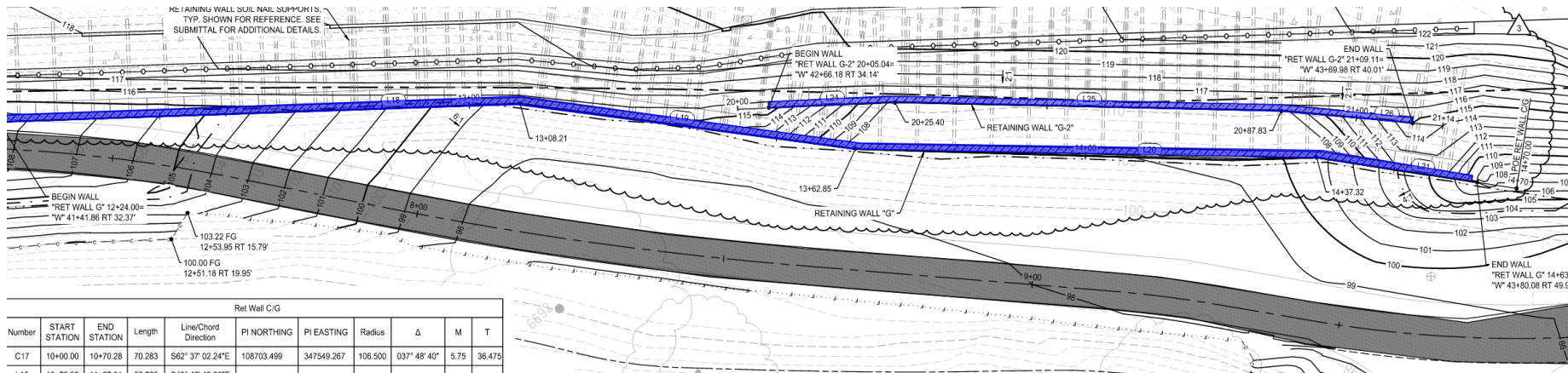
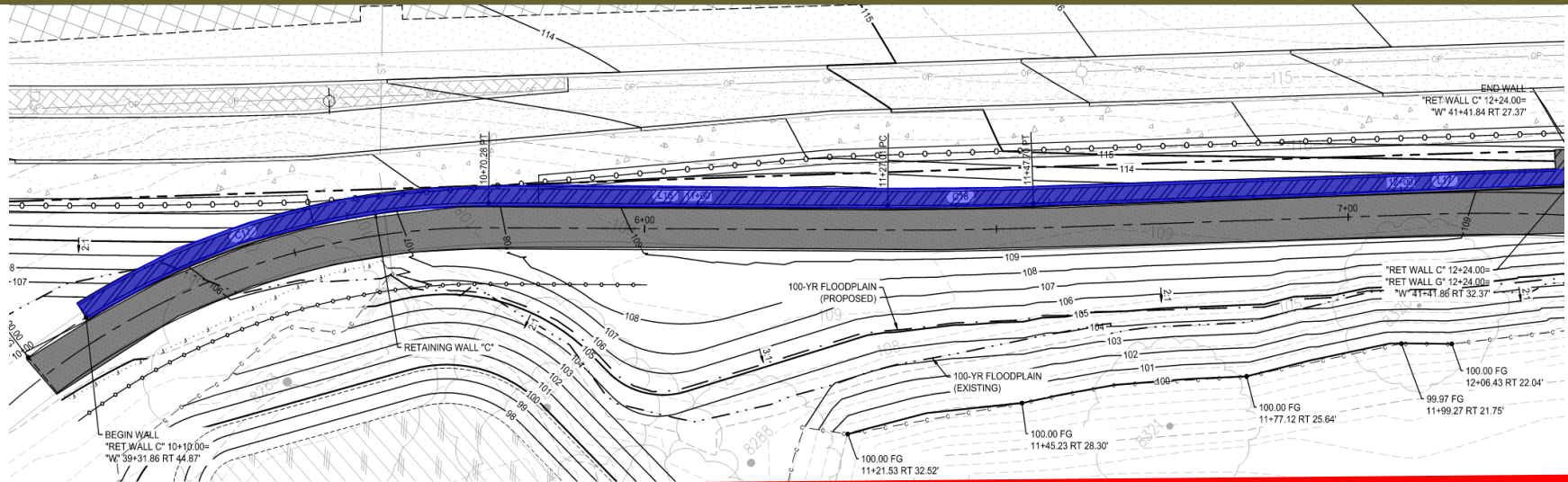
Athey Creek School Construction Timeline



