

Regular Council Meeting
February 2, 2010
7:00 p.m.

Unapproved Minutes

Meeting was called to order at 7:00 p.m. by Mayor Hancock with Council Lockaby, Council Pritchard, Council Lloyd, Council Seneca and Council Whitaker present.

Citizen of the Year Award: Van Jameson was presented with the Citizen of the Year Award for 2009. In his speech, he thanked Council members and expressed his thanks to the Fire Fighters who donate their time to the City. He also said that he hopes the City can settle its differences. He said that since he had never served on the Fire Dept., he wished to make a donation.

Approve Minutes: Council Lloyd said he did not approve of the January 20 minutes because it talked about the Insurance Company and hiring the attorney on the lawsuit that he said, is just behind us and it looks like there'll be more in front of us. The minutes stated that Marie Seneca offered 1/5 of the deductible that would be paid to the City's Insurance Co. to cover her share regarding the Mayor's lawsuit against Council members. The other Council members said they felt the same way. He said he never agreed to do that. He was not present at that meeting, he instead attended the Water Dist. # 12 meeting which was held on January 20, the same night as the Council Meeting regarding legal counsel. It is stated in the minutes of the Council meeting that he was not present. Although Council Lloyd is part of the Council in the lawsuit, he will not be paying 1/5 of the deductible. I said I would make note in this month's minutes. With that there was a motion by Council Whitaker to approve the minutes of January 5 and January 20. A second was made by Council Lockaby and passed by roll call 5-0.

Council Seneca made a motion to approve the bills as presented. A second was made by Council Lockaby and passed by roll call 5-0.

Registered Citizen Comments:

Jane Creighton discussed a KOFO radio interview which took place on January 15 in which the Mayor had discussed drinking and driving incidents by some of the Council members. She asked if any of the Council would like to comment. Council Whitaker said that she would like to state that she doesn't even own an ATV and she does not drink. Council Whitaker said she does not appreciate being lumped in to a statement like that, which was followed by applause.

Larry Case asked if a house north of him at 420 E. A St. was going to be taken care of, as it has had a condemned sign on it for quite a while. Council Whitaker stated she would have it checked on, but it is difficult for the City right now with no attorney.

Jerry Johnson wanted to know what the Mayor meant by honest, regarding an article in the paper after the Mayor took office. In a recent article he said the Mayor stated that she wanted people to abide by the law. He then asked the Mayor why her dogs are still running loose. She stated that her dogs are in the yard. Mr. Johnson and two other people present said that her dogs chased their cars when they drove by. He then discussed permits he has purchased for the remodeling he has done on his house. He asked the Mayor if she had a permit on her house. She said she did. Mr. Johnson said it seems like it has been her agenda to get rid of Doug Combs and for her to sue the City Council and Mr. Combs, isn't she also really suing the people? This was followed by applause. The Mayor then asked Mr. Johnson why he thought she didn't have a building permit. He said he was under the impression that she did not. The permit from July the Mayor had was a roofing permit. Her husband came down to get a building permit

even though she told him not too, because she felt she did not need one for windows and siding. She said Mr. Combs had come down with Marie Seneca and Jane Creighton to give her a stop work order because she had no building permit. She claimed that Council members and everybody had been running up and down the street taking pictures of the house.

Rick Smith then spoke about how the Mayor has been talking about how the City needed to be tightening its belt economically. He then stated that in the year 2007, the City had spent \$7957.00 in attorney fees. In 2008, the amount was \$7987.00, but in the year 2009, the amount for attorney fees were \$19,344.00. He wanted to know how much is budgeted in that line item and if we were still under budget and how does the Mayor appear to tighten ones belt. The Mayor only wanted to know when Mr. Smith had received that information. He said that didn't make any difference and she said yes it does and again asked him when he got that information. He said he filled out the proper forms to get that information.

Walter Cunningham stood to speak, talking about the poll in the Ottawa Herald asking if people thought the Mayor should drop the lawsuit .70% said yes, 17% said no, 13% said I don't care and 1% said I don't know. He said he had papers with him that would be forwarded to the Attorney General's office and to the County attorney's office. It is a petition that many residents have signed requesting that the Mayor resign immediately. Council Pritchard then stated that she would like to give the Mayor the opportunity to do that at this time. The Mayor simply said No, I won't.

Departmental Reports:

The Mayor gave a two page report on what she believes is disdain for her being in Office, and that the ideas, beliefs and values of those that oppose her are irrelevant. She said she will seek prosecution for what she believes to be bullying by those opposing her. It should be noted the Mayor's report is 10 minutes in length.

