

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

**REGULAR COUNCIL MEETING**

**Monday, February 4, 2013**

**MAYOR:** Jim Gladden

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

**EMPLOYEES**

**PRESENT:** Mark Gomes, Robin Schmitt, Phyllis Richardson

**GUESTS:** David Richardson, Dan Schmitt, Aryn Hedrick, George Danzer, Joyce Beam, Kenny Burgess, Gordon Roth

**ATTORNEY:** Stan Juhnke

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

**ABSENT:** Berridge,

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, February 4, 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 Russell to approve the January 21, 2013 Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, **NO:** None

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

Council Member McLemore inquired about the status of the payable to Mr. and Mrs. Golding for the earnest money to purchase the Community Center property. City Clerk Schmitt stated the check has not cleared yet and has not heard from the City Attorney. Clerk Schmitt will check with the City Attorney on the status of the purchase agreement.

Motion to approve the February 4, 2013 payables was made and seconded by Council Member Russell and Council Member Brown. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Fleming, **NO:** None **ABSTAIN:**

**CITY ATTORNEY** Stan Juhnke – Absent

**PUBLIC COMMENTS** – None

### **OLD BUSINESS**

**Letter from the City Attorney** – The Council discussed a letter from the Stan Juhnke which recommends not pursuing a law suit against Mr. Kelsey for destroying the hard-drives of the Police Department computers based on simple economics. The Council tabled the recommendation until more information can be gathered. Motion was made and seconded by Council Member Brown and Council Member Koon to table the decision until further information can be obtained. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, McLemore, Russell, **NO:** None

### **NEW BUSINESS**

**Planning Commission** – Kenny Burgess addressed the Council on behalf of the Planning Commission. The Planning Commission is recommending annexing property north of the City limits, ½ mile east and ½ mile west of Nickerson Road/ Hunter Blvd in response to the K-96 reroute plans. This would put the City at an advantage to have control over what could be build at the interchange. Discussion ensued. Kansas Department of Transportation is hosting public officials and community advisory group meetings for the K-96 / K-14 project on February 8 at 9 a.m. and 1 p.m. at Studio 96 in Sterling. The Mayor, Mark Gomes, and Kenny Burgess all plan on attending. There will be a workshop scheduled with the Council and Planning Commission after the meeting in Sterling.

Kenny also requested that the Mayor present the suggestion at the meeting at Studio 96 of taking 95<sup>th</sup> Street from Riverton Road parallel it up to Nickerson Road in order to help keep the large farming equipment from driving down Nickerson Blvd to get to their crop ground on the east side of Nickerson Road.

**Problem Gambling Awareness Week** – South Central Problem Gambling Task Force faxed in a request for the Mayor to proclaim March 3 – 9, 2013 as Problem Gambling Awareness Week.

Motion was made and seconded by Council Member Russell and Council Member Brown to approve the Gambling Awareness Week Proclamation. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, McLemore, Russell, **NO:** None

**Personnel Manual Change** – City Clerk Schmitt presented the Personnel Manual change which the Council requested the City attorney draw up during the last Council meeting. The paragraph stating “Once an employee has completed any probationary period, the Mayor may, but is not required to, (temporarily or permanently) waive any of the requirements listed for each employee if the Mayor deems it is in the best interest of the City to do so. This waiver may be withdrawn by the Mayor at any time” shall be added after the employment requirements in section 3.3 of the Personnel Manual.

Motion was made and seconded by Council Member Brown and Council Member McLemore to approve the Personnel Manual Change. Motion carried by the following vote: **YES:** Russell, McLemore, Fleming, Brown, Koon, **NO:** None

**CCMFOA Spring Conference** – City Clerk Schmitt requested approval to attend the CCMFOA Spring Conference on March 13 – 15, 2013 at the Wichita Marriott Hotel. This conference is part of the Municipal Clerk Certification process. The registration fee is \$250 which Clerk Schmitt has applied for a scholarship to pay for but will not know until the next week if she has been awarded the scholarship. If the scholarship is not awarded then the cost of the registration would be covered by the City. Clerk Schmitt would stay in Wichita for three nights at a rate of \$98 per night.

Motion was made and seconded by Council Member Russell and Council Member Fleming to approve Clerk Schmitt’s attendance of the CCMFOA Conference. Motion carried by the following vote: **YES:** Fleming, McLemore, Russell, Koon, Brown, **NO:** None

**EXECUTIVE SESSION (PERSONNEL) for 15 MINUTES.** Motion made and seconded by Council Member McLemore and Council Member Russell to recess into executive session for 15 minutes. Motion carried by a show of hands. 7:38 p.m.

Mayor Gladden called the meeting back to order. 7:53 p.m.

## **OFFICERS REPORT**

Council Member Koon reported receiving requests from citizens for the City to clean up the home at 211 N. Cheney that burned down over the Christmas holiday because it presents a danger to anyone who might go onto the property, such as kids playing. Superintendent Gomes stated that if it is the wish of the Council to have the property cleaned, the Maintenance Department does have the equipment to do the job. Discussion ensued. The expense of the cleanup can be charged to the property owners or put on the tax role for reimbursement to the City.

Motion was made and seconded by Council Member Brown and Council Member McLemore to authorize the City to clean up the property at 211 N. Cheney for safety reasons and charge the expense to the property owners or add the expense to the tax role if the owners will not or cannot pay. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, **NO:** None

Council Member Koon also reported a drain by the north east corner of the Kwik Shop that needs concrete repaired that is falling in around the drain. Superintendent Gomes will make sure it is fixed.