APPROVED Wall C Design – ORIGINAL

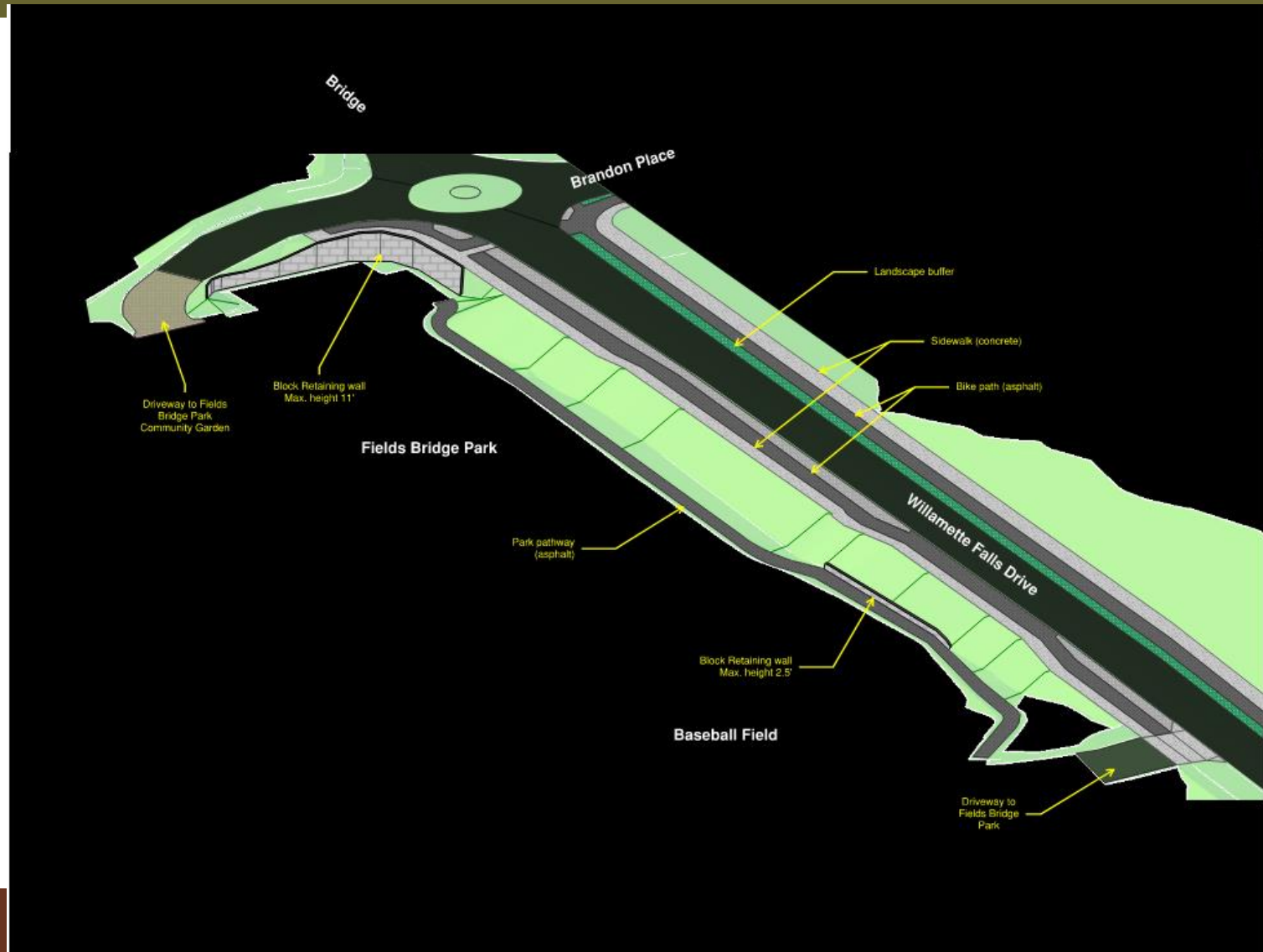


APPROVED Plans Wall C and G - REVISED

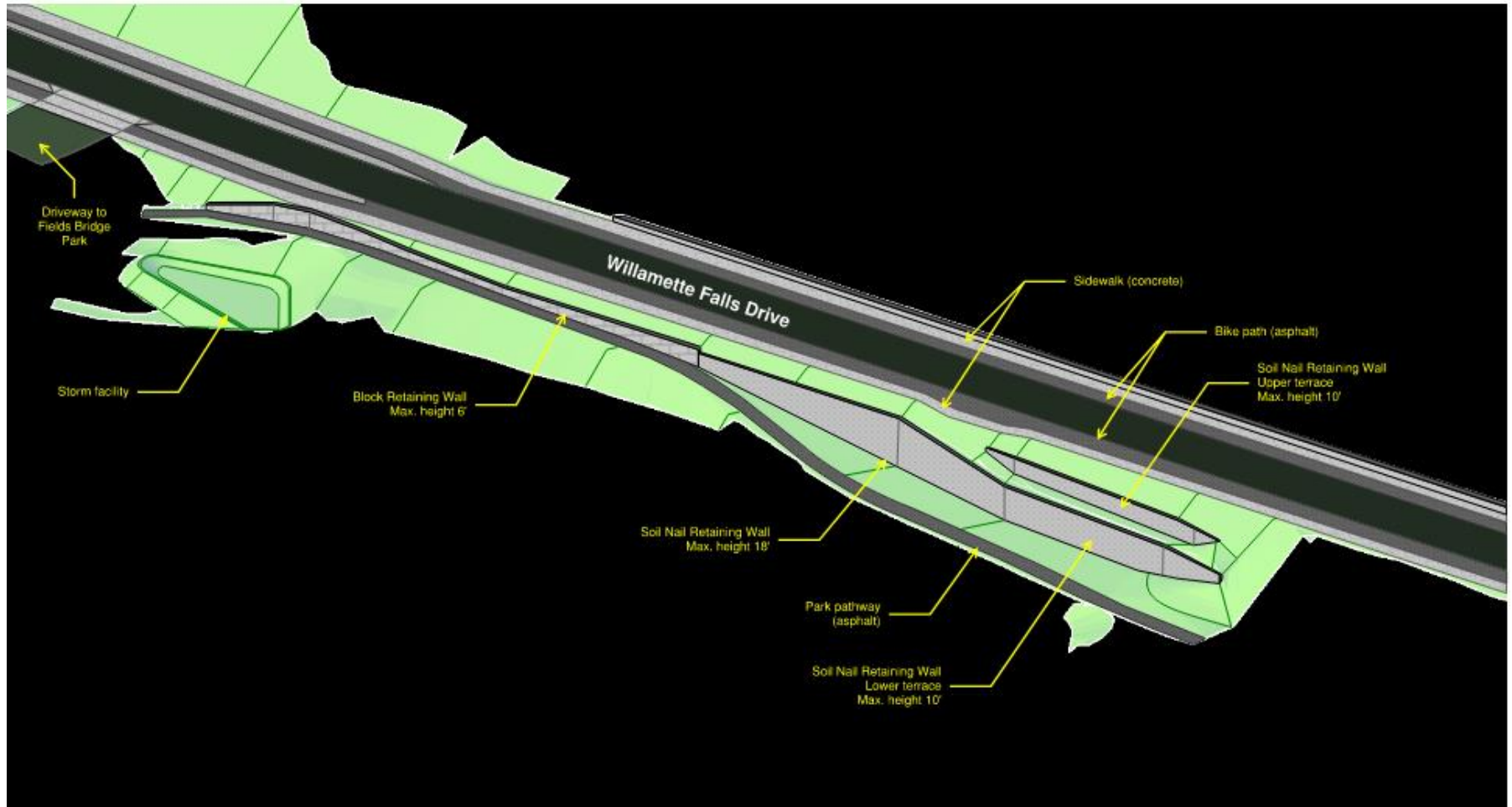


Ret Wall C/G									
Number	START STATION	END STATION	Length	Line/Chord Direction	PI NORTHING	PI EASTING	Radius	Δ	M T
C17	10+00.00	10+70.28	70.283	S62°37'02.24"E	108703.499	347549.267	106.500	037°48'40"	5.75 36.475

