



EL DORADO

THE FINE ART OF LIVING WELL

City of El Dorado, KS
220 E. First Avenue
El Dorado, KS 67402
Phone: (316) 321-9100
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www.eldoks.com

TO: City Commission
FROM: Tabitha Sharp, City Clerk
SUBJ: Special City Commission Meeting Agenda
DATE: October 30, 2019

A Special City Commission Meeting is scheduled for October 30, 2019 at 5:00 pm in the Commission Chambers at City Hall, 220 E. First Avenue. The following items will be presented:

I. ITEMS FOR PRESENTATION AND DISCUSSION

- a. Fats, Oils & Grease (F.O.G.) Program
- b. Hands-Free Ordinance
- c. Floodplain Management Ordinance
- d. 2020 Airport Project

II. November 4, REGULAR AGENDA REVIEW

- a. Proclamations
- b. Consent Agenda
 - i. City Commission Minutes
- c. New Business
 - i. 205 N. Washington Demolition
 - ii. 105 North Arthur Special Use Permit
 - iii. Floodplain Management Ordinance
 - iv. Rocky Road Vacation and Quit Claim Dead
 - v. Public Right-of-Way and Easement Acceptance for Commercial Estates
 - vi. Tyler Technologies Agreement
 - vii. District 142 CDBG Agreement
- d. Executive Session
 - i. None

III. REPORTS

- a. City Commission Reports
- b. City Manager's Report

2019 Commission Priorities

Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

2018 Commission Priorities

Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Kurt Bookout, Public Utilities Director
SUBJ: Fats, Oils & Grease (F.O.G.) Program
DATE: October 28, 2019

Background:

Fats, Oils and Grease originating from Food Service Establishments are the primary cause of sewer backups on our larger sewer mains and interceptors. The City Commission amended the FOG program ordinance in 2018 increasing consequences for non-compliance. Since that time we have increased FOG education, cleaned out sewer interceptors downstream of our fast food row on west Central and drafted letters to go out to all businesses not in compliance. We wanted to visit with the City Commission prior to sending any enforcement letters and to ensure a thorough understanding of the program.

Policy Issue:

Not applicable.

Alternatives:

Not applicable.

Fiscal Impact:

Not applicable.

Trade-offs:

Not applicable.

Staff Recommendation:

Mail Grease Trap Compliance letters and then personally visit with each food service establishment not in compliance to ensure an understanding of the program.

Commission Actions:

No action is needed

City of El Dorado Public Utilities Dept.
Fats Oils Grease (F.O.G) Program Compliance

November 12, 2019
Food Service Establishment
El Dorado, Ks. 67042

Re: Grease Trap Compliance

Dear Restaurant Owner:

Our records indicate we have not received grease trap maintenance records from you. Your food service establishment is required to have an approved grease interceptor and it must be pumped at least quarterly. All fixtures with a potential to carry grease waste shall be plumbed to the grease interceptor.

Failure to maintain grease traps causes serious sanitary sewer issues upstream and downstream of your restaurant, including sewer backups into buildings and sewer overflows, spilling raw sewage onto the ground. Proper maintenance of grease traps protects all property owners and insures our sanitary sewer system continues to operate with incidents.

Compliance

The levels of floatable grease and settleable solids must be measured once a month on the outlet side of the Grease interceptor using a Dipstick Pro or an approved equivalent. Grease interceptors must be pumped by a grease hauler at least quarterly (every three months).

A maintenance log/manifest documenting the monthly measurements and quarterly pumping details must be maintained and submitted to the El Dorado Public Utilities Sewer Collection Division every 15th day following each quarter (April 15, July 15, October 15 and January 15). These documents must be kept in the establishment and made immediately available to any City Food/ Grease inspector upon request.

Maintenance Log/Manifest shall include:

- Monthly inspection results of the floatable grease and settleable solids levels in inches.
- Name and address of the grease/waste generator; signature, date, time amount pumped, amount in inches of settleable solids and floatable grease
- Name, address, date, time and signature of the waste pumper/hauler
- Name, address date and signature of receiving facility.
- The Food Service Establishment (FSE) shall send a copy of the maintenance log/manifest to the City of El Dorado, Fats Oils Grease (FOG) Program, 220 E. First, El Dorado, KS 67042, quarterly, by April 15, July 15, October 15 and January 15.

You have 30 days to submit your grease trap maintenance records showing your grease trap is in compliance. Failure to comply with this ordinance may include suspension of water and sewer services.

