

City of Pomona
Regular City Council Meeting Minutes
Monday October 3, 2016
7:00 p.m., City Hall

**Council in Attendance: Mayor Seneca, Councilmembers Adler, Bradbury, Johnson, and Smith.
Staff in Attendance: Steven Lemons, Brandy Nichols, and Scott Snethen.**

Meeting to order

The meeting was called to order at 7:00 p.m. and began with the Pledge of Allegiance.

Amend Agenda

A motion by Councilmember Bradbury was made to amend the agenda, adding Rita Clary of Kansas Rural Water Association and adding Consider 2016-2017 Meals on Wheels Contract following Consider 504 Hayes Request. Councilmember Smith seconded the motion. The vote carried 4-0.

Consent Agenda

- Review Utility Accounts 30+ Days Delinquent
- Review Employee Vacation, Discretionary, and Comp Time Accruals
- Minutes of Previous Meetings
 - September 12, 2016
- Financial Reports/Action on bills
 - Current bills and prepaid bills

A motion to accept the Consent Agenda was made by Councilmember Bradbury and the motion was seconded by Councilmember Johnson. The vote carried 4-0.

Registered Citizens Comments

Gene Hirt
Roy Dunn

Citizens Comments were held and heard.

Councilmember Smith instructed City Staff to look at the area south of the Park, on Second Street. There was discussion of putting up a guard rail in that area.

Items of Business:

Consider Snack Master/COF's Proposal

Sam Mason, from Snack Master, was in attendance to explain his proposal. Mr. Mason explained that Snack Master services 81 vending machines across Franklin, Coffee, and Osage Counties. Mr. Mason was in attendance to request permission to place a vending machine in City Hall. The City would only incur cost of utilities for this machines and machines are full serviced by Snack Master, owned by COF. Mr. Mason explained that these vending machines provide a job for COF's clients and in turns benefits members of the community. Mayor Seneca asked if Mr. Mason had a formalized agreement. Mr. Mason explained that he did not but could have something put together. Councilmember Adler asked about the machines' sizes and services. Mr. Mason explained they have various sized machines that could be placed that would provide candy, soda, or microwavable food items. Councilmember Smith explained to Mr. Mason that this is not a high volume area. Mr. Mason stated that the volume would not make or break Snack Master but rather he was looking to place a machine in a client's hometown. Mayor Seneca touched on the formalized agreement and asked for it to include something that would state the City

would be free from liability should the machine incur any damage or vandalism. Mr. Mason explained that he would include this. The Council briefly discussed where the machines could be placed in the Community Building, pointing out a few areas of where the machines could be placed. It was agreed to avoid placing them in the hallways.

Councilmember Smith made a motion to instruct staff to work with Snack Master/COF to place the machines, contingent with a use agreement. The motion was seconded by Councilmember Adler. The vote carried 4-0.

Consider Special Use Permit for 429 Tyler

Mr. Jones of 429 Tyler St had filed for a Special Use Permit which had been approved by the Planning Commission. The City Clerk explained that the Planning Commission had wanted to grant the Special Use Permit to those citizens who applied who currently had livestock, and had room for livestock, at their property. The idea was to keep the ordinance prohibiting livestock in effect while allowing these residents to still be legally compliant by issuance of a Special Use Permit. Councilmember Johnson asked if the property were grandfathered in. Mayor Seneca explained that after speaking with the City Attorney, it was understood that unless the ordinance specifically stated a grandfather clause, then there was nothing that would grant such clause. The grandfather clause was just a verbal agreement. Councilmember Bradbury asked for more information. The permit was read as requesting to keep cattle at the property. Mayor Seneca asked Mr. Jones how many cattle he would be keeping at his property to which Mr. Jones responded no more than 2 head. The permit was amended to state that no more than 2 cattle would be kept there, Mr. Jones signed the amended permit. Councilmember Johnson stated that he believed if this permit were approved then it would be opening the door to more properties around town being allowed to keep livestock. There was discussion on the process and what the Planning Commission was thinking in regards to approving this permit. Councilmember Smith stated that he believed this permit process would be a property by property basis.