Retaining Walls along Baseball Fields



Revised Retaining Walls





Change Order #1

School City

Project Total						
	\$	6,809,920.13	70%	30%	\$	4,737,022.25
					\$	2,072,897.89
Change Order #1						
Contractor Costs						
70	CR #111 - ASI 006 ROW Changes	\$	1,663,442.53	50%	50%	\$ 831,721.27
71	Extended General Conditions	\$	582,372.00	0%	100%	\$ -
72	Storm Filtration System	\$	162,510.70	33%	67%	\$ 53,628.53
73	CR #215 - Storm Connection Private to Public	\$	6,562.60	100%	0%	\$ 6,562.60
74	CR #228/196 - Brandon Place Temp Access	\$	50,934.55	0%	100%	\$ -
75	CR #230 - Wall Block Relocation and Storage	\$	69,283.33	0%	100%	\$ -
Consultant Costs						
76	Wetland Consultant	\$	46,754.40	25%	75%	\$ 11,688.60
77	Design	\$	134,074.00	35%	65%	\$ 46,925.90
78	Survey	\$	11,485.00	25%	75%	\$ 2,871.25
79	Geotechnical	\$	19,200.00	0%	100%	\$ -
80	Permit Extension - DEQ	\$	1,527.00	0%	100%	\$ -
Change Order Total						
	\$	2,748,146.11	35%	65%	\$	953,398.15
					\$	1,794,747.96
Grand Total						
	\$	9,558,066.24	60%	40%	\$	5,690,420.40
					\$	3,867,645.85

Mollusky, Kathy

From: Alexa Leland <[REDACTED]>
Sent: Monday, February 19, 2024 8:55 PM
To: City Council
Subject: Add this letter- feb 20, 2024

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Please add this letter to the record of community comments for February 20, 2024

https://www.westlinntidings.com/newsletter/opinion-the-failed-promise-of-police-reform-in-west-linn/article_3092c5e4-c9ce-11ee-8055-5b3fd4a106d0.html

Mollusky, Kathy

From: Ashley Benfit <[REDACTED]>
Sent: Tuesday, February 20, 2024 10:31 AM
To: City Council
Subject: Add this letter-Feb 20,2024

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Please add this letter to the record of community comments for February 20,2024.

https://www.westlinntidings.com/newsletter/opinion-the-failed-promise-of-police-reform-in-west-linn/article_3092c5e4-c9ce-11ee-8055-5b3fd4a106d0.html
https://www.westlinntidings.com/newsletter/opinion-the-failed-promise-of-police-reform-in-west-linn/article_3092c5e4-c9ce-11ee-8055-5b3fd4a106d0.html

Mollusky, Kathy

From: Ashley McMullin <[REDACTED]>
Sent: Tuesday, February 20, 2024 12:01 PM
To: City Council
Subject: Please add to city council meeting Feb 20th

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https://www.westlinntidings.com/newsletter/opinion-the-failed-promise-of-police-reform-in-west-linn/article_3092c5e4-c9ce-11ee-8055-5b3fd4a106d0.html

Mollusky, Kathy

From: Carrie Pellett <[REDACTED]>
Sent: Tuesday, February 20, 2024 9:21 AM
To: City Council
Subject: Please add this letter to the record of Community Comments for February 20, 2024
Attachments: Failed Promise.png

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Councilors, I am writing in support of this effort to improve city policing and overall effectiveness.

There is not an easy solution. It will take your leadership and desire for accountability to truly meet the pledges referenced in the article.

Carrie Pellett
2387 Pimlico Drive
West Linn, OR 97068

Mollusky, Kathy

From: Charlotte Wilson <[REDACTED]>
Sent: Tuesday, February 20, 2024 11:32 AM
To: City Council
Subject: Please add this letter to the record of Community Comments for February 20, 2024

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

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Dear West Linn City Council,

Thank you from the bottom of my heart for releasing Jill Goldsmith's investigative report two weeks ago. The information presented was both validating to mine and others' experiences and sobering in its depth and institutional negligence and harm. While Ms. Goldsmith's report was illuminating and damning, it means nothing if the city doesn't take action to repair and reform.

City Council has proven so far that its members care about this community, and you now have immense power in directing reform and supporting healing for our fellow citizens. Chief Mahuna needs to be fired immediately. His failure to adhere to his own policies (after assuring me and other survivors at the November 7, 2022, city council meeting that he did everything within the limits of the law) resulted in deepening wounds and extending trauma. Tony Christensen was allowed to retire under Mahuna's watch without being held responsible for the harm his willful ignorance and callousness caused.

This mockery of an investigation paved the way for the Clackamas County district attorney John Wentworth to conduct a farcical grand jury proceeding that resulted in no criminal justice, allowing David Farley to prey on other communities filled with other women and children. Yes, Farley is thankfully out of our community, but he currently lives free in another. If Chief Mahuna, Tony Christensen, and DA Wentworth had cared about the communities they purport to serve, Farley would now be in prison. Ms. Goldsmith's report proves there should have been more than enough evidence for a swift conviction.

The truth remains that survivors have to fight tooth and nail for our institutions to pay attention, and it doesn't—and shouldn't—have to be this way. Change begins right here, right now. You get to be part of the solution. Please live up to your word.

Sincerely,
Charlotte Wilson
Resident of Wilsonville, Oregon
Survivor of David Farley

**This letter is to be incorporated into the Public Record as Public Testimony/Comment for the
March 11, 2024 Meeting of the West Linn City Council**

February 11, 2024

Rory Bialostosky, Mayor, City of West Linn

Mary Baumgardner, Council President, City of West Linn

Carol Bryck and Leo Groner, City of West Linn

Dear council members:

Re: Establishing Jolie Point Road (JOLIE) traffic calming and reduced speed measures

Summary

Vehicular speed on West Linn's JOLIE, with motorists exceeding the posted 25 MPH speed limit or driving at speeds in excess of roadway engineering and natural features (Table 1), has caused great concern to most residents. IT has worsened due to increased numbers of large commercial trucks and vans.

Furthermore, as a 20 year JOLIE resident, I have observed an overall increase of aggressiveness among drivers on JOLIE. A September 20, 2022 traffic analysis revealed 56% of eastbound and 70% of westbound vehicles exceeded the posted speed limit of 25 MPH.(Table 2) Formal requests for remedies to law enforcement and to the departments of planning and engineering have resulted in no or only apathetic recommendations. Looking to the future, the current 3-year traffic plan lacks solutions for traffic-calming on JOLIE. However, virtually all neighboring cities have implemented policies involving or temporary "traffic calming" measures, including speed reduction of residential streets and speed humps -- usually permanent, with the aid of generous and readily attainable Federal Grants. Despite presumptions of West Linn police and planning, Tualatin Valley Fire and Rescue (TVF&R) personnel **are not opposed** to speed humps/cushions and accommodate them in neighborhoods that use them.

