

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

REGULAR COUNCIL MEETING

Monday, September 16, 2013

MAYOR: Jim Gladden

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

EMPLOYEES

PRESENT: Robin Schmitt, Phyllis Richardson,

GUESTS: Dale Brown, Dan Schmitt, Amber Sue Rohling, Bailey Stiggins

ATTORNEY: Stan Juhnke

ROLL CALL: Berridge, Koon, Rife, Fleming,

ABSENT: Rohling, McLemore

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, September 16, 2013 at Nickerson City Hall.

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

Motion made and seconded by Council Member Fleming and Council Member Berridge to approve the September 3, 2013 Minutes. Motion carried by the following vote: **YES:** Koon, Rife, Fleming, Berridge, **NO:** None

Motion made and seconded by Council Member Berridge and Council Member Fleming to approve the Agenda with Item #2 under New Business, Grinder Pump Discussion tabled by show of hands until the next Council Meeting. Motion carried by the following vote: **YES:** Berridge, Fleming, Rife, Koon, **NO:** None

Council Member Koon confirmed that the payable for Aftermath in the amount of \$14,000 will not be covered by insurance.

Motion to approve the September 16, 2013 payables was made and seconded by Council Member Koon and Council Member Rife. Motion carried by the following vote: **YES:** Rife, Koon, Berridge, Fleming, **NO:** None **ABSTAIN:**

CITY ATTORNEY Stan Juhnke

PUBLIC COMMENTS – Amber Sue Rohling brought information to the Council about how the focus at the grade school is moving toward healthy living and healthy eating. The next move for the school is to put in a walking and biking trail around their perimeter with a matching half grant through the Sunflower Foundation. Matt Engelland is giving a bid on the project. Bailey Stiggins with the Hutchinson Chamber addressed the Council as well in support of the grade school project. Bailey encouraged the community to get involved with the project as it will be an asset to the community. Bailey gave examples of trails in other communities which have had a positive impact. Amber Sue Rohling stated that the idea of a walking trail around the park could be implemented into the plan and asked the Council to consider participating in the funding of the project and mentioned grant possibilities as well.

Dale Brown presented his opinion that the City should sue EBH, Randy Henry, and the Railroad because of the title issue with Mark Richardson's land that came up because Randy Henry chose to circumvent any title company and went with EBH to do the research. The City paid extra in the amount of \$5700 and in the end with RDA the City almost lost the grant for the sewer project. Brown stated that for those reasons it should be obvious that the City has a position to file suit. Dale continued with reasons why the City should file suit. Dale stated that one must prove damages and the City's damages are the cost of a bad title opinion, the extra dollars for EBH's research on a title that should have been done by a title company, changing the route of the sewer line, dewatering extra costs, and the excessive price of settling with the land owners. These are just a start and there are more damages than that. Dale gave the Council a copy of the taped meeting from September 7, 2010 and stated that it showed proof of a consensus opinion that was done in executive session when he was on the Council. Dale thinks the City has grounds to recover hundreds of thousands of dollars which would help the budget. Discussion ensued about getting an attorney to take the law suit on a contingency basis. Dale stated that the City will catch a lot of publicity, both good and bad if they choose to sue.

OLD BUSINESS

Golf Cart Inspections – Council discussed allowing the code enforcement officer to inspect golf carts for the permit required to drive them on City streets. Council Member Rife suggested checking with the City Attorney to make sure that the City is not requiring more than the State on golf cart inspections so the Sheriff's Department can enforce the laws on golf carts in Nickerson.

