

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

REGULAR COUNCIL MEETING

Monday, April 15, 2013

MAYOR: Jim Gladden

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

EMPLOYEES

PRESENT: Mark Gomes, Robin Schmitt, Phyllis Richardson

GUESTS: Joyce Beam, David Richardson, Dan Schmitt, Teresa Rife, Aryn Hedrick,
Ron Hirst

ATTORNEY: Stan Juhnke

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

ABSENT:

TARDY: Brown,

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, April 15, 2013 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 April 1, 2013 Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Fleming, Berridge, **NO:** None

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

Council Member Brown arrived.

Council Member Fleming confirmed the payable to Pat's Key and Lock was for rekeying the City Park bathrooms and the Maintenance building entry door.

Motion to approve the April 15, 2013 payables was made and seconded by Council Member Berridge and Council Member Russell. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Berridge, Fleming, **NO:** None **ABSTAIN:**

CITY ATTORNEY Stan Juhnke – Absent

PUBLIC COMMENTS – None

OLD BUSINESS

Community Planning Survey Review – Ron Hirst with the Quest Center reported to the Council the results of the survey which the Council filled out in December of 2012. The survey gathered information about what the Council thought about community development and economic development. This information would assist the Quest Center in finding programs which could be presented to the Council to assist in those areas. Ron went through the survey results line by line and the Council thanked Ron and stated they will consider any programs that he brings to the Council.

Mayor's Report on Damaged Police Department Computers Discussion with the Highway Patrol – Mayor Gladden reported that he was told the City must find out where and when and by whom, the computer hard-drives were destroyed. The Mayor stated he had instructed City Clerk Schmitt to ask the City Attorney to send a letter to Kelsey requesting to provide the proof that the hard-drives had been destroyed. Without the proof there could be some liability to the City. The Attorney sent out the letter but there has not been any response from Kelsey yet.

SWEAR IN RE-ELECTED MAYOR AND COUNCIL AND NEW COUNCIL MEMBERS

Mayor Gladden thanked the out-going Council Members, Russell and Brown.

City Clerk Schmitt swore in Mayor Gladden, Council Members Brad Berridge, Brian Rife, and Jon Rohling.

NEW BUSINESS

Police Computer Hard-Drive Discussion – The Council reviewed the current information about the destroyed police computer hard-drives. Council Member Rife suggested waiting on the response from the letter sent to Kelsey from the City Attorney before deciding on any action. Council Member Berridge agreed that the Council should wait to hear from the attorney but feels the City should pursue the issue in order to clean up the Police Department issues. The majority of the Council agreed with Berridge. Rife reiterated that the Council is working through a process they should continue to work through that process. Berridge suggested tabling the discussion until the next meeting in order to give time to hear back from the attorney. The Council agreed.

Town Hall Meeting Discussion – The Council talked about the information that would be the topic of the discussion at the Town Hall Meeting. The Council chose to schedule the Town Hall Meeting for Thursday, April 18th at 7 p.m. at the Nickerson High School. The information will be put on Channel 7, the Chamber sign, and on flyers around town.

Council President Nomination and Selection – Council Member Koon and Council Member Fleming Nominated and seconded Brad Berridge as Council President.

Motion was made and seconded by Council Members McLemore and Fleming to cease nominations. Motion carried by the following vote: **YES:** Rohling, Koon, Rife, Fleming, McLemore, **NO:** None **ABSTAIN:** Berridge,

Motion to appoint Brad Berridge as Council President carried by the following vote: **YES:** McLemore, Rohling, Koon, Rife, Fleming, **NO:** None **ABSTAIN:** Berridge,

OFFICERS REPORT

Council Member McLemore reported that the deed for the Community Center property purchase has been signed, therefore he will try to get a committee meeting set for next Monday to discuss the next steps of the project.

Council Member Berridge thanked the City crew for the cleanup during the last ice storm. Berridge reported receiving a couple of calls about the City Park from residents who are wondering if a walking path would be constructed. Berridge also mentioned the ADA handicapped parking for the City Park. Superintendent Gomes will provide a copy of the City Park drawings to show what was approved and not approved. Council Member Fleming mentioned the older children's' playground equipment and Mayor Gladden stated that the old playground equipment had been refurbished and reinstalled.

Council Member Rife brought discussion about the 1% sales tax and asked if any of the money had been used for property tax relief according to the original ballot question. It was confirmed that the mill levy was lowered but the money was not transferred from the 1% sales tax fund to the General fund. Rife reiterated how the funds have been spent so far and what the ballot on the second 1% sales tax stated. Rife explained how he felt the Community Center Committee should be proceeding with a time line since the Council is the deciding factor on how things get done. Rife asked if a sign could be placed on the property similar to the one that was at the City Park that stated “this is where your tax dollars are going.” Rife suggested putting an end to the Park project and getting started on the Community Center project.

Council Member Rife asked if the City has a 5 year Capital Outlay plan to look at and use during budgeting. Superintendent Gomes confirmed that he has a plan for the maintenance department but not for the City as a whole. City Clerk Schmitt stated that there is not a plan for the administrative department.

Council Member Rife stated that the \$15,418.00 left over from the 2009 1% sales tax could be used to help with the budget issues the City is currently facing due to the mill levy reductions in prior years. Discussion ensued. Motion was made by Council Member Rife to transfer the remaining balance of \$15,418.00 from the first 1% sales tax to the general fund. Discussion ensued. Rife rescinded the motion and agreed to put the discussion on the next meeting's agenda.

Council Member Rohling stated that he would like to see the Park project continued. Rohling also stated that he has been approached by citizens who are in favor of a walking path as well.

Council Member Koon confirmed that Dale Brown will still be the Committee head for the City Dog Park research and information.

City Clerk Schmitt reported the options provided by the City Attorney for dealing with the Gregg property. Motion was made and seconded by Council Member Rife and Council Member Koon to prosecute Mr. Gregg in Municipal Court for failure to comply with City Code within the given time period. Motion carried by the following vote: **YES:** Berridge, Fleming, Rife, Koon, Rohling, McLemore, **NO:** None **ABSTAIN:**

Mayor Gladden explained for the new Council members how the water hearing process works. City Clerk Schmitt will supply the Council with the schedule in the next meeting packets.

Mayor Gladden was contacted by Mrs. Hoschouer who requested the speed bump on Avenue H be removed. Council Member Koon stated it should be kept. Council Member Rife asked if the request for the speed bump had been made by the neighborhood. Danny Schmitt asked to address the Council and explained that there were three neighbors who came to the Council to request the speed bump because one of them had almost been run over while checking the mail. Council Member Rife asked if this was an enforcement issue or a street issue and cautioned the Council about setting a precedence and ending up with speed bumps all over town. Discussion ensued. Rife stated he felt the entire neighborhood should be involved when a request for a speed bump comes to the council. Teresa Rife addressed the Council and stated that the speed bump affects more than just the three people that requested it and that the three that requested it are the only ones who are happy about it. Superintendent Gomes reminded the Council that they had already set the precedence by approving the speed bumps on Holladay Street when only one and two people requested those and the Council had not required the entire neighborhood or blocks involvement in those requests, therefore, the Council has followed their status-quo.

Motion was made and seconded by Council Member Rife and Council Member Koon to keep the speed bump on Avenue H as is. Motion carried by the

following vote: **YES:** Koon, Rohling, McLemore, Berridge, Fleming, **NO:** Rife, **ABSTAIN:**

Mayor Gladden complimented the Maintenance Department on how nice and clean the City Brush Site has been kept.

Mayor Gladden reported the items that are on the list for Make-a-Difference Day so far and that Kathy Kittle has stated a need for scaffolding so they can paint the top front of the café and the side of the Ingles' building next to Fleming's store.

During the October Make-a-Difference Day the school kids would like to do battery checks for smoke detectors and hang house numbers for the residents of Nickerson.

Mayor Gladden was asked about the annexing and suggested putting the discussion on the agenda in the near future.

THERE BEING NO FURTHER BUSINESS, motion made and seconded by Council Member Fleming and Council Member Berridge to adjourn at 8:23 p.m. A Motion was carried by a show of hands.

Official