CITY COUNCIL MEETING MINUTES
October 14, 2025

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, October 14, 2025, in the Council Chambers of City Hall. Council members present were Deborah Folden, Ken Hart, Susann Mills, Michael Braden, Penny Bakefelt, John Kirby, and Adrianna Contreras.

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

AGENDA

This Agenda was posted Friday, October 10, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Dan Cummings asked to remove item 7A from the agenda.

KIRBY moved, BAKEFELT seconded, **TO ADOPT THE AGENDA AS AMENDED.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

CONSENT AGENDA

MILLS moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF ADOPTION OF THE COUNCIL MEETING MINUTES OF SEPTEMBER 23, 2025.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

OLD BUSINESS

Accept DLCD Grant: Fund the Conforming Development Code Amendment

Tatiana Burgess, Planning Director, presented.

The City Council authorized submittal of a DLCD grant application to fund development code amendments on July 22, 2025, through a joint letter of support. The grant application was submitted on August 4, 2025. On October 3, 2025, the Planning Department was formally informed it was awarded the grant, and detailed information would be made available in the coming weeks. Grant acceptance was required to proceed with the execution of the project.

The grant was intended to sponsor a DLCD-provided consultant to conduct all the work. There was not a committed specific amount of funding at this time. DLCD would determine specific funding as grant agreements and consultant contracts were refined and executed. The City of Ontario would contribute to the project by dedicating staff time as needed. There were no other monetary contingencies or required matches.

This project would be critical in Ontario's preparation for the Housing Capacity Analysis (HCA) and Housing Production Strategy (HPS) due in 2029 and 2030, respectively. In addition, the code amendments would ensure compliance with all new legislative statutory requirements.

MILLS moved, HART seconded, **ACCEPT THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD) GRANT AWARD AND AUTHORIZE THE CITY MANAGER TO AND APPROVE ALL DOCUMENTS TO FUND THE DEVELOPMENT CODE AMENDMENTS.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

NEW BUSINESS

Ordinance #2841-2025: Extending the Terms of the Waste Connection (Ontario Sanitary Services) Franchise Agreement and Fees
Jeremy Green, City Attorney, presented.

Waste Connections of Oregon, Inc. (WCO), an Oregon corporation, provided certain solid waste management services within the incorporated limits of Ontario in accordance with the franchise terms and conditions contained in Ordinance #2328, the Master Franchise Agreement.

The Master Franchise Agreement was amended by Ordinance #2435, through Amendment #1, to permit discretionary garbage service rate changes after obtaining the Council's prior approval, and providing no less than 60 days' prior written notice to customers.

The Master Franchise Agreement was further amended by Ordinance #2810, Amendment #2, pursuant to which, among other things, city consented to the original franchisee under the Master Franchise Agreement, Ontario Sanitary Service, Inc., (OSS), transferring and assigning OSS's rights and interests under the Franchise Agreement to WCO.

Subject to the terms and conditions contained in proposed Ordinance #2841-2025, the Council desired to extend the term of the Franchise Agreement for one additional term of ten (10) years, increase the franchise fee to 7%, and approve WCO's rate adjustment. For purposes of this ordinance, the term "Franchise Agreement" meant, individually and collectively, the Master Franchise Agreement, Amendment #1, and Amendment #2.

Councilor Kirby asked about an adequate amount of storage containers and also about opening up a transfer station again. When previously asked, it was implied that it was their short list of things to be done.

Travis Williams, OSS, agreed they had previously discussed reopening the transfer station. In exploring that, their legal team found that their operations plan, which DEQ required be in place, was not up to date. They had subsequently updated that. In speaking with Mr. Cummings earlier, it was thought that would have been finalized by now, as it had been nine months or more. PBS Engineering, their engineer team which handled that, had not provided that to him yet. He reached out to them that day to find out the date for receiving it, as they could not open it to the public until that updated operations plan was in place. It basically wrote out how the transfer station would be handled.

Councilor Kirby stated that while he would vote to approve the extension, he still wanted some certainly that what Mr. Willaims had just said, was truly going to occur.

