

**City of Silver Lake
Regular Session Minutes
Monday, April 17, 2023**

The Governing Body of the City of Silver Lake met in regular session at City Hall on Monday evening April 17, 2023, at 5:30 PM with Mayor Mack Smith conducting the meeting and the following Councilmembers present: Jake Fisher, Steve Pegram, Heath Robinson, and Larry Ross (4). Absent: Brad Bryant (1). Also present was City Attorney Todd Luckman, Public Works Utility Superintendent Cary Deiter, Police Chief Marc McCune, City Clerk Liz Steckel, and Assistant Clerk Marie Beam.

A motion was made by Councilmember Ross to approve the minutes of the April 3, 2023 meeting as written. The motion was seconded by Councilmember Pegram and carried.

Claim vouchers in the amount of 6631.52 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 Robinson and seconded by Councilmember Ross that said Ordinance be accepted as read and was then placed on final passage by a roll call vote: AYE: Jake Fisher, Steve Pegram, Heath Robinson, and Larry Ross.(4) NAY: None. With no further discussion the Ordinance was declared passed and was given No. 2562.

Councilmember Ross made a motion to approve an Ordinance amending the City's Official Zoning Map. The motion was seconded by Councilmember Pegram and was then placed on final passage by a roll call of the following vote: AYE: Jake Fisher, Steve Pegram, Heath Robinson, and Larry Ross (4). NAY: None. With no further discussion, the Ordinance was declared passed and was given No. 2563.

City Attorney Luckman discussed next steps in the Codification process with Council. A work session has been scheduled for Wednesday, May 24, 2023. The deadline to have Council copies of the Code to City Clerk Steckel is June 5, 2023.

Councilmember Pegram made a motion to approve the Official Strategic Plan and Survey Report that was presented by Greenbush. The motion was seconded by Councilmember Robinson. Councilmember Pegram discussed focusing on Appendix I of the report as a possible next step. With no additional discussion, the Official Plan and Survey Report was approved.

Motion was made by Councilmember Ross, seconded by Councilmember Pegram and approved that David Stadler be appointed to vote for the City of Silver Lake at the annual meeting to elect supervisors for the Tri-County Drainage District No.1.

Zoning Board of Appeals member, Wayne Doebele's letter of resignation, effective April 5, 2023, was presented to City Council and accepted. The City is looking for a member to fill this vacancy. Duties of a Zoning Board member include consideration of variances among other exceptions to the Zoning Code.

Public Works Superintendent Deiter presented the Public Works Report. Deiter reported that his crew has been filling pot holes with cold mix, and that he is planning on bringing in hot mix to address concerns of larger pot holes.

Superintendent Deiter reported that the City's 2015 Ford Public Works Truck is in need of transmission repairs estimated to cost around 3500.00 dollars. He requested to fix the 2015 Ford, and to trade in the smaller Colorado truck owned by the City for a 2023 Chevy Silverado 2500 work truck with a utility bed. Councilmember Fisher supported these actions, stating that the truck in need of repairs only has 111,000 miles on it. Fisher added that repairing the older truck would alleviate the need to purchase a snow plow for a new truck, which would drop the price even more. Deiter has been unsuccessful in his attempts to find a used truck to purchase. Councilmember Fisher made a motion to purchase the 2023 Chevy Silverado 2500 work truck, with accessories and no plow, for an amount not to exceed 70,000.00 dollars, including the trade in of the City's Colorado pickup; and to repair the old work truck for an amount not to exceed 4200.00 dollars. The motion was seconded by Councilmember Ross and carried.

Superintendent Deiter reported that there has been an increase in vandalism at the bathrooms in Lions Park, and that cameras and signs are to be installed in the area to deter the vandals.

City Clerk Steckel reported that the price of Quickbooks, which the City uses for payroll and billing, has increased in price recently. Mrs. Steckel requested to pay the annual renewal fee of 1309.00 dollars. Councilmember Fisher made a motion to allow the annual renewal of Quickbooks for an amount not to exceed 1400.00 dollars. The motion was seconded by Councilmember Robinson and carried.

City Attorney Luckman reported that the Board of Zoning Appeals had recently approved a 30-foot-high backstop at a new baseball field. Luckman explained that current Silver Lake City Code(16-2202(e)) allows residential land to be used for a sporting field, but limits fence height to 6.5-feet. Luckman stated that the Zoning Board is tasked with preserving the welfare of the public in their consideration of an exception to the height restriction. Luckman reported that Council has received an email complaint from local resident Stacy Johnson, regarding the Board of Zoning Appeals' decision to approve the fence variance on the backstop. City Attorney Luckman informed Council that they do not have authority to overrule this type of Board of Zoning Appeals decision. Luckman advised that any appeals should be filed in County Court within 30 days. Council directed City Attorney Luckman to respond to the email complaint.

Councilmember Ross reported that he had noticed numerous sidewalks that should be cleaned up on the Northwest end of town. City Attorney Luckman advised Council on due process for this matter. Luckman advised that an informal contact is appropriate initially, followed by a letter, and finally, abatement of the nuisance. Superintendent Deiter will work on a list of nuisances to be addressed.

Councilmember Pegram asked City Attorney Luckman to explain the difference between an easement and an alley. Luckman explained that an alley is like a road in that it is dedicated for use of public travel but is called an alley based on location, limited width and how it is platted. Luckman further explained that easements are different and can be for anything, even things different from public travel. One example of this would be, if the City wanted utility lines, they could make a utility easement. However, no member of the public could travel over a utility easement because it would not include that right. Councilmember Pegram inquired as to whether a homeowner in the middle of a block has a

right to access another home owner's property in the utility easement. City Attorney Luckman informed him they do not have a right to access another's property, unless the easement specifies that it allows ingress or egress through the easement for the public, which is not usually included in most utility or drainage easements. Attorney Luckman noted that a person can determine what type of easement exists by examining the property records or plat for the subdivision, as these will describe the limited use allowed by the specific easement described.

Councilmember Fisher reported that his first Fire Board meeting went well.

Mayor Mack Smith informed Council that City Engineer Pat Cox will be present at a later meeting to discuss the funding opportunities from KDHE.

The City's Community Clean-up is scheduled for Saturday, May 13th. Bahm Demolition, Inc. and The City have sponsored free dumpsters, available at Little Lake Park from sun up until they are full.

Council directed City Hall to be closed on Thursday, May 18th to allow for City Clerk Steckel and Assistant Clerk Beam to attend a budget workshop.

Council will have a Planning Work session on Wednesday, May 24, at 5:30 PM. Council will have until Monday, June 5 to submit any code book changes to City Clerk Steckel.

The next meeting is scheduled for Monday, May 1, 2023 at 5:30 PM, and 2023 Street Improvements Project bids will be opened at 5 PM, before the meeting. The following meeting is scheduled for Monday, May 15, 2023 at 5:30 PM.

Councilmember Ross made a motion to adjourn the meeting at 6:27 PM. Councilmember Robinson seconded the motion, and with nothing further to come before Council, the meeting was adjourned.



Liz Steckel, City Clerk