CITY COUNCIL MEETING MINUTES
May 27, 2025

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, May 27, 2025, in the Council Chambers of City Hall. Council members present were Deborah Folden, Ken Hart, Susann Mills, Michael Braden, John Kirby, and Adrianna Contreras. Penny Bakefelt was excused.

Staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Casey Mordhorst, Kari Ott, Jason Cooper, Tatiana Burgess, Al Haun, Andy Wood, and Marshall Pierce.

The meeting was recorded, and copies are available at City Hall.

AGENDA

This Agenda was posted Friday, May 23, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, MILLS seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

BAKEFELT moved, CONTRERAS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF ADOPTION OF THE COUNCIL MEETING MINUTES OF APRIL 22, 2025.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENT(S)

Michelle Manning, Ontario, stated: *I'm from here in Ontario, for the last five years, and the issues that I would like to discuss with you are noise issues. We're already dealing with Dutch Bros and their external speakers, 6:00 in the morning they start blaring their music. And then here a couple weekends ago, the city gave my neighbors a permit to play their music until 1:00 o'clock in the morning and it wasn't quietly. So, I was wondering, why, until 1:00 in the morning if there's already an ordinance in place that says ten or eleven o'clock.*

Mayor Folden stated asked staff if there was an ordinance that allowed for a special activity, maybe on a weekend.

Ms. Manning: *All of the neighbors called and tried to get them to shut it down, but they were told they have a permit.*

Mayor Folden stated she did not currently have the answer, but asked staff if there was an answer.

Mr. Cummings stated staff could research if a permit was issued. Who was it?

Ms. Manning: *Next door neighbors. I don't know the house address.*

Mr. Cummings verified it was a private home address doing this.

Ms. Manning: *Yes, in a residential area, and they were granted their permit until 1:00 o'clock in the morning.*

Mayor Folden confirmed staff had Ms. Manning's contact information, and it would be looked into.

Ms. Manning: *I would greatly appreciate it.*

Mr. Cummings stated he thought there was probably no permit, but he didn't know until it was looked up.

Ms. Manning: *Well, and they do it every weekend. So, I'm already frustrated, and then for them to so "oh we've got a permit until 1:00 o'clock.*

Mr. Cummings stated Ms. Manning was correct in that the noise ordinance stated after 11:00 it was not permitted, but the city did allow special events to go longer, but seldom were they granted to residential homes.

Ms. Manning: *I can guarantee you that you'll have all of Hillcrest calling, Verde and Arcada.*

Mr. Cummings stated staff would look into the issue.

OLD BUSINESS

Resolution #2025-113: Security Grant Program Update
Dan Cummings, City Manager, presented.

The Ontario Security Grant Program was created by Resolution #2021-122 to provide businesses with financial assistance to improve physical security and deter crime in commercially zoned areas of the city. At the May 14, 2025, budget hearing, the Budget Committee recommended increasing the maximum grant amount from $500 to $1,000. Resolution #2025–113 amends Resolution #2021-122 to reflect this increase.

Businesses located in Commercial Zones C-1, C-2, C-2H, C-3, and Commercial Use Apartment Building (Complex) of 10 units or more in any zone within city limits, were eligible for a dollar-for- dollar matching grant of up to $500 as established by Resolution #2021-122. Businesses were required to complete and submit an application with the required attachments. Applications would be reviewed and approved by a panel consisting of the City Manager, Assistant to the City Manager, Police Chief (or designee), and Fire Chief (or designee).

To begin the budget process, the City Council would review and revise the Council Strategic Plan. In 2021, Council added Strategy 4: The Business Climate to the Growth goal. This strategy included a focus on growing and retaining businesses. In 2021, the Budget Committee approved $25,000 for a grant program which would provide money to businesses for security improvements. The structure of the program was generally based on the existing Façade Grant Program. Staff also partnered with the Small Business Development Center for input on business needs and vulnerabilities.

Funds for this program first became available at the beginning of fiscal year 2021, and had been carried over each year during the budget cycle. There had not been a large interest in the program, with the last grant applied for in 2023. As of the May 14, 2025, budget meetings, there was a balance of $19,500 in the fund.

At the May 14, 2025, budget meeting, the Budget Committee recommended increasing the maximum grant amount from $500 to $1,000. Resolution #2025–113 amended Resolution #2021-122 to reflect this increase.

Due to the increase in crime at multifamily apartment complexes, staff was further recommending adding Apartment Buildings (Complexes) of 10 units or more in any zone to the program, as well as the CD (College District) and PF (Public Facility) zones, to allow schools to apply. An applicant could also apply to the City Council to allow for a grant at a site of mass gathering on a case-by-case basis, which would require approval by the City Council.

