

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, August 4, 2014**

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, August 4, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, and Larry Tuttle. Ron Verini participated by telephone.

Members of staff present were Tori Barnett, Marcy Siriwardene, Kari Ott, Mary Domby, Mark Alexander, Cliff Leeper, Alan Daniels, and Jerry Elliot. The meeting was recorded, and copies are available at City Hall.

Larry Tuttle led everyone in the Pledge of Allegiance.

AGENDA

Mayor Cammack stated there were two additional invoices before the Council to include in the Approval of the Bills.

Councilor Jones asked to move 7E to 7A, to allow Mr. Smith to speak to the Council on SDCs without waiting until the end of the meeting.

Jackson Fox moved, seconded by Norm Crume, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Dan Jones, to approve Consent Agenda Item A: Minutes of the Council Meeting of July 21, 2014; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

NEW BUSINESS

Informational Only: Greg Smith, SDCs

Greg Smith, Malheur County Economic Development (with Alan Daniels, Ontario) stated he was optimistic about Ontario's future and would like to address the current System Development Charges. He explained that Ontario was competing with Idaho and other cities for development, and he offered his staff's help at research and assisting the city. He asked to set up a meeting to further discuss SDCs and any possible changes. It was his opinion that in order to bring in development to Ontario, and to compete with other communities in this area, the SDCs should be radically reduced, if not eliminated in their entirety.

It was the consensus of the Council to conduct a special meeting to address only SDCs on Thursday, August 21, 2014, beginning at 2:00pm.

Resolution #2014-125: Prohibiting the Use of Written Employment Contracts for Department Heads Who Are City Employees

Tori Barnett, Interim City Manager, stated that at the City Council work session on July 17, 2014, the consensus of the Council was to direct the City Attorney to prepare a resolution prohibiting the City Manager from using separate employment contracts or granting separate compensation or benefit packages to department heads. This would apply only to department heads who are employed by the city, not to independent contractors, such as

CH2M Hill and G.W. Wilber, CPAs.

Jackson Fox moved, seconded by Charlotte Fugate, that the Council adopt **Resolution 2014-125, A RESOLUTION PROHIBITING THE USE OF WRITTEN EMPLOYMENT CONTRACTS FOR DEPARTMENT HEADS WHO ARE CITY EMPLOYEES**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-126: Declaring Portions of City Blocks #154 and #155 as Surplus

Tori Barnett, Interim City Manager, explained that for several years the City Council discussed disposing of the real property owned by the city in City Blocks 154 and 155. That real property includes the old City Shop, a portion of which was currently leased to South Georgia Equipment; and the water tower, a portion of which was currently leased to Sprint (Ubiquitel). When the new City Shop was acquired, the Public Works Committee recommended that the old shop building be sold and that the proceeds be used to offset the cost of the new building. The Council never took any formal action on that recommendation. When the Council renewed the Sprint water tower lease in 2013, it discussed the fact that the water tower was old and a potential liability to the city, but it took no formal action to declare it surplus. The subject arose again in the Council Work Session on July 17, 2014, and the consensus of the Council was to move forward with a surplus property declaration for that real property.

Dan Jones moved, seconded by Ron Verini, that the Council adopt **Resolution #2014-126, A RESOLUTION DECLARING PORTIONS OF CITY BLOCKS 154 AND 155 AS SURPLUS PROPERTY**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Ordinance #2692-2014: Amend OMC 7-1-1, 4 re: Nuisance and Health Regulations (1st Reading)

Mark Alexander, Police Chief, stated this action would amend Municipal Code Title 7, Chapter 1, Sections 1 and 4 relating to Nuisance and Health Regulations in order to be more effective.

Nuisances such as weeds, garbage and debris became unsightly, created fire hazards, reduced property values and inhibited attempts of economic development. On occasion, owners were not proactive in property care and in some cases, it went unaddressed. Ontario City Code identified noxious weeds and weeds over 10" as a nuisance. City code also defined a variety of conditions left upon a property as a nuisance.

Currently, the Code Enforcement Officer could notify a property owner or person in charge that a nuisance existed and give them ten days to remove the issue. If not addressed, the city had the authority to abate the nuisance and charge the property owner for costs incurred. Those failing to pay the costs could be turned to collection or the city could place a lien on the property. The city also had the option to give the property owner or person in charge a citation to appear in court with fines imposed upon conviction.

