

File

CITY OF SILVER LAKE COUNCIL MEETING

CITY HALL

July 3, 2023

5:30 P.M.

ORDER OF BUSINESS MEETING

Pledge of Allegiance

Public Comments

Minutes

Financial Report

Appropriation Ordinance

Business Items:

1. City Hall Remodel Spending Request
2. Sample Chicken Ordinance Discussion
3. Monthly Police Report

****PLEASE NOTE: This agenda is subject to additions or changes as may be necessary.

DRAFT
City of Silver Lake
Regular Session Minutes
Monday, June 19, 2023

The Governing Body of the City of Silver Lake met in regular session at City Hall on Monday evening June 19, 2023, at 5:30 PM with Mayor Mack Smith conducting the meeting and the following Councilmembers present: Steve Pegram, Heath Robinson, and Larry Ross (3). Absent: Brad Bryant, and Jake Fisher (2). Also present was City Attorney Todd Luckman, Public Works Utility Superintendent Cary Deiter, Public Works Assistant Brad Kirk, Police Chief Marc McCune, City Clerk Liz Steckel, and Assistant Clerk Marie Beam.

Local resident, Jerry Barker of 501 Lakeland Drive, was present for public comment to request an extension to Lakeland Drive. Mr. Barker was informed that it is not in the current budget to add this to the 2023 Street Project, and City Attorney Luckman added that with proper approval he may extend the road himself.

Local resident, Jonah Bishop of 309 Gemini, was present for public comment to ask Councilmember Pegram for clarification on statements that were previously made regarding local business support for a 1% local sales tax. Councilmember Pegram stated that there are local businesses in support of the local sales tax, and that the recent community survey results reflect 79% of respondents were in favor of a local sales tax. Mr. Bishop wanted to know what the people in the county believe. He intends to run these numbers.

A motion was made by Councilmember Ross to approve the minutes of the June 5, 2023 meeting as written. The motion was seconded by Councilmember Pegram and carried.

Claim vouchers in the amount of 15734.64 dollars were submitted to the Council for appropriation. An Ordinance entitled "An Ordinance Appropriating Money to Pay Certain Claims" was introduced. A motion was made by Councilmember Ross and seconded by Councilmember Robinson that said Ordinance be accepted as read and was then placed on final passage by a roll call vote: AYE: Steve Pegram, Heath Robinson, and Larry Ross.(3) NAY: None. With no further discussion the Ordinance was declared passed and was given No. 2569.

Councilmember Pegram made a motion to approve a Salary Ordinance for the City Clerk, the Assistant Clerk and the Part-Time Police Administrative Assistant. The motion was seconded by Councilmember Ross and was then placed on final passage by a roll call of the following vote: AYE: Steve Pegram, Heath Robinson, and Larry Ross (3). NAY: None. With no further discussion, the Ordinance was declared passed and was given No. 2570.

Local residents Cori Wegner and Julie McDaniel were present to request a donation for the Second Annual Silver Lake Relay for Life, which will take place on Saturday, August 26, 2023, from 6 PM until midnight. A motion was made by Councilmember Pegram to donate 500 dollars towards the 2023 Relay for Life. The motion was seconded by Councilmember Robinson and carried.

Mr. Ngole presented a letter signed by several local residents, requesting Council to amend the City Code to allow chickens within City limits. Council and City Attorney Luckman discussed the possibilities and process of making this change. Council directed City Attorney Luckman to present sample Chicken Ordinances at the next meeting.

As the next step in strategic planning for the City, Council discussed developing a plan to review, implement, and enforce City Codes on a yearly basis. City Attorney Luckman suggested starting off with the easily abated nuisances, such as grass, junk in yards, and untagged cars. Silver Lake City Code, section 8-903 requires that vehicles be both operable and display a visible tag.

Police Chief McCune reported that he is currently completing end-of-fiscal-year reporting for the Kansas Bureau of Investigation and the Attorney General's office.

Public Works Superintendent Deiter introduced the new Public Works Assistant, Brad Kirk. Deiter reported that they had cut the slag on Sage Road today in preparation of the 2023 Street Project.

Deiter informed Council that there is a leaking fire hydrant on Mercury that will need to be replaced in addition to the valve next to it. Every will need to move a brand-new light pole that has been installed directly beside the hydrant. RDR will jet the hydrant in order to determine the depth before we order a replacement. Deiter will report to Council when there is new information.