The application and guidelines of the program needed to be amended to reflect the recommendations in this report and approved through a resolution by the Council before it was initiated. This action corresponded directly with growing and retaining businesses, which was part of the Strategic Plan of the Council: The Business Climate of the Growth goal of the strategic plan. Providing these funds would help businesses keep their property and employees safe.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2025-113, A RESOLUTION AMENDING RESOLUTION #2021-122, THE GRANT GUIDELINES AND APPLICATION FOR THE ONTARIO SECURITY GRANT PROGRAM INCREASING THE MAXIMUM GRANT AMOUNT TO $1,000.00 AND ADDING OTHER ALLOWED GRANT AREAS. TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

NEW BUSINESS

Bid Award: East Lane Rehab Project
Marshall Pierce, City Engineer (Jacobs) presented.

This project had been on the city's horizon for quite some time as a priority project need. The city budgeted 1.8M to cover the total project cost. The project was bid in April, and the city only received one responsive, qualified bid, within budget, in response for the above referenced project bid, from Granite Construction Company, in the amount of
$1,077,220.

The City budgeted $1.8M for FY 25-26 for this project. $729,497 of this amount came from the fund exchange, the remaining was set aside from marijuana funds. With the bid amount received, this would enable services during construction and a 10% construction contingency within the budgeted amount.

HART moved, CONTRERAS seconded, **THE CITY COUNCIL CITY COUNCIL APPROVE THE BID AWARD TO THE LOWEST RESPONSIVE BIDDER, GRANITE CONSTRUCTION COMPANY, FOR $1,070,220 AND A 10% ($107,022) FOR CONSTRUCTION CONTINGENCY, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

Task Order Amendment (Jacobs): Service During Construction for East Lane
Marshall Pierce, City Engineer (Jacobs) presented.

This project had been on the city's horizon for several years and identified as a transportation/roadway project need. The design was completed last year, and bidding performed this spring. With intent to award the project to the lowest responsive bidder, the city would need the engineer to perform Services During Construction (SDC).

To move the project through the final construction phase, the city needed to secure engineering support. Jacobs Engineering, who designed the project and had provided the attached Task Order identifying a scope of work and fee to support the construction management phase of this project.

The project had been bid and the city is in a position to award the project. To start that process, the city needed an engineering team to review submittals and other administrative items, construction/field visits, testing information, pay applications, and coordinate with the city on the contractors performance comparing against the specifications. The City Engineer reviewed the Task Order and was comfortable with the Scope of Services and the fee established.

The overall project was within city's budgeted amount of 1.8M. These funds were $729,497 from fund exchange dollars with the remaining set aside from marijuana tax funds.

With a contractor bid award, the city would need to award the services during construction contractor prior to construction commencing. Not awarding would endanger the bid and project as services during construction was required with a project of this scale.

KIRBY moved, HART seconded, **THE CITY COUNCIL APPROVE THE JACOBS ENGINEERING TASK ORDER AMENDMENT TO PROVIDE SERVICES DURING CONSTRUCTION FOR THE EAST LANE REHAB PROJECT, IN THE AMOUNT OF $140,298.40.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

Task Order Award: Anderson Perry (AP) Surface Water Rights for New Intake
Marshall Pierce, City Engineer (Jacobs) presented.

The city currently held a surface water right permit issued through the Oregon Water Resources Department (OWRD) The permit was beyond its "completion date" established in the permit. The city previously filed an extension of time, which was currently in review. Concurrent with this, the city was in the process of adding a new point of diversion, the secondary river intake project, that OWRD required an amendment to their permit. However, an amendment was not possible once the permit was past the "completion date". The plan was to "prove up" the city's beneficial use prior to the "completion date" that would allow the city to "perfect" a portion of its water rights. Once this had been approved, staff could submit an amendment to add the new diversion source to the partial permit (once the time extension had been approved). With a new river intake in design, the city would need to add a new point of diversion to its water rights permit. This was a complicated and timely process that needed to begin now.

The city budged $25,000 in the UCF for this project, for FY 25-26. As the new river intake was in early design stages, this water rights certification project should begin immediately. Not moving forward might jeopardize the ability to construct the new secondary river intake project.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE OF ANDERSON PERRY'S TASK ORDER FOR SURFACE WATER RIGHTS ASSISTANCE IN THE AMOUNT OF $25,000.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

Change Order: Water Treatment Plant Floc Mechanism Replacement Project
Marshall Pierce, City Engineer (Jacobs) presented.

It was determined this action needed to be tabled until after the adoption of the 2025-2026 annual budget. Item would be moved to the July 8, 2025 City Council meeting.

Task Order Amendment (RH2): SDB (Services During Bidding) and SDC for Screen Replacement Project
Marshall Pierce, City Engineer (Jacobs) presented.

