

City of Pomona
Regular City Council Minutes
Monday, August 3, 2020
7:00 p.m., City Hall

Attendance: Mayor Seneca **Council members:** Joe Zamora, Rick Smith, Dotson Bradbury, Kim Giffin

Others in Attendance:

Sheriff Jeff Richards, Brian Webster, Judy Stratton, Kevin Prouty, John Leach, Frank Downing, Mike Adell, Nikki Eubanks, David Hopkins, Maiyee Lor

Meeting to order

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

Amend Agenda

The Mayor proposed an amendment to the agenda as follow: below budget hearing, add nuisance violations and schedule hearings, remove 203 Jefferson St., remove pay app #14 and add Brian Webster below special meeting date. Add to Executive Session for Property Acquisition before personnel matters. Council member Bradbury moved to approve the motion. Seconded by Council member Giffin. Vote carried 4/0.

Consent Agenda

- Review Utility Accounts 30+ Days Delinquent
- Review Employee Vacation, Discretionary, and Comp Time Accruals
- Minutes of Previous Meetings
 - July 6, 2020
- Financial Reports/Action on bills
 - Current bills and prepaid bills

Council member Smith comment about the community supplies from CCL. Quill have same products. There is a cleaning place in Lawrence, Pur-O-Zone. Council member Bradbury made a motion to approve the consent agenda with the directive for city staff to better examine where making purchased consumable and effort. Quill has all the things and has free shipping. Seconded by Council member Smith. Vote carried 4/0.

Items of Business to Discuss and Consider Action:

Budget Public Hearing

Mayor Seneca offer to take comments from the public. There were no comments. Comments were given to the council. The city auditor has reviewed the budget. Council member Bradbury mentioned the tax rate be equal to or greater than the current year, however because of various issues, the best is 32.190, which is close to last year. The cities are under a cap, if the mill drop, the city will not get it back, and the best is 1%. The law states how much cities can make. Council discussed the taxes and levy decrease of 1/3 of mill. Mayor Seneca closed the budget hearing. Council member Smith moved to approved 2021 budget. Seconded by Council member Bradbury. Vote carried 4/0.

Nuisance Violation

Mayor Seneca offered Mike Adell the floor. Mayor Seneca explained the nuisance that were sent out. Mayor Seneca refer to the one Mr. Adell received for in operable vehicles. Mr. Adell owns a shop and most time they come from his place of business. Mayor Seneca's opinion is that, subject to council approval, as a commercial business, he should be exempt to that. The Mayor and Council was not aware of the letter and was sent in error. Council member Bradbury stated as a council member who made a motion, it is not his intentions. Councils' consensus is that a property that had various vehicles, not current on tags or registered. Council apologize to Mr. Adell. Council discussed that it should be vehicles that have been there years and years. Council agreed that if something goes out, and is not signed by them, it did not come from them. Bailey's Auto is commercial as well. Mayor Seneca is making recommendation on the letters. If unsure, Council recommended checking and asking first. The directive now is that you cannot trespass, go on the property without the owner's consent.

Mayor Seneca shared she has numerous vehicles and all are licensed, tagged and insured. She brings copies of proof. If the public doubts Mayor Seneca, she is happy to show anyone. Mayor Seneca sincerely apologized to Mr. Adell. Council commend those that comply during COVID-19, this hardship, almost 50%. It shows an effort of the community trying to address the situation of community safety. Mayor asked if the governing body wish to have an extension, but she intends for a city wide clean-up later in the fall.

Rick McFarland has requested a nuisance violation hearing before the governing body and Mayor Seneca like to do that as soon as possible.

Council member Smith asked about the building inspector and moving on for residents that are unsafe and need to be torn down. Mayor Seneca stated Dan [Dillard] did complete an inspection. It is not structurally unsound, the individual had removed 2.5 tons of miscellaneous trash from property. Mayor Seneca explained that before it can be occupy, utilities which are off, will need to be paid for and re-established. At that time, another inspection for electrical and plumbing. Council discussed the inspection and to have Mr. Finch assist Mr. Dillard.

Council asked about the house on 300 block of Truman. No updates were given to the Mayor. They like for Mr. Finch to preside with that. Council asked that Mr. Dillard and Mr. Finch coordinate and inspect it.

Council discussed a hearing time. Mr. McFarland, property owner of 503 Jefferson, requested a special hearing for in operable vehicle. Council member Bradbury moved to approved Thursday, August 6th at 1:45pm for the hearing date. Seconded by Council member Giffin. Vote carried 4/0.

Sewer Extension

David Hopkins is back to asked about the sewer at his new property. Mayor Seneca was informed that it was taken care of. Mr. Hopkins saw dirt and assumed it was done. Mayor Seneca will confirm again at the sewer meeting on the 6th and Mayor Seneca will call let him and Carol personally to let them know.

