

ONTARIO CITY COUNCIL MEETING MINUTES
Monday, July 21, 2014

The regular Meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, July 21, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Ron Verini and Larry Tuttle. Dan Jones was excused.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Skinner, Kari Ott, Mary Domby, Mark Alexander, Cliff Leeper, Dan Cummings and Jerry Elliot. The meeting was recorded, and copies are available at City Hall.

Mayor Cammack led everyone in the Pledge of Allegiance.

AGENDA

Charlotte Fugate moved, seconded by Ron Verini, to adopt the Agenda. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-out; Tuttle-no; Verini-yes; Cammack-yes. Motion carried 4/2/1.

CONSENT AGENDA

Jackson Fox moved, seconded by Charlotte Fugate to approve Consent Agenda Item A: Minutes of the June 16, 2014, Regular Council Meeting; Item B: Minutes of the June 30, 2014 Special Council Meeting; Item C: Minutes of the July 9, 2014, Special Telephonic Meeting [*Bills approval only*]; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

NEW BUSINESS

Resolution #2014-124: Transfer of 9-1-1 to County

Mark Alexander, Police Chief, stated Malheur County currently contracted with the City of Ontario for 9-1-1 and dispatch services effective July 1, 2014. Oregon Emergency Management oversaw the state 9-1-1 program and requested that the transferring entity adopt a resolution authorizing the transfer. On July 1, 2014, the Council signed contracts with Malheur County to assume responsibility of 9-1-1 and dispatch services for the City of Ontario.

Oregon Emergency Management (OEM) oversaw the state 9-1-1 program and distributed 9-1-1 tax revenues to incorporated cities and counties. When an existing Public Safety Answering Point (PSAP) transferred jurisdictional responsibilities to another PSAP, ORS required 9-1-1 plans to be filed with OEM outlining changes, including the fact 9-1-1 taxes from that jurisdiction would be forwarded to the transferred entity. As part of that plan, OEM requested the transferring PSAP's governing body adopt a resolution authorizing the transfer. Resolution 2014-124 satisfied the requirement.

Jackson Fox moved, seconded by Norm Crume, that the Council adopt **Resolution 2014-124: A RESOLUTION AUTHORIZING TRANSFER OF THE ONTARIO PUBLIC SAFETY ANSWERING POINT COMMUNICATIONS RESPONSIBILITIES TO THE MALHEUR COUNTY PUBLIC SAFETY ANSWERING POINT WITHIN THE MAHEUR COUNTY SHERIFF'S OFFICE.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Declare Surplus: Granular Activated Carbon Media

Jerry Elliot, City Engineer, stated in 2007, the acting director of the Water Treatment Plant (WTP) purchased filter media, known as Granular Activated Carbon, for the WTP. Unfortunately, this material was the wrong material for these filters. It was too soft and performed better at removing tastes and volatile compounds than removal of particulates as needed in Ontario.

Forty "super sacks" (approximately one cubic yard each) were purchased a price of \$34,000. This material had been stored indoors and preliminary, independent testing confirmed that it remained in good shape with minor deterioration. The material was stored where the third treatment module was scheduled for plant expansion. GAC would be an obstacle when filters were serviced or an expansion was needed. This was a commodity and prices might escalate or drop.

Currently, staff does not know the value of the material. When it was purchased, it was from a firm now no longer in business. Staff was able to locate the original sales agent, who had expressed an interest in making an offer. Staff also sent a general inquiry to various water agencies and consultants. It was estimated that it would cost the city \$3,000 to \$5,000 to load and ship the material to a buyer and the sale would net \$15,000 to \$20,000. Those funds would go back into the water budget. Unfortunately the size of the material was not the most popular size so a premium price would not be possible.

Charlotte Fugate moved, seconded by Jackson Fox, that the Council declare the Granular Activated Carbon media as surplus property and authorize staff to sell it at a competitive price. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Bid Award: Lewis, Poe, etal for City's Auditor 2014-2016

Kari Ott, Finance, stated this action was to approve the city auditor for fiscal year 2013-2014, and the following two years after. There were four CPA firms in Ontario that performed audits. Oster Professional Group, CPA's called all four firms, and no local firms were interested in the audit services.

The audit services request for proposal proposals were accepted until July 11, 2014 and were opened on June 25, 2014. The city received two proposals: Lewis, Poe, Moeller, Gunderson & Roberts, LLC based out of La Grande, Oregon and the other from Zwygart & Associates based out of Nampa, Idaho.