Mr. Green stated the ordinance didn't address that item. They could amend the ordinance to address it, but he wouldn't suggest that. He suggested he and Mr. Cummings follow up with Mr. Williams and his team later in the week, to get something in writing, even via email, regarding timing and when to expect the transfer station to be implemented by Waste Connections.

Mr. Willilams voiced his agreement with that suggestion.

Mr. Williams stated they also had to do a security fence around the pit, so customers didn't fall into the area.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2841-2025, THE EXTENDED TERMS OF THE WASTE CONNECTIONS FRANCHISE AGREEMENT AS PRESENTED ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

FOLDEN moved, MILLS seconded, **THE CITY COUNCIL TO APPROVE ORDINANCE #2841-2025, THE EXTENDED TERMS OF THE WASTE CONNECTIONS FRANCHISE AGREEMENT AS PRESENTED ON SECOND AND FINAL READING BY TITLE ONLY.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

Ordinance #2836-2025: Farmer's Mutual Telephone Franchise Agreement
Jeremy Green, City Attorney, presented.

This ordinance was a franchise agreement which provided Farmer's Mutual Telephone Company the right and privilege to operate a fiber communications system inside the city limits. The proposed agreement was very similar to the other telecommunications or fiber optic franchise agreements that the city had in place. This franchise agreement contemplated a franchise fee that was equal to the greater of 7% of the franchisee's gross revenues or $500 per month. The reason for that was the city's ability to collect a reasonable amount of franchise fees at least initially as the system was being constructed and as Farmer's began to gain a customer base, which arguably would be minimal. In the interest of adequately compensating the city for use of the right of way, he and Mr. Cummings, with the assistance and cooperation of Farmer's, had developed what amounted to a fixed fee, so that there was some revenue coming into the city until their customer base became established, at which time, when the 7% exceeded the $500, the franchise fee would transition to a 7% of gross revenues instead of the monthly fixed fee. It was a savvy way for the city to collect franchise fees, at least during the buildup years. Otherwise, the terms of the franchise agreement were similar to what the city had reviewed in the past.

Finally, he was not seeking approval from the Council at the current meeting. It was for discussion purposes only. At the next meeting, a Farmer's representative would be present. At that meeting, he would be seeking Council approval and adoption of the agreement ordinance.

Councilor Kirby stated there was a large federal grant for rural access to fiber optics, so was this their attempt to tie the city into the rural project?

Mr. Cummings stated this was based on the large grant awarded. They were going through the city to get into the rural area. There were not connections, yet, to anyone in town. Therefore, it could be a very long time before the city received any franchise fees. That's where the monthly fee came into play.

BRADEN moved, MILLS seconded, **THE CITY COUNCIL TABLE ORDINANCE #2836-2025, FARMER'S MUTUAL TELEPHONE COMPANY FRANCHISE AGREEMENT UNTIL THE COUNCIL'S NEXT MEETING.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

Resolution #2025-124: Official Compensation Package for Employees and Volunteers (Food & Beverage)
Tori Barnett, City Recorder, presented.

The Oregon Government Ethics Commission issued a statement relating to providing food and/or beverages (non-alcoholic) to any employee or volunteer working for the government, indicating those items must be added to their compensation package to negate the need to add the cost of said items when filing their tax returns.

OGEC was asked to review ORS 2440.040, which prohibited a public body from providing food or beverages to its employees, elected, or appointment officials unless such food and beverages were made a part of the compensation package. The city typically provided both food and/or beverages at various city-sponsored events to those individuals.

Upon review of ORS 244.040, in connection with OAR 199-008-0005(3), the Commission issued Advisory Opinion #25-126A in May 2025. This opinion outlined the steps each entity needed to take to add correct and appropriate language to the compensation package which would allow for food and beverages to be provided to employees, elected, or appointed officials.

Adopting proposed Resolution #2025-124 would add the necessary proposed language to the compensation package for employees, elected, or appointed officials to allow food and beverages to be provided at city-sponsored or city-related business events. The resolution also stipulated which areas *would not* fall under the proposed package.

If adopted, the Employee and Volunteer Food and Beverage Policy would be immediately incorporated herein by reference to the City of Ontario Personnel Policy Update First Amended and Restated Employee Handbook, dated June 1, 2025, and included in the next run of the Employee Handbook, under Section 15. Employee Benefits, Subsection a. Employee Benefits - General.