Superintendent Deiter reported that his staff started spraying for mosquitos Wednesday night at 9 PM. Mayor Mack Smith reported positive feedback about less mosquitos the following day. Deiter said they would likely spray two evenings this week, and that they would continue once or twice a week at least until the lake dries up.

City Attorney Luckman reported that the Board of Zoning has granted a special use permit to Silver Lake Schools-Special Services (Greg Harmon) for a coffee shop, to be located at 301 E. Railroad Street.

Attorney Luckman confirmed that we had submitted our special question on sales tax to the county election office.

Mayor Mack Smith noted that a resident had approached him with questions about having bees in City limits.

Mayor Smith was invited and attended the retirement reception for Kansas Highway Patrol Colonel Herman Jones.

The Fireworks discharge times for 2023 can be found on the City's website, silverlakeks.gov.

The next two regular meetings are scheduled for Monday, July 3, 2023, and Monday, July 17, 2023, both at 5:30 PM.

Councilmember Ross made a motion to adjourn the meeting at 6:18 PM. Councilmember Robinson seconded the motion, and with nothing further to come before Council, the meeting was adjourned.

Liz Steckel, City Clerk

**City of Sivler Lake
Record of Ordinance #2571
July 3, 2023**

An Ordinance making appropriation for the payment of certain claims. Be it ordained by the Governing Body of Silver Lake, Kansas. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the City Treasury the sum required for each claim.

Check #	Type	Name	Memo	Amount
General Operating				
General Fund				
8508	GEN	American Cancer Society	Relay for Life Donation	-500.00
EFT	GEN	Evergy	Electricity	-900.48
8509	GEN	Hook Farms, LLC	2023 Corn Expenses	-1,168.47
8512	GEN	Logan Business Machines	2nd Quarter Copy Contract	-126.00
8514	GEN	Schwant Tractor & Service, Inc.	Mower Maintenance	-111.00
EFT	GEN	Kansas Gas Service	Gas Service	-114.54
8520	GEN	Wehner's Thriftway	Supplies	-50.97
8516	GEN	The Topeka Metro News	Publish Ordinance 2570	-78.44
8521	GEN	Wheatland Pest Control	Routine Pest Spray	-100.00
8515	GEN	Stumbo Hanson LLP	Legal Services	-1,147.88
8517	GEN	Unifirst	Mat Service	-93.50
Total General Fund				-4,391.28
Law Enforcement				
EFT	LAW	Evergy	Electricity	-184.79
EFT	LAW	Kansas Gas Service	Gas Service	-93.91
8520	LAW	Wehner's Thriftway	Supplies	-27.97
EFT	LAW	Casey's Business Mastercard	Fuel	-688.54
8511	LAW	League of Kansas Municipalities	2023 UPOC/STO Books	-100.00
8510	LAW	Kansas State Treasurer	June Court Fees	-94.00
8515	LAW	Stumbo Hanson LLP	Legal Services	-213.46
Total Law Enforcement				-1,402.67
Street				
EFT	SDP	Evergy	Electricity	-1,082.23
8518	SDP	United Rentals, Inc.	Concrete Saw Rental	-122.00
Total Street				-1,204.23
Park				
8519	PRK	Universal Chemical LLC	Gloves and Weed Spray	-378.85
Total Park				-378.85
Street Lighting				
EFT	STL	Evergy	Electricity	-463.81
Total Street Lighting				-463.81
Total General Fund				-7,840.84
Waterworks Fund				
8513	WW	Rooter-Man of Northeast Kansas	Jetting Service Pond #2 Lagoon	-450.00
EFT	WW	Evergy	Electricity	-682.97
EFT	WW	Kansas Gas Service	Gas Service	-235.12
8520	WW	Wehner's Thriftway	Supplies	-49.23
EFT	WW	Casey's Business Mastercard	Fuel	-560.56
EFT	WW	Brad Kirk	Cell Phone Reimbursement	-41.34
Total Waterworks Fund				-2,019.22
TOTAL				-9,860.06

That this Ordinance shall take effect and be in force from and after its passage.