There were different liability issues involved with properties that were occupied vs. non-occupied with abatement. Staff felt occupied properties could be addressed much quicker than non-occupied properties. Some non-occupied properties were vacant lots that had been abated by the city for years. Some of these properties had rocks, debris or trees that were not defined as a nuisance, but made abatement slow and problematic by those conducting the abatement.

Ordinance #2692-2014 provided language changes to give occupied properties five days to abate nuisances and left ten days for non-occupied properties. This ordinance also allowed those abating properties the ability to remove impediments to allow for future ease of abatement and even for the property to be enhanced visually.

Property owners could receive a larger bill if additional means were made for abatement. This could result in more unpaid bills and more work for the Finance Department for collections and liens. Citations were issued to property owners or persons in charge in occupied properties, which was meant for behavior change, but could also result in an increase in revenue through fines.

Charlotte Fugate moved, seconded by Norm Crume, the Council adopt **Ordinance #2692-2014, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 7, CHAPTER 1, SECTIONS 1 AND 4, RELATING TO NUISANCE AND HEALTH REGULATIONS, on First Reading by Title Only.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Options for the Future of the Ontario Golf Course

Tori Barnett, Interim City Recorder, opened the Golf Course conversation. The purpose of this agenda item was to continue the Council's public discussion on the future of the golf course that began during the Council meeting on July 21, 2014.

The City golf course was being managed by Scott McKinney pursuant to a written contract that expires on December 31, 2014. Mr. McKinney requested that the city make a commitment to renew that contract for an additional three years. At the July 21, 2014, Council meeting, Councilor Crume made a motion not to renew that contract and to essentially close down the golf course after 2014. Because of concerns expressed by the City Attorney as to the wording of that Agenda item in the notice of the meeting, Councilor Crume withdrew his motion, and the subject was placed on the agenda for the August 4, 2014, meeting.

In the July 21, 2014, meeting, the Council discussed the annual subsidies provided by the city for the operation and maintenance of the golf course, and the likelihood of those continuing into the future. The Council also discussed the declining membership, the proximity of other golf courses to the City of Ontario, and the potential use of the annual golf course subsidy for public safety instead of recreation. On the other hand, Councilors also discussed the large financial investment that the city has made in the golf course which may be lost if funding is withdrawn, and the potential harm that may be done to the city's economic development efforts and the city's quality of life if funding is discontinued.

During the discussion on July 21, 2014, all the Council members expressed satisfaction with the job done by Mr. McKinney in managing the golf course. The primary issue addressed by Councilors was whether the city could justify continuing to fund the course after the 2014 season.

The City Attorney has redrafted the motion made by Councilor Crume in the July 21, 2014, meeting. The city has to fulfill its current financial obligations on the golf course to Mr. McKinney through 2014. The proposed motion ends the funding for the commercial operation of the golf course after that time. The city could continue to fund the cost of minimally maintaining and watering the course to avoid its deterioration as a municipal asset, but other funding would be discontinued except by majority vote of the Council.

Dennis Cornwall, Ontario, stated: *I came here tonight to talk about numbers. When we come to our meetings or work sessions and the Council meetings, we hear a lot of numbers, and so I wanted to address some of the numbers that we have been hearing. Ask some questions, maybe. Maybe enlighten some people as to what I see and what I personally perceive, as well as others. You see we've got a fairly good contingent here tonight. But the first number I would like to address is the number that was thrown out at the work session as to how many tournaments we have had at the golf course. We didn't get a very good report. I come here tonight to tell you as of to date, we have had 17 tournaments, including three high school tournaments. Now that was kind of a separate item, but you certainly need to consider that. We have two teams that use the Ontario Golf Course. The Nyssa golf team and the Ontario golf team. If you close the course, you close down those two athletic programs for those schools. They cannot go across the river to Payette. The Payette Golf Course is home to three teams over there: Fruitland, New Plymouth, and Payette. They can't go up to Scott's course at Country View. He's already doing Vale, and he's only got a nine-hole course. That's all he can handle. So, really, there is no place to go for our two golf teams, and I wonder over the last 50 years, how many students have received scholarships to go to college because of the golf and the golf course that we have out here. We shut it down, and unlike what the paper says, in their editorial, we can't just water it and mow it a little bit to keep it going. You shut it down, those greens are gone and you don't get those back without a whole bunch of money to get them back. But the 17 tournaments that we've had, including the high school tournaments, also includes the St. Peter's tournament. That's a big fund-raiser for that organization. We also had the Elk's Mike Cheatham tournament this year. That raised a lot of money for the Elk's*

