

City of Pomona
Regular City Council Meeting Minutes
Monday November 7, 2016
7:00 p.m., City Hall

In attendance: Mayor Seneca, Councilmembers; Adler, Bradbury, Johnson, Meador, and Smith

Others in attendance: Sheriff Jeff Richards, Frank Downing, Stan Lantis, Steven Lemons, Brandy Nichols, Scott Snethen, and Dean Wineinger.

Meeting to order

The meeting was called to order at 7pm and began with the Pledge of Allegiance.

Amend Agenda

A motion was made by Councilmember Adler to amend the agenda with the following additions to the end of the items of business:

**Consider Quote from Burlington Construction
Executive Session for Non-Elected Personnel for 15 minutes.**

The motion to amend the agenda was seconded by Councilmember Meador and the vote carried 5-0.

Consent Agenda

- Review Utility Accounts 30+ Days Delinquent
- Review Employee Vacation, Discretionary, and Comp Time Accruals
- Minutes of Previous Meetings
 - October 3, 2016
- Financial Reports/Action on bills
 - Current bills and prepaid bills

Councilmember Smith made a motion to approve the consent agenda with the exception of the All Seasons bill for the replacement of the Library's thermostat. The motion was seconded by Councilmember Meador and the vote carried 5-0.

Registered Citizens Comments

Gene Hirt

Citizen's Comments were held and heard.

Councilmember Meador responded and asked Mr. Hirt about his experience with chip and seal and explained the process of sweeping to him. Councilmember Meador explained the chips that were removed were excess that would have grinded against the set chip and would have scratched away at that bond.

Councilmember Smith asked about the piles of chat around town.

Councilmember Johnson said that the City Field Staff has done a great job.

Items of Business:

Consider Special Use Permit for 504 Hayes

Councilmember Adler made a motion to accept planning commission's recommendation, approving the Special Use Permit for 504 Hayes. The motion was seconded by Councilmember Meador.

Councilmember Bradbury wanted to clarify on the validity of Special Use Permits. He asked if the permits were issued to the landowner and not to the land, Mayor Seneca confirmed this was true. Councilmember Bradbury then asked if the ownership were changed would the permit no longer be in effect. Mayor Seneca confirmed this. Councilmember Adler added that the Special Use Permit would then be null and void if the ownership were changed.

The vote was in favor, 5-0, and the motion carried.

Consider Special Use Permit for 404 Hayes

Councilmember Adler moved to accept the Special Use Permit for 404 Hayes. The motion was seconded by Councilmember Meador and the vote carried 5-0.

Consider Special Use Permit for 420 W. 5th St

Councilmember Johnson moved to accept the Special Use Permit for 420 W. 5th Street. The motion was seconded by Councilmember Adler and the vote carried 5-0.

Consider Special Use Permit for 421 W. 4th St

Councilmember Adler moved to accept the Planning Commission's recommendation to approve the Special Use Permit for 421 W. 4th Street. The motion was seconded by Councilmember Johnson and the vote carried 5-0.

Consider Special Use Permit for 420 W. Franklin

Councilmember Meador moved to accept the Special Use Permit for 420 W. Franklin. The motion was seconded by Councilmember Adler the vote carried 5-0.

Consider Engineers for Sewer Assessment

Mayor Seneca stated that Public Works Associate Brandy Nichols had supplied the Council with a list of engineers and recommended that BG Consultants be hired for the assessment. Brandy Nichols then explained that he had a verbal quote from BG Consultants based off of all the measurements, specs, and paperwork that he had given to BG Consultants. The verbal quote was for \$6,500 but he had requested up to \$10,000 to cover extra expenses.

Councilmember Meador asked Brandy Nichols what was the scope of work the engineer would be performing. Mr. Nichols explained that the engineer would use a camera to inspect all the main laterals, look at wherever there are caps that are separate to look at root protrusion, to see how much of the structural integrity of the pipe has collapsed, designate zones that would be a point replace, and would look at conditions of manholes to determine if it would be a minor remediation or a full replacement. Mr. Nichols also highlighted the end product that BG Consultants could supply and that would be a GIS Map of the sewer system with all camera views of what's going on underneath and the measurements. This map would be how the contractors would set their bids. The biggest thing the City would get out of this assessment would be determining if the City is beyond the point where curing could work or if there will need to be areas dug up and new lines installed.