Clerk: No Report

Treasurer: Julie reported on the records that the Mayor had requested of her. She said she has been working on them but the Mayor had requested a lot of information and Julie had told her it would take 3 weeks because the Mayor was wanting everyone's wages, everyone's hours, everyone's salaries for the whole year of 2009. Julie stated that she has many other responsibilities at the end of the year and again Julie stated that she had told the Mayor it would take 3 weeks to get this information. She can only do this when she has time. She also informed the Mayor that her request was never put on a form, so she understood it as a Mayor request as opposed to an open records request. She always makes sure she responds to an open records request in a timely manner. Julie told her the 3 weeks would be up the following day and that she would have the Mayor's request for her in her box before she leaves work for the day.

Superintendent: No Report

Animal Control: Bob Barkley stated that he has taken in only 3 dogs, but mostly the bad weather has kept him inside.

Beautification: Jane Creighton said flowers would start being planted in March.

Library: Delores Dyer reported that the Library is open 3 days a week and they have many programs for all ages, and welcomed any suggestions from people if they had any ideas.

Fire Chief: Stan Lantis was not present.

Sheriff: No Report

Planning & Zoning: Doug Combs was not present

Water Department: Marie Seneca read a note written by a couple in town saying thank you for the roads being cleared on Christmas morning.

Water Dist. # 12: Council Lloyd gave his report from January 20 meeting that he attended. Water main break was discussed that had occurred on January 9th and also on the 10th South of the Melvern water plant. He stated that Quenemo, Lyndon and Pomona had nothing coming towards them on dirty water in regards to the water main break. He suggested if anyone had air or anything wrong with their water, it was not coming from Dist. #12. He said if there was a problem here, it should be checked if our system needs flushed. Jim Robinson then stated that he would like to clarify what Council Lloyd said. Jim said that the air we had in the water for a week or two was, in fact, from the main break. There is no way they can keep that from happening whenever you have lines shut down, you are going to get air in the water. That is why we had milky water. Jim also said that he wasn't aware of any taste or smell from that. We did get air from that but it is to be expected. Council Lloyd then said that Dist. # 12 did apologize for what happened, that they are trying to find different people who may respond quicker should this happen.

Electric Department: No Report

Cemetery and Park Department: No Report

Fire Department: No Report

Streets and Road Department: No Report

The Mayor said she contacted many different trash services. She said she had a list for me, but I did not receive the list. She said there was about 40 different trash services. She said that Mace, whom she thought was with Ottawa Sanitation said that he did not want to bid at this time. He did look at our current contract, but said that it doesn't protect the City as far as raises. Mr. John Taylor with Ottawa Sanitation then asked if he could speak, as he was next on the agenda. Mr. Taylor wanted to tell everyone that Mace is with T&W out of Ottawa, that he is not affiliated with Ottawa Sanitation. He said that he and his partner, Claude Ferguson, have had this business together for many years. The only charge ever asked of the City in all these years has been landfill charges other than this last fuel surcharge. They have never come out and asked for any other increase. The landfill charges have gone to the County, not to Ottawa Sanitation. Operation has gone all these years with just the cost that the original contract had several years ago. He said that Ottawa Sanitation is keeping people satisfied at a low price. He said that they have done this with all the other towns that they have contracts with in this area. He said they want to leave the contract the way it sits right now, and that is all he was asking for right now is for the City to renew for another 3 years. Because of the world situation the way it is right now, they do not want to increase any further. He said he would hate to ever have to pull out of this town. The Mayor asked if there was anything that could be done about the diesel. He said that the guy at Co-op said that in 3 months crude oil would again increase, which would reflect in diesel prices. He said that all the other towns were okay with the ways things are right now, because they understand

that fuel prices would be going back up. He said he would like to contract to stay the way it is. Linda also reminded that Ottawa Sanitation provides the dumpsters for the City's Spring and Fall cleanups at no charge. Council Lockaby said that he would like to keep Ottawa Sanitation and made a motion to renew their contract when it comes due. A second was made by Council Pritchard. Before roll call could be taken, the Mayor continued talking about the contract. Council Pritchard had to remind her that a motion and a second was going. After roll call was then taken, the motion passed 5-0. After the motion passed, there was applause.

Council Whitaker made a motion that the deadline for agenda items is to be no later than 10:00 a.m. on the Wednesday prior to the next Council meeting. A second was made by Council Pritchard and passed by roll call 4-1 (Lloyd).