Councilmember Bradbury made a motion to accept the Planning Commission's recommendation in regards to the Special Use Permit for 429 Tyler as amended with a limit of 2 cattle. The motion was seconded by Councilmember Smith. The vote carried 4-0

Consider 504 Hayes Request

There was discussion on the process of the Special Use Permits and how this request involved a permit that had not yet gone before the Planning Commission. Councilmember Bradbury made a motion to table this item until consideration by the Planning Commission. The motion was seconded by Councilmember Adler and the vote carried 4-0.

It was made clear that no action would be taken against the property owners in between meetings as their Special Use Permit was being considered.

Rita Clary, Kansas Rural Water Association

Rita Clary from Kansas Rural Water Association (KRWA) introduced herself and explained how she works with municipalities and other sewer systems on project financing and funding options. Mrs. Clary explained that she originally met with City Staff over the summer to discuss the City's wastewater system and the possible needs for improvement. Mrs. Clary stated the morning of the meeting she had met again with City Staff and had reviewed information and understood the City needed to remove sledge from the lagoons, costing around \$280,000. She also understood that the underground sewer system's infrastructure was really bad with tree roots, broken pipes, and manhole issues. Mrs. Clary recommended, before they spend \$280,000 to de-sledge the lagoons, that the City consider having someone camera scope the sewer system. Mrs. Clary stated that as of now, money is cheap and she explained the handout

she had brought. She stressed that she doesn't work with bonds but began to explain other financing options; KDHE offers loans, USDA Rural Development offers loans, CDBG offers grants. Councilmember Smith stated that he felt there was a lot of other work to go into this issue before they began discussing money. He added that as a Council, they hadn't discussed this issue in any detail at all. Mrs. Clary said she understood and suggested that the City consider getting an engineer involved with this to see the scope of the damage. Mrs. Clary stated she were here to inform the Council on this matter and the funding, she again stated that right now money is cheap.

Councilmember Bradbury asked Mrs. Clary why she recommended the City address the underground sewer system rather than dredge the lagoons? Mrs. Clary answered by stating that when all the infiltration she mentioned enters the sewer system, it makes the lift stations work twice as hard and fills up the lagoons, which are already partially full. Councilmember Bradbury then asked about the steps, would this be identifying the engineer? Then have the engineer do an analysis. Mrs. Clary affirmed this and stated that it would be worth the City's money to do this. She added that the City's sewer system was built in 1965, and most systems have a lifespan of only 40 years. It was then added that Pomona is not the only city facing this issue, there are a lot of others in the same boat.

There was brief discussion on the qualifications of the monies available and timelines. If the City were to act quickly and go through USDA, they could have money available as soon as the first of March, 2017. CDBG would take at least a year to get money as the applications are accepted only in September. Mrs. Clary stressed that the City needed to do something soon. She stated that hours are being wasted by having Staff repeatedly address the breaks, the manhole issues, and all the infiltration that is coming in. She also added that we don't want to risk getting out of compliance with KDHE and the EPA over the lagoons.

Councilmember Bradbury asked if KRWA had a list of Engineers who were sewer system capable, Mrs. Clary affirmed this. Councilmember Bradbury made a motion to direct City Staff to locate 5 Engineers for this project. Councilmember Adler seconded the motion and the vote carried 4-0.

The Council thanked Mrs. Clary for her information.

Consider Reimbursement of Community Building Rent for Football Mothers

There was discussion on the use of the Community Building or the School's Multipurpose Room for their dinners. The Football Mothers paid for four rentals (\$240) however only ended up using the Community Building once (\$60). Councilmember Bradbury made a motion to reimburse them the entire \$240 for the rent they paid. The motion was seconded by Councilmember Johnson. One Councilmember voted no and another abstained due to a conflict of interest. The motion failed.

Consider Annual JCS Contract

There was brief discussion on JCS, Jayhawk Court Software, and the benefits of their Support Hours. Councilmember Adler made a motion to accept the annual renewal of the JCS Contract. The motion was seconded by Councilmember Smith and the vote carried 4-0.