This project had been on the City's horizon for several years and identified as a Wastewater Treatment Plant (WWTP) priority project need. The design was completed earlier this year, and was currently out to bid, with bids due June 5th. With intent to award the project to the lowest responsive bidder, the city would need the engineer to perform Services During Construction (SDC), as well as assistance during the ongoing bidding phase.

To move the project through the bidding and construction phase, the city needed to secure engineering support. RH2 designed the project and had provided the attached Task Order identifying a scope of work and fee to support the bidding and construction management phase of this project.

Assuming the city received responsive bids within the budget, the project would need engineering support. To start that process, the City needs assistance with bidding, and an engineering team to review submittals and other administrative items, construction/field visits, testing information, pay applications, and coordinate with the city on the contractors performance comparing against the specifications. The City Engineer reviewed the Task Order and was comfortable with the Scope of Services and the fee established.

This project was within city's overall budgeted amount. Bidding services were underway, and SDC would commence as soon as bids were received and the project was awarded. Not awarding would endanger the bid and project as SDC was required with a project of this scale.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE THE RH2 ENGINEERING TASK ORDER AMENDMENT TO PROVIDE SERVICES DURING BIDDING AND CONSTRUCTION FOR THE WWTP HEADWORKS SCREEN REPLACEMENT PROJECT, IN THE AMOUNT OF $74,228.** Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATE

Public Works: Quarterly Report
Casey Mordhorst, Public Works Director, presented.

Police: Quarterly Report
Jason Cooper, Police Chief, presented.

Chief Cooper also distributed a hand-out to the Council which summarized the incident which resulted in the nominations for Ontario Police Officers Sgt. Chris Bolyard, Officer Jeremy Jones, Officer Brandon Mitchell, and Officer Tyler Bullington, receiving Officer of the Year accolades through the American Legion Post 67.

DISCUSSION ITEM(S)

✓ Mayor Folden invited everyone to attend the STOL event on Saturday.

✓ Mayor Folden read a statement into the record: *As the Mayor of Ontario, I'm committed and deeply supportive on the Ontario poll project, and I will continue to support our Recreation Department. I was contacted by the YMCA and we had a focus group meeting with our surrounding leaders. The YMCA is projecting a site near DNS Factors, near the old Student Loan Fund of Idaho, in Fruitland. They're calling it the Palisades Corner Project, and they'll be working with Ontario, Nyssa, Parma, Payette, New Plymouth, Vale, and Fruitland. They're getting stakeholders community leaders to help start a feasibility market report and study. If the market is feasible, we'll start looking for feasible donors, partners, and investors. It's a lot of steps to start, but if we combine our community efforts with our combined communities and our populations, we might be able to do it, to get the ball rolling. The future YMCA site location has been donated by the Moscrip Family Foundation. The Moscrip Family Foundation has donated six acres in Fruitland and they've also made a very, very generous donation and contribution for this site. As a community, we are deeply grateful. If this is something that you would like to support and help gathering donations and start the first step, for the feasibility market study, please help join me to making a consensus vote on using the Special Events Fund monies in the amount of $5,000, if it's available.* Could they do a consensus on this? She found the funds in the current budget under General Non-Fund Departmental Appropriations for Special Events.

Councilor Kirby stated the city had their own Recreation District, which was a part of the community. He looked for direction from them before he'd be willing to do anything. He was not supportive of the YMCA coming, but Ontario had a pool project already, along with other things in place that they, as a city, had to jettison, and the voters picked it up, formed a Recreation District, so he thought they should wait for the Rec District to speak before the Council did. D

Councilor Hart stated there was a Boys & Girls Club, which was in not the best building. They did a lot with what they had, and feared that at some point, the school district might take the buildings back or tear them down. Another need in this community….and while it was wonderful what the Moscrip's were doing, he would have a hard time taking Ontario taxpayer dollars and investing them in something that would not be in this taxing jurisdiction. He would not feel comfortable supporting that at this time.

Councilor Braden asked what the specific fund request was for. Was it just to kick-off their feasibility study, so a commitment from Ontario to support that study?

Mayor Folden stated yes, from all the other communities, as well. She put it out there because she had been asked to attend their special event meeting, and she wanted the Council to know what was going on. If there were any questions, just let her know.

✓ Councilor Hart asked about the letter they'd received that night about the Diversity Committee. He knew the City Attorney had already been involved with this, and provided some guidance on what to do. Did the Council need to response to the letter? He would like to hear what the attorney had to say, given that they'd already been tasked them to review the issue.

Councilor Kirby stated prior to the budget committee meetings, there was a document passed by the Council, which had been written by the City Attorney, so the city would not be in conflict with the efforts coming from the federal government to deny funding of federal projects. Based on his motion, this was tabled until the next meeting. At the next meeting, which he attended, the DAC did not attend, and they were given an extension. This past Wednesday, the DAC was supposed to hold their meeting, but they did not have a quorum. So now, the Council received the letter before them, asking them to insert this into that night's meeting, and he didn't know that the request had been voted on by a quorum of the DAC. Before doing anything, he wanted to see yays and nays from their meeting, that was supposed to be held a few weeks ago.