We respectfully ask that Council enact permanent and effective solutions by mandating: a reduction of the speed limit on JOLIE to 20 MPH; speed humps or cushions at effective intervals or a small traffic circle at the intersection of JOLIE and Rainier Place; and a permanent, radar-based "Your Speed Is" sign on JOLIE.¹

Table 1. Features Promoting Speeding on JOLIE

<p>The design of Jolie Point Road promotes excessive speed in several ways. For example: Vehicles on Highway 43, typically exceeding 40 MPH, depart that arterial and turn east onto JOLIE through an inviting 74 ft wide apron and drop 35 over 270 ft of travel to the intersection with Rainier Place. Then, the roadway abruptly narrows to 20 ft wide and drops 45 ft for another 935 ft of travel to a three-way intersection with Munger Drive. Then a 790 ft portion of JOLIE between Munger Drive and Larson Ave drop an additional 25 feet. Thus, a drop of 105 ft over nearly 2000 ft length of the roadway promotes speeding;</p> <p>Stop signs at the three-way intersection of Jolie Point Road and Munger Drive, approximately 1,200 ft from Hwy 43, are ignored by 50-80% of drivers,² in part because abundant vegetation obscures the act of violating traffic laws.</p>

JOLIE is used as a thoroughfare for residents living on Windham Oaks Court and Larson Avenue; Lowell Avenue is exploited as a detour route for motorists avoiding periodic congestion on Hwy 43, which has worsened more recently due to construction at the Abernathy Bridge;³

2. Traffic Analysis by Police Confirming Speeding on JOLIE - 9/20-22, 2022

56% of 431 eastbound vehicles exceeded the posted speed (25 MPH) 16% eastbound: >30-44 MPH.

70% of 479 westbound > 25 MPH.

20% westbound: >30-44 MPH.

Traffic Safety Committee (TSC) Appearance: Because of less-than-satisfactory response from previous interactions with City to address excessive speed -- beyond the suggested temporary installation of a radar-mediated speed wagon, I submitted a **Traffic Control Investigation/Improvement Request** application on August 8, 2023 hoping for action to reduce speeding and promote safety on JOLIE. At the Traffic Safety Committee meeting in early November 2023, after being warned by Public Works Director and City Engineer Erich Lais that the discussion was to be brief (it lasted about 15 minutes), I summarized the concerns of my neighbors and myself (Table 3). And I proposed remedies to all committee members. (A summary was sent to TSB members 11, 2023).

I was disappointed that members of the committee offered no meaningful suggestions or solutions. Director Lais reiterated a dismissive statement he expressed to me at a meeting I had with him three days prior: *"At first we have to see if there is a problem."* Also, I was confounded by his response because the September 20, 2022 traffic analysis confirmed speeding above the posted 25 MPH was a problem.

Meanwhile, I learned TSC members were unaware of the "Safe Streets 4 All" Federal Grant Program which funded the investigation and implementation of traffic calming measures in places such as Washington Co. (Tigard in particular), Portland metro/Multnomah Co, and Seattle.⁴ From my personal research, I discovered that unlike the City of Tigard, the City of West Linn lacks a dedicated position for identifying and applying for grants involving traffic-calming and speed reduction initiatives. Effective performance from a individual appointed to such a position could leverage government funding to augment limited City revenue while implementing traffic-calming measures on residential streets.

Table 3. Most common concerns of respondents on JOLIE and adjacent street¹

Traffic exceeds 25 MPH (71% respondents);

Drivers run stop signs at JOLIE and Munger (64% respondents);

Aggressiveness of individuals operating commercial vehicles (trucks, delivery vans) & SUVs (58%)

Resources contributing to preparation of this petition:

In an informal meeting with West Linn **Police Chief Peter Mahuna** (August 10, 2023), I asked for more

patrolling, signage, possible radar monitoring by law enforcement, support for the installation of speed humps/cushions, and support for a possible volunteer/neighborhood watch group that could document and provide radar-gathered data of speeders (as encouraged in the city of Tacoma, Washington). Chief Mahuna said ‘maybe,’ his department could provide only a minor increase in patrolling; however, due to a limited budget and a shortage of personnel, such action was unlikely. As for supporting the installation of speed humps/cushions, the Chief responded with “Firemen don’t like speed bumps.”

Patrol Officer Hayden Eickmeyer (In communications in, August-September 2023), agreed with Chief Mahuna’s: Providing more monitoring of JOLIE or enforcing compliance of the three-way stop at the intersection of JOLIE and Munger Drive was unlikely.

Former captain and 28 year veteran of the West Linn police department, **Neil Henneley**, who often patrolled JOLIE while serving the city, agreed that the roadway has always been notorious for speeding. Reiterating the sentiments of Jolie Point residents, Henneley agreed that the signage at the intersection of JOLIE and Munger Drive is largely ignored. Considering City’s inaction, he recommended promoting street safety at neighborhood gatherings (such as Neighborhood Association meetings) because speed offenders are mostly “your neighbors.”

Another former West Linn policeman, “Jeff”, longtime resident on LaFave street (accessed by JOLIE), also agreed that speeding on JOLIE has been a problem for years. Other residents on LaFave and Mark Lane recall their parents prevented their playing on JOLIE because of its excessive speeding.

In September of 2023, I interacted with **Wyndham Oaks Homeowners’ Association** president Dan Jacobson, and sought his support for traffic-calming measures on JOLIE and to encourage his Windham Court neighbors to recognize the posted speed limit and diminished width of JOLIE. Mr. Jacobson wished to be kept informed of related developments.

In an informal conference, City manager **John Williams** said that JOLIE is much like nearby Dillow Drive in that JOLIE is a markedly narrow roadway that descends considerably from its connection at Highway 43 to an intersection with Larson Avenue. Thus it would likely encourage drivers to exceed a posted speed limit. Unlike JOLIE, however, speed humps **are** established on Dillow Drive, and Mr. Williams is grateful that their installation discourages speeding.

No Planned Remedies for Jolie: West Linn Public Works Director Erich Lais and engineer Chris West separately confirmed the City’s 3-year plan contains no traffic calming or street modification for JOLIE.