Summary of proposals received:

Zwygart & Associates

- *Listed four governmental audit references, with Malheur County being one (Malheur County audit performed only one year).*
 - *Called and left a message at Malheur County, haven't heard back.*
- *Planning on bringing two auditors, a partner and a staff CPA.*
- *Pricing: 2013-2014 \$20,000; 2014-2015 \$19,000; 2015-2016 \$20,000 (avg. \$19,667)*

Lewis, Poe, Moeller, Gunderson & Roberts, LLC

- *Listed twenty-three governmental audit references; the City of La Grande being one.*
 - *Called the City of La Grande and they had only good things to say about the auditor working relationship, timing and other audit items.*
- *Planning on bringing four auditors; a partner-in-charge, manager (another partner), senior accountant and staff accountant.*
- *Pricing: 2013-2014 \$20,430; 2014-2015 \$19,310; 2015-2016 \$19,695 (avg. \$19,812)*

The audit committee, plus Kari Ott, Mary Dombay, and Sydnie Pratt met and reviewed the two proposals on July 14, 2014. The pricing between the two was very close. It would appear that Lewis, Poe, Moeller, Gunderson & Roberts, LLC, did quite a few municipal audits and would be bringing a higher number of staff members to work on the audit. The 2013-2014 audit was estimated to run \$20,430 in the 2014-2015 fiscal year.

Jackson Fox moved, seconded by Charlotte Fugate, that the City Council approve Lewis, Poe, Moeller, Gunderson & Roberts, LLC, to be the City Auditors for fiscal years 2013-2014, 2014-2015 and 2015-2016. Roll call vote: Crumeyes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Golf Course

Mayor Cammack stated normal procedure was to not have public testimony for an item on the Agenda, but in light of this issue, he asked for the Council's agreement to have two speakers, who would have three minutes each.

Councilor Tuttle asked when this item had been added to the Agenda.

Mayor Cammack stated it was at the Thursday Work Session.

Steven Meyer, Ontario, stated he understood that the funding and justification to keep the Golf Course going was of concern. The Golf Course and Aquatic Center were not taken care of and the Aquatic Center was closed due to the lack of maintenance. There needed to be a plan for a Golf Course and Aquatic Center. The city needed a reason for people to come to Ontario. Ceasing all of the funding might affect quality of life, businesses, and other things. Everyone would be affected by this.

Dennis Cornwall, Ontario, stated he came to the meeting to bring forth ideas. Foot golfing was featured in the newspaper and would have the possibility to save the golf course. In some communities, 1/3 of their funds were coming from foot golfing. The city was the center of soccer in this area. There was not another course within 300 miles that had a foot golf course. It could be played at the same time as people were golfing. It was fenced and safe. Or, a KOA facility, where recreational vehicles could stop, and they might play golf as well. The acid infusion system worked, the course was beautiful, and it had never looked so good. His group had a lot of other ideas. The city had 170 acres that could be used for more than golf. The area could also be used for bikers, walkers, and riders.

Mayor Cammack stated the Council had a discussion with Golf Course management last week. The Council had reviewed the facts and figures, and those needed to be discussed. He agreed that the acid infusion system was working, but no one cared because they weren't golfing out there. Golfing numbers were down, and that was the problem. It had nothing to do with the great job that Scott McKinney was doing, because they all recognized that he was doing a good job out there, and he thanked him for that. But, the community was not supportive of the Golf Course.

Councilor Crume stated that the acid system was working great, but membership was down 17% after the city spent 2.45x as much money this year as last year. Last year, the city spent \$125K; this year \$307,000. Out of total play, 53% of the play being done today was done by 93 people. That was less than an average of 200 people using the course. Sales in the Club House were down 17%. The Council held the budget hearing two months ago, and in the process, for him personally, it was uncomfortable to go through those meetings, for the Budget Committee to recommend what they wanted the Council to spend, and the Council told the Department Heads to cut 3% out of the budget, which was \$197K *[sic]*. Much of that, not all, was from Public Safety. The Council had also seen the preliminary reports from the ICMA study for Police and Fire, and in the draft study of the Police, it was recommended that the city hire seven (7) new personnel. How could they spend more money on a course that was going downhill, when Ontario had the worst crime rates in Oregon? Both Police and Fire needed to be shored up. It was the Council's job to do the best job possible, with the finances available, to do what they could with that study. That couldn't be accomplished if they subsidized the Golf Course for 93 cardholders at \$307K.

Councilor Verini stated had been 110% behind the Golf Course when it was previously voted on, for two reasons: Quality of life issues and good value s for the community. At that time, they city was in a different position financially. Since then, the safety of the community had been brought up numerous times. He truly believed when the Council voted to subsidize the course with ~\$300K, he thought they golfers of the community would rally and back the course, increasing both play and memberships. But he saw a city struggling and they had to think of the city's priorities, and for him it was safety first.

Councilor Fox stated this item was on the Agenda as just “golf course”, and he had the impression it was going to be an up/down vote to close the course. What was the rush? There was a contract with a contractor out there. On Thursday, Mr. McKinney had appeared before Council and he was told by the Mayor that there was no sense in him attending the meeting because it wasn’t going to be an issue.