Passed this 3rd day of July, 2023

Signed or Approved 3rd day of July , 2023

Attest:

City Clerk

Mayor

2023 City Hall Remodel

Flooring	\$2300
Wainscoting	\$ 400
Chair Rail	\$ 200
Casing	\$ 200
Base Boards	\$ 150
Paint & Caulking	\$ 750
Unexpected Expenses	\$1000

**Labor will be performed by the extremely skilled Public Works staff of the City of Silver Lake. Estimated start date August, 2023.

Total Project Estimate: \$5,000.00

City of Silver Lake



SAMPLE ORDINANCE NO. _____

AN ORDINANCE REGULATING THE OWNERSHIP AND KEEPING OF CHICKENS IN THE CITY OF SILVER LAKE, KANSAS AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SILVER LAKE, KANSAS:

SECTION 1. There shall hereafter be an additional Article added to Chapter II of the Code of the City of Silver Lake. Such Article shall be Article 4 and shall be entitled: CHICKENS.

SECTION 2. Section 2-401 shall be added to the Code and shall read as follows: "PERMIT. Any person wishing to keep chickens within the City limits of Silver Lake shall file an annual application to do so with the Public Officer. The annual application review charge shall be \$_____. Such application will then be reviewed by the Public Officer who will either grant or deny the permit. A permit shall allow the owner thereof to own no more than _____ chickens. Permits are non-transferable and shall not run with the land. Permits will be granted only for property whose primary use is for a single-family dwelling or a two-family dwelling. In the event of a lessor/lessee or landlord/tenant relationship, the owner of the property shall always apply for a permit. Permits will only be granted if all of the requirements of this Section are met."

SECTION 3. Section 2-402 shall be added to the Code and shall read as follows: "GENDER OF CHICKENS. Only female chickens shall be allowed within the city, with no limitation on species. Roosters shall not be permitted."

SECTION 4. Section 2-403 shall be added to the Code and shall read as follows: "HENHOUSE. Henhouses shall be provided for all chickens kept within the city and shall be designed to provide safe and healthy living conditions for the chickens while minimizing the adverse impacts to other residents. The henhouse shall be a minimum of _____ square feet in size per chicken, up to _____ chickens. All henhouses shall be well maintained. All henhouse structures shall be enclosed on all sides and have a roof and doors. All henhouse access doors must be able to be shut and locked at night. Windows and vents must be covered with predator-proof and bird-proof wire containing less than one (1) inch openings."

SECTION 5. Section 2-404 shall be added to the Code and shall read as follows: "CHICKEN PENS. Enclosed chicken pens shall be provided for all chickens kept within the city. The pen shall be a minimum of _____ square feet in size per chicken. Such pens must be made of sturdy wire fencing, aviary netting or solid roofing. If wire fencing is used, it must be _____ gauge. All chicken pens must be at least _____ feet tall in height."

SECTION 6. Section 2-405 shall be added to the Code and shall read as follows: "LOCATION OF HENHOUSES AND CHICKEN PENS AND CONSENT OF NEIGHBORING PROPERTIES. No henhouse or chicken pen shall be located closer than _____ feet to any property line or any adjacent property and may not be within any setbacks required by City ordinance or zoning regulation. All henhouses and chicken pens must be located at least _____ feet from the nearest neighbor's residence. All henhouses and chicken pens shall be located in the backyard of the residence at issue. "Backyard," as used in this Section, shall mean that area of a lot that is located between the back of a house and the rear property line. The permit application shall require that any person wishing to keep chickens within the City of Silver Lake must have signatures of all property owners within _____ feet of the applicant's property line. This shall be measured from the closest property line to the neighbor, and not from the location of the henhouse or

chicken pen. Signatures of all neighboring property owners must be gathered on an annual basis, as a part of the permitting process, and it will not be assumed by the City that any neighboring property owner is agreeable to the allowance of chickens without an updated, yearly signature and date on every annual permit."

SECTION 7. Section 2-406 shall be added to the Code and shall read as follows: "SANITARY CONDITIONS. All henhouses and chicken pens shall be kept clean, dry, odor-free and in a sanitary condition at all times. All henhouses and chicken pens shall also be constructed and repaired to prevent rats, mice or other rodents from being underneath or within such structures. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access to or coming into contact with them. All henhouses and chicken pens may be inspected at any time throughout the permit year by the Public Officer."

SECTION 8. Section 2-407 shall be added to the Code and shall read as follows: "MANURE. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully-enclosed structure with a roof or lid over the entire structure. All manure not properly stored and not used for composting or fertilizing on the premises shall be removed."