Portland/Multnomah Co. permanent and temporary traffic calming strategies: Traffic calming measures that have been installed in Portland and greater Multnomah Co. include raised cross-walks, rumble strips, speed “bumps,” textured crosswalks, roundabouts and traffic circles. A “chicane” pilot project is evaluating whether a series of alternating mid-block curb extensions or islands (that narrow streets and require vehicles to follow a curving, S-shaped path) may reduce vehicular speed more cost-effectively than speed humps on narrow streets.⁴ Also, Portland and other cities in the U.S. and Europe have found traffic circles are effective in reducing speeding and the number and severity of intersection accidents.⁷

Not all re-engineering modifications driven by speed: Portland Bureau of Transportation (PBOT) created

another initiative, Safe Streets, to respond to the Covid-19 public health crisis and temporarily installed quieting structures on city streets to expand more space to walk, bike, roll, and conduct business.⁵

Opposition to the installation of speed humps/cushions from by Police Department, Public Works, and Planning and Engineering personnel, is disconcerting, because:

1. Virtually all jurisdictions surrounding City use and currently plan to install more humps/cushions because they have been shown to be safe and effective for reducing traffic deaths and injuries;
2. Tualatin Valley Fire and Rescue Deputy Fire Marshal Jason Arn said that his agency is willing and able to operate emergency vehicles (including fire apparatus) in all TVF&R-served areas where speed cushions have been installed. Also, while TVF&R could express a preference against proposed speed cushions on a primary response route, a city council ultimately decides. For a non-primary response route, Arn said the agency has no strong position on speed humps/cushions.
3. Marshall Arn's sentiments are consistent with developments in the City of Tigard. Principal Transportation Planner Dave Roth affirms that Tigard absolutely does use speed cushions now and contemplates using more as part of its "traffic calming" strategies in a new traffic safety initiative in development.
4. A Consultation with West Linn TVF&R Fire Station 58 personnel (chief, apparatus operator, and driver) on Feb. 2, 2024 confirmed that the agency conforms to the policy summarized by Fire Marshal Arn's.⁶ In West Linn, the long axles of emergency vehicles (apparatus) allows wide spacing of wheels that merely "straddle" humps/cushions. In summary, TVF&R accepts existing humps/cushions in West Linn, just as it does in the City of Tigard.
5. Clackamas County Traffic Safety Outreach Coordinator Rob Sadowsky confirmed that TVF&R accepts humps/cushions throughout Clackamas Co and will likely do so in planned traffic calming programs.⁷

Discussion:

JOLIE is classified as a local street and handles a fraction of the amount of traffic as Highway 43. Reducing the speed limit to 20 MPH on Jolie Point would not impede traffic flow. Also, the process to reduce the speed limit is now less complicated as a result of Oregon Revised Statute (ORS) 810.180(11). Based on the criteria outlined in the statute, JOLIE is eligible for a reduction of the posted 25 MPH speed limit because it is currently: a) A statutory 25 MPH facility; b) Not an arterial roadway, and; c) Located in a residential district. In sum, Oregon cities and Multnomah and other counties may reduce local route limits by 5 MPH without consulting ODOT.

Consideration of a roundabout on JOLIE: Although the Council's recent Adoption of the Transportation Advisory Board's recommendation that roundabouts should be the preferred treatment at intersections might be construed as appropriate in only new construction, the Council should consider the intersection of JOLIE and Rainier Place as an experimental "small roundabout" location. The dimensions of the intersection could accommodate a mini-roundabout to encourage motorists to reduce driving speed.⁸

Resources for consideration of future city-wide traffic calming: Engineering staff for West Linn's Planning and Public Works departments might consult with traffic engineers at the City of Tigard (C. Fernman or Dave Roth, Principal Transportation Planner) who oversaw implementation of Tigard's Safe Streets initiative. Funded largely by federal grant program, Safe Streets 4 All, the effort provided an array of traffic-calming strategies including a 20 MPH limit on all Tigard residential areas by 2023. The program provided a total of \$280 million to a consortium of Washington Co., Multnomah Co., and Seattle, said Roth.⁴ Tigard's success in obtaining government funds was a result of a department in transportation that pursued available grants.

Proposal: Since Police Department is reluctant to enforce the speed limit on Jolie Point and Public Works will not act on speed cushions/humps on JOLIE, the Council should:

- Designate 20 MPH as the maximum on JOLIE;
- Approve the installation of a mini-roundabout at the intersection of JOLIE and Rainier Place¹

- Authorize modified speed humps that accommodate emergency vehicles (such as fire apparatus);
- Increase patrolling of JOLIE by officers of West Linn Police Department;
- Install a “Your Speed Is” permanent radar monitor on JOLIE.

References

1. Survey of JOLIE residents and neighbors on connecting streets, 11/2023.
2. Video monitoring. Presented by author to Bolton Neighborhood Association meeting Nov. 2023.
3. Traffic turns R through stop sign onto Larson St and continues on back streets to reconnect with Hwy 43 near Hammerle Park school.
4. Available at: <https://www.oregonmetro.gov/sites/default/files/2023/12/14/Safe-Street-for-All-report-November-2023.pdf>. Accessed Feb. 8, '24.
5. Portland Safe Streets. Available at: <https://www.portland.gov/transportation/safestreetspdx/what-safe-streets-initiative>. Accessed Feb. 9, 2024.
6. Consultation with Tualatin Valley Fire & Rescue Deputy Fire Marshall Jason Arn, 1/29, 2024.
7. Consultation with Rob Sadowsky, Clackamas Co. Traffic Safety Outreach [Coordinator 1/30, 2024, RSadowsky@clackamas.us](mailto:RSadowsky@clackamas.us).
8. Mini Roundabouts: Urban Street Design Guide. Available at: <https://nacto.org/publication/urban-street-design-guide/intersections/minor-intersections/mini-roundabout/> Accessed Feb. 9, 2024.

Thank you for your consideration.

Very truly yours,

Daniel Hayes
Safer Jolie Committee Chair
2820 Jolie Pointe Rd. West Linn, OR 97068

Mollusky, Kathy

From: Karen Sessions <[REDACTED]>
Sent: Monday, February 19, 2024 7:16 PM
To: City Council
Subject: Please add this to the record of community comments no later than noon February 20th.

[Some people who received this message don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

As a mom of one of the girls abused by Dr. Farley, I am asking you to give them a glimmer of hope that someday he will be brought to justice. It's unbelievable how bad they have been treated by the the people in our state that were supposed to protect them!! They shouldn't have to fight so hard for justice.
Karen Sessions

Mollusky, Kathy

From: Karen Spearrin <[REDACTED]>
Sent: Tuesday, February 20, 2024 11:51 AM
To: City Council
Subject: Letter to be added to record of Community Comments for 2/20 Meeting

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Hello -

Please add this letter to the record of Community Comments for February 20, 2024:

Attention City Council representatives:

It is imperative to the local community of West Linn that City Manager John Williams call for the resignation of Police Chief Reed K. Mahuna, effective immediately. Police Chief Mahuna has allowed for a dangerous pedophile and sexual assault perpetrator to go unchecked due to the gross negligent of a local case, where more than 200 known local women and children were victimized.