Council Member Fleming thanked the Council for supporting the 2013 Water Festival in Hutchinson. Each Council member received a flyer which named the sponsors of the event and had all original signatures from the children who participated.

Council Member McLemore gave an update on the Community Center project. The Goldings had not received the purchase agreement from the City Attorney as of today, for the property next to the Senior Center. City Clerk Schmitt will check with the City Attorney to get a status report. Once the purchase of the property is completed then the Community Center Committee will check into getting an architect to draw up the building plans so they can move forward with obtaining a grant. Council Member Brown expressed concern that the City Park is not done yet with what the City agreed to do so all the money available from the sales tax is not just for the Community Center. Brown confirmed that the Council will approve the drawings and that the Community Center Committee will not be making any final decisions without the Council's approval. Brown suggested having a meeting with the community so the citizens can have input on the plans before an architect is involved.

Council Member Koon stated he has been asked about who is in charge of the bulletin board on the front of the City Hall building because the items in it are old information and maybe the City could post information about the Community Center Committee meetings in it. The bulletin board is the Chamber of Commerce's and they have been notified of the material being outdated. Council Member Fleming suggested that if the information is more than 30 days old, that it be removed.

Superintendent Gomes requested approval for repairs to the City street sweeper. The repairs will be \$24,300.00 and will keep the street sweeper in operation for the next 20 years. To purchase another street sweeper in lieu of repairing the current street sweeper will run \$50,000 for used or \$110,000 for a new one. City Clerk Schmitt confirmed the City has the cash and budget authority in the equipment fund to pay for the repairs.

Motion was made and seconded by Council Member Koon and Council Member Russell to approve the repairs to the street sweeper. Motion carried by the following vote: **YES:** Fleming, Brown, Koon, Russell, McLemore, **NO:** None

City Clerk Schmitt reported that all of the police weapons have been returned by the laid-off police officers and the locks on the police station have been changed. Officer Shultz has completed his work with transitioning disbanded police department other than the district court cases. Clerk Schmitt recommended keeping him active as an employee, even though he will not be working regular hours, so he can be available to assist with the cases that are still open in district court.

City Clerk Schmitt presented a request on behalf of Wanda Delventhal for approval of a business license to operate a snow cone trailer on Joe Hedrick's lot immediately south of the Library during the summer months.

Motion was made and seconded by Council Member Koon and Council Member Brown to approve the business license for the snow cone stand. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Fleming, **NO:** None

Council Member Koon asked how much liability insurance the City requires for a snow cone stand and Clerk Schmitt will have to look up the information.

City Clerk Schmitt thanked the Council for approving her training at the CCMFOA Spring Conference in March.

Mayor Gladden asked Clerk Schmitt to report on the election status. Jenna Fager, the Reno County Deputy Election Officer, informed Clerk Schmitt the Nickerson will not have a primary for Ward 2 because the law has changed and there can be 3 candidates on the ballot without a primary.

Clerk Schmitt was told by Jenna Fager that they will not be able to conduct the advisory election about the Police Department before the general election. It will have to be held afterward if they handle the election. Jenna also stated that she will be meeting with Donna Patton the County Clerk and Jo O'Sullivan the Reno County Councilor to discuss whether or not they are willing to conduct the advisory election for Nickerson. Clerk Schmitt explained to Jenna that Nickerson needs a 3<sup>rd</sup> party to conduct the advisory election due to the sensitivity of the subject and the City needs to be as transparent as possible in this situation.

Mayor Gladden asked if the City truck will be available to assist cleanup with the Hoschouer property next to the High School parking lot where they just threw all the junk out in the front yard. Superintendent Gomes states that the truck which would be needed is being used with the sand spreader and once that is no longer needed and emptied the truck would be available.

Mayor Gladden stated the Council Member McLemore asked about supplementing next year's budget with money left over from this year in order to help keep the mill levy down if the Police Department is voted back in. Clerk Schmitt explained that spending cannot be more than the lowest amount of budget or cash. If they set next year's budget at \$18,000 and it costs more than

that to run the Police Department, then the spending on the Police Department must stop at \$118,000 and any money needed above that amount will have to come from somewhere else in the general fund since the Police Department is in the general fund in the budget. McLemore will come in to see Clerk Schmitt for clarification.

Mayor Gladden confirmed that the Sacks' court case about the horses is coming up on February 14.

Mayor Gladden asked Superintendent Gomes for an update on the Gregg property. Gomes states that he is attempting to finish the fence in compliance with City requirements.

Mayor Gladden presented the new Citizen Patrol flyers and stated that they are available at City Hall, Berridges IGA, the bank and the Co-op.

Mayor Gladden reminded everyone that Valentine's Day is coming up on February 14 and about the previously mentioned meeting in Sterling about the K-96 project.

Superintendent Gomes wanted to clarify his answer to the question about the Gregg property. Gomes stated the Council has asked over and over about the progress at the Gregg property and that he is proceeding as the Council directed him, very leniently, and if the Council wants to take a stand, then the Council needs to take a stand. If not, things are proceeding as they are. Brown responded by stating that if there is not cooperation by Mr. Gregg then he plans to change his mind and require a little harder stance on the part of the City to require Mr. Gregg to clean up his property because it does not seem to be his intention to help the town. Mark again reminded the Council that they must direct him in the situation. No further comments were made by the Council.

**THERE BEING NO FURTHER BUSINESS**, motion made and seconded by Council Member Fleming and Council Member Brown to adjourn at 8:27 p.m. A Motion was carried by a show of hands.

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