

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

**REGULAR COUNCIL MEETING  
MONDAY, OCTOBER 3, 2011**

**MAYOR:** Jim Gladden

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

**EMPLOYEES**

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

**GUESTS:** R. Davis, Joyce Beam

**ATTORNEY:** Stan Juhnke

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

**ABSENT:** None

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, October 3<sup>rd</sup>, 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 September 19, 2011 Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge **NO:** None

Motion made and seconded by Council Member Russell and Council Member Berridge to approve the Agenda with the following addition, (3) Proclamation under New Business. Motion carried by the following vote: **YES:** Berridge, Fleming, Brown, Koon, Russell, McLemore, **NO:** None

Mayor Gladden confirmed the payable for the Reno County Sheriffs Department was for inmate expenses. Motion to approve the payables was made and seconded by Council Member Fleming and Council Member Berridge. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Berridge, Fleming, **NO:** None

**CITY ATTORNEY** Stan Juhnke – Absent

Mayor Gladden gave an update on the lagoon easement process and emphasized the tight time frame the City is under to get the easement process completed.

**PUBLIC COMMENTS** – None

**OLD BUSINESS**

Rick Sims explained that a conflict was discovered with the Retail Liquor Sales motion made during the September 19<sup>th</sup> Council meeting and State law. Back in 2005 the State of Kansas changed their status from dry to wet and at that time the cities were given the option of staying dry. On December 19, 2005 the City of Nickerson passed Ordinance 2005-06 which prohibits packaged sales of alcoholic liquor therefore choosing to stay dry. This Ordinance was filed with the Director of the Division of Alcoholic Beverage Control therefore binding the City to statute KSA 41-301(b) which clearly states that "No retailer's license shall be issued for premises within a city that has passed such an ordinance".

According to Statute KSA 41-302(a) the only way for retail liquor sales to occur in Nickerson would be for a citizen to bring a petition to the Council requesting that the question to allow retail liquor sales be placed on the ballot for the next general election and then the issue will be voted on by the citizens. Council Member Brown disagrees with these findings and will be researching the issue further.

Motion was made to table the discussion by Council Member Brown and Council Member Berridge. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell **NO:** None

The Council discussed the Golf Cart Ordinance 2011-10. Motion was made and seconded by Council Member Berridge and Council Member Brown to adopt Ordinance 2011-10 contingent on the City Attorney's review. Motion carried by the following vote: **YES:** Koon, Brown, Fleming, Berridge, McLemore, Russell **NO:**

Mayor Gladden reported further on the lagoon easement issue. All of the easements and agreements seem to be coming together except for the one pertaining to Joe Hedrick. Mayor Gladden has left a message for Joe Hedrick to call at his earliest convenience.

**NEW BUSINESS**

A Public Funds CD in the amount of \$12220.86 is due to mature on October 4<sup>th</sup> and the council chose to let the CD renew. Motion was made and seconded by Council Member Russell and Council Member Berridge to allow CD 30348 to renew. Motion carried by the following vote: **YES:** Russell, McLemore, Berridge, Fleming, Brown, Koon **NO:** None

The Council made changes to three employee's pay rates.

Motion was made and seconded by Council Member Koon and Council Member Brown to increase Maintenance Technician Terri Kelley's wage to \$13.00 an hour effective October 2, 2011. Motion carried by the following vote: **YES:** Fleming, Berridge, McLemore, Russell, Koon, Brown **NO:** None

Motion was made and seconded by Council Member Russell and Council Member Brown to increase City Clerk Robin Schmitt's wage to \$16.00 an hour effective October 2, 2011. Motion carried by the following vote: **YES:** Berridge, Russell, Koon, Brown, Fleming, McLemore, **NO:** None

Motion was made and seconded by Council Member McLemore and Council Member Brown to increase Police Chief Michael Kelsey's wage to \$19.00 an hour effective October 2, 2011. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge, **NO:** None

Mayor Gladden appointed a committee to do a study on salary schedules and the possibility of separating the employee's salary schedule from the supervisor's salary schedule. The committee members are: Berridge (as chairman), Koon, McLemore, Russell, and Maintenance Supervisor Mark Gomes.

Mayor Gladden proclaimed October 22<sup>nd</sup>, 2011 as Make A Difference Day in Nickerson, Kansas. The area churches are working together to organize the event and one of the items they want to accomplish is painting the Senior Center. Maintenance Supervisor Mark Gomes will supply the paint and brushes. Kathy Kittle and the community Pastors are the contact persons if anyone wants to volunteer or suggest a person or family in need. Motion was made and seconded by Council Member Brown and Council Member Russell to adopt the Make A Difference Day proclamation. Motion carried by the following vote: **YES:** Berridge, Fleming, Brown, Koon, Russell, McLemore, **NO:** None

## **OFFICERS REPORT**

Council Member Berridge announced the City Wide Garage Sale sponsored by Berridge's IGA is this Saturday October 8<sup>th</sup>. Berridge also thanked Maintenance Supervisor Mark Gomes for utilizing the brush truck to assist citizens with no other means of cleaning up debris around their homes.

Council Member Brown contacted Scott Loyd about assisting with getting the Recreation Commission under the 309 School District. There will be charges incurred with hiring Scott Loyd so Brown recommends getting the ground work laid before utilizing Scott. The ground work should include getting the support of South Hutchinson and the 309 School District by contacting the School

Superintendent which will be done by Brown with the assistance of Council Member Koon.

Council Member Russell was asked by a citizen about the agreement between Nickerson Auto and the City of Nickerson. The agreement was there should be no more than six vehicles in the yard and there are currently at least 14. The City will research the agreement and take appropriate action.

Maintenance Supervisor Mark Gomes reported the engineering firm will finish the drawings for the park with the additions of the spray area and will be going out for bids with the drawings. Gomes will meet with the vendor for the playground equipment to finalize the cost of the equipment. With the approval of the Council the City has purchased two used pickups that are in very good condition. The vehicles being replaced will be placed on Purple Wave. Gomes requested the Council approve the purchase of tires and front-end alignment for the 1997 Chevy truck which will run over \$1000.00.

Motion was made and seconded by Council Member McLemore and Council Member Russell to approve the 1997 Chevy truck tires purchase and alignment. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Berridge, Fleming, **NO:** None

City Clerk Robin Schmitt thanked the Council for their voting to increase the three employee's wages.

Mayor Gladden brought a discussion about the bricks that were removed during the sewer project work. Maintenance Supervisor Mark Gomes will research the value and price.

Mayor Gladden inquired about the progress with selling or trading the extra police weapons and the police vehicle purchase. Police Chief Kelsey was not available for comment and Council Member McLemore had not had a chance to find out from Kelsey.

Mayor Gladden reminded the Council they will need to form a committee to present the Sales Tax election. Council Member McLemore will check with Brian Rife to see if he would like to assist with the committee.

**THERE BEING NO FURTHER BUSINESS,** motion made and seconded by Council Member Fleming and Council Member Berridge to adjourn at 7:57 p.m. A Motion was carried by a show of hands.

Official