Evidence and robust testimony were presented and ignored and a thorough investigation was not conducted, according to the third-party investigation. Detective Tony Christensen was wrongfully allowed a quiet and celebratory retirement when he did not fulfill his duty to protect and serve his community in the Dr. Farley case.

We as a society cannot have this level of corruption within essential parts of our local governing bodies. If the individual leaders cannot be trusted to look after and care about the people of the community--their friends, neighbors, etc--the system does not work. It fails and thus can no longer be trusted moving forward. The local leaders, City Council, Police, other elected representatives, etc., really need to be held accountable for their level of care for those in this community.

It's awful that we can't protect our women and children from predators in the first place, but if we do not even care for them when they put themselves out there, now with trauma and preventable experiences, we've just failed them. We've done a disservice to our city, to our community. And it does not have a neutral outcome. It perpetuates the worst, most vile and abhorrent behaviors, sending the message that Clackamas County officials, West Linn PD and local District DAs will protect pedophiles and sexual assault perpetrators at the expense of hundreds of local and innocent women and children.

My loved ones were victims of Dr. Farley. They carry with them traumatic experiences that have caused them great harm. And due to the careless mishandled investigation conducted by Detective Christensen, under the watch of Police Chief Mahuna, they do not have any closure or

trust that justice can be done--for them or for anyone else. Do not allow your city to be a place where the system is more important than the people, so much so that you are willing to be a part of the cover up.

City Manager Williams, please be a part of the solution and put in place a new Police Chief that can create reform, conduct thorough investigations and that will vow to protect and serve the people of West Linn in the deepest, most careful and conscientious ways. Not only are the citizens of Clackamas County counting on you to do the right thing, but others, like myself, need you to focus on doing right by the constituents of West Linn, rather than being complicit in what are clear, systemic issues at play within the institutions. Your impact can be great, and the need for change is clear.

Thank you for your careful consideration of these important matters.

Karen Spearrin

To: Members of the West Linn City Council

From: Karie Oakes, West Linn resident

February 20, 2024

Re: Request for Chief of Police Peter Mahuna to resign

Dear Mayor Bialostosky, Council President Baumgardner, Councilors Groner and Bryck,

Chief of Police Mahuna should resign because he did not prove to be the leader in police reform that our city needs.

It is evident in the [independent investigation report on the Farley case](#) that Chief Mahuna failed to manage the West Linn Police Department with respect to Department policies when he assigned Detective Christensen to the case. The report found that Christensen did not have the required training nor knowledge of medical and legal standards to conduct a sexual assault investigation and consequently conducted a substandard investigation that deprived the survivors of sexual abuse of their rights to justice.

Chief Mahuna was derelict in his duty to protect and serve not only the survivors, but the people of West Linn. Chief Mahuna told the survivors, City Council and members of the public on November 7, 2022, “We investigated everything we could...I really feel like we did the best we can do.” That’s just not true. If Chief Mahuna had any respect for Department policies, the police department would have done better.

Tonight, I ask each Council member to individually evaluate Chief Mahuna’s job performance as it relates to the Farley case and to provide input to the city manager as authorized by [City Charter Section 21A](#):

No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel. This shall not prevent a City Council member from providing input to the City Manager relating to City business or the performance of an employee or department. (Added 09-17-13; Amended 11-07-17)

The Independent Review of [Fesser v. City of West Linn](#): Findings and Recommendations otherwise called the “OIR Report,” released in December 2020, for the purpose of systemic police reform, considered the City Charter provision and made RECOMMENDATION

SEVEN: Consistent with the City Charter, the City Manager should routinely solicit feedback from Council on the performance of Department heads.

I don't know if the city instituted this recommendation as it has not come before the Council in a public forum. Regardless, the Charter authorizes each Council member to provide input to the city manager for his consideration of Chief Mahuna's job performance. I urge each of you to do so.

Thank you for this opportunity and your considerations of my comments.

In closing, I want to commend the brave survivors and their families for their unselfish goal to see that Dr. Farley does not hurt anyone again, not in this community or any other community.

Mayor and Members of the Council,

My name is Kathy Selvaggio and I live in the Willamette neighborhood. I am appearing before you tonight to express my heartfelt concern that more than 130 women and girls in West Linn were denied justice largely because the way our police department mishandled the investigation into Dr. David Farley. The release of the external report last week made that abundantly clear. And I would like to submit for the record the opinion piece that I, together with Martha Boyce and Teri Cummings, published in the West Linn Tidings this past week. The piece draws attention to the failed promise of police reform in West Linn, as this case shows all too well.

Police Chief Mahuna is ultimately responsible for this latest failure. It was on his watch. This detective was woefully unprepared to conduct an investigation of this scope and was essentially illiterate regarding women's anatomy and proper gynecological exams. Mahuna not only assigned the detective to this case, but he also signed off on the detective's reports. He needs to own this failure – and the city needs to demand that he does by taking appropriate action.

In my opinion, the response to the external report from the police department and the city – by pledging to improve internal processes, provide better training and a conduct community briefing -- falls way short of the mark. For years now, we have been given many statements and promises of police reform, yet there seems to be very little to actually show for it. It's been four years since the false arrest of Michael Fesser came to light and three years since the OIR issued its own recommendations for a series of internal changes. What actual improvements have been demonstrated since that time? What is different in terms of police policies, process and culture? Can you point to concrete results in terms of greater accountability and improved performance? I hope that the city will ask itself and the police department hard questions and take its oversight responsibilities seriously.

Finally, on a related matter, I was surprised and disturbed to find out there is no way for members of the public to contact the new Police Review and Recommend Committee, without the city staff acting as a gatekeeper. Therefore, if a person wanted to share information with the committee outside of the formal complaint process, they must first go through the City's Human Resource Department. Why is that the case? I understand that some of their proceedings must be out of public view, but not all. The lack of transparency about who serves on the committee and how to contact them would appear to be in violation of Public Meeting law. Please look into it.

Thank you for considering these matters.