SECTION 9. Section 2-408 shall be added to the Code and shall read as follows: "LOCATION OF CHICKENS; SLAUGHTERING. Chickens must be kept within a henhouse or a chicken pen at all times. No chickens may be slaughtered within the limits of the city."

SECTION 10. Section 2-409 shall be added to the Code and shall read as follows: "RUNNING AT LARGE PROHIBITED. It shall be unlawful for any person to allow or permit a chicken or chickens of any kind to run or be at large at any time in the City. For the purposes of this Section, the term "at large" shall be defined to include those times during which any chicken shall not be confined or kept in pens sufficiently strong or constructed to keep such chicken on the premises of their owner or keeper."

SECTION 11. REVOCATION AND DENIAL OF PERMIT. A permit to keep chickens within the City may be denied or revoked by the City Council where there is a risk to public health or safety or for any violation or failure to comply with any provisions of this Article.

SECTION 12. NOTICE. Any person, corporation, partnership, association or other entity found by the City Council to be in violation of any provision of this Ordinance or any such person, corporation, partnership, association or other entity who has been denied a permit or had a permit revoked, shall be served a notice of such violation, denial or revocation. The notice shall be served on the owner or agent of the owner of the property at issue by restricted mail or by personal service, or if the property is unoccupied and the owner is a nonresident of the city, then by mailing the notice by restricted mail to the last known address of the owner.

SECTION 13. SAME; CONTENTS. The notice shall state the condition(s) which is/are in violation of the provisions of this Ordinance. The notice shall also inform the person, corporation, partnership association or other entity that:

- (a) He, she or it shall have 10 days from the date of serving the notice to abate the condition(s) in violation of the provisions of this Ordinance; or
- (b) He, she or it has 10 days from the date of serving the notice to request a hearing before the governing body as provided by Section 16 of this Ordinance;
- (c) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in this Ordinance and/or abatement of the condition(s) by the city as provided by this Ordinance.

SECTION 14. FAILURE TO COMPLY; PENALTY. Should the person, corporation, partnership association or other entity fail to comply with the notice to abate the conditions that are in violation of this Article or request a hearing, the City may file a complaint in the Municipal Court against such person, corporation, partnership, association or other entity and upon conviction of any violation of provisions of this Article, such person, corporation, partnership, association or other entity, as appropriate, may be fined in an amount not to exceed \$100.00 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense. If a permit is revoked for failure to comply with the terms of this Article, the property owner will not be allowed to apply for another permit for chickens for at least one (1) calendar year from the revocation of their permit. If a property owner has its permit revoked a second time for failure to comply with the terms of this Article and fails to cure that noncompliance, the permit will be revoked for at least a three (3) year period from the date of the second revocation.

SECTION 15. ABATEMENT. In addition to, or as an alternative to prosecution as provided in herein, the City Council may seek to remedy violations of this Ordinance in the following manner: If a person to whom a notice has been sent pursuant to section this Ordinance has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified herein, the City Attorney may present a resolution to the governing body for adoption, authorizing the City Council or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the violating conditions were located as provided in this Ordinance. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (a) Personal service upon the person in violation;
- (b) Service by restricted mail; postage prepaid, return receipt requested; or
- (c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the City Council and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such conditions exist.

SECTION 16. HEARING. If a hearing is requested within the 10-day period as provided in Section 13, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the City Council before the governing body. The hearing shall be held by the governing body as soon as possible after filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At any such hearing, the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to any formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 15.

SECTION 17. COSTS ASSESSED. If the city abates any conditions in violation of this Article, the cost of abatement, including attorney's fees, shall be charged against the lot or parcel of ground on which the violating conditions were located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this Ordinance. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

SECTION 18. REPEAL OF CONFLICTING ORDINANCES. Any ordinance or parts of ordinances of the City of Silver Lake, Kansas, in conflict herewith are hereby repealed.

SECTION 19. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED by the Council this _____ day of _____, 2023.

APPROVED by the Mayor this _____ day of _____, 2023.

