

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

**REGULAR COUNCIL MEETING**

**Monday, October 19, 2015**

**MAYOR:** Jim Gladden

**COUNCIL:** Jon Rohling – President, Brad Berridge, Trent Gilbert, Brian Rife,  
Jane Jenkins, Angela Cottrell

**ATTORNEY:** Stan Juhnke

**ROLL CALL:** Gilbert, Rife, Jenkins, Cottrell

**ABSENT:** Rohling, Berridge,

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, October 19, 2015 at Nickerson City Hall.

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

Motion made and seconded by Council Member Jenkins and Council Member Cottrell to approve the September 21, 2015 Regular Meeting Minutes. Motion carried by the following vote: **YES:** Cottrell, Gilbert, Rife, Jenkins, **NO:** None

Motion made and seconded by Council Member Cottrell and Council Member Gilbert to approve the October 14, 2015 Special Meeting Minutes. Motion carried by the following vote: **YES:** Jenkins, Rife, Gilbert, Cottrell, **NO:** None

Motion made and seconded by Council Member Jenkins and Council Member Gilbert to approve the Agenda as written. Motion carried by the following vote: **YES:** Rife, Gilbert, Cottrell, Jenkins, **NO**

Motion to approve the October 19, 2015 Payables was made and seconded by Council Member Jenkins and Council Member Cottrell. Motion carried by the following vote: **YES:** Gilbert, Rife, Jenkins, Cottrell, **NO:** None

**ABSTAIN:**

**CITY ATTORNEY**

**PUBLIC COMMENTS** – Dennis Atkinson, owner of A&A Builders, addressed the Council regarding the \$11,500 in liquidated damages for the community center

project. Dennis stated that his attorney found no date for the City on the paperwork and that his company came in \$49,000 cheaper than everybody else and everybody else put a completion date of December because they saw a \$500 a day penalty. Dennis continued to say that A&A Builders gave their best figure they thought could be done and he feels they are being penalized for it. He stated that he lives in the Nickerson district and shop here, and his family as well, and feels it is unfair and that he pays his share.

## **OLD BUSINESS**

**Community Center Liquidated Damages** – The Council met with the City Attorney at the special meeting on October 14, 2015 to discuss the City's options pertaining to the liquidated damages for the community center project. A&A Builders was 23 days past the contracted completion date and the contract states there will be \$500 a day withheld for liquidated damages.

Motion was made and seconded by Council Member Rife and Council Member Cottrell to hold A&A Builders liable for the \$11,500 in liquidated damages per the attorney's advice based on the contract. Motion carried by the following vote:

**YES:** Jenkins, Cottrell, Gilbert, Rife, **NO: Abstain**

## **NEW BUSINESS**

**Ordinance 2015-09** – An ordinance vacating South Peabody Street from Avenue A going northeast 134 feet.

Motion was made and seconded by Council Member Rife and Council Member Cottrell to adopt Ordinance 2015-09. Motion carried by the following vote: **YES:** Cottrell, Jenkins, Rife, Gilbert, **NO: Abstain:**

**SJHL Audit Contract** – Council reviewed the contract renewal proposal for Swindol, Janzen, Hawk, & Loyd for years 2015-2017 for auditing and budget preparation. The audit would be \$10,300 - \$10,900 and the budget would be \$1500.

Motion was made and seconded by Council Member Cottrell and Council Member Jenkins to contract with SJHL for auditing and budget preparation for 2015-2017. Motion carried by the following vote: **YES:** Jenkins, Cottrell, Gilbert, Rife, **NO: Abstain:**

## **OFFICER REPORTS**

Gilbert – reported the dog issue in his area seems to have been taken care of. Thanked the City crew for how good the City looks.

Cottrell – thanked June Gladden and the Mayor for watering the flowers on Main Street. Wanted to let everyone know that they are doing there big Halloween event for the kids at their home on October 31<sup>st</sup> starting at 4:30 pm and going until they run out of goodies.

Rife – reported that he asked Clerk Schmitt to research and look into contacting Mutual Telephone Company based out of Little River, Lyons and Sterling who provide internet, cable TV, and telephone service. Would like to check into having another company provide these types of services in Nickerson and see about getting a franchise agreement set up with them for another stream of revenue for the City.

Since the Council has just made changes for the health insurance and will be looking at employee reviews and possibly considering raises in January, Rife would like to see about comparing with cities of Nickerson's size and the job descriptions, whether we are paying in line with those cities and if not then maybe consider some adjustments in order to stay competitive. If Nickerson is competitive then maybe consider paying 100% of the health insurance since a lot of the cities are doing that now. Mayor Gladden also pointed out that a city's valuation should be considered as well as population when making comparisons.

Clerk Schmitt – reported that a tax exemption has been filed for the community center property.

Reported that she received an answer from the insurance company about putting exercise equipment in the community center. The insurance company recommends the equipment be checked and maintained frequently and notices/cautions be posted with the machines and to consider having a waiver for users to sign in case of injury.

Received comments from renters of the community center that they feel like they are in a giant fish bowl since there are no window treatments.

Council appointed Clerk Schmitt, Clerk Beshears, June Gladden, and Council members Angie Cottrell and Jane Jenkins to be on a committee to research window treatments and acoustic tiles for noise control for the community center.

Mayor Gladden – invited the Council and the City employees to attend the League of Kansas Municipalities 2015 Regional Supper in Hutchinson on October 29<sup>th</sup> and asked the Council to reimburse the City Clerk, Court Clerk and Superintendent for the \$17 fee, the cost of the supper.

Motion was made and seconded by Council Member Rife and Council Member Jenkins to reimburse the three city employees the \$17 if they choose to attend the LKM Regional Supper. Motion carried by the following vote: **YES:** Gilbert, Rife, Jenkins, Cottrell, **NO: Abstain:**

Mayor Gladden mentioned that the painted curbs look very nice and Council Member Rife asked when the High School art class will be painting the store fronts. Clerk Schmitt said she did not know when they would get started but she had relayed the information that there was no objection from Council about them painting the windows of City Hall and the community center.

**THERE BEING NO FURTHER BUSINESS,** motion made and seconded by Council Member Rife and Council Member Cottrell to adjourn at 7:32 p.m. Motion carried by show of hands.

Official