Councilor Braden stated certain fringe benefits were taxable to employees. Was what she was saying was that once this policy was in effect, the due portion of it would be included in the wage and compensation reported on W-2 so the filer would not have to do anything else when completing their tax returns.

Ms. Barnett stated that was correct, that was her understanding. Also incorporated into the proposed resolution was the listing of items *not* included in the compensation package. In reading the resolution, it delineated what couldn't be claimed, or what was ineligible, so it would be up to the individual as to what needed be claimed.

MILLS moved, CONTRERAS seconded, **APPROVE RESOLUTION #2025-124: A RESOLUTION ADOPTING AN OFFICIAL COMPENSATION PACKAGE FOR EMPLOYEES AND VOLUNTEERS.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

Resolution #2025-125: Amend Building Fund Budget to Fund a New Vehicle Purchase and Bid Award
Tatiana Burgess, Planning Director, presented.

The Building Department had been planning on budgeting for a new vehicle in the upcoming fiscal year 2026-2027. The Building Department was seeking approval to amend its budget to authorize the purchase of a new vehicle in the current 2025-2026 fiscal year. To expedite the onboarding of a new Code Enforcement Officer, the Building Department was willing to pass its current vehicle on to the Police Department, as a temporary and immediately available vehicle.

The vehicle currently utilized by the Building Department was purchased through the General Fund in November 2001; it was a 2002 Ford Ranger 4x4. The Building Department had been planning on budgeting for a new vehicle in the upcoming fiscal year 2026-2027. During the September 23, 2025, Council meeting, the Council consented to the hiring of an additional Code Enforcement Officer. The Building Department currently had the funds available to purchase a new vehicle. Three required bids were secured, should the Council authorize the purchase. The bids were for the purchase of a new 2025 all-wheel drive Toyota RAV4.

The vehicle that the Building Department had been using was 24 years old. The Building Department had been planning a new vehicle purchase in the 2026–2027 fiscal year. There was no budget allocation for a new vehicle purchase in the current year. The Building Department and its operations were funded by the Building Fund, dedicated through legislation to exclusively fund the administration and enforcement of the Building Program (ORS 455.210(3)(c)). The Building Fund was able to support this additional expense at the present time. The Building Department was willing to expedite this process, if authorized, as it fully supported the onboarding of a second Code Enforcement Officer. The entire Community Development Department relied on the effective work performed by the Code Enforcement Officer, and saw the great need to fully support and offer additional help.

This proposal was consistent with the Building Department's long-term operations plan. The proposed resolution appropriated $32,000 from the Building Fund contingency, leaving a balance of $685,566. The $32,000 should cover the vehicle and licensing. Amending the Building Department's budget would authorize an immediate vehicle purchase, which would translate into the availability of the 2002 Ford Ranger. Once made available, the Ford Ranger needed to be properly equipped per the Police Department's needs, which could be time-consuming. The goal was to have the vehicle ready for use as soon as the new Code Enforcement Officer was available to work. The faster the Building Department was able to acquire its new vehicle, the sooner it could release the Ford Ranger to the Police Department.

Councilor Kirby asked if Chief Cooper intended to come back and ask for another code enforcement vehicle in the future?

Chief Cooper stated yes, in the next fiscal year. The existing code enforcement vehicle was a 2008 Ford F-150, and it was approaching an end of life situation. This allocation would extend a second vehicle for that second enforcement officer. The vehicle in question had a recent purchase of new tires. There would be some upfitting costs, such as emergency lighting, that the department would have to have installed, but that was something that could be absorbed in the current budget within the vehicle and maintenance line.

Mr. Cummings stated if the Council approved the next budget for a new vehicle, the older vehicle would be given to the second Ordinance Officer, the senior Officer would get the new vehicle, and the 2002 would be surplussed.

MILLS moved, KIRBY seconded, **THE COUNCIL APPROVE THE BUILDING FUND BUDGET AMENDMENT RESOLUTION #2025-125 AND TO APPROVE THE BID AWARD TO STEVE'S HOMETOWN TOYOTA, FOR $31,541.33 AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report

Kari Ott, Finance Director, was unable to attend the meeting. Any questions or concerns should be emailed to Kari so she could address them.