Mollusky, Kathy

From: Kelsey Badger <[REDACTED]>
Sent: Monday, February 19, 2024 9:01 PM
To: City Council
Subject: Add this letter

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Please add this letter to the record of community comments for February 20, 2024.

https://www.westlinntidings.com/newsletter/opinion-the-failed-promise-of-police-reform-in-west-linn/article_3092c5e4-c9ce-11ee-8055-5b3fd4a106d0.html

Mollusky, Kathy

From: Roger A. Straus <[REDACTED]>
Sent: Tuesday, February 20, 2024 3:16 PM
To: City Council
Subject: Police Chief Mahuna's Mishandling of the Case Against Dr. David Farley
Attachments: 47d49af9-c031-402f-8b10-2b850d200998.png

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Dear Council Members,

As detailed in the attached letter by West Linn residents, the West Linn Police Department's handling of the sex abuse case of local physician, Dr. David Farley has been simply unacceptable. He committed innumerable acts of sexual abuse upon his female patients, from children through adults, horribly betraying his oaths, medical standards and ethics. Unfortunately, the manner in which his case was handled, from investigation through the present day, has been completely unacceptable. As a long-time West Linn resident and internationally recognized clinical sociologist, I find this situation appalling – not only this physician's despicable actions but the thoroughly unprofessional handling of the case by the WLPD, Chief Mahuna and Detective Christiansen, which represents a betrayal of his patients and our community. I had great hopes for Chief Mahuna but, despite his promises, he utterly failed to meet even the most modest expectations for managing this situation. Such failure cannot be tolerated by our community. Consequently, Chief Mahuna should resign or be dismissed.

Please add this email to the Council record of Feb 20, 2024.

Roger A. Straus, Ph.D., C.C.S.
Sociological Practitioner/Research Consultant
Past President, Association for Applied and Clinical Sociology
West Linn, Oregon
(971) 910-1292

The failed promise of police reform in West Linn

Four years ago, in the wake of a false arrest scandal that exposed shocking racism, misconduct and cover-ups in

MY VIEW

Kathy Selvaggio,
Martha Boyce &
Teri Cummings

the West Linn Police Department, community members called for wide-ranging reform to the department and accountability for the officers involved. In addition, an independent investigative body recommended a set of policy and process changes. Unfortunately, most of these changes never fully materialized. The city promoted Peter Mahuna to police chief over the objections of many community members who said that hiring from within would not result in meaningful change. The city also adopted some modest reforms, although many lacked teeth and accountability was

limited.

As part of limited reforms, Police Chief Mahuna adopted a new mission statement for the department, which promised to “protect and serve the community of West Linn professionally and compassionately. We are committed to earning trust and increasing our accountability through transparent policies and unbiased practices.”

Sadly, the release last week of an independent investigation report into the department’s handling of allegations of pervasive sexual abuse committed by a West Linn physician, David Farley, shows that Chief Mahuna and the West Linn PD have substantially failed to live up to this promise.

The report detailing the gross inadequacies of the police investigation is utterly damning. Among the most

egregious findings: Detective Tony Christensen, assigned by Mahuna to conduct the investigation, had no prior training in sexual assault investigation. He displayed an appalling lack of knowledge about women’s anatomy and standard sexual health medical procedures. He failed to allow advocates to accompany victims or use standard “trauma-informed” investigative techniques for victims of sexual abuse, conveying disinterest and disregard for dozens of victims. He failed to secure Farley’s phone, thereby losing important evidence of inappropriate sexual photographs taken of victims (including children) and equally inappropriate text messages. Entire police reports and recordings of interviews were missing from WLPD records.

The level of ineptitude and blatant disregard for Farley’s victims goes

beyond what even the more disillusioned among us have come to expect from the West Linn PD. Although former Detective Christensen is centrally at fault, Chief Mahuna bears significant responsibility. Mahuna – despite having a background with the Portland police sex crimes unit – failed to ensure that the police investigation met department standards. Yet at a Nov. 7, 2022 City Council meeting where victims decried the failure of law enforcement to bring criminal charges against Farley, Mahuna claimed, “We investigated everything we could ... I really feel like we did the best we could do.” Mahuna also failed to put Detective Christensen on leave once the outside investigation into his conduct was launched in November 2022. Like other West Linn police officers before him, Christensen was allowed

to retire in mid-2023 without any accountability for his actions.

The statement by the city in response to the report rings hollow. The city admits that it “could and should have done better” and pledges to improve its internal processes, provide better training and hold a community briefing. These modest changes are far too little and come far too late in the face of the litany of problems identified in the report.

Instead, it is time for Chief Mahuna to resign. And it is time for the City of West Linn to hire a genuine police reformer to lead the department forward.

Kathy Selvaggio and Martha Boyce are former co-chairs of the West Linn Community for Police Reform. Teri Cummings is a former West Linn city councilor.

Mollusky, Kathy

From: Shannon Brogden <[REDACTED]>
Sent: Tuesday, February 20, 2024 12:29 AM
To: City Council
Subject: Add letter to the record of Community comments for the meeting 2-20-24

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Hello, Please add this letter to the record of Community comments for the meeting of February 20, 2024.

To Whom It May Concern,

I am a mother of three, an educator, and a citizen of West Linn. I am also another person who was wronged by West Linn Police Investigator Christensen and Clackamas County DA Wentworth.

Nearly five years ago, my child was molested. My child was exposed. My child's privacy was violated. My child's innocence was taken. My child was threatened to stay quiet. My child was scared. My child thought the police would get the bad guy and put him in jail. My child asked if he was safe because he spoke up and told what happened to him. My child had to move to a new home. My child had to make new friends. My child jumped at loud sounds. My child asked if the doors were locked. My child didn't want to be alone without me. My child had to start over. My child had to go to therapy. My child had to learn to trust again.

I originally had faith in the justice system, but slowly through the investigative process, I lost that faith. I realized that my child's best interest was not in mind. It seemed like nobody cared about what my child had gone through. No one cared that more children could be harmed.

At first, my dealings with the West Linn Police Department felt supportive. Then, detective Christensen was hired and put on the case. That's when I felt completely unsupported, invalidated, and talked down to. What happened to my child was low on his totem pole. Detective Christiansen had a demeaning tone. He did not sufficiently study my case. When I asked him questions, he said "So what?" He didn't pursue to investigate further and wrapped things up quickly.

My case was sent off to the Clackamas County DA. The DA's office AND Christensen didn't even have the decency to tell me they decided to not pursue my case. Both went silent and did nothing to communicate. I waited and waited. My child waited too and asked if he was finally safe. I had to tell my child the truth... "The person who hurt you is not in jail, but I will keep you safe." My child didn't understand. My child said, "But he did this to me. Why can't the police put him in jail for what he did mom?" I couldn't truthfully answer that, but what I wanted to tell my child was the system is set up to protect the perpetrators and not the victims. The DA doesn't care about the victims or keeping the public safe. They just care about winning iron clad cases.

I read the Farley story and knew exactly what those brave women and girls experienced. The same thing happened to my child. And now we both have to live in fear of facing his abuser on the streets because the Clackamas County DA lets pedophiles walk free.