Dan Cummings stated the DAC had not had a quorum, so he didn't know how they could make a recommendation to the Council.

Mayor Folden asked if this needed to be tabled again.

Mr. Cummings stated it should. The city had already expended $4K on the attorney to date for this item. It would probably be another $4K to do it again. Was that the direction the Council wanted to go?

Councilor Hart stated he had not realized they didn't have a quorum. That was part of being a city committee. There were rules that had to be followed, with minutes and transparency. Part of their argument was to please keep them as a city committee, but it didn't know if there was record of who voted how, or if there was even an official meeting. In some ways, they were not acting like a city committee, but he wanted to give them the benefit of the doubt. To hear from them, was that the consensus, had they voted on that issue, before the Council did anything. As already noted, Council had received an opinion from the attorney, and it appeared that if the letter before them currently held up, as them saying they wanted to negotiate, he didn't know if the Council wanted to spend the time and energy, going back and forth negotiating. But, he wanted to hear from them, and there was no one there from that committee except Adriana, who wasn't able to attend that meeting. It would be nice if the committee spoke to the Council before he would be comfortable doing anything.

Mr. Cummings recommended they do a motion to table this action again, if that was the desire of the Council.

Councilor Kirby stated it was his recollection that the Council voted yes for the previous changes, and asked the committee for comments. However, it appeared the committee's comments were to take what had been passed, throw it out, and put in everything that would re-endanger the city's status of getting federal monies.

Councilor Hart reiterated that he wanted to hear from the committee members. It appeared the letter was signed by the Chairperson, but was there a quorum? Was the request to table this until the next meeting?

Councilor Kirby stated in is opinion, this wasn't even on the table. It was just comments. He'd just leave it. If the committee wanted to approach the Council, the next move was on the committee.

Mr. Cummings stated the Council needed to give staff direction. Was it coming back to another meeting or not, or drop it and leave the ordinance as it stood. Council asked to have the ordinance changed, the city spent the money with the attorney to get it changed, the council then asked for the committee's opinion. It could not just sit there.

Councilor Hart verified they needed to put it on the table for the next meeting to vote for the changes.

Mr. Cummings stated that was correct. Did the Council want staff to bring it back at the next meeting, hoping there would be DAC members in attendance to provide their requested changes? Otherwise, the Council could either act on the ordinance or vote it down and leave it as it currently stood.

HART moved, CONTRERAS seconded, **THE CITY COUNCIL TABLE THIS DISCUSSION UNTIL THE NEXT MEETING.** ***No vote.***

Councilor Braden asked if there was a scheduled DAC meeting before the next Council meeting?

Mr. Cummings stated no.

Councilor Braden stated they were then giving the DAC members more time for individual input, but not actually at a committee commendation, if the Council wanted to act on this at the next meeting.

Mayor Folden asked if it would be better to wait until after the next scheduled DAC meeting.

Mr. Cummings stated that was at the discretion of the Council. He suggested they give a deadline to the committee. The next meeting was scheduled for June 18th, and the following Council meeting after that would be June 24th.

Amended motion:
HART moved, CONTRERAS seconded, **THAT THE CITY COUNCIL TABLE THIS ACTION UNTIL THE JUNE 24, 2025, COUNCIL MEETING.** ***No vote.***

Councilor Hart stated he hoped there would be recommendations from the DAC members, as well as reconstitute what the City Attorney had provided to the Council before. There were a few options there: don't do anything, amend it with this language, or make it become a regular non-city sanctioned committee, so just a community committee.

Amended motion:
HART moved, CONTRERAS seconded, **THAT THE CITY COUNCIL TABLE THIS ACTION UNTIL THE JUNE 24, 2025, COUNCIL MEETING.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-no; Bakefelt-out; Folden-yes. Motion carried 5/1/1.

HAND-OUTS

Minutes
Parks 03-20-2025; Airport 03-03-2025, 04-07-2025; County Court 04-22-26-2025 (Budget), 04-23-2025 (Budget), 04-30-2025, 05-07-2025, 05-14-2025

Check Register
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ADJOURN

MILLS moved, HART seconded, **THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Braden-yes; Kirby-yes; Hart-yes; Contreras-yes; Bakefelt-out; Folden-yes. Motion carried 6/0/1. Meeting concluded at 7:13 p.m.

ACCEPTED:	ATTEST:
Deborah K. Folden	Tori Barnett
Deborah K. Folden, Mayor	Tori Barnett, MMC, City Recorder