Mayor Cammack stated he had not said that.

Councilor Fox stated yes, he heard him say it.

Mayor Cammack stated he did not – that was not said.

Councilor Fox asked Mr. McKinney if that was what he heard.

Scott McKinney stated he did not remember that being said in the meeting. He had contacted the Mayor that day and the Mayor stated he was welcome to attend the meeting.

Mayor Cammack stated in the meeting, he said that he *should* come.

Councilor Fox stated he still wanted to know why there was such a rush.

Mayor Cammack stated the point was that there were a number of expenditures that were budgeted to be completed at the course during this golfing season. If a decision was made to close the course at the end of the season, it would be a waste to spend money on equipment or repairs that wouldn’t be needed. For planning purposes, those expenditures could be saved. Secondly, people who were golfing out there, had a right to know what was going on.

Councilor Fox didn’t disagree with that; he disagreed with the process. He still didn’t understand the rush. It was July and it was open until November. Why do this, especially with a Councilor absent. It was impossible to believe that everyone who would like to speak about this issue, heard about this addition.

Councilor Tuttle asked for the time frame for adding items on the Agenda.

Ms. Barnett stated the meetings are noticed six months in advance. Legally, the Council could add or remove an item from the Agenda at the actual meeting.

Councilor Tuttle stated the city had an asset of \$2-2.5M, and they were they going to walk away from that. Who had the exit strategy? What were the ramifications to closing it. Did anyone have that information? They wanted to vote to close it, but they didn’t know what they were going to do. There should be some input from staff, Scott McKinney, etc., on what they were going to do. There had to be a plan. Before he would vote to close it, or anything else, he wanted to see a plan.

Mayor Cammack stated if the Council made the decision now, they’d have the remainder of the golf season to figure out the specifics.

Councilor Tuttle stated that might have an effect on how some voted – maybe not, but maybe yes. When there was an asset of that value, there needed to be more to it than just up/down tonight and take care of it later. That should be planned from the beginning. No one here had an exit strategy.

Councilor Fugate commented the studies received for Police and Fire showed a request for \$500K in personnel, and the city didn’t have that money. There was less than \$1M in the General Fund. The city didn’t have the money to spend on a golf course.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council, with respect to all the golfers and for Scott McKinney and the whole city, to continue running the golf course, as scheduled, through the end of this season, not to close it tomorrow, keep it running until the end of the season, and not spend the extra money, such as fixing the retaining wall or any of those long-term plans that would be considered for next year, both on the city's side and Scott's side, and to not renew the contract at the end of this year. **NO VOTE.**

Councilor Fox asked for discussion. Everyone on the Council kept talking about economic development, but they were willing to close down a \$2M asset and send the message to businesses that the Council was shutting this town down. He thought they should look for solutions, not final solutions like this. If they did this, when would they start closing the parks?

Councilor Crume stated he thought of it differently. They had a golf course, but for unknown reasons, people preferred to play at other locations, so having one actually in Ontario, he didn't see as a big economic boom to bring people in. He believed public safety issues were a very big issue. Case in point, with the last City Manager, with a position that needed to be filled, but the person the Council wanted, didn't want the job due to gang issues in this area. It was more important to work on public safety, and to get those in line to where people and businesses would want to be here. If they wanted to golf, they could go six miles one way, or eight miles another way.

Councilor Verini stated this revolved around the financial ability of the city, and the problems in economic development and quality of life. Those two issues told him the police department and the safety of the community was number one. It was nice to have a golf course, and it did add to economic development, and it would add to the property values, but they needed to think about the future and getting the crime rate down.

Mayor Cammack reiterated this was not a new thing. It had been being discussed since 1996, this had been a topic. It was brought up every year, and every year it had squeaked by. They kept putting money in, but the play just wasn't there. There was now over \$300K in subsidy to the course, for a small part of the population.

Councilor Fox stated acting on this was inappropriate. The discussion held was in Executive Session. The people were not notified. He was against this.

Councilor Tuttle agreed. One thing, the figures and contract discussed were done with Scott in Executive Session. Those figures had never been made public.

Larry Sullivan, City Attorney, stated the Oregon Attorney General had a guide to public meetings. That guide went beyond the strict legal requirements of the law, and did have a discussion about what the purpose of the wording of the law was. It read *"The public meetings law does not require that every proposed item of business be described in the notice. The law requires a reasonable effort to inform the public and interested persons, including news media, of the nature of the more important issues."* It referred in the statute to principle subjects coming before the body and the governing body could take up additional principle subjects arising too late to be mentioned in the notice. Further, *"the goal of notice for any meeting was two-fold. To provide general notice to the public at large and to provide actual notice to specifically interested persons. Press releases should be given to the appropriate publications and news services. A general reference, such as a contract, was generally not enough to indicate that a particularly important issue would be discussed in relation to that. Listing something as "Public Works Contract" didn't give notice that the public body was going to be taking up the demolition of a landmark building.* The Council could decide if the notice was adequate to give the public the opportunity to know the Council was considering this motion at the meeting.