The ribbon cutting for the Dollar General is set for Friday February 12, 2010 at 10:00 a.m.

Council Whitaker made a motion to accept Resolution No. 2010-02: A resolution waiving the City of Pomona, Kansas from using generally accepted accounting principles in preparation of financial statements and reports. A second was made by Council Lockaby and passed by roll call 5-0.

Council Whitaker made a motion to hire Julie Spielman as City Treasurer and Carole Hopkins as City Clerk. A second was made by Council Seneca and passed by roll call 5-0.

Council Whitaker made a motion to hire Carole Hopkins as Municipal Court Clerk. A second was made by Council Seneca and passed 5-0.

Council Whitaker made a motion to accept Linda Servaes' official retirement date and her official return date. A second was made by Council Pritchard and passed 5-0.

There was discussion on citizens that may be in need of oxygen or shelter during a power outage. The Mayor asked if Rick Smith was still willing to have the school do something as far as notifying the public of different options they may have during a power outage if they have health issues. He said if we could get the information in to the school on time, it could be added to the March District Newsletter.

Discussion Items:

Council Whitaker stated that applications for vacant City Attorney position be tabled. The Mayor reminded everyone that she did appoint Scott Ryburn, so there could be an attorney. Council Pritchard suggested to the Mayor that since she wanted everyone to get along, why not let Michael Sheridan come back. He did say that he would be willing to if everyone, Mayor included would be in agreement. She only said he could come to Municipal court the next day, but only for that day. Council Pritchard told the Mayor that she must not really want to get along. The Mayor said yes she did. The Mayor also stated that Scott Ryburn would have to come in on a one time position too. It should be noted that during the meeting in which the Mayor appointed Scott Ryburn, the attorney position was held by Michael Sheridan, who was present at that meeting.

The Mayor wanted to table discussion on Ordinance No. 536 for one more month. Council Whitaker stated that it came from the Planning Commission and the Council at that time approved it. If anyone has a problem with it, they should write it down and let it go back to the Planning Commission for review before it comes back to the Council.

Council Whitaker asked that topics for Town Hall meeting be tabled until the City gets done with all the others things going on right now. In only two or three months, we may even have a whole new Council by then. The Mayor agreed that it could be tabled.

Executive session tabled until next month.

Question and Answer:

Walt Cunningham wanted to know what Ordinance No. 536 pertains to. She said it is amending Ordinance No. 417 on Zoning Regulations. The Mayor asked if Mr. Cunningham would like to go over this with her. He said he would if there were other Planning Commission members present.

Mayor Whitaker thanked everyone for coming to the meeting. She said to feel free to ask questions to any of the Council members.

Jerry Johnson asked if there happened to be another power outage, would the Community Building be opened for people who may need heat. Jim did verify that we do have a generator available, but someone with a key would have to be available to come open the building. Nikki Carey suggested that a key might also be given to the Fire Department.

Meagan Patton from the paper asked the Mayor how many signatures were on the petition. Someone said there was 157 signatures. Someone else corrected that number to 176. The Mayor said she noticed that a lot of the people who signed do not live in town. It was explained to her that this was a list from the citizens of Pomona.

Richard Berger stood to speak. He said to the Mayor that he does not understand a lot of statements that she has made. One of them was from her Mayor's report about people coming on to her property. It was before she took her position as Mayor, that it was on her campaign at that time, and there is no denying that, to get Doug Combs. He said that the Mayor at that time tried to recruit him to go out on other people's property, with a tape measure and measure storage buildings to make sure they were 120 Sq. feet or less. He said if we are going to play straight and level across the board, everybody oughta come clean. The Mayor only said alright.

Lance Beuttel said he wanted to say that the community supports the lady's in the office and the guys out taking care of the streets. Mr. Beuttel's statement was followed by applause.

Jerry Johnson said that the City employees do what they can and as far as their wages, he said he is fairly sure that he makes more than they do, and he can go home at 2:30 in the afternoon and not worry about anything. He said that sometimes they are up all hours of the night during storms, fixing the electricity and he appreciates everything they do. Mr. Johnson's statement was followed by applause.

Jim Whitaker said that from being on the Council and talking to Jim, John and everyone else that he is aware that when the weather is bad is when the guys are so busy. He knows that they have had to be in a hole when it is below zero trying to get the water back on, as well as trying to get the electricity back on. He said for people to go see what they have to do and they deserve every nickel they make. Mr. Whitaker's statement was followed by applause.

Council Seneca made a motion to adjourn at 8:20 p.m. A second was made by Council Lockaby and passed by roll call 5-0.

