

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

**REGULAR COUNCIL MEETING
MONDAY, MAY 2, 2011**

MAYOR: Jim Gladden

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

EMPLOYEES

PRESENT: Robin Schmitt, Ashley Bowman, Phyllis Richardson

GUESTS: Marlene Smith, Shawna Watkins, Dan Schmitt, Joyce Beam

ATTORNEY: Stan Juhnke

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

ABSENT: Stan Juhnke

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, May 2, 2011 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 Russell to approve the April 18th Regular Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge **NO:** None

The following additions and changes would be included in the agenda: New Business – Move item (3)- New Attorney Inquiry to item (1), Move item (1) - Appointments by Mayor to item (2), move item - (2) City of Nickerson Hiring Procedure to item (3). Motion made and seconded by Council Member Russell and Council Member Berridge to approve the agenda with the changes. Motion carried by the following vote: **YES:** Berridge, Fleming, Brown, Koon, Russell, McLemore **NO:** None

Mayor Gladden confirmed the cemetery endowment fund account number on the payables. Motion was made and seconded by Council Member McLemore and Council Member Fleming to approve the payables. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Berridge, Fleming **NO:** None

CITY ATTORNEY - Not Present

PUBLIC COMMENTS - None

OLD BUSINESS

Mayor Gladden discussed the Audit Proposals that were sent out. Council Member Berridge asked that a request be sent to Busby, Ford & Reimer, LLC. City Clerk Robin Schmitt will fax a request to the additional accounting firm on Monday. A Workshop for the Council to go over the proposals was scheduled for Thursday, May 12th at 7pm.

Mayor Gladden gave an update on the attorney's recommendation on hiring additional Police Officers. Mayor Gladden spoke with Attorney Seck and the recommendation to not hire Police Officers has been rescinded since the position was reoffered to Mr. Bembry and he has refused the offer. Attorney Seck recommends that the City is free to hire Police Officers at this time. Attorney Seck also recommended the City define in better detail the hiring policy. A mediation hearing is being scheduled for the Bembry versus City of Nickerson lawsuit and Mayor Gladden requested Attorney Stan Juhnke to attend the hearing. Council Member Brown and Council Member Berridge stated they would also like to attend the hearing. Council Member Russell asked if the council is allowing the insurance company to mediate a settlement without coming back to the council for approval. Mayor Gladden told the insurance company to settle the lawsuit and the City will pay the deductible that is owed.

NEW BUSINESS

Attorney Mark Fletchel made an inquiry about becoming the City's attorney. The council did not want to make a change of attorneys at this time. The Council will keep him in mind for future reference. City Clerk Robin Schmitt will send a letter thanking him for his inquiry.

Mayor Gladden made the following appointments:

City Clerk – Robin Schmitt

Police Chief – Mike Kelsey

Attorney – Stan Juhnke

Judge – Larry Bolton

Treasurer – Phyllis Richardson

Inspector – Mark Gomes

EMS – Karyl White

Newspapers – Sterling Bulletin & Hutchinson News

Bank – Peoples Bank & Trust in Nickerson

City of Nickerson Cable Channel 7

Council Member Brown explained that the Council should be appointing the Recreation Commission. The Council tabled the appointment of the Recreation Commission until the next Council Meeting.

Motion was made to accept the appointments as stated by Mayor Gladden. Motion was made and seconded by Council Member Russell and Council Member Berridge. The motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell **NO:** None

Council Member Brown recommends Travis and April Beshears for the Recreation Commission. Phyllis Richardson will get with Mayor Gladden or City Clerk Robin to figure out how many are on the Recreation Commission.

The Hiring Procedure will be more clearly defined by amending the City Ordinance Chapter 1, Administration, Article 3, section 1- 302 by adding the following: The Department Heads must follow the sequence set forth by the City of Nickerson.

1. Announce/Post the Position
2. Review/Evaluate Applications
3. Perform Reference Checks
4. Schedule/Conduct Interviews
5. Make the Selection
6. Perform Background Checks

Motion was made and seconded by Council Member Russell and Council Member Koon to amend Article 3, section 1- 302. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell **NO:** None

Quotes for cleaning the City Office were presented to the Council. A motion was made to accept Ashley Bowman's bid for housekeeping which will be done in the evenings after the office is closed and on the weekends. Motion was made and seconded by Council Member Russell and Council Member McLemore. Motion carried by the following vote: **YES:** Russell, McLemore, Berridge, Fleming, Brown, Koon **NO:** None

OFFICERS REPORT

Council Member Berridge had received reports that the sound on Channel 7 during the Council Meetings was extremely low. Rick Sims did some checking into the issue and will make some adjustments to the system.

Council Member Fleming reported the new cement pad for the bench has been installed the location is in the South West portion of the Cemetery. The new bench and angel statue will be ready for Memorial Day. Council Member

Fleming suggested having a Memorial Day Service and will contact the American Legion to conduct the Service and some churches to provide seating. Motion was made to contact the American Legion about holding a Memorial Day service at the Cemetery. Motion was made and seconded by Council Member Fleming and Council Member Russell. Motion carried by the following vote: **YES:** Fleming, Berridge, McLemore, Russell, Koon, Brown **NO:** None

Council Member Koon along with Supervisor Mark Gomes made a request to promote Terri Kelly from seasonal to Full Time. Motion was made to promote Kelly Terry to Full Time Labor I. Motion was made and seconded by Council Member Koon and Council Member Berridge. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge **NO:** None

Council Member Russell requested the hiring policy be added to the Personnel Manual. City Clerk Robin Schmitt will add a copy to the Personnel Manual.

Council Member Koon brought up a program for leasing maintenance machinery that was discussed with him by Maintenance Supervisor Mark Gomes. It is a Government Program for small cities to lease machinery instead of purchasing. Questions were raised about repairs and insurance on these items. Supervisor Mark Gomes will investigate further on the lease program.

Council Member Russell also brought up the sound issue with Cable Channel 7. Rick Sims and Council Member McLemore will look at the video and sound system to make any necessary adjustments.

Mayor Gladden reported for Maintenance Supervisor Mark Gomes that the Storm Sirens will be shipped some time in the middle of May. The Engineer is ready to proceed with the Water Park.

Mayor Gladden asked for a motion to approve or disapprove the Mineral Rights Lease request from J. Fred Hambright, Inc. A motion to accept the Mineral Rights request as written was made and seconded by Council Member Brown and Council Member Koon. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge **NO:** None

Mayor Gladden reported for Maintenance Supervisor Mark Gomes that the demolition on the building in between the City Hall and the Senior Center is complete. Also a need for a replacement recorder that documents the time and amount of water pumped by each Well was discussed at the last Council Meeting and Maintenance Supervisor Mark Gomes is requesting approval by the Council to purchase a new recorder at a cost of \$2582.00. A motion was made and seconded by Council Member Brown and Council Member Berridge to purchase the recorder. Motion carried by the following vote: **YES:** Berridge, Fleming, Brown, Koon, Russell, McLemore **NO:** None

The Hustler Fast Track Mower has had the engine replaced. Mayor Gladden was notified and agreed. Maintenance Supervisor Mark Gomes will check on the warranty for the repair.

Maintenance Supervisor Mark Gomes suggests that a title search be done on the railroad right-of-way property. A motion was made to give Mayor Gladden authority to have a title search done through Reno County Abstract and Title. Motion was made and seconded by Council Member Russell and Council Member Berridge. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore Berridge, Fleming **NO:** None

After being contacted by Maintenance Supervisor Mark Gomes, John Packer at Gavilon Fertilizer and Danny Dennis with USD 309 stated they would entertain an easement proposal from the City's attorney. Mayor Gladden will contact Joe Hendrick about an easement proposal.

City Clerk Robin Schmitt answered the questions from the last meeting about the Real Estate Taxes and the Elliott Insurance payable. She also provided a copy of the 1% sales tax for the Park.

Council Member Fleming asked if the City is doing a Levy for the Cemetery. City Clerk Robin Schmitt will check into it.

Mayor Gladden addressed Maintenance Supervisor Mark Gomes visibility. Mark Gomes is handling administration duties in his office when he is not out in the field working. Mayor Gladden also informed the Council of the former City Clerks appeal for unemployment and that former Mayor Bill Golding will be attending the hearing. Mayor Gladden asked if the City carries liability insurance for the Council Members and the Council told him the city does.

Council Member Koon asked to amend the motion made for Terri Kelly's promotion to include the start date of 5/2/2011. Motion to Amend was made and seconded by Council Member Russell and Council Member McLemore. Amendment passed by the following vote: **Yes:** Koon, Brown, Fleming, Berridge, McLemore, Russell **No:** None

THERE BEING NO FURTHER BUSINESS, motion made and seconded by Council Member Fleming and Council Member Berridge to adjourn at 8:34 p.m. A Motion was carried by a show of hands.

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