and their programs. In addition, there was the TVCC Chukar Classic and they used that tournament to raise money for their athletic program, particularly their baseball team. I know I played in it and the baseball players were our caddies. Great kids. But that'll be shut down. Tomorrow the ladies have what's called "The Pink Day" tournament and they're going to have ladies from all over this valley come to Ontario to play a little tournament, and all of that money raised is going to go to an organization called Angel Wings. Angel Wings is an organization that provides rides to women to go get their mammograms. On Saturday, we will have the 3rd Annual John Schafer Memorial Tournament. That money raised will go to help the Cancer Society. There are five more tournaments planned through the end of October, which brings that total to 24 tournaments at this golf course. We have a lot of people using this golf course, no matter what the numbers say. I know Scott has a sheet there we're supposed to sign it and do all that, and I know at these tournaments that does not happen. I've forgotten myself when I go out to play. That just happens. The next number I would like to address is \$515,762, and that is the increase that the police department got this year. Now when I sat here at the County meeting two weeks ago, and I heard there was a 3% decrease, I kind of felt sorry for the police department. But then I got the budget, and I looked at it, and saw that \$515K+. I figured that out and that was almost a 17% increase. That's the biggest increase any department got. So this public safety issue – how much do we have to put in for the public safety? My word, that's a pretty big increase. Then I looked at the golf course budget. Now you all passed a budget and it included the golf course. You all said okay. It was \$307K. Now it was \$337,500, but it was decided that \$30K should be taken away from the golf course, but I went back into the minutes, and I went back and looked at this stuff: \$187,500 was to be paid to Scott McKinney to manage the course and the other \$150K came from revenue. Us golfers! We were paying it. So it looked to me like the city's commitment was only \$187,500. Now if I'm wrong, tell me. But then you decreased it \$30K, so that makes it \$157,500. Now if you were to close the golf course, what's it gonna cost ya? Just to keep up with your own ordinance about weed abatement, and talking with experts, it's going to cost approximately \$100 per acre, on a 177 acres golf course, and should be done three times a year. That's over \$53K. What is the cost to keep up the clubhouse and the restaurant and the rest of the buildings and the equipment that's out there? There's a cost to that. How much is it? You don't know? I don't know. And if you don't know, and you vote to close the course, that seems to be totally irresponsible to me. We gotta know this stuff. What's it gonna cost to close the course? I'm beginning, as I look at these numbers, beginning to think it's cheaper to keep the course open. You got somebody out there taking care of the weeds, you got somebody out there taking care of the restaurant. If we don't know the numbers, how can you vote to close it? You know, there's something called death by a thousand cuts. And I believe that the city, yeas ago, kind-a strapped the old golf course to the, figuratively speaking, to the gallows and began whacking away on it, to the point, now, we've got about 999. One more cut does it. All I ask you – the daggers in your hand – do you go ahead and plunge it through its heart and also the heart of the two school golf programs? I don't know, but the decisions' yours.

Ken Poole, Ontario, stated: I've been around these parts most of my life. My parents came here in 1961 when I was 7. The golf course was right here where the community college is now. We moved out to the west end of town, out by the airport, in, I think, 1964. I started playing golf in 1964 and I gotta say that was 50 years ago. Puts me right around 60. I have had a good deal of enjoyment, used to ride my bicycle from right here by the college out to the golf course. Ontario was a safe place. My mom, dad, get out of their hair, go out and play golf. It was a good thing for a youngster. I think youngsters ought to have that opportunity. We have had some contacts with businesses that are looking to come to this area, and reflecting on what Greg Smith and Alan Daniels said, one of the first questions that they ask is "What are your SDCs?" One that they ask me is "You got a golf course? We like to play". So do I, I say. Ya, we do have a golf course, and I've brought a number of them out there. So, with that said, the golf course holds a special spot in my heart, my life, my wife, my kids, we've enjoyed it. I think I've been around here to every one of the concessionaires that have been out there. It's been a struggle. But, they've made their way, some better than others. I'm not sure that I knew what a concessionaire, what the word meant, when I started, but you know, Lynn Westcott and company treated me great. He was a supporter of kids and I think Scott's that way today. That helped to shape the way we are, giving youngsters an opportunity to have an outlet for their energy and enthusiasm that's in a positive direction. There's been quite a bit of discussion, and I don't know whether it's hearsay or not, but I'd like to just make a couple of comments regarding some of the comments that I've heard, and that is that we have to decide between public safety and a golf course, maybe a swimming pool. I know Mark Alexander personally, and think he and his crew are doing a good job. I went on the city's website today and looked at his report and it showed the 2013 offense statistics and their relation to 2012 offenses, and he listed 27

