

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

**REGULAR COUNCIL MEETING**

**Monday, November 5, 2012**

**MAYOR:** Jim Gladden

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

**EMPLOYEES**

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

**GUESTS:** Chance Freeman, John Ratliff, Aryn Hedrick, Dan Schmitt, Don Gregg

**ATTORNEY:** Stan Juhnke

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

**ABSENT:** Brown, Fleming,

The Regular City Council meeting was called to order by Mayor Gladden at 7:00 p.m. on Monday, November 5, 2012 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 October 15, 2012 Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Berridge **NO:** None

Mayor Gladden confirmed that the referral to the General Checking Account in the minutes was pertaining to the actual checking account and not the General Fund.

Motion made and seconded by Council Member Berridge and Council Member Russell to approve the Agenda as written. Motion carried by the following vote: **YES:** Berridge, Koon, Russell, McLemore, **NO:** None

Mayor Gladden confirmed the payable to Westar Energy for electricity was paid on line.

Motion to approve the November 5, 2012 payables was made and seconded by Council Member McLemore and Council Member Russell. Motion carried by the following vote: **YES:** Koon, Russell, McLemore, **NO:** None **ABSTAIN:** Berridge,

**CITY ATTORNEY** Stan Juhnke – Absent

**PUBLIC COMMENTS** – John Ratliff and Chance Freeman addressed the Council on behalf of Shell Gulf of Mexico requesting permission to conduct a seismic survey across property owned by the City of Nickerson in Reno County. John and Chance presented a map of the area and explained how the survey would be done by vibration instead of drilling.

Motion was made and seconded by Council Member Koon and Council Member McLemore to approve the seismic survey by Shell Gulf of Mexico with any damages paid by Shell. Motion carried by the following vote: **YES:** Koon, Berridge, McLemore, Russell, **NO:** None

## **OLD BUSINESS**

**Yard Sale Discussion** – Clerk Schmitt presented a request from a potential citizen asking the Council to create an ordinance that states how many yard sales can be held by homeowners in residential areas. The person requesting the ordinance is thinking about moving to Nickerson and purchasing one or more residential lots, then building a large garage to store items he wishes to sell at his property. The Council recognized that this would be a business and this individual would need to go through the zoning commission in order to get a residential lot rezoned. Therefore the Council also chose not to establish an ordinance pertaining to yard sales just to accommodate an outside request which would then require enforcement.

**Don Gregg property decision** – Mr. Gregg addressed the Council to inform them that he had modified his design for his property to be more community minded. He still wants to put up a 25 foot portion of the stockade fencing and Code Enforcement Officer Gomes stated it is still substandard material which does not meet construction standards and is not esthetic with the neighborhood. Mr. Gregg then stated that there is a ranch style home across the street that does not blend in with the neighborhood either. Discussion ensued. Council Member Russell stated the situation needs to stay within the rules and ordinances. Mayor Gladden suggested that Council leave the ruling of the materials and cleanup to Code Enforcement Officer Gomes.

Motion was made and seconded by Council Member McLemore and Council Member Russell to have Code Enforcement Officer Gomes address all property violations at the Gregg property according to City Code and National Building Codes adopted by the City within the time frame decided by Code Enforcement Officer Gomes. Motion carried by the following vote: **YES:** Koon, Berridge, McLemore, Russell, **NO:** None

## **NEW BUSINESS**

**Employee Appreciation Dinner** – Clerk Schmitt reported that the dinner is scheduled for December 14<sup>th</sup> at the Hedrick Bed and Breakfast. Kathy Kittle will be invited as well for her work she has done organizing the Make-a-Difference Day. The Zoning Commission and the laid-off auxiliary police officers will also be invited. The City will provide gift certificates from Berridge's IGA for a turkey or ham again this year for the City employees.

**EXECUTIVE SESSION (PERSONNEL) for 5 MINUTES.** Motion made and seconded by Council Member Russell and Council Member Berridge to recess into executive session for five minutes. Motion carried by a show of hands. 7:32 p.m.

Mayor Gladden called the meeting back to order. 7:37 p.m.

## **OFFICERS REPORT**

Council Member Koon asked for an update on the 20 mph speed limit signs. Maintenance Supervisor Gomes reported they have been ordered. Koon inquired about the property on K-96 across from the high school that received a complaint about the junk vehicle. Maintenance Supervisor Gomes stated that the citizen had contacted the City office and requested assistance.

Council Member Russell stated that at the last meeting when the Police Department was disbanded the Council chose to put the issue up for public vote. Therefore he would like to see a motion made to put the Police Department on the April ballot.

Motion was made and seconded by Council Member Russell and Council Member Koon to put the question of whether or not to reinstate the Nickerson Police Department on the April election ballot for public vote. Motion carried by the following vote: **YES:** Berridge, McLemore, Russell, Koon, **NO:** None

Mayor Gladden read a report from Officer Shultz about the status of the transition of the Police Department.

Council Member McLemore reported he will represent the Community Building Committee in a meeting one night this week with Mr. and Mrs. Golding to negotiate the purchase price of the potential Community Building property.

McLemore had received questions about a KDOT vehicle which was sitting in the ditch on K-96. Apparently some citizens mistakenly thought it was the Nickerson Police vehicle and was wondering why it was out when the Police Department had been disbanded.

McLemore forwarded a suggestion from a citizen that the Council considers forfeiting their council pay since the Police Department was disbanded partly because of budgeting issues.

McLemore also had someone contact him stating they thought they saw someone in the Police Department other than Shultz. McLemore reiterated that there are police files that need to be kept secure.

City Clerk Schmitt reminded the Council that the City office will be closed on November 12 in observance of Veterans Day and that she will be in Wichita from November 12 to 16 for year two of her Municipal Clerk Certification training.

Schmitt reported that there have been 5 applications for the Citizen Patrol program submitted and there are two that have been returned but not picked up yet.

Clerk Schmitt requested to close the City office on November 23 the day after Thanksgiving on behalf of the employees. The employees would use vacation or personal time for that day. The Maintenance crew would be on call for emergencies. Council Member McLemore stated that if the office is closed on a day other than a holiday that the Personnel Manual needs to state that employees will not be paid unless they use a personal or vacation day.

Motion was made and seconded by Council Member Russell and Council Member Koon to approve closing the City office on 11/23/2012 the day after Thanksgiving. Motion carried by the following vote: **YES:** Berridge, Russell, Koon, McLemore, **NO:** None

Clerk Schmitt asked permission to take one of her Hutchinson Community College classes at the college instead of online. The class is from January 15 to May 9 on Tuesday and Thursday. The hours away from the office would be from 9 a.m. to noon.

Motion was made and seconded by Council Member Russell and Council Member Koon to approve City Clerk Schmitt's HCC class from January 15 to May 9. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Berridge, **NO:** None

Mayor Gladden confirmed that Westar has met with the Maintenance Department to schedule the installation of the street light on Holiday Street.

Mayor Gladden presented a form to fill out for Veteran's who were born in Reno County or resided in Reno County for the past 10 years to have their name put on the Reno County Veteran's Memorial in Hutchinson. The forms are in the City office for anyone who is interested.

**THERE BEING NO FURTHER BUSINESS,** motion made and seconded by Council Member Berridge and Council Member Russell to adjourn at 8:02 p.m. A Motion was carried by a show of hands.

Official