Motion was made and seconded by Council Member Rife and Council Member Koon to have the City Attorney verify the golf cart inspection requirements. Motion carried by the following vote: **YES:** Koon, Rife, Fleming, Berridge, **NO:** None

NEW BUSINESS

Municipal Clerks Certification Institute – City Clerk Schmitt asked the Council's approval to attend the Municipal Clerks Certification Institute from November 11 to 15 in Wichita. This is year 3 of the 4 years required to become certified for Clerk Schmitt. The total for registration and hotel should be around \$965. Council Member Rife stated for the public that Schmitt would be taking a City vehicle which will save the cost of mileage that the City would pay for driving down there for 4 or 5 days which covers the cost of the hotel and Clerk Schmitt is not asking for any food allowance and will be paying for meals herself. Council Member Koon confirmed that Schmitt will be taking the City's brown pickup to the institute training.

Motion was made and seconded by Council Member Koon and Council Member Berridge to approve City Clerk Schmitt's year three training at the Municipal Clerks Certification Institute. Motion carried by the following vote: **YES:** Koon, Rife, Fleming, Berridge, **NO:** None

OFFICERS REPORT

Council Member Koon referred to a complaint about a resident possibly living in an RV and asked what the definition of living in an RV was. Discussion ensued. City Clerk Schmitt stated that she and the code enforcement office had met with the resident and the resident stated that they are not living in the RV, they do allow the children to play with toys in the RV and the men will go out there to smoke and play cards. The resident also stated that he will be obtaining the required permit when family visits during the holidays since they will be staying in the RV at that time.

Koon also asked the status on the Gregg property. Clerk Schmitt reported that he has about 75% to 80% of the cleanup completed and the judge gave him an additional 30 days from September 12th to complete the job.

Koon asked if the newer police car was on the list of items that the Sheriff's department is considering purchasing from Nickerson. Council Member Rife confirmed that it was not on the list but they have expressed interest in the car. Discussion ensued. Rife stated that they plan on meeting in October to look at all the items, including the guns. Council Member Berridge had stated at an earlier meeting that the guns may bring more if sold without going through a gun dealer. Rife stated the Sheriff's department said if the City did sell the guns without going through a dealer that the image portrayed would be negative and could be a liability. Berridge stated that he had a similar response from the League. Rife recommended selling through a dealer even if the guns sold for less in order to protect the City from any liability.

Koon asked if the City should consider keeping the newer police car for the employees to use when they go to trainings. Clerk Schmitt reported that there is no need because the brown pickup is always available.

Council Member Rife will talk to the Sheriff's Department about getting a proposal back on the police items they would like to purchase by the October 21st Council meeting. The Police Chief of Windom is interested in the older police car and any items left over that the Sheriff's department does not purchase.

The Council agreed that Nickerson EMS can take and use any police equipment that is not on the Sheriff's department list. Rife also stated that the Council should approve the City Administration and Maintenance Department's use of any of the equipment before it is made available to the public.

Mayor Gladden asked about what the Glocks are worth and Council Member Rife stated that they sell to the public for around \$550 each but would be less for governments.

Council Member Koon asked for an update on the Community Center project. Mayor Gladden said there will be a public hearing and Council Member Rife said they would be refining the plans for the matching grant. Discussion ensued.

Council Member Berridge thanked the Maintenance crew for cleaning out the drains on Main Street. Berridge also thanked Robin and April for taking over the housekeeping duties in the City office.

Council Member Fleming asked if the work on Ave C was chip seal and it was.

City Clerk Schmitt reported that a letter was sent to Mr. Engelland about the building next to Flemings and he contacted the City office and will be making repairs.

Mayor Gladden will get with Mark to find out when the City sign, which was donated by the High School, will be installed.

Mayor Gladden asked about the flex schedule for the administration team and Clerk Schmitt reminded him that the flex schedule was approved by the Council a long time ago. Council Member Rife confirmed that time taken off was made up in the morning or evening so the employees would be getting 40 hours per week.

Council Member Berridge reminded everyone of the City Wide Garage Sale on October 5th.

Council Member Rife reminded everyone about the church block party on September 21st.

THERE BEING NO FURTHER BUSINESS, motion made and seconded by Council Member Rife and Council Member Berridge to adjourn at 8:06 p.m. A Motion was carried by a show of hands.

Official