categories of offenses and the relationship between 2012 and 2013, out of those 27 categories, two categories had no percentage change. They were basically the same in '12 as '13. Eighteen out of those 27 categories, the percentages were down, which means that there were less offenses committed in '13 than there were in 2012, and seven of those categories were up. So it looks to me like Chief Alexander and his team are doing a fine job. I don't know who has started the outcry that we have to decide between public safety and recreation. I think that probably everybody here would agree that if we are deciding between public safety and recreation, public safety ought to be number one. But, with the statistics that are on the city's website, I think we're moving in a positive direction, not a negative direction. I think that Chief Alexander's team and himself are doing a good job. So I don't really see a reason to take and close the golf course and use those funds, whatever they may be, to additionally bolster the public safety program. I appreciate the opportunity for the time here to speak, and look forward to another 50 years of golf in Ontario.

Nick Adams, Ontario, stated: Mayor and Council, thank you for this opportunity, but I'm not only a golfer, I've played professional sports, but I'm a contractor and a developer. Adams Development, we're participating in major projects all over the west, and one of the main criteria when you build a subdivision, whether it's commercial or whatever you're doing, there's always the question of what amenities are you going to include in that community. A majority of the cities and states require the developers and builders to contribute, to participate in those developments. In this case, the golf course not only serves a purpose of giving the opportunity to play golf, but also the youth themselves are able to go out there and enjoy, at a very reasonable rate, and spend their time out there. You're talking closing down the amenities of your city, which is pretty archaic. You don't want to do that because what are the kids going to do? Your crime rate's moving down, you're taking the activities away from the kids, what's next? You going to close parks? You can't take it away and expect the crime rate for the youth to stay at a decent rate. I've seen a lot of kids, a lot of college and a lot of high school kids, out there playing golf. I belong to Purple Sage, but I travel to Ontario a lot. I play there, I mean I should've bought a season pass. I've probably spent \$600-700 already because there's a great improvement on the course. Scott McKinney has done a great job in developing it, making it respectable and enjoyable. But, as far as the kids, it reaches farther than that. I've seen dads out there with their daughters, their young boys, riding in the carts, playing golf, teaching them the game. If you take the amenities out of the city, what's left? The majority of the time when people move to an area, they want to know "What can we do?" Do we have to go to Idaho to play golf, and enjoy sports? The swimming, I mean, we took great pride when we did parks. We developed water avenues where you could go out and get wet, enjoy it, have a picnic, at no cost. So the people that had, were less fortunate, could go have a good time without it affecting their bottom line. And this is real crucial to any city, and as Councilmen and people that are supposed to represent the public, this thing with the children, you cannot spend your money in a better place than for the kids and to bring them up and show 'em that you'll spread the wealth. You'll show 'em a way they can enjoy things without breaking the bank. I don't know, how many of you have been to the golf course in Ontario? Recently? That's very important because a facility this is in dire stress, and not being taken care of, that takes a certain type of attention. But something that has such a major improvement, that Scott Kinney's [sic] done to that course, you can't, you can't say that it's not in an upward direction. The economy's growing, everything's looking brighter, but it just takes the heart out of the lion if you're going to take those amenities away from your community, it affects so many other things. It's just not fair to the community. And that course, I would chance to say, has been around longer than you guys have been alive. And you're going to take it out of the program. It's just not fair. There's got to be a better avenue. The police department, I think, is doing a great job. To consider closing it, if I was in your position, the obvious avenue, if I thought that way, would be to resign. I would not want to do that to the community. As a developer for 20 years, with Adams Development, we took great pride in building these amenities for the communities. And they thrive. Eagle does it, Meridian does it. You've got water parks, free. Go get wet. And it didn't cost the parents and the kids anything, but they could go have a good time, rather than going to Roaring Springs and pay a large sum of money to where it affects their bottom line. But all of these things are extremely important for this Council to take note of. There's got to be other avenues. You don't need to close the course. It's growing, and everything's thriving. So, your participation and all the amenities in this city are just crucial and it starts right here. And that's your job! Thank you.

