

City of Pomona  
Regular City Council Minutes  
Monday, October 5, 2020  
7:00 p.m., City Hall

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

**Others in Attendance:** Maiyee Lor, Sam Johnson, Bruce Boettcher, Frank Downing, Kelly Loder, Amy Wiscombe, Kayla Greer, Jan Turnbaugh, Sheryl Baugher, Mike Adell, Shelly Tapia, Robert Foster

### **Meeting to order**

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

### **Amend Agenda**

Mayor Seneca proposed an amendment to the agenda to add Kelly Loder immediately below the library quarterly report.

Council member Adler motioned to accept. Seconded by Council member Giffin 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  
September 14, 2020
- Financial Reports/Action on bills  
Current bills and prepaid bills

Council member Smith moved to approve the consent agenda. Seconded by Council member Bradbury and the vote carried 5/0.

### **Items of Business to Discuss and Consider Action:**

#### **Sewer Update: BG Consultant**

Bruce Boettcher and Sam Johnson provide a sanitary update on the project. The contractor have remobilized back to town, done CCTV to a higher standard to identify what is going on with some of the install lineman. CCTV should be complete mid-October to late October depending on weather. CCTV video is being transmitted to a third party engineer, Ed Kampbell. Contractor hired him and is no cost to the city. He is recognized in the industry. The contractor believed they may be blistering of the coating, therefor installation under goes through its part. Mr. Johnson hopes that is what the issue is to meet the standing specification.

CDBG deadline of August 31, 2020 and the approved extension is Feb 28, 2021, hoping to be completely taken care of. USDA coordination, the project is not closed down, waiting to work on issues and identify them to move forward. We are under budget and looks like the grant and long term financing have been reduced from 2.75% to 1.75% if city was to close. Mr. Johnson wants

to gain low interest rates for the city. Mr. Johnson asked council to plan for another meeting early to mid- November, may require another special meeting.

Mr. Johnson discussed the BG [Consultant] contract amendment and would like the city consider the amendment for \$25,000 and identify the completion time February 2021. Council asked about the cost. Mr. Johnson confirmed it will be from the project cost. The project is currently under budget. Council asked questions to Mr. Johnson about concerns of the project. Mr. Johnson said the city has hired BG Consultant to evaluate the work put into the ground and meet specification. Right now, it has been rejected. It need to be re-inspect with better cameras, better technology, slow down and classified correctly and hire a specialist who deals specifically with this issue. Council ask for clarification. Contractor providing the leg work and the inspection, third party engineer will provide his evaluation and BG [Consultant] will evaluate his evaluation. Mr. Johnson explained what they will do, such as run tests and non-destructive testing, inflatable balloons on wheels and air tests in some of the segments. Council wanted to have information of a legal counsel to assist concerns and recommended to ask the league. Council has a problem with BG Consultant asking for \$25,000 for a project they should have been inspecting all along and wanted BG Consultant to explain. Mr. Johnson explained the contractor's responsibility and that BG Consultant can't tell them how to do the work but can identify them. BG Consultant found out when reviewing the CCTV and issues are not found until camera tells them. Council in discussion about the process, how the contractor did and that the \$25,000 should be the contractor's responsibility. Another concern was, if the interest rate goes up, it will cost the City too. Mr. Johnson explained that these are expenses that will occur that will be recuperated and can get reimbursed from the contractor. Bruce Boettcher shared that they are the professionals on the city's behalf. BG Consultant is looking out for best interest for the city and if the City rather not, than BG Consultant can bare minimum.

Council member Bradbury stated that sometimes unknowingly in litigation situation and will do something, but later legal counsel may asked why you did that. Council member Bradbury's compromise is to identify legal counsel and appraised of situation and asked for legal counsel's advices. Council discussed more about getting advice from legal counsel. Mr. Boettcher shared to the council that the current retainage holding back from the contractor is \$145,650. Mayor Seneca asked about the bonds and returns because it may not be the same governing body in the future. Mayor Seneca would like some reassurance. Mr. Johnson explained the year warranty does not start until BG [Consultants] accepts substantial completion and the performance bond is 100% intact. Council in discussion about the amendment, considers to call the league and advice of legal counsel. BG [Consultants] wanted the City to know that they are working on behalf of the city.

Council member Bradbury made a motioned to table the request for additional payment at this time. Seconded by Council member Adler and the vote carried 5/0.

### **Library Quarterly Report**

Kayla Greer provided updates. She talked about the summer library program which was a success. It was all done virtually. Library is still doing virtual book club and new programs. There is one meeting in person, but it's moving to virtual. There is an After School Snack Program, funded by Wolf Creek. Snacks are all bagged and they come in and grab them after

school. Homeschool group is now all virtual. They are open for computers, Wi-Fi and have a 15 minutes limit and prefer appointments.

### **Kelly Loder**

Ms. Loder thanked the council and did have a property owner reached out. It didn't work out. They are determine to make this happen in Pomona. They are asking council and mayor for the property south of this building. Council asked if it is large enough. Yes, they have talked to Loyd Builders and confirmed the square foot of the facility. It is like a big home with 10 large studio size rooms. They need 5,900 square feet. The average room size is about 380 square feet with common area down the middle. Josh Walker, Loyd Builders, have built several of these and Ms. Wiscombe have seen for herself. Ms. Loder shared that they don't have the budget to get utilities outside of town. This is a long term investment for the community. There is substantial personal investment for Ms. Loder and Ms. Wiscombe's family. Council member Giffin shared that we have a building inspector but the codes are not updated. Ms. Wiscombe is license in the state to do that. Council discuss that we might need an update on city codes. Council explained that the parcel will meet all codes, the whole nine yards. Mr. Walker will be a great resource. Council appreciate their continuing effort to see if it will be a reality.

### **Golf Carts/UTV Ordinance**

Council did not have any questions. Council member Bradbury shared that go karts are not a place they want to go and he is not supportive. Council in discussion about it. Council said he [legal counsel] did a good job and covered the things they wanted to cover. Council member Bradbury motioned that the preliminary golf carts/UTV ordinance be brought back for final action. Seconded by Council member Adler and the vote carried 5/0.

### **CMB License: Sinderbloc**

New CMB license for the new ownership. Council member Adler motioned to accept. Seconded by Council member Bradbury and the vote carried 5/0.

### **Sidewalk Repair by Library**

Mayor Seneca explained she was not able to get additional bids. Council member Smith moved to approve Burlington Construction for the sidewalk repair for \$2,480. Council discussed and clarified cost. Motion died. Council member Smith motioned to authorize the Mayor to enter into agreement with either Burlington Construction or BG Thompson for repairs to the sidewalk at the library, at whichever is the more economic price. Seconded by Council member Bradbury and the vote carried 5/0.

### **Personnel Policy update**

Council discussed the change. Council member Bradbury moved to approved resolution 2020-04. Seconded by Council member Adler and the vote carried 5/0.

### **Meeting Adjourn**

Council member Bradbury moved to adjourn. This was seconded by Council member Adler. The vote carried 5/0. Meeting adjourned at 7:46pm. **ML**

  
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Mayor Seneca