My child is brave. My child is smart. My child did what we teach all children to do. My child recognized unsafe touch. My child reported. My child deserves better. My child needs justice. My child will never forget.

MY CHILD IS ENOUGH.

Sincerely,

Shannon Brogden

February 20, 2024- Public Comment

[West Linn City Charter](#) November 07, 2017

Chapter II Powers, Section 6. Distribution of Powers

*Except as this Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the City, **all powers of the City are vested in the Council.***

Chapter IV- Council, Section 21A. No Interference with Personnel or Public Contracting.

*No City Council member may directly or indirectly, by suggestion, or otherwise, attempt to interfere, influence, or coerce the City Manager in the award of a public contract or the hiring, discipline, or termination of any personnel. **This shall not prevent a City Council member from providing input to the City Manager relating to City business or the performance of an employee or department.*** (Added 09-17-13; Amended 11-07-17)

Honorable Mayor Bialostosky, Council President Baumgardner and Councilors Bryck and Groner,

As you listen to victims of David Farley and other constituents of yours tonight, please know you are not powerless to enact meaningful change. We trust you to carry out your duties according to the City Charter, which holds you directly responsible for all actions and inactions of the City. Please immediately provide your input to the City Manager regarding the performance of Police Chief Mahuna and what your expectations for meaningful change are.

Respectfully,

Teri Cummings, resident of West Linn

Mollusky, Kathy

From: Teri Cummings <[REDACTED]>
Sent: Tuesday, February 20, 2024 4:12 PM
To: City Council
Subject: Urgent: please read before approving the agenda tonight.

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To: Mayor Bialostosky, Council President Baumgardner and Councilors Bryck and Groner

From: Teri Cummings, resident of West Linn

Re: Request to move agenda item 5 a. Agenda Bill 2024-02-20-02 to a future work session to provide pertinent information that is currently missing and sufficient time for City Council and members of the public to consider and discuss.

Please add this to the record of Agenda Bill 2024-02-20-02

Tonight Council should move to revise the February 20, 2024 Special meeting agenda by removing Agenda Bill 2024-02-20-02 to be discussed at an upcoming work session with pertinent information about the IGA, such as any new plans or plan revisions and budgetary information about which 2019 GO Bond projects and street projects are proposed to not happen or be delayed indefinitely if this IGA is approved. We all deserve to know about the completely new cut/fill balance, retaining wall design and mitigation plan for approximately 40 trees the City authorized to be cut down without a permit in Fields Bridge Park prior to the City's application for permits related to proposed WLFD street improvements.

If Council members feel blindsided, please review how rushed and problematic the previous IGA with WLWV was when pertinent information and important questions about the truth of certain matters were left unanswered.

June 21, 2022 City Council Special meeting, [Agenda Bill 2021-06-21-06](#)

Please remember that it is the City Council's duty to direct staff.

Please direct the Mayor and City Manager to **never again put an IGA on a Special meeting agenda.** Items of this nature, which are known well in advance, deserve a full public process, with pertinent information provided in a timely manner with sufficient time given for all interested parties to review said information, pose questions and participate in discussions, prior to the decision.

Respectfully yours,
Teri Cummings



CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): DANIEL HAYES' LETTER TO COUNCIL

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: VINCE MILES, VICE PRESIDENT OF BOLTON N.A.

Phonetic spelling, if difficult to pronounce:

Address (Optional): 5767 K ST.

City: WEST LINN

State: OR

Zip: 97068

Email (Optional): v.miles.234@gmail.com Phone (Optional): 503-655-4962

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.



CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): DANIEL HAYES' LETTER TO COUNCIL

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: JEAN KELLER

Phonetic spelling, if difficult to pronounce:

Address (Optional): 2550 JOLIE PT. RD

City: West LINN

State: OR

Zip: 97068

Email (Optional): odonovans daughter@gmail.com Phone (Optional): 503-656-3063

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.



CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): WLPD

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

WLPD - David Farley

Please print:

Name: David E. Farmer

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 6355 Summerlin

City: W.L. State: OR Zip: 97068

Email (Optional): DaveFarmer15362@gmail.com Phone (Optional): ~~503~~ 971-409-0444

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Police investigation into Farley case

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

none - public comment only

Please print:

Name: Kathy Selvaggio

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1611 6th Ave

City: West Linn State: OR Zip: 97068

Email (Optional): Kathy.Selvaggio@gmail.com Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Police Reform

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Lisa Pratt

Phonetic spelling, if difficult to pronounce:

Address (Optional):

City: Wilsonville

State: OR

Zip: 97070

Email (Optional):

Phone (Optional):

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required):

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Natalie Ramona

Phonetic spelling, if difficult to pronounce:

Address (Optional):

City: Canby

State: OR

Zip:

Email (Optional):

Phone (Optional):

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CITY OF
West Linn

Public Comment Form

I wish to speak during **Public Comments** (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Police & Public Trust

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Community Comments

Please print:

Name: Joshua Wilson

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: Wilsonville State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

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CITY OF
West Linn

Public Comment Form

I wish to speak during **Public Comments** (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): _____

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Dan Hayes

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 2820 Jolie Pointe Rd

City: WL State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): 503-636-7879

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CITY OF

West Linn

Public Comment Form

I wish to speak during **Public Comments** (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Police

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Police

Please print:

Name: Chandler Leland

Phonetic spelling, if difficult to pronounce:

Chandler Leland

Address (Optional): 415 Dimer

City: Oregon City

State: OR

Zip: 97045

Email (Optional):

Phone (Optional):

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CITY OF

West Linn

Public Comment Form

I wish to speak during **Public Comments** (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Council Members should submit their input to the City manager about the job performance of Chief Mahuna as it relates to the Farley
Please specify topic (required): case and I ask for the Chief Mahuna to resign!!!

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Karie Oakes

Phonetic spelling, if difficult to pronounce:

Address (Optional): 1125 Marylhurst DR

City: West Linn

State:

Zip:

Email (Optional):

Phone (Optional):

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): public comment

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Shannon Brogden

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn ~~Clatsop~~ State: OR Zip: _____

Email (Optional): _____ Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Public Comment

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Jeff Wilson

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: Cowby State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Public Comment

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

ABO 5a, Agenda Bill 2024-02-20-02

Please print:

Name: Teri Cummings

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): on file

City: West Linn State: OR Zip: 97068

Email (Optional): on file Phone (Optional): on file

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): 5a. AB 2024-02-20-02

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):

Please print:

Name: Karie Oakes

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1125 Marylhurst DR

City: _____ State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

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