Mayor Cammack stated the Council had to make some hard decisions, but he wasn't going to chicken out and resign. They had to analyze the problem, look for solutions, and determine what would be best for the city. In

talking about economic development, and it was said the course was needed for that. But that course wasn't being supported. The city needed the money, not for the golf course, but for public safety. People were not supporting the golf course, but when looking at the public safety statistics, who was the worst city in Oregon? With economic development, when a developer came to town, looking to see if there was a golf course, then looking at crime statistics, the lack of a golf course would be better than a high crime rate. The city needed more money in that area, even though a lot of people didn't want to see it that way. This was not as safe as they wanted their community to be. This golf course issue had been looked at for several years, every year, when the budget was being done, and every year when they had a contract. It was given a lot of time, thought, they listened to the community, and it was always the same problem. Mr. Adams pointed out the course was improving, and they were in agreement that the grass was green. Scott had done a great job. But, the numbers for members playing were decreasing. The numbers were less this year than last year. Last December, they held a meeting where this was all discussed, and everyone said if the course was greened up, there would be more golfers, they'd make it work. So, the course was greened up, and there was 17% less golfers. It didn't pay out. Not only did it look like a bad investment, the city didn't have any money to do anything better in public safety. That money had to come from somewhere.

Councilor Crume stated this was a passionate issue, one he did not take lightly. He supported the course four of the five years he'd been a Councilor. This was the first year he had not, because it came to the point of the amount of money being used, the amount of use at the course, and foreseeing problems in the budget. The Council elected to fix the problem done with Transient Occupancy Taxes (TOT), which took a half-million dollars from the General Fund, which funded the golf course, recreation, police, fire, administration, etc. That's why he voted no. The city needed the money to move forward. During the budget, many items were cut out. The items had been budgeted by the full Budget Committee. The money was requested and had been allocated, but cuts had to be made to get the city's Contingency Fund to a safe level. A few of those cuts were – even though budgeted – was a Captain position in the police department. Another cut was a \$5,000 Repeater for the fire department for communication between Vale and Ontario. He struggled with the dollars added to the police department, as he had been on the Council for five years and he didn't recall ever adding \$500K to the police department. But, bottom line, the Council had just received the reports [ICMA studies] that evening, and he wanted everyone to take the opportunity to read them. Having read through the draft police department earlier, it had been recommended the hiring of seven new personnel, including a Captain and three Sergeant positions, used as dedicated Detectives. There were currently zero Detectives. The Patrolmen, who should be patrolling, were assigned as a Detective on calls. That didn't sound efficient. There should be dedicated, specifically trained Detectives, doing that work. It was also recommended the hiring of three personnel for clerical use and Code Enforcement. The Council was divided on the number of cops currently on staff. Some believed the city needed more cops in town; others believed Ontario had the most cops per capita of any city in Oregon. The Council should be telling the department heads how many firemen or policemen should be on staff. There should be trust in that department to allow the Council to hear what was needed and then to divvy up the available money. Not being fully knowledgeable, the city asked for a \$57K study, to seek professional input on what was needed in both the police and fire departments. They were recommending seven more personnel, and the high end of that wouldn't cover three of what it cost to run the golf course. He asked himself what it would be like to have dedicated on-duty officers whose only job was to be patrol 24/7. Was that reasonable for Ontario? Yes. But, the city was hundreds of thousands of dollars away from being able to have even one dedicated traffic cop 24 hours a day. It was sad for the community, but it was also sad to think of shutting down the golf course. He didn't want to be labeled as part of a Council who did that. But, he wanted to be part of a Council who made a turnaround in shoring up the police department closer to what it used to be, with the Captain and Detectives.

Mayor Cammack stated the statistics on the website were correct, but in comparing the crime statistics for the State of Oregon, Ontario was at the bottom. That was a fact.

Mike Brown asked if that was consistent with other cities the size of Ontario, and how many Oregon cities were this size?