Below is list of service providers. The City provides this list as a service to food establishments to assist in complying with Title 13, Section 13.18.070-080 of the City Code. This list may not be all inclusive. Providing this list does not mean that City recommends or endorses any of the facilities listed herein.

Waste Haulers:

Brooks Grease Service: 1401 S. Buckner; Derby, KS. Phone: 316-721-6700

Capitol City Processors: Oklahoma City, OK. 405-232-5511

Darling International: 2155 N. Mosley; Wichita, KS 67214. Phone: 316-264-6951

Liquid Environmental Solutions: 866-694-7327

Reddi Industries: 3901 N Broadway; Wichita, KS 67219. Phone: 316-681-3382

Healy Biodiesel: 11130 W 47th st S, Clearwater, KS Phone: 620-545-7800

Grease Interceptor Monitoring

Brooks Grease Service: 1401 S. Buckner; Derby, KS. Phone: 316-721-6700

Darling International: 2155 N. Mosley; Wichita, KS 67214. Phone: 316-264-6951

The Grease Babe (Dana Hamilton): Phone: 316-204-9392 or 316-204-9352

Reddi Industries: 3901 N Broadway; Wichita, KS 67219. Phone: 316-681-3382

Electronic Monitoring:

SepSensor Inc.: www.SepSensor.com. David Lucier 508-229-2291 Sales@sepsensor.com

Highland Tank: www.highlandtank.com. Chas Tevis 856-985-1214 ctevlis@highlandtank.com

Sincerely,

Kurt Bookout

Director of Public Utilities, City of El Dorado

2019 Commission Priorities

Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Chief Curtis E. Ziemann
SUBJ: Hands Free Ordinance
DATE: October 28, 2019

Background:

Commissioner Matt Guthrie had mentioned interest in reviewing options for a hands-free ordinance in April. Staff have reviewed what other communities have, and located an ordinance in Manhattan, Kansas. During a City Commission Study Session on July 24, 2019, the Commission allowed staff additional time to study El Dorado Police Department traffic accident information and State of Kansas crash data. The following information was gathered:

In 2018, the El Dorado Police Department worked approximately 201 Accidents where damage was over \$1,000.00 and 40 Injury Accidents. Of the approximately 241 accidents, only 8 cases had distraction inside the vehicle as the contributing factor. Those are broken down as follows:

1. Oxygen tube slipped and was grabbing for it.
2. Reaching for something in the vehicle.
3. Reaching for purse.
4. Looked down when something fell.
5. Reached down to pick up an item that fell.
6. Messing with the radio
7. Looking at instrument on dash.
8. Digging around on passenger side floor board looking for something.

El Dorado PD investigates a lot of accidents that are coded as “General Inattention” which are things like failing to give full time and attention, site seeing and not paying attention to driving, etc. and there is a code for “Mobile Phone.” Out of all the accidents worked by El Dorado PD in 2018, this code was marked once. In this case the driver was under the influence of alcohol which was the main contributing factor.

The vast majority of the accidents investigated by El Dorado PD are caused by either Fail to Yield the Right of Way, Follow too Closely, Fail to Give Full Time and Attention or Too Fast for Conditions. The latest published crash data from the State of Kansas is from 2017. The top 5 Contributing Factors are as follows:

- | | |
|--|-----|
| 1. Fail to give full time and attention. | 21% |
| 2. Animal. | 13% |
| 3. Fail to yield the right-of-way. | 11% |
| 4. Followed too closely. | 8% |
| 5. Too fast for conditions. | 5% |

El Dorado accidents involving animals are not as frequent as the State’s, however the other four factors are in our top 4. The State of Kansas data for 2017 shows Mobile Phones as Contributing Circumstance in 622 accidents statewide which accounts for 0.9% of all accidents in the state. Mobile Phone is ranked number 21 out of 40 for Contributing Circumstances at the State level.

Policy Issue:

The City Commission must approve all amendments to the municipal code. The information below would be added to the Standard Traffic Ordinance if the City Commission approves it:

Listening or Talking on Wireless Communication Devices While Driving. a) Except as provided in subsection (b), no person shall operate a motor vehicle on a public road or highway while listening or

talking on a wireless communication device, unless the wireless communication device is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving. b) The provisions of subsection (a) shall not apply to: a. A law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; b. A driver in a motor vehicle stopped off the regular traveled portion of the roadway; c. A driver talking or listening to a law enforcement agency, health care provider, fire department, or other emergency services agency, for emergency purposes; d. A person who is relaying information between transit or for-hire operator and the operator's