DISCUSSION ITEMS

Downtown Sweeping and Sidewalks

Casey Mordhorst, Public Works Director, stated at the previous meeting there had been discussions about downtown sweeping. Currently, by contract, Jacobs was obligated to sweep the entire town three times a year, and in between those sweepings, they did the primary and secondary routes. The downtown and underpass area was swept much more frequently. It was done by judgement. If it started looking bad, they swept it. Sometimes it was every other week, other times weekly, or then again, maybe three weeks. He had been asked to put together a cost per time swept, which was $840. If the Council chose to have it swept every week, the annual total additional cost was around $38,640. The drivers were in at 4:00 a.m. for the sweeping, as it was the only realistic time for getting to the curb. There were always cars down there. Also, they didn't just sweep Oregon Street; they also swept SW 1st Street, the underpass, and then 1st, 2nd, and 3rd Avenues. Typically, there were cars on the avenues, as there were some apartments there. There were also usually cars on Oregon. The sweepers did the best they could. The bulb outs did make it difficult. They did sweep the parking lots twice a year – once in spring, once in fall.

Councilor Kirby asked about SE 1st, on the East side of the parking lot.

Mr. Mordhorst stated if he was talking about Depot Lane, that was swept as well. The whole downtown corridor was swept.

Mr. Cummings stated part of the request was to have the city pressure wash the sidewalks, too, and he spoke with Mr. Mordhorst about that. It actually became a liability issue for the city because the sidewalk was the responsibility of the property owners for maintenance. That was the rule all over town. Secondly, to pressure wash that, it put them right up against private property – their buildings – and if the city did any damage, the city would be liable. Even if it was contracted out, the contract would cost more. It was his recommendation that the city not get involved with that situation. It would require every property owner in that area to sign on and agree to having that done to release the city from liability. If the property owners wanted to hire a contractor to do that service, that should be up to those property owners.

Mr. Mordhorst stated staff had tried a few years ago, where they went down at 4:00 a.m. with leaf blowers and tried to blow the sidewalks off, including the bulb outs, and they had received nothing but complaints from business owners then wanting their windows rewashed. It wasn't worth the hassle staff had received in trying to do something good.

Councilor Kirby asked about the maintenance of the parking lots.

Mr. Cummings stated it was in downtown parking agreement #1, which was that certain businesses, not all, who raised the funds, paid for the improvements, and the city accepted the maintenance. That's why the city did sweep it, and also chip sealed it.

Mr. Mordhorst stated yes, it had been chip sealed. It was typically restriped every other year, and they maintained the trees and planters. That was currently under the Jacobs contract.

Councilor Hart stated his ask would be that when they approached the next budget cycle, that staff have, as some alternatives for the committee, to increase the street sweeping and the parking lots. It would give them a chance to say this was something that, as they went through all the other priorities, it could be discussed about increasing the repetition, so it did look better at the end of the day. If it was part of the budgeting process, it would allow them to review alternatives, such as making a cut somewhere else, or if there was additional revenue that could be used.

Councilor Kirby stated based on the previous meeting where the group had been discussing multiple things, maybe it should be that group who created a priority list to present to the Council, so it could be considered for the budget rather than the Council deciding what that group would do.

Mr. Cummings stated that was agreed to. That group needed to develop a plan and present it to the City Manager for review. He agreed with Councilor Hart in that once the plan was seen, they could put a budget together based on their list, and present it during the budget process. Then the entire budget committee, or citizens, would have an opportunity to give input. Also, the committee could select a plan based on that. That would not address their questions about hanging lights for Christmas this year, but if the downtown people wanted Christmas lights…unless the Council directed differently, staff would install the same Christmas decorations as in previous years.

Councilor Bakefelt asked if they could provide the downtown core with a power washing name or something, so they could decide if they wanted to hire someone to do that?

Mr. Cummings stated most of the people that had presented to the Council were actual contractors themselves, so they'd know how to find those names more than staff would. Power washer machines could be rented from any of the rental outfits. There were also a lot of paver companies around who had that equipment, too. If the city needed one, they rented it.