Chief Alexander responded it was per capita across the entire state.

Councilor Crume continued that, in his personal view, you didn't cut a police department down and see crime stats improve. He could drive through town at any time, any day, and rarely see a police officer. That was because they were doing duties a patrol office should be doing. That was taken directly from the ICMA study. He was aware that the city didn't have near the money it would take to do all the recommendations for this community, but his job as a Councilor was to do his best for public safety.

Councilor Fox stated he had no intention of voting to close the golf course. It was the thinking of some of his colleagues on the Council, but not his. It was wrongful thinking, and it lacked foresight. At the work session of Thursday, July 31, he asked what they would do in 10 years, but he received no answers. In his opinion, this was very poor planning, especially since they were half-way through the golf season, there was a contract with a contractor until the end of the year, and this was just telling everyone to leave, and not support that contract. This whole deal was wrongful thinking. There had been no real thought put into it. No one suggested having discussions to get it on the ballot, or get a bond district, something. To just, in the middle of a contract, to decide to close that golf course would poison the water for any future tournaments for this year and for all the members, who would be leaving.

Councilor Verini stated he did not believe anyone had talked about closing the golf course immediately. The suggestion was the possibility of closing it at the end of the season, which the proposed motion stated. During that time, no matter how the vote went that evening, the community had an opportunity to step up and show what they wanted. To date, they had shown the course was not being supported by the majority of the community.

Councilor Jones asked if there was an actual motion? If not, he'd hold his comments until a motion was made.

Tori Barnett read a letter written by Mary Joe Rhodes, Ontario, into the record: (typed from submitted letter)
My 10 year old great grandson was visiting me last week and said to me. "We don't have a swimming pool here in Ontario any more because the city council gave the money to the golf course". Ontario used to have a very nice 9 hole course located where the college is today. since they moved the course to the middle of the airport and made it 18 holes, it has been nothing but a money pit. That was almost 60 years ago and it is still ugly, dry, hot and won't grow much of anything except gophers. It is located on an alkali flat. I am an avid golfer for 60 years now and would prefer to play almost anywhere except Ontario. I live in Ontario and I have many golfing friends that live here and play elsewhere. Martha Armstrong's letter to the editor on Sunday, July 27th was right on. The swimming pool and the safety of this community are much more important than the money pit golf course. I say, Close the albatross, but if the council thinks we must have a golf course to bring in business (which I think is nonsense.) Shut down the 9 holes and make an almost decent 9 hole course. I don't know if this is possible but it would be much more cost effective. Forget all that other stuff some people and talking about. Wouldn't work. Never has, Never will. My vote is, close the golf course and open the swimming pool. Thank you for asking my opinion.

Jackson Fox moved, seconded by Dan Jones, to table this issue until the end of that contract. NO VOTE

Councilor Jones stated at the previous Monday night meeting, Councilor Crume made a motion to close the golf course, at the end of the contract. At the last work session, he asked Councilor Crume why did they need to vote on this before the end of the contract. Councilor Crume's response was that they needed the time to analyze the golf course and to figure out what they would do with it. If they took August through March, that was eight months. That was what was wrong with this Council. They weren't getting anything done. This motion had derailed this Council in a direction that they had to get back on track and get back to work. First, there was a contract. The City of Ontario had a contract with Scott McKinney. That contract started January 1, 2014, and expires December 31, 2014. There was an obligation to honor that contract. Scott McKinney spoke to the Council in Executive Session to discuss the possible future of the course. At the next meeting, a motion was made, without any discussion on anything what they'd do with the course, to close the course. The City Attorney was not at the present meeting, but the city was headed down a slippery road with the contract. The city might need the remaining \$75K to go towards litigation if they didn't handle this correctly. The city was in contract with Scott McKinney to run the city's