MACK SMITH, Mayor

ATTEST:

LIZ STECKEL, City Clerk

June 29, 2023

Dear Silver Lake City Council,

My name is Cheryl Workman. I live down the street from the family who is asking to have chickens in city limits; my address is 304 Mercury. There are many reasons for which I am not in favor of an ordinance that would allow chickens in town. I fear that having chickens in the city limits causes a health hazard due to the increased risk of parasites and the many insects, including flies that love chickens. Having chickens in town could also draw wild animals into town that bring danger and disease; many chicken owners complain about raccoons, foxes, coyotes and snakes that come to kill or eat their chickens. Chickens fly, and will certainly find a way to get out of a fence and attract running neighborhood dogs from all over. These are just a few of the reasons why I am opposed to an ordinance allowing chickens in the city limits in Silver Lake. I did not move into town to have a farm next door.

I appreciate your consideration of my feelings on the matter. I've spoken to some citizens who live in the city limits and below are their signatures in opposition of the chicken ordinance.

Sincerely,



Cheryl Workman

Ravac Murchick - 419 Apollo St.
Linda Albert - 417 Apollo St.

Thelma J. Bray - 422 Rice Rd.

William R. Ross - 417 Rice Rd.

D. J. Martinich - 421 Rice Rd.

Richard Hubbard - 425 Rice Rd.

Marilyn Webster - 303 Mercury

Will F. Webb

303 Mercury

Brad Snyder

305 Mercury St.

Sharon Smith

309 Mercury St.

Dean Smith II

Cover

Tom Winton 314 Mercury St. Silver Lake
Dorise Denton 314 Mercury St Silver Lake
Randall Call 312 Mercury St. Silver Lake
Janet Call 312 Mercury St Silver Lake
Carol DeYoung 311 Mercury St " "
Cheryl Jackson 304 Mercury St



The League of Kansas Municipalities Annual Conference

October 7-9, 2023
Wichita, Kansas

Registration opens July 1

Plan Now to Attend

The League Annual Conference is the largest municipal gathering of the year in Kansas, and the one event city officials cannot afford to miss!

This event will allow you to engage with other leaders to share and brainstorm ideas to implement in your community, and think creatively to use problem solving tactics and address common municipal challenges.

Session Topics*

- Running Effective Meetings
- Clerks 101
- Building a Successful Parks & Rec Dept
- Planning for Your Water Future
- Crisis Communications
- Employee Evaluation Do's and Don'ts
- Conflict Resolution
- Moderate Income Housing Funding Available for Kansas Cities
- The United WE Appointments Project
- Rapid Fire Discussions:
 - Meet the New Executive Director
 - Kansas Community Empowerment [PRIDE]
- And more!

Venue

Hyatt Regency Wichita +
Century II Convention Center

Preliminary Agenda[^]

Saturday, October 7

- Legislative Policy Committee
- Pre-Conference MTI Workshops
- Governing Body Meeting
- KMIT Annual Meeting & Reception

Sunday, October 8

- Nominating Committee Meeting
- New Attendee Orientation
- Rapid Fire Discussions
- Opening General Session / Keynote
- Concurrent Workshops
- League Dinner / Social Event
- Trade Show [Sunday only 12:30 - 5:30]

Monday, October 9

- Breakfast / General Session
- Concurrent Workshops + Mobile Workshop
- Affiliate Association Concurrent Workshops
- Public Service Awards Luncheon + Business Meeting

[^]A more detailed schedule of events available online



www.lkm.org/annualconference

SILVER LAKE POLICE DEPARTMENT
 ACTIVITY REPORT FOR: ALL OFFICERS
 MONTH AND YEAR: JUNE 2023

TRAFFIC STOPS		TOTALS:
Tickets:		5
Warnings:		96
DUI Investigation:		
DUI Arrests:		
No. of Vehicle Stops:		101
ARRESTS		
Felony:		
Misdemeanor:		
WARRANTS		
Served:		
NCIC Hit:		
ACCIDENTS		
Injury:		
Non-Injury:		1
OTHER TYPES OF CALLS		
Animal:		1
Assist Other Agencies:		11
Suspicious Persons/Vehicles:		5
Assist Public:		71
Disturbance:		1
Fire/Medical:		3
Juvenile:		
UTV/MUT Inspections:		1
Golf Cart Inspections:		
Burglary:		
Theft:		1
Civil Standbys:		2
Mental Health Issues:		5
Alarms:		3
Commercial Vehicle Stops/Inspections:		
UTV/MUT Violations:		1
Garage Doors		34