

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

**REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 7, 2011**

MAYOR: Jim Gladden

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

EMPLOYEES

PRESENT: Mark Gomes, Rick Sims, Phyllis Richardson

GUESTS: Kenny Burgess

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, November 7th, 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 October 17th, 2011 Minutes. Motion carried by the following vote: **YES:** McLemore, Russell, Koon, Brown, Fleming, Berridge **NO:** None

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

Mayor Gladden recommended that the Council vote on the regular payables and the easement payables separately. Mark Gomes brought to the attention of the Council that the final payment for the Lagoon project of \$325,503.47 should be added to the regular payables for approval. Motion to approve the regular payables including the final payment to EBH was made and seconded by Council Member Russell and Council Member McLemore. Motion carried by the

following vote: **YES:** Brown, Koon, Russell, McLemore, Fleming, **NO:** None, **ABSTAIN:** Berridge

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

CITY ATTORNEY Stan Juhnke – Absent

PUBLIC COMMENTS – None

OLD BUSINESS

Department Head Purchase Limit of \$500 discussion began with Council Member Koon saying he would like to withdraw his request to raise the limit after confiding with the department heads.

The Retail Liquor Sales discussion ensued resulting in a motion to rescind the previous motion to allow retail liquor sales in Nickerson.

Motion to Rescind the motion allowing Liquor sales that was passed during the September 19th meeting was made and seconded by Council Member McLemore and Council Member Fleming. Motion carried by the following vote: **YES:** Koon, Fleming, McLemore, Russell, **NO:** Brown, Berridge

During the Zoning Map Update Rick Sims informed the Council that John Riggs recommends paying an hourly rate when changes need to be made and does not recommend keeping a company on retainer after the initial map updates are complete. Motion was made and seconded by Council Member Russell and Council Member Brown to have Riggs update the zoning map with a cost up to \$500.00. Motion carried by the following vote: **YES:** Russell, McLemore, Berridge, Fleming, Brown, Koon, **NO:** None

Council Member Koon asked for further discussion about the retail liquor sales. The Council discussed the process of how the City is currently dry and how it will need to be brought by petition in order to change the City to wet.

NEW BUSINESS

The City employees requested the Council pass resolution 2011-06 allowing the 457 Plan to be moved from ING to Security Benefit. Motion was made and seconded by Council Member Russell and Council Member Brown. Motion carried by the following vote: **YES:** Fleming, Berridge, McLemore, Russell, Koon, Brown, **NO:** None

Kenny Burgess addressed the Council and presented the information from the October 26, 2011 Board of Zoning Appeals Hearing. Kenny Requested the

Council approve Ordinance 2011-11 which changes Lots 8,9 and 10 Block 45 from R-1 to I-2. Motion was made and seconded by Council Member Berridge and Council Member McLemore. Motion carried by the following vote: **YES:** Berridge, Russell, Koon, Brown, Fleming, McLemore, **NO:** None

Council Member Brown brought forward the Police Department discussion. The issue of whether the police department should be a deterrent or enforcement was discussed as well as how the hours worked by the police department are documented. Mayor Gladden reported he is having Chief Kelsey sign off on a time sheet verifying the hours worked which is supposed to match the payroll time sheet. Mayor Gladden also discussed where the money would go when a police car is sold on Purple Wave and the Mayor confirmed a payable question from the previous meeting pertaining to the police firearms.

OFFICERS REPORT

Council Member Brown brought a discussion about the Recreation Commission and how there needs to be an incentive for USD 309 to agree to work with the City of Nickerson and South Hutchinson. Brown asked the Council members to bring him ideas for incentives. Phyllis Richardson reported on the positive progress of the Recreation Commission. Phyllis confirmed that the Recreation Commission and the School have a good working relationship.

Council Member Koon thanked all the Council members that showed up and worked at Make-a-Difference Day. Koon praised Jimmie McVey for how hard he worked that day also. Koon asked Maintenance Supervisor Mark Gomes to look into what it would take to get a grapple rake for the backhoe. Koon confirmed the City maintains the speed bump.

Council Member Russell asked about the Ordinances on cleanup and if they need to be changed to help with enforcement. Rick Sims stated that when the codification process is started the Council can meet and go over any they may want to strengthen.

Council Member McLemore reported he has been informed that the old street bricks sell for .50 to .75 cents apiece. McLemore asked what should be done with the bricks. Discussion ensued on what the bricks could be used for. The Council decided to wait until spring to decide.

Council Member Berridge thanked the Maintenance Department for the new road striping. Berridge was approached by the Boat Club to not have turn signals required on golf carts. Berridge will look into the legalities of the request. Berridge wants to confirm that the payment from ALLTEL came in. Berridge also reported that the wage committee has met and requested the discussion be put on the next agenda.

Council Member Fleming reported positive feedback about the large dumpsters that were brought in for Make-a-Difference Day and how they were used. Discussion about having the dumpsters brought in more often and about the scrap metal being picked up ensued.

Maintenance Supervisor Mark Gomes gave his Department Report and asked for approval to have Clark Construction pour the footing placements for the basketball goals at the cost of \$1400.00 Motion was made and seconded by Council Member Berridge and Council Member Koon. Motion carried by the following vote: **YES:** Berridge, Fleming, Brown, Koon, Russell, McLemore, **NO:** None

Maintenance Supervisor Mark Gomes requested approval of \$1000 for a Rowex Rodent Eliminator to remove the rodent issue at the cemetery. Motion was made and seconded to approve the request by Council Member McLemore and Council Member Berridge. Motion carried by the following vote: **YES:** Fleming, Berridge, McLemore, Russell, Koon, Brown, **NO:** None

Maintenance Supervisor Mark Gomes reported on Jimmy McVey's progress since breaking his hand.

Rick Sims presented City Clerk's report on the 1% Sales Tax and classes Robin will be taking at the City Clerk Certification Institute. Rick also presented Robin's request to attend training with the Swindoll, Janzen, Hawk & Loyd firm in Topeka Kansas on November 28th. Motion was made and seconded to approve by Council Member Russell and Council Member McLemore. Motion carried by the following vote: **YES:** Brown, Koon, Russell, McLemore, Berridge, Fleming, **NO:** None

Mayor Gladden directed Rick Sims to create a mailer to inform the citizens about the details on the Special Election on November 22nd. Mayor Gladden asked the Council to consider how to go about collecting delinquent sewer bills when the home is on city sewer but not on city water. Discussion ensued and the Council tabled the discussion until next meeting to allow the homeowner or renter to respond to the letter from the attorney.

Mayor Gladden reported he has received a letter stating the City has fulfilled all of its legal obligations pertaining to the Bemby lawsuit.

Mayor Gladden explained that payday for the City employee's is on Friday and they cannot get their paychecks early.

Mrs. Slifer approached the Mayor and respectfully reminded him that they have an agreement with the City that if the City chooses to sell the old sewer plant property, the Slifers will have first chance to purchase it.

Mayor Gladden would like to see the City hire a compliance officer. He asked the Council to make a motion to hire a part time compliance officer. Council Member Russell made a motion to give authority to the Mayor to investigate the hiring of a compliance officer with approval of the Council. Motion was seconded by Council Member McLemore. Discussion ensued. Council Member Fleming confirmed that the Council would have say as to who would be hired. Motion carried by the following vote: **YES:** Koon, Fleming, Russell, McLemore, **NO:** Brown, Berridge

THERE BEING NO FURTHER BUSINESS, motion made and seconded by Council Member Fleming and Council Member Berridge to adjourn at 8:44 p.m. A Motion was carried by a show of hands.

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