

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

**REGULAR COUNCIL MEETING  
Monday, March 19, 2012**

**MAYOR:** Jim Gladden

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

**EMPLOYEES**

**PRESENT:** Robin Schmitt, Phyllis Richardson, Mike Kelsey, Mark Gomes, Rick Sims

**GUESTS:** David Richardson, Dan Schmitt, Aryn Hedrick

**ATTORNEY:** Stan Juhnke

**ROLL CALL:** Berridge, Koon, Fleming, McLemore

**ABSENT:**

**ARRIVED LATE:** Russell, Brown

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, March 19<sup>th</sup>, 2012 at Nickerson City Hall.

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

Motion made and seconded by Council Member Berridge and Council Member Fleming to approve the March 5<sup>th</sup>, 2012 Minutes. Motion carried by the following vote: **YES:** McLemore, Koon, Fleming, Berridge **NO:** None

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

Mayor Gladden confirmed the Murphy Tractor payable was for the backhoe engine repair only and did not include a backhoe rental fee. Mayor Gladden also inquired about the Pipeline Testing payable which is for a drug screening policy for City employees. City Clerk Schmitt and Chief Kelsey are checking

other avenues for setting up drug screenings due to the price of the Pipeline Testing policy.

Motion to approve the March 19<sup>th</sup> payables was made and seconded by Council Member Berridge and Council Member Koon. Motion carried by the following vote: **YES:** Koon, McLemore, Berridge, Fleming,  
**NO:** None

**CITY ATTORNEY** Stan Juhnke – Absent

**PUBLIC COMMENTS** – Ron Fisher from Interfaith Housing addressed the Council to announce the completion of the house that was moved to Nickerson from Caryville. The house is located at 7 N. Bender St. and there will be an open house on Saturday, March 24<sup>th</sup> from 1 to 3pm. The home is being offered for sale to participants of the Individual Development Account program for the next 30 days and if no one purchases the home then it will be rented to a qualified applicant.

Utility Clerk Sims addressed the Council with concerns from several residents who have called the office asking why the tornado sirens have been going off at times other than Monday at noon. Maintenance Supervisor Mark Gomes will check into the issue.

## **OLD BUSINESS**

**2011 Audit Report:** Auditor Scot Loyd reported the December 31<sup>st</sup> 2011 Audit findings to the Council. The Audit team had exit conferences the previous Monday and Friday with Mayor Gladden, City Clerk Schmitt, Maintenance Supervisor Gomes, and Chief Kelsey. Scott reviewed the Communication with the Governing Body letter and the Financial Statements with the Council. Council Member Brown confirmed with Scot that there may be a potential single audit next year due to federal funds. The 2012 Audit will have a regular opinion audit and also a single audit if the City has over \$500,000 expenditures on Federal Funds. Council Member Berridge confirmed the timing for handling the old outstanding checks that are on the books.

**Insurance Quotes:** Lee Gleason with KSFA presented the insurance quote from EMC Insurance Company. Since Continental Western did not renew the City's insurance do to the loss ratio, KSFA went to market to get quotes from Traveler's and EMC. Continental Western, Traveler's and EMC are the only three companies that will write municipalities. Traveler's declined to quote it since they only handle the larger municipalities so EMC was the only quote the City has to choose from. Council Member Fleming confirmed that the Cemetery is covered.

**Election Ward Discussion:** The Council reviewed a letter from Stan Juhnke consisting of the research he was asked to do on the possibility of all city council

members being elected from the city at large rather than having the city divided into 3 wards. The letter stated that city may do away with dividing the city into wards and allow for the election of the Mayor and City Council Members from the City at large but it also stated that he has serious doubts about the constitutionality of conducting elections in the city at large and if challenged in court, doubt that it would survive a legal challenge. He also stated that a legal challenge would be unlikely but would be expensive to defend. Council Member Brown wants to do some research into other cities of the second class to see if there are any with one ward and how they handle elections. The Council decided to table the discussion until Brown can do some more research.

## **NEW BUSINESS**

**Oil & Gas lease Request:** Land Services Incorporated requested to lease the mineral interest on the old sewer plant property. Discussion ensued. Motion was made and seconded by Council Member Brown and Council Member Koon to decline the mineral lease request. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell, **NO:** None

**EXECUTIVE SESSION (PERSONNEL) for 10 MINUTES.** Motion made and seconded by Council Member McLemore and Council Member Russell to recess into executive session for ten minutes. Motion carried by a show of hands. 7:59 p.m.

Mayor Gladden called the meeting back to order. 8:09 p.m.

## **OFFICERS REPORT**

Council Member McLemore reported being asked by citizens about the incident involving someone shooting down at the river and a stray bullet entering a home in the City limits. Chief Kelsey stated the river is out of the City's jurisdiction and that he referred a subsequent call about shooting going on at the river to the Sheriff's Department. Discussion ensued. Mayor Gladden stated the home owner will be meeting with the Reno County Commissioners and the Sherriff's Department to work on the problem of people shooting down at the river.

Council Member Brown also was asked about the shooting incident and wanted to keep in mind the land owners and hunting situations so those privileges don't get wrapped up in the recreational shooting issue.

Council Member Brown reported there is a fence around the water park area on Severance in Hutchinson and said he thinks it may be a very good idea to put a fence around the water park here in Nickerson. The Council also discussed lighting for the park. Discussion ensued.

Council Member Brown asked about the policy on running personal errands in Police Vehicles since a Nickerson Police vehicle was seen at the Hutchinson Mall. Police Chief Kelsey confirmed an officer was picking up uniform pants and had his permission to do so.

Council Member Fleming brought the discussion about a rules sign for the water park. Discussion ensued. Maintenance Supervisor Gomes will check into the sign.

Maintenance Supervisor Gomes followed up with the request to Mr. England for the drawings on the crossings for the lagoon easements. He should have the drawings in the near future.

Chief Kelsey asked the Council to consider setting a curfew for the City Park similar to the curfew at the Cemetery and to consider the lighting for the Park. Kelsey also suggested a policy on skateboarding since he has received complaints about children skateboarding on the tables and other items. Discussion ensued.

Chief Kelsey also asked the Council to address the speed limit sign issues around the park area such as west bound on Ave A were the sign needs to be moved back east of the intersection. The 20mph signs need to be put all around the park since there are going to be more kids at the park when the water park opens.

A motion was made and seconded by Council Member Brown and Council Member Fleming to put up 20 mph speed limit signs around the City Park and Ball Diamond as appropriate. Motion carried by the following vote: **YES:** Russell, McLemore, Berridge, Fleming, Brown, Koon, **NO:** None

Chief Kelsey requested the Council also correct the speed limit sign issue on B Street where the speed limit is 30 mph one way and 20 mph the other way. Kelsey would like to have the limit set at 30 mph going both directions. Kelsey asked that a 20 mph sign be placed going southbound by the High School since the last sign seen before going by the High School is 30 mph.

A motion was made and seconded by Council Member Russell and Council Member Brown to correct the sign on B Street and add the sign at the High School. Motion carried by the following vote: **YES:** Fleming, Berridge, McLemore, Russell, Koon, Brown, **NO:** None

Chief Kelsey requested to increase the \$750 amount approved at the last meeting for the Police vehicle light bar to \$1500 due to the company the original order was going to be done through had a bad rating with the Better Business Bureau and the price of the light bar will be much more through a reputable company. The Council directed Kelsey to get actual bids and then ask for approval for the light bar.

Chief Kelsey brought the information on the Police vehicle warranties requested by Council Member Berridge at the last meeting. None of the three dealers

have cars in their inventory currently that would work for Police vehicles and the warranties would be the remaining warranties unless an extended warranty was purchased. Extended warranties would run between \$1000 and \$3000 depending on the coverage's chosen. Discussion ensued about whether to go with a new car with a warranty or a used car from the Highway Patrol program while staying within the dollar amount available in the diversion fund.

Chief Kelsey asked the Council to consider two department cell phones, one for himself and one for the on duty officer. The Council directed Chief Kelsey to check on the costs and bring the information back to the Council.

Mayor Gladden reported that the May 12<sup>th</sup> Make-a-Difference Day volunteer and help request sign-up sheets are available at the City Office. Maintenance Supervisor Gomes is waiting on a call back confirming whether or not the HAZMAT dumpster will be available. The regular dumpsters are available.

Mayor Gladden received a complaint from a citizen about the lack of building permit enforcement. Mayor Gladden will get with Maintenance Supervisor Gomes to work on the enforcements.

Council Member Koon confirmed that the Easter Egg Hunt is scheduled for April 7<sup>th</sup>.

**THERE BEING NO FURTHER BUSINESS**, motion made and seconded by Council Member Fleming and Council Member Berridge to adjourn at 8:45 p.m. A Motion was carried by a show of hands.

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