Consider 2016-2017 Meals on Wheels Contract

There was discussion on the rent that was previously reimbursed to Franklin County Services for the Elderly for rent paid when the Community Building was not in use by Mid America Nutrition. There was also discussion on a previous meeting, in regards to the 2017 budget preparation, in which the Council entertained the idea of amending the contract with Meals on Wheels so that Franklin County Services for the Elderly would not pay rent.

Councilmember Smith asked Mr. Gene Hirt, who volunteers with Mid America Nutrition to deliver food, how many people were eating with Pomona's program. Mr. Hirt explained on some Wednesdays there are up to 25 people. He added that they deliver meals to 5 homes, some days that drops to 3 homes.

Councilmember Bradbury moved to amend the contract to \$0.00 rent and to approve the program's agreement. Councilmember Smith seconded the motion and the vote carried 4-0.

Consider Resolution 2016-05

There was discussion on Fund 07, Sewer Reserve Fund, and the Sewer Reserve Charge of \$13.75. It was clarified that at the last meeting when the Council voted to pay off a bond early, they had also instructed Staff to look into removing the Sewer Reserve Charge that was collected to pay off the debt. In light of the recent information on the sewer system, there was discussion on how to proceed if the sewer rate needed to be raised again to pay off future debt. Rita Clary, of Kansas Rural Water Association, had recommended in a discussion with Steven Lemons, City Clerk, that the sewer rate have a base rate added to its usage calculation rather than add a separate fee for this purpose.

Councilmember Adler made a motion to accept Resolution 2016-05, removing the Sewer Reserve Charge of \$13.75. The motion was seconded by Councilmember Johnson. Councilmember Smith wanted the motion to be amended to include the transfer of Fund 07's remaining balance to Fund 21, Sewer Capital Improvement. The motion made by Councilmember Adler failed through vote.

Councilmember Adler moved to pass Resolution 2016-05, repealing the Sewer Reserve Charge of \$13.75, and transfer remainder of balance of Fund 07 to Fund 21. Councilmember Johnson seconded this new motion. The vote carried 4-0.

Executive Session

After checking with the League of Municipalities, it was determined that it was allowed for the Council to enter into Executive Session in between Items of Business and it was also allowed to return to the Open Meeting and take action on the remaining items.

A motion was made by Councilmember Bradbury to enter into Executive Session for discussion of non-elected personnel and employee privacy for 15 minutes Councilmember Smith seconded the motion. Bradbury for 15 minutes. The Council entered Executive Session at 8:00 p.m.

At 8:14 p.m. Councilmember Smith requested Steven Lemons, City Clerk, join the Council in Executive Session.

The Council and Steven Lemons, City Clerk, returned from Executive Session at 8:15 p.m.

Consider Revised Personnel Policies

A motion was made by Councilmember Bradbury to accept the revised personnel policies. The motion was seconded by Councilmember Adler and the vote carried 4-0.

Consider Revised Disciplinary Policies

A motion was made by Councilmember Johnson to approve the revised Disciplinary Policies. The motion was seconded by Councilmember Adler and the vote carried 4-0.

Consider Reclassification of City Clerk's Title to Include Office Administrator

A motion was made by Councilmember Smith to reclassify the City Clerk's title to include Office Administrator. The motion was seconded by Councilmember Johnson and the vote carried 4-0.

Consider Reimbursement of Blue Cross Blue Shield Coverage

A motion was made by Councilmember Bradbury to reimburse employees for overpayment into Blue Cross Blue Shield Coverage. The motion was seconded by Councilmember Johnson and the vote carried 4-0.

A motion was made by Councilmember Bradbury to suspend the rules. The motion was seconded by Councilmember Smith and the vote carried 4-0.

Councilmember Bradbury made a motion that the entity that reserved Pomona City Park over the weekend of October 1, 2016, and created a disturbance not be allowed to have the authority to reserve the park for 1 year. Councilmember Smith seconded the motion. The vote carried 4-0.

Meeting Adjourn

A motion was made by Councilmember Smith to adjourn the meeting. The motion to adjourn was seconded by Councilmember Johnson and the vote carried 4-0. The meeting adjourned at 8:17pm.
SL



Mayor