Councilor Fox stated he believed there had not been appropriate notice. It was added as "Golf Course" and there was no staff report with it. The public had not heard anything.

Mayor Cammack asked Mr. Sullivan to provide a legal opinion on this.

Mr. Sullivan stated this was a subject considering an important attribute of the city, a significant city asset. The Agenda item should say what was going to be discussed. Was "Golf Course" adequate to give the public to know the Council was going to formally vote on the closure of the course, in his legal opinion was no.

Councilor Crume stated this was inevitable. It would change nothing. They could bring in 100 people, and it wouldn't change the facts. There was a lack of funds. Why put off the inevitable.

Mr. Sullivan stated the law allowed the Council to include an item on the Agenda. Whether or not the inclusion of that phrase truly informed the public that the Council was going to consider defunding the course at the end of the current season, that was questionable.

Mayor Cammack agreed with the statement of Mr. Sullivan, and suggested putting this item on the Agenda, under a different heading.

Councilor Crume withdrew his motion, and tabled the action.

Mayor Cammack stated this action would be on the next Agenda.

Councilor Fugate asked that in the staff report on the golf course, she wanted included what Mr. McKinney said in his layout of how many members he had, and how many plays there were.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Charlotte Fugate stated she had been asked to join the marijuana committee that was forming to be prepared for the possibility that recreational marijuana would become legal in Oregon. This group was proactive in attempting to address some upcoming issues. Councilor Verini had visited a dispensary that was being built in the City.

Ron Verini stated he had visited a dispensary being built in Ontario. It wouldn't be sold until legalized.

Jackson Fox stated that a pharmacy should sell it, not a dispensary.

- Tori Barnett stated they were finishing up on the ICMA Fire study, and it would be approximately two weeks from now when the Council would receive the presentation. She would provide both completed studies to the Council upon receipt, giving them time to review prior to the presentation by ICMA. She asked that Councilors who were interested in attending LOC this year, please let her know, so she could release some hotel reservations if she had too many. Public Works was busy with a lot of projects, including the upcoming chip sealing. The mutual aid for fire issues had been dealt with, and Chief Higinbotham would be bringing a full report to the Council at the next meeting. Also, a sub-committee had been established to create protocol and rules for mutual aid calls. She was still looking for candidates to submit their names for Mayor and City Council positions. Regarding SDCs, Ms. Ott had put together a spreadsheet reflecting money collected on SDCs, where it was allocated, what had been spent, and where, and what the balances of those funds currently was. There was also a spreadsheet, courtesy of Ms. Ott, that reflected how much interest had been received from the Business Loan Fund loans, which could be used for the Economic and Community Enhancement Grant. Currently, the ECE paid the \$15K payment to the transit system.
- Charlotte Fugate stated with regard to Prothman and the City Manager search, what had been the decision on the wage range? Council had received a salary survey, which now included five Idaho city salaries, giving a high and low range, plus actual wage.

It was Council consensus to remain at the \$105,000-120,000 range for the City Manager recruitment.

- Norm Crume had asked if SDC monies could be used for the completion of North Park Boulevard. Cliff Leeper, Public Works Director, was checking on that. Also, he thought he had gone through the proper procedures to allow the addition of the golf course on that evening's Agenda.

Mr. Sullivan stated his concern was that the Agenda should have been more explicit concerning the golf course. Part of the issue was on him. When hearing Mr. McKinney, he was looking for a three-year commitment from the Council. It wasn't clear after the Executive Session if the subject was going to be whether to affirmatively vote to give him a three-year contract or to not do anything, so he wouldn't have left with the assurance he would be able to get increased support from the Council for further development, or, in Councilor Crume's case, he wanted to be able to have an affirmative decision from the Council about funding. It was that one sentence in the AG's guidelines, which read *"The Agenda need not go into detail about subjects scheduled for discussion or action, but it should be sufficiently descriptive so that interested persons would get an accurate picture of the Agenda topics."* After the Executive Session, they could have added "Golf Course – Should the Golf Course be funded for three years? Should the Golf Course be closed? All those probably would have been more explicit and would have given people the opportunity to realize it would be discussed by the Council. He should have suggested that title for the Agenda.

Mayor Cammack stated it was his suggestion to just put Golf Course on the Agenda, not thinking about what that actually meant.

ADJOURN

Larry Tuttle moved, seconded by Jackson Fox, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

APPROVED:


LeRoy Cammack, Mayor

ATTEST:


Tori Barnett, MMC, City Recorder