Councilmember Meador asked if this assessment would also look into the lagoons. Mr. Nichols explained that the outfall line going from the manhole at 1st and Taylor to the lagoons is relatively new in

comparison to the rest of the City so this was not included in the assessment. All of that could be included in the assessment though.

Councilmember Bradbury asked if the assessment would include an estimated cost of the entire scope of work that would be needed. Mr. Nichols answered that BG Consultants would provide the same scope of work for the sewers that SMH provided for the streets. Mr. Nichols also added that BG Consultants would also assist with securing funding, such as USDA loans, and they're user friendly with smaller towns.

Councilmember Meador and Adler discussed that they would like to see a proposal in writing on how much an assessment would cost and what the scope of work would be. Councilmember Smith added that he would like to see more than one proposal. He added it's not their money their dealing with in this issue and they have a responsibility. Councilmember Smith and Bradbury discussed hesitations on going with an engineer that wasn't based locally or not even in the state.

Councilmember Bradbury made a motion to, with the advice and consent of City Staff, request two engineer firms to provide, in writing, bids of a scope of work. There was further discussion on the cost of the project and the fees engineer firms could assess. The motion was seconded by Councilmember Smith. The vote carried 5-0.

Councilmember Bradbury personally thanked Brandy Nichols for all his hard work to the City and on this project. He thanked Mr. Nichols for all his diligence to provide the Council with information.

Consider Public Works Associate's Resignation

Mayor Seneca explained that it is with very much regret that she has the Public Works Associate's resignation. Councilmember Bradbury stated that Mr. Nichols will be missed. He continued by stating that Mr. Nichols has been an exemplary employee and has done an exemplary job. Councilmember Bradbury said his comments came not just as a Councilman, but as a member of the community who has observed Mr. Nichols over time. The citizens and community are deeply indebted for his service. He wished Mr. Nichols the very best and it is with a heavy heart he moved to accept the resignation. Councilmember Johnson added that they all feel the same way. Councilmember Meador seconded the motion and added that he wanted to say the same thing and he enjoyed working with Mr. Nichols. Mr. Nichols thanked everyone for the opportunity. The vote carried 5-0.

Consider Additional Signer to Bank Account

Mayor Seneca explained that due to extenuating circumstances there is from time to time the need for another person to be authorized to sign checks. She explained a recent time where she, Council President Adler, and Councilmember Smith were unavailable to sign checks leaving City Staff unable to issue the checks. Adding another person to the list of authorized signers would eliminate that scenario. Councilmember Meador made a motion to add Councilmember Bradbury as an additional authorized signer. The motion was seconded by Councilmember Johnson. The vote carried 5-0.

Consider Sale of Case Backhoe (Fleet 9-3)

Public Works Director Dean Wineinger explained that the City owns a 1978 Case Backhoe that in the last nearly four years, has been used two to three times. He went on to explain that with the newer backhoe the City owns, this older one is not needed. The City has recently spent close to \$6,000 on repair costs for a tractor and Mr. Wineinger felt that selling this equipment would offset the cost. Councilmember Meador asked if the sale would take place on Big Iron. Mr. Wineinger stated that he doesn't care where they sell it but Big Iron offers less control on the price. He referred to when the City sold the older bucket truck on Craigslist, they had more control over the price they were able to sell it for. Councilmember Meador asked Mr. Wineinger would ask for the Backhoe. Mr. Wineinger answered that he hasn't done enough research to come up with a price yet. Councilmember Adler asked how old the tractor was and Mr.

Wineinger answered that it was either a 1978 or 1979. Councilmember Bradbury made a motion to direct City Staff to sell the Case Backhoe and establish pricing on Craigslist. The fleet number was identified as 9-3. The motion was seconded by Councilmember Johnson and the vote carried 5-0.

Consider Amendments to Personnel Policies

A motion was made by Councilmember Smith to amend the personnel policies. The motion was seconded by Councilmember Meador and the vote carried 5-0.

Consider Transfer of Funds

City Clerk Steven Lemons explained that this item of business was in reference to the budget preparation and is for the transfer of \$15,000 from the General Fund to the Employee Benefits Fund to account for rise in health insurance premiums and unemployment taxes that were not accounted for in the last two fiscal years. This transfer is authorized by KSA 12-16, 102(b). There was discussion on why these funds weren't allocated in the budget preparation for this upcoming fiscal year. Councilmember Smith felt that it's too late now but it's dangerous to transfer money from the General Fund to the Employee Benefit Fund when the Employee Benefit Fund collects money from taxes. Councilmember Bradbury agreed and felt this would be considered for future budget preparation. Councilmember Bradbury stated that with that in mind, he would move to transfer \$15,000 from the General Fund to the Employee Benefits Fund. The motion was seconded by Councilmember Meador and the vote carried 5-0.

Consider Custodial Job Description

Mayor Seneca explained that this is something that she wanted the Council to consider since the Library was owned by the City. She went on to explain that the Library Board did at one time have volunteers who would clean the Library but the volunteers didn't always maintain the levels of cleanliness. Councilmember Smith stated that he doesn't feel it's the City Council's responsibility to keep the Library clean. Councilmember Alder felt this should be in the Library's budget. Mayor Seneca then asked if the Council had any problem with the Library Board hiring a new person, outside of staff and the Board, to be hired to clean the building and have access to the building. Councilmember Smith said that would be up to the Library Board. Councilmember Bradbury appreciated the Mayor bringing it to the Council's attention but made a motion to not approve the change to the Custodian's Job Description. The motion was seconded by Councilmember Adler and the vote carried 5-0.

Consider PACE Information

City Clerk Steven Lemons explained that this is response to the Council's instructions a few months prior for City Staff to look into what it would cost for the City to absorb the costs associated with Credit Cards and ECheck transactions. Chad Galloway, of PACE, had informed the City Clerk that evening that he had not yet finished running analysis on the two options and was unable to give the City and estimated cost. Councilmember Bradbury asked if Mr. Galloway would have this information by the next meeting, Mr. Lemons answered that he would.

Councilmember Adler made a motion to table this item. The motion was seconded by Councilmember Smith and the vote carried 5-0.

Consider JUS Annual Contract

There was discussion on the difference between the JUS Annual Contract this meeting and the JCS Annual Contract last month. The difference is this contract is for our Utility Software and the previous contract was for the Court Software. Councilmember Bradbury made a motion to approve the annual agreement. The motion was seconded by Councilmember Adler and the vote carried 5-0.

Consider Ordinance Adopting 2016 Standard Traffic Ordinance

Councilmember Adler moved to adopt the 2016 Standard Traffic Ordinance. The motion was seconded by Councilmember Johnson and the vote carried 5-0.

Gene Hirt asked the Council what this meant and what they were talking about. Councilmember Adler responded and explained that the Standard Traffic Ordinance is a book of standard ordinances that Law Enforcement use. Sheriff Jeff Richards, who was in attendance, explained that adopting this helps keep everything up to date and standardized throughout all cities.

Consider Ordinance Adopting 2016 Uniform Public Offense Code

Councilmember Adler moved to adopt the 2016 Uniform Public Offense Code. The motion was seconded by Councilmember Smith and the vote carried 5-0.

Consider Ordinance Amending Cemetery Regulations

Councilmember Adler wondered if November 1 was sufficient considering we're still mowing grass. Public Works Director Dean Wineinger explained that by the end of October the seasonal mowers are no longer with the City. He stated that Paul could come back and help if needed. Councilmember Bradbury asked what changes are being considered. Councilmember Adler explained that this item is to change the dates of the artificial decorations being allowed at the cemetery. Public Works Director elaborated that this change would extend the mowing season, allowing artificial decorations to be placed at Woodlawn Cemetery from November 1 to April 1, rather than October 1 to May 1. It was clarified that this change was a recommendation from Staff and Councilmember Adler. Councilmember Johnson asked if flags were included in this change. Councilmember Adler responded that it's for decorations not attached to the headstone.

Gene Hirt asked the Council about steel benches at Woodlawn Cemetery. Mayor Seneca stated that this amendment isn't about benches, this is only referring to artificial decorations and mowing.

Councilmember Bradbury made a motion to approve the amendment to the ordinance. The motion was seconded by Councilmember Meador.

Councilmember Smith voiced concern on changing an ordinance like this because it did not allow for the community to share their input. He stated that for future consideration of amendments, the item should be placed on the agenda for discussion one month and then the next month the Council should consider action on it. There was discussion on who this amendment would affect and about publication.

Councilmember Smith stated that he thought it would be a good idea to place the Council Packets on the City's website similar to how the School Board's Packets are placed on their website. It would allow the public to see the supporting material and what an item would look like. Councilmember Bradbury agreed and felt that the existing motion to approve the amendment should be voted down. Councilmember Smith felt that there was nothing wrong with the amendment that was recommended but that this was a good place to start with allowing the public to provide input.

The vote failed.

Councilmember Bradbury commented that the idea Councilmember Smith shared, about the Council Packets being uploaded to the City's website was a good idea. He also added that this item should be brought back up at the following month's meeting.

Consider Burlington Construction Quote

Councilmember Meador explained that when the City did the CDBG project that the engineers designed a parking area for the buses on Tyler Street. After the point where the millings were placed, it was discovered that the School doesn't stage buses there. Since it was already there, it would be used to allow traveling schools to park their buses or for parking. After the first rain, 3 or 4 tons of rock were washed away, replaced, and then another rain washed it away again. The concern then became that all the rock went into the box culvert under K-68 Highway. It's about 3 feet tall and it's hard to find someone to go in there and remove all the rock. This proposal is to put in 535 lineal feet of 30 inch wide curb with a gutter, it would be anchored to existing street, on Tyler Street. It would run north from the gutter inlet by K-68 Highway to the south drive of the School on Tyler, pickup at the north side of the south drive, then run to south side of north drive. Councilmember Bradbury clarified that essentially there would be a concrete gutter running from the School's northern drive to the gutter box on K-68 Highway. Councilmember Meador confirmed this. Public Works Director Dean Wineinger added that there would still be parking there, this would solve the corrosion issues. Access to the water meter there would still be allowed as well. Councilmember Meador recommended this bid as it's the cheapest route for this type of work.

Councilmember Meador added that there is no timeline, it would just be considered. Councilmember Meador also added that Spring Break time might be a good timeframe to do this project. Public Works Director added that he reached out to get some pricing and didn't receive any calls back, he had no bids to add. Councilmember Meador explained that this information is to show an average cost and they could gather more bids. Councilmember Meador mentioned that he should take this up with the School District and Superintendent again because the School Board has considered redoing the parking lot. These projects can coincide.

Councilmember Meador stated that something needs to be done, but this is the beginning of information of the bids. This should be considered in the future but also coordinated with the School Board.

Councilmember Bradbury made a motion to table the item, this was seconded by Councilmember Adler. The vote carried 5-0.

Executive Session

Councilmember Bradbury made a motion for the Council to enter into Executive Session for discussion of Non-Elected Personnel and to protect their privacy for 15 minutes. The motion was seconded by Councilmember Johnson. The vote carried 5-0.


The Council entered into Executive Session for 15 minutes beginning at 7:58pm.
The Council exited Executive Session and returned to the Open Meeting at 8:13pm

Meeting Adjourn

Councilmember Adler made a motion to adjourn. The motion was seconded by Councilmember Johnson. The vote carried 5-0.

The meeting was adjourned at 8:14pm.

SL


Marie Seneca, Mayor