golf course. The city had yet to sit down with Mr. McKinney to discuss the details, to discuss an exit program, to discuss anything other than a vote to close it down, but not to close it until the end of November. It had absolutely derailed the city, and this Council, again. There were so many issues on the table. This was one of the reasons and the frustration that he continued to have, with regard to the Council not thinking through the process when they wanted to do something. This was why they were unable to get anything done. Again, number one, they had to be very careful, and they'd better table this until they got through this contract. The city would already have to expend \$75K because we had to honor the contract. There was another \$75K payment at the end of November. The Council needed to meet with Mr. McKinney, determine a plan, whether exiting or continuing, and they needed to do it legally and aboveboard. He strongly supported Councilor Fox's motion to table this until the end of the contract. They didn't need eight months to figure out what they were going to do with it. It would probably take two, maybe three, meetings, or maybe some work sessions. During that time, and how they would get stuff done, was that until then, start working out the details behind the scenes. Then come forward, in a work session, with a plan. Don't bring it off the cuff and do something like was being done now, and derail the Council again. That was a tip for them about the Aquatic Center. If they wanted to get the Aquatic Center done, come in with a plan, and come with a plan that was workable. Not a \$13M plan, not a \$7M plan. If they wanted to heal the police department, better come with a plan. Start talking about seven people, they just couldn't do that. Word of advice – if you want something done, put a plan together and come forward. They needed four votes to table this, and they needed to make sure this was all legal so the city didn't end up in litigation. Do it right for both parties.

Mayor Cammack stated he didn't believe there was a problem with the legality. The motion only stated that when the contract ended, it wouldn't be renewed. The course would close at the end of the contract. Mr. McKinney would get his money, the course remained open, people could continue to golf.

Mr. Adams stated they were talking about derailing the Council, or derailing the city, and you were probably all businessmen. What kind of affect would it have on your business if you got all the negative publicity that had been going on regarding the golf course? He was trying to run a program, and the negative publicity that had gone out, like mentioning that members would begin to leave. They had already started.

Mayor Cammack stated they had started to leave long before now. It started years ago

Mr. Adams continued that the negative publicity, without a plan, was tough on any business. What they put out there, they better be able to substantiate. The Council shot him in the foot. When talking litigation. He had ample course...

Mayor Cammack stated that was enough.

Councilor Tuttle stated when this began, he asked about the exit strategy, what it would cost to maintain 140 golf cart storage units out there, or the clubhouse, the shop building, how much would that cost? How much to take care of the weeds? Mr. Cornwell started that discussion and he had a very good point. He wanted to know exactly what the strategy was going to be and how much it would cost. There had been no discussion. The questions have been asked. Were they going to exit – then what would it cost? Had anyone answered that question for him? No, no one had attempted. He supported tabling this action, and to discuss further as they went along, finishing it up at the end of the year when the contract was up. He was in agreement with Councilor Jones.

(Retyped Motion)

Jackson Fox moved, seconded by Dan Jones, to table this issue until the end of that contract. Roll call vote: Crume-no; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-no; Cammack-no. Motion failed 3/4/0.

Councilor Crume stated he had an idea presented to him earlier that day, which sounded legitimate, that if tonight, the course closed, that they put out an RFP, if there was anyone out there who might be interested in operating a golf course, and he agreed with that idea.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council close the Ontario Golf Course at the end of the 2014 golf season. NO VOTE

Councilor Jones stated he was going to ask three Councilors to join him in voting no on this motion. This motion was the most ridiculous motion he had ever heard. There was a contract. The motion was made to close the golf course at the end of the season. They had August, September, October, to work through some details to see if they wanted to close the course, and then do it the right way. Listen to the motion – I move to close the golf course at the end of the contract in November, and it was August 4th. The Council had no numbers. It was the most absurd thing he'd ever heard of, plus they were sliding down a slope with the contract, with the contractor, with the municipality.

Mayor Cammack stated he'd ask Councilor Crume to consider amending his motion so it didn't read at the end of the golf season, but at the end of the contract.

Councilor Crume agreed, and asked how to do that.

Councilor Fox stated Councilor Jones still had the floor.

Councilor Jones continued with that in Mr. McKinney's contract, Section 11, Defaults and Remedies, Default by the City. The following shall constitute an event of default: The city, under this agreement, provided that Scott McKinney has fulfilled his obligation under this Agreement. It wasn't going to take much of an attorney for Scott McKinney to get the city in a corner. He was guaranteeing them that there was more to this than they thought. All they had to do was postpone it and work through some details. They could make the motion in the first meeting in November.