Councilor Hart stated they hadn't asked for financial help, but as they'd looked at different grants for awnings or security, was that something that could be considered in the next budget cycle, to say the city would match if someone wanted to hire a contractor or to do it themselves, as it benefited the city, that same concept of betterment or improvement to properties, maybe that was something the city could look at and set aside some funds to maybe help, encourage, everyone to do that, versus the city taking it on, or having Jacobs do it. That would open it up to, well, was it done on 4th, or only downtown, etc., but to maybe start to think of ways to encourage more owners to do that.

Mr. Cummings stated they could revise the façade grant process, add a little more money, and make that part of the grant options. Now that would move with the façade grant. Currently, it had the same routes so people could apply for that part of it for cleaning the front of their areas. Then it was fair to all the citizens as they moved the façade grant around.

Councilor Mills stated there was the Downtown Revitalization Committee, and the businesspeople that attended the last Council meeting, and it didn't sound like the two meshed very well. However, if they did, and they could somehow find the funding to purchase a power washer, and then rent it or loan it out to the other businesspeople that wanted to have their sidewalks cleaned, as there might only be certain ones that did since others complained last time the city did it. That would take it out of the hands of the city budget, and put it on those organizations that wanted that done.

Councilor Mills added to Casey [Mordhorst] and Jacobs, as well as Andrew Seed, how wonderful those flowerpots looked downtown, It took a lot of time to water all of those, but they'd done a terrific job. They looked very nice.

Mr. Mordhorst thanked her, and stated he would share her comments with staff.

HAND-OUTS

Minutes
Airport: 09-02-2025; County Court: 09-17-2025, 09-24-2025, 10-01-2025

Check Register
August 2025

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Kirby commented on the Sister City Celebration and 29 delegates who visited Ontario the past week. They traveled many places around this area, and the trip culminated with a western hoedown at the Sage Hollow Event Center. He commented that Mr. Cummings had actually given his authentic Stetson to the Mayor of Osakasayama. Everyone had a great time.

Councilor Bakefelt agreed. It had been a lot of fun to represent the Mayor, and believed they all had a lot of fun. The facility was great, the food was great, and everyone was wearing huge smiles. She thanked all the citizens for truly stepping up.

- Councilor Hart asked if there was any update on the ordinance process?

Mr. Cummings stated he had the City Attorney addressing that. He would do a follow-up tomorrow, to find out when they could get an update on when that would be back before Council. The stop light cameras were supposed to be here in the next few weeks, to look at the study of the stop lights.

- Councilor Kirby stated he had recently been by the airport, and when entering the office, he had been met by a college student, who was in the flight program, while working part-time for Silverhawk. He was then given a tour of the airport. He was very impressed with how the airport looked. It was neat, clean, devoid of trash, and towers were painted. The new fence on the east side of the runways gave definition to the city's property, but it also kept out animals. Weeds were all mown down. Being very impressed, he submitted a letter to Dan Cummings, with a copy to Councilor Hart [Airport Liaison], about how great it looked. Hopefully, that message was sent out to the Airport Committee, as well.

Councilor Mills asked to get an update from the Recreation Board regarding the pool.

Councilor Mills stated at one time, an animal shelter had been brought to the Council. It was brought to her attention that there was a piece of property over by Rotary Park. There was a piece of vacant property that was covered in weeds. She was asked that if that was city property, could that be turned into a dog park. She drove over there to see the property, but didn't know if it was public, private, or city-owned.

Mr. Cummings stated if she was referring to property on the Eastside, by the water tanks, that was private property, not city. The city didn't currently have any dog parks in any areas because of the health hazards. Staff was still working with the organization [Casper] that came to the Council. She'd been very busy, but he had reached out a week ago, and they planned to move. She told him she thought the city would be very pleased with the contract she was getting ready. The gentlemen that volunteered the property by where the old secondhand store used to be, was still going to be the beginning point of the kennels, the holding pens, for the dogs, but only temporarily, while they were being fostered out. She was also working on a plan for constructing a full kennel system.

ADJOURN

BAKEFELT moved, CONTRERAS seconded, **THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-yes; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 7/0/0. Meeting concluded at 7:01 p.m.

ACCEPTED:

Deborah K. Folden

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett

Tori Barnett, MMC, City Recorder