

**CITY OF NICKERSON
15 N. NICKERSON
NICKERSON, KS 67561**

REGULAR COUNCIL MEETING

Monday, January 21, 2013

MAYOR: Jim Gladden

COUNCIL: Brad Berridge – President, Linda Fleming, Dale Brown, Jim Koon,
Skip Russell, Mike McLemore

EMPLOYEES

PRESENT: Mark Gomes, Robin Schmitt, Rick Sims, Phyllis Richardson

GUESTS: David Richardson, Dan Schmitt

ATTORNEY: Stan Juhnke

ROLL CALL: Berridge, Russell, Koon, Brown, Fleming, McLemore

ABSENT:

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, January 21, 2013 at Nickerson City Hall.

APPROVAL OF MINUTES, AGENDA, & PAYABLES – each item limit to 15 minutes

Motion made and seconded by Council Member McLemore and Council Member Berridge to approve the January 7, 2013 Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge, **NO:** None

Motion made and seconded by Council Member Russell and Council Member Berridge to approve the Agenda as written. Motion carried by the following vote: **YES:** Berridge, Fleming, Brown, Koon, Russell, McLemore, **NO:** None

Mayor Gladden asked if there was a chance to recover the cost of the horse care fees from the neglected animal case. City Clerk Schmitt stated there is a chance to recover the costs when the case goes to court.

Motion to approve the January 21, 2013 payables was made and seconded by Council Member McLemore and Council Member Fleming. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Fleming, **NO:** None

ABSTAIN: Berridge,

CITY ATTORNEY Stan Juhnke – Absent

Mayor Gladden announced that a pair of glasses was found at the City Park and they have been turned into the City office for the owner to claim.

PUBLIC COMMENTS – None

OLD BUSINESS

Citizen Patrol Flyer – City Clerk Schmitt requested approval to have the Citizen Patrol flyers printed by Roberts Hutch-Line at 500 for \$180. Motion was made and seconded by Council Member Berridge and Council Member Russell to print the flyers. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell, **NO:** None

Council Member Fleming confirmed that if the Police Department is reinstated then the Citizen Patrol would still be in place and would work with the new department.

Community Center Property Purchase Agreement – The Council reviewed the agreement to purchase the Golding property for the Community Center which was drawn up by the City Attorney, Stan Juhnke. Motion was made and seconded by Council Member Russell and Council Member Berridge to approve the purchase agreement and to have the City Attorney proceed with the purchase process. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell, **NO:** None

Advisory Election Discussion – City Clerk Schmitt reported to the Council that she received an email from the County Clerk stating they will not be able to conduct the City's advisory election, pertaining to the Police Department question, during the April election time frame. According to the email, the County Clerk has requested information from the Secretary of State's Office regarding the laws and procedures of an advisory election. Legally, the County Clerk has discretion in deciding whether or not to conduct an advisory election for a governing body. They will discuss if and when they would be able to conduct the election once they have the information from the Secretary of State.

Clerk Schmitt will stay in touch with the County Clerk and keep the Council informed of any information she receives about conducting the advisory election.

NEW BUSINESS

Resolution 2013-02 – City Clerk Schmitt ask for approval of Resolution 2013-02 to waive the Statutory Generally Accepted Accounting Principles (GAAP) requirement for 2013. Motion was made and seconded by Council Member Russell and Council Member Berridge to adopt Resolution 2013-02. Motion

carried by the following vote: **YES:** Russell, McLemore, Berridge, Fleming, Brown, Koon, **NO:** None

EXECUTIVE SESSION (PERSONNEL) for 15 MINUTES. Motion made and seconded by Council Member Russell and Council Member Berridge to recess into executive session for 15 minutes. Motion carried by a show of hands. 7:17 p.m.

Mayor Gladden called the meeting back to order. 7:32 p.m.

Motion was made and seconded by Council Member McLemore and Council Member Russell to recess into executive session for 5 minutes. Motion carried by a show of hands. 7:33 p.m.

Mayor Gladden called the meeting back to order. 7:38 p.m.

OFFICERS REPORT

Council Member Berridge thanked the Maintenance Department for putting the sand on the streets when it was slick and for painting the stripes at the bar and grill.

Council Member Brown had been asked about who was running in the election. Clerk Schmitt reported that all the Council members who are up for election have filed as well as George Danser-Ward 2 and Jon Rowling-Ward 2.

Council Member Koon thanked everyone for the cards, flowers and get-well wishes while he was in the hospital.

City Clerk Schmitt presented a request from one of the ex-auxiliary police officers, Jeremy Rodriguez, to purchase the Browning 9mm from the City's gun inventory for \$300. The Council wants to keep everything in the Police inventory until the advisory election outcome is known.

Motion was made and seconded by Council Member Berridge and Council Member Brown to deny the request from Jeremy to purchase the Browning 9mm pistol. Motion carried by the following vote: **YES:** Fleming, Berridge, McLemore, Russell, Koon, Brown, **NO:** None

Mayor Gladden presented letters from the City Attorney pertaining to Mike Kelsey and Richard Jennings. Motion was made and seconded by Council Member Berridge and Council Member Koon to pursue action against both. Motion carried by the following vote: **YES:** Berridge, Russell, Koon, Brown, Fleming, McLemore, **NO:** None

Utility/Court Clerk Sims reported that the Tornado Sirens are not being tested at the moment because the off switch is not working. The sirens are still operable and will still work in the event of a tornado warning but they will not be tested until the off switch is fixed.

THERE BEING NO FURTHER BUSINESS, motion made and seconded by Council Member Fleming and Council Member Berridge to adjourn at 7:47 p.m. A Motion was carried by a show of hands.

Official