Councilor Fugate stated in the contract, Terms of Agreement, it read that *the term of this agreement shall commence upon the effective date, unless terminated as provided here within, shall expire on December 31, 2014.*

Councilor Jones reiterated that's what he'd been saying – it would expire. But - loss of business, misleading, hearsay, propaganda? The city had a contract with a contractor by a municipality, who had deep pockets. We'd end up in a lawsuit. All they had to do was postpone this until they could work through some details and get their hands around some numbers. They were supposed to have been informed that evening by the golf course director as to what they could even use the property for. They hadn't even worked through that. The motion was...

Mayor Cammack stated that didn't make any difference, what the property could be used for. There were restrictions and they were aware of them. It couldn't be sold.

Councilor Jones verified Mayor Cammack wasn't willing to work through the details.

Mayor Cammack stated he was willing, and it was fair, that they let people know what the outcome was going to be. It wasn't just the city or the Council planning, it was others, too.

Councilor Fox stated it was his opinion that Councilor Jones had a good point about loss of revenue. If they voted to close the course now, and Mr. McKinney had records from the previous year, he would only have to prove less revenue from right now compared to last year. That was loss of revenue and that was litigation.

Q: Who was the current concessionaire at the course? Was that city or Scott?

Councilor Jones stated that was between the concessionaire and Scott.

Q: Would the city be liable for that loss of revenue also?

Councilor Jones stated that would be a question for the attorneys.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council close the Ontario Golf Course at the end of the 2014 season, December 31, 2014. NO VOTE

Councilor Jones stated he would ask one more time – he needed three votes with him to vote no, and to postpone this for at least until the end of the season, to allow them time to work through some details.

Mayor Cammack stated he wouldn't agree to that, but he would join in if they postponed it until the next meeting, when they'd have had a chance to speak with the City Attorney about the legal questions.

Councilor Crume stated the City Attorney drew up the report he was making the motion on. He knew exactly what was going on. But he wasn't there to address any of this tonight, but he did draw it up. Postponing it just created more heartache for everyone.

(Retyped Motion)

Norm Crume moved, seconded by Charlotte Fugate, that the City Council close the Ontario Golf Course at the end of the 2014 season, December 31, 2014. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Tuttle-no; Verini-yes; Cammack-no. Motion fails 3/4/0.

Dan Jones moved, seconded by Larry Tuttle, that the Council discuss the possibility of closing the golf course at the end of the contract, during the next work session scheduled for August 14, 2014. Roll call vote: Crume-no; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 5/2/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Tori Barnett stated with regard to the City Manager issue, she had distributed a document for the Council's review for the 14th, for the candidate who would be coming in to meet with the Council. She had also spoken with the other candidate who submitted an application directly to the city, but she was out of the area until Thursday, and indicated she would call back on Thursday. It might change the schedule a little, but the only difference would be setting the time set for meeting the other candidate.

Regarding the IT, Firefighter, and Planner positions, those announcements were published and applications were being accepted.

Regarding the ICMA study, those were available for anyone who wanted to read it. She had not heard back from ICMA on rescheduling the presentation date.

- Larry Tuttle stated his comment was, and he'd ask again, he wanted some figures on what it was going to cost to mothball that golf course, and maintain it to some level. Not to play, but it was going to cost the city money no matter what, for weeds or empty buildings. Insurance on empty buildings would possibly double, after a year. He wanted some estimated costs when they had this discussion again. What it was going to cost the city, so they could develop an exit strategy, which had not been done.

Dan Jones asked to add to Councilor Tuttle's request that during the next work session, they'd better offer the possibility of meeting with Scott in Executive Session, to begin figuring out who owes who what, and to get his comments on where he stands, so they'd all understand going forward, where they were at, relationship-wise, with the contractor.

Councilor Fugate stated he had missed the session where Scott had given a presentation.

Councilor Jones disagreed. He had been at the Executive Session during the Thursday work session, but had been out of town for the Monday night meeting. After listening to Scott during his presentation during the Session, he probably needed to come back again, and they all needed to discuss the details.

Ms. Barnett stated that she had asked Mr. Daniels to prepare some data for costs associated with the course, as well as to define what could or could not be done with the golf course property. He was, unfortunately, out ill and was unable to present that information at this meeting.

Mayor Cammack stated he was still in favor of closing the golf course at the end of the season. His only reason for not voting yes on it at the current meeting, was that he wanted to ensure the city had the legal bases covered. That was what his vote would be.

ADJOURN

Jackson Fox moved, seconded by Larry Tuttle, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

APPROVED:



LeRoy Cammack, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder