

**City of Nickerson  
15 N. Nickerson  
Nickerson, KS 67561**

**Regular City Council Meeting  
Monday, August 02, 2010**

**Mayor:** Bill Golding

**Council:** Nick Neahring – President, Brian Rife, Marlene Smith, Skip Russell, Dale Brown, Brad Berridge

**Employees Present:** Shari Anderson, April Addis, Phyllis Richardson, Mark Gomes

**Guests:** Shawna Watkins, Amanda Stephenson, David Richardson, Aryn Hedrick, Teresa Rife, Rex W Bradley, Linda Chansler, John Chansler, Bob Davis, Josh Gilmore, Kenny Burgess

**Attorney:** Mr. Henry was not at the meeting.

The Pledge of Allegiance was recited.

**Roll Call:** Neahring, Russell, Rife, Brown, Smith, Berridge

**Absent:** None

The Regular City Council meeting was called to order by Mayor Golding at 7:00 p.m. on Monday August 02, 2010 at Nickerson City Hall

**Approval of Agenda, Minutes & Payables**

Council Member Brown brought to the meeting the additional information that he wanted included in the minutes for June 21 & 22, 2010. He was asked at the last meeting to bring his DVD down to look at these minutes. He said that no one called him. He wants both pages included in the minutes. The Council then discussed why the videos were being destroyed instead of keeping them as a record of the meeting. The Mayor told the Council that it is not money saving to use the tapes over so he told Shari will be saving all the tapes. Council Member Brown wants in the minutes that neither EBH or any EBH employees nor Randy Henry should be talking with the landowners because of the difficulties they are having at this time. He said that he should have made a motion at that time. He wants these pages put it in at this time. The pages were passed around for the Council to read. Motion made and seconded by Council Member Brown and Council Member Berridge to approve the minutes of June

21-22, 2010 with the additional pages brought in by Council Member Brown. Motion carried by the following vote: **YES:** Neahring, Brown, Smith, Berridge **NO:** Russell, Rife **ABSENT:** None

Council Member Brown had a problem with the July 19<sup>th</sup> minutes about what was put in about his concerns with the Lagoon project and easements. He felt there should have been more in the minutes about what was said about it. The city clerk was ill and had to leave the meeting. Council Member Brown had typed and read out loud to the Council what information he felt needs to be included in the minutes. He feels it is important to have these in the minutes and wants an accurate record of this meeting. Council Member Smith said that the city code is not on our website. The Mayor will look into what needs to be included in our written minutes. Phyllis Richardson was asked to take the minutes. Motion made and seconded by Council Member Brown and Council Member Smith to table the minutes of July 19, 2010 until he can bring the DVD to City Hall. Motion made and seconded by Council Member Brown and Council Member Smith that Council Member Brown will go ahead and bring in the DVD in and he will type it up as per verbatim as he can. To table the minutes until everyone could read what needs to be included in the July 19<sup>th</sup> minutes at the next meeting. Motion failed by the following vote: **YES:** Brown, Smith, Berridge **NO:** Rife, Russell, Neahring and Mayor Golding **ABSENT:** None

Motion made and seconded by Council Member Russell and Council Member Neahring to approve the July 19<sup>th</sup> Minutes. There was discussion by Council Member Rife on why he was voting this way. What Council Member Brown wants in the minutes was talked about in executive session and that Council Member Brown was not present. Council Member Rife said that because it was behind closed doors, so he feels he cannot talk about it here. Council Member Berridge said he will base his discussion on what we say out here should be in the minutes. Council Member Brown brought up who authorized the boring, dewatering and the equipment. The Mayor said that if we need a workshop we can have one. Discussion ended. Motion carried by the following vote: **YES:** Rife, Russell, Neahring, Mayor Golding **NO:** Brown, Berridge, Smith **ABSENT:** None

The Mayor wanted to add the following additions to the agenda under Old Business after Technology Bid: (1) Executive Session of 20 minutes for Discussion Prior to Acquisition of Real Estate and (2) Condemnation. Motion made and seconded by Council Member Berridge and Council Member Rife to approve the agenda with the additions. Motion carried by the following vote: **YES:** Rife, Brown, Smith, Berridge, Neahring, Russell **NO:** None **ABSENT:** None

Motion made and seconded by Council Member Neahring and Council Member Russell to approve the August 02, 2010 payables. Motion carried by the following vote: **YES:** Rife, Brown, Smith, Berridge, Neahring, Russell **NO:** None **ABSENT:** None

### **PUBLIC COMMENTS**

Mr. Rex Wade Bradley asked the Council if they would entertain to have a liquor store within the city limits. The Mayor said that he would have the city attorney look into this matter and took Mr. Bradley's contact information.

### **OLD BUSINESS**

Mr. Josh Gilmore came to answer any questions from the Council about the technology bid. Council Member Brown asked what was a Sonic Wall. Is it a router? Mr. Gilmore said that it is a router to protect the city from any internet threats. Council Member Brown then asked Chief Addis who is allowed to view items of the Police Department. She said that the State and any authorized individuals. Mr. Gilmore said that it also scans for viruses. Council Member Brown said that he has Norton to help with viruses, which is cheaper than the Sonic Wall. Mr. Gilmore then said that alone with the Sonic Wall there is an enforced Client Antivirus, which would give the city two layers of protection. Mr. Gilmore explained what the wireless bridge would be used for in all of the city buildings. Mr. Gilmore then explained about the service agreement bid and if the cost could be reduced next year. Council Member Smith asked why there were no monitors included with the bid. Mr. Gilmore didn't think it was included in the bid but would get back with Shari on this issue. The Mayor thanked him for coming to the meeting. The Council tabled it until a later date.

Motion made and seconded by Council Member Russell and Council Member Berridge for an Executive Session for twenty minutes for a discussion prior to an acquisition of real estate. Motion carried by a show of hands. 8:02 p.m.

Mayor Golding called the meeting back to order. 8:22 p.m.

The Council talked about condemnation of real estate. Council Member Brown said that it is wrong for the council to vote on condemnation. There has been every effort by him not to condemn. He told the Council that the landowners would be at the next meeting to try to convince the city not to condemn their property. Council Member Berridge said that it is an easement versus an ownership. He thinks we should let the landowners have the easement because it is the same as ownership. It cuts up their farm ground. Council Member Rife said that we have a city owned pipeline going out there, but it's going to be grassed. It would be a drainage ditch for the south side of town. If it was going

to be a pipe, Council Member Rife could go along with it being an easement, but since it will be drainage ditch the city should maintain and own it. Council Member Brown wanted to know on the original plans where there is a drainage ditch. Council Member Brown doesn't think the city needs to own it. He doesn't think the city or the landowners have been treated fairly. Council Member Rife said that it does not affect land values. He said that it does not change the value of tillable ground on either side. Council Member Rife said that the council had never discussed how the farmers could cross the drainage ditch. Council Member Berridge wanted to know if the surveys had been done for condemnation. Council Member Brown that we were wrong in the beginning but we could fix it is letting the landowner speak to the Council. He doesn't feel that Mr. Henry has informed the Council and would like questions answered by him. Mayor Golding said that they are getting confused on what was voted on and what was a consensus in the back. Mayor Golding also said that this matter is between the city attorney and the landowner's attorney.

Motion was made and seconded by Council Member Brown and Council Member Berridge to table the condemnation until next meeting. Motion failed by the following vote: **YES:** Smith, Berridge, and Brown **NO:** Neahring, Russell, Rife, Mayor Golding **ABSENT:** None

Motion was made and seconded by Council Member Rife and Council Member Russell to proceed with condemnation. Motion carried by the following vote: **YES:** Russell, Rife, Neahring, and Mayor Golding **NO:** Brown, Smith, and Berridge **ABSENT:** None

The Mayor will contact Mr. Henry and if they need another meeting he would contact everyone. Council Member would like certain questions answered by Mr. Henry by next week. Mayor Golding passed paper down to Council Member Brown to write down his questions for Mr. Henry. These questions would be in the minutes.

Council Member Smith wants Shari to get wants a total balance of sales tax money so the Council would know how much money they could spend in the future. She wanted to know about cemetery prices, since no one knows this information. The Mayor said that he would get with her after the meeting.

Council Member Rife asked about the park project and when could they get together to get ahead on the game for the grant. He wants to be able to show the citizens whether we get the grant or not get it that the city is going to be doing something at the park. Council Member Brown told the Council that we need to get contactors that would donate equipment to this project. We need who could donate their time. He thinks we need to refine and redraw the plan.

Council Member Rife thinks we need deadlines and people moving for this project. Council Member Rife volunteered to talk to companies. Everyone needs to networking with other contacts. They would like to set a date and invite the public to informational meetings. The Mayor asked Mark to look at lasts years information.

He wanted to know why the minutes had not been updated since 5-11-2010. Shari informed them that she has to send a pdf file to Gilmore Solutions. She would contact them to find out if she would put the minutes and ordinances on our web site.

He asked if the 2011 budget hearing is ready to be published. Motion made and seconded by Council Member Russell and Council Member Rife to approve the budget hearing for August, 16, 2010 and the mil levy of 2010 is 74.670 and 2011 would be 68.681. Motion carried by the following vote: **YES:** Berridge, Neahrng, Russell, Rife, Brown, Smith **NO:** None **ABSENT:** None

Council Member Russell said that the money that was allotted for the park committee has too many limitations. Motion made and seconded by Council Member Russell and Council Member Smith to allow the park committee to spend the allotted amount of money without coming to get approval of the Council. Motion carried by the following vote: **YES:** Neahrng, Russell, Rife, Brown, Smith, Berridge **NO:** None **ABSENT:** None

Council Member Neahrng if anything has been done about an access for Windemere. The Mayor told him that the city would try to do something about this matter.

Council Member Berridge wanted to thank everyone who helped with Klear Nearly Day. He called a couple of computer places and asked why they did not bid and they said that it was because it was done by a competitor. Who made up the technology bid specs? The specs were made up from several places. If we have to release the bid again, maybe we will invite them out so the council could talk to them. Council Member Smith said that only three of the six could bid. We would look at the bid sheet.

Shari talked to the Council about sending a letter supporting the St. Marys Resolution for the legislature to study the viability of making changes to the budget law. Motion made and seconded by Council Member Russell and Council Member Rife to support St. Marys Resolution. Motion carried by the following vote: **YES:** Neahrng, Russell, Rife, Brown, Smith, Berridge **NO:** None

**ABSENT:** None Shari will have the letter ready for the governing body to sign at the next meeting.

Council Member Brown read the following questions that he would like answers from Mr. Henry.

1. When was condemnation proceeded in court? What Date, because of Randy Henry's comment on July 19<sup>th</sup> meeting, "Mr. Henry informed the Council that the condemnation lawsuit is proceeding with appraisals."
2. Who authorized Randy to proceed with condemnation?
3. What are the true costs, attorney fees, title work etc. we have at this point with the easement problem.

The Mayor told everyone that Sylvia is having their Shine & Show August 7<sup>th</sup>. We will post this on the door. He wanted to wish Jimmy McVey a happy birthday tomorrow and a five year anniversary to Mike Kelsey.

**There being no further business**, motion was made and seconded by Council Member Berridge and Council Member Smith to adjourn at 9:07 p.m. A motion was carried by a show of hands.

Official