Mr. Hopkins asked if Council member Giffin got a chance to look at alley behind his block. Mr. Hopkins shared with the council what he plans to do and will dig it himself. Mr. Hopkins explained the concern to the council about the cell tower. Council member Giffin said it is the responsibility of the cell tower owner. Mayor Seneca stated City will work with Mr. Hopkins.

There are individuals who has expressed strong desires on Leach's property, Mr. Kramer and Mr. Johnson. They have called about the City's approach for sewer extension on those properties and would like the response to be consistent. Council discussed where the properties are located and there is no current sewer. Council member Smith stated septic tanks are against code. Council was informed that it is 700 feet to get from 6th street to property line only. There is no easements and they will need to buy the easement from whomever south of there to get in there. Council stated that they already deal with it with Mr. Prouty but Mayor Seneca emphasized that the gentlemen were not aware. Council discuss options. Mayor Seneca stated Mr. Johnson mentioned eight lots. There are two of eight acres lots. Council discuss for a consistent answer. Council member Bradbury made a motion that anyone who ask in regards to the issue of that land, be told that city ordinance prohibits septic and that the council is on record that any developer of that nature is the responsibility of the purchaser. Seconded by Council member Smith. Vote carried 4/0.

Off Road Vehicles

John Leach likes to drive with his wife and their dog around town. He is willing to get or pay for a permit to do so. Wife has bad hip and bad back. They used to walk the dog with stroller all the time but she can't walk no more. Instead they ride the easy go, golf cart.

Mayor Seneca asked Sheriff Richards about it. Sheriff Richards stated it is up to the city by state statute. There are other cities in the county that do allow it and as long as they know about it. Council discussed the current ordinance and will the council support an ordinance to allow, licensed, permit, and street legal it. The ordinance needs to be very specific. Council member Bradbury will support an ordinance with exemption and authorize with permit, proof of insurance and legally age drivers. Council continued to discuss the issue. Council member Bradbury made a motion to asked legal counsel to draft an exception to the ordinance to allow use of vehicles that have insurance and license driver with city permit, with words include ATVs, golf carts, and scooters. Council member Smith suggested to make a new ordinance.

Sheriff Richards read the statute that it is unlawful to operate on any public highways or street within the corporate limit of any city unless authorized by such city. Sheriff Richards suggest an ordinance to allow it. Council member Bradbury amend to have an ordinance to include those things. Council discussed concerns about the underage but will allow law enforcement deal with them. There is a motion on the table. The motion was seconded by Council member Giffin. Vote carried 4/0.

Ordinance No. 619: Uniform Public Offense Code

Council member Smith moved to approved Ordinance No. 619: Uniform Public Offense Code. Seconded by Council member Bradbury. Vote carried 4/0.

Special Meeting Date: August 6, 2020 @ 2pm

There will be one at 1:45pm follow by another one at 2pm. Council member Bradbury made a motion to schedule a special meeting on August 6, 2020, 2pm. Seconded by Council member Giffin. Mayor Seneca confirmed that one pay will cover the two special meetings. Vote carried 4/0.

Brian Webster

Mr. Webster is interested in seeing the council be willing to form a committee to inquire resources the county will provide in the future in regards to the corona virus. Mr. Webster is concerned that COVID-19 will escalate and the current supplies will not be adequate. Council think Alan Radcliff and Franklin County Health department is doing a great job. Council agreed that city staff and Mayor Seneca are capable of communicating with the appropriate officials on what the city's need are. Council member Smith moved to take no action. Seconded by Council member Bradbury. Vote carried 4/0.

Executive Session

Council member Bradbury motioned For the Discussion of Property Acquisition pursuant, appropriate statute [K.S.A. 75-4319(b)(6)] for a Period of 10 Minutes with the Open Meeting to resume in the Community Building of City Hall. Seconded by Council member Smith. Vote carried 4/0.

The City Council entered into Executive Session at 7:47 p.m.

The City Council exited Executive Session at 7:57 p.m.

Council member Bradbury motioned For the Discussion of Employee Personnel Matters and Discussion of Employee Evaluation to the Non-Elected Personnel Exception Pursuant, K.S.A. 75-4319(b)(1) for a Period of 20 Minutes with the Open Meeting to Resume in the Community Building of City Hall. Seconded by Council member Giffin. Vote carried 4/0.

The City Council entered into Executive Session at 7:57 p.m.

The City Council exited Executive Session at 8:17 p.m.

Items of Business to Discuss and Consider Action:

Employee Personnel Matters

It is council's expectation that city staff not tolerate abusive language or abusive behavior. The council asked Mayor Seneca to write out a sentence that staff can read. Council direct that staff remove self from situation: if telephone call, hang up and if in person, leave and if feel threaten, call law enforcement.

Meeting Adjourn

Council member Bradbury moved to adjourn. This was seconded by Council member Giffin. Vote carried 4/0. Meeting adjourned at 8:18p.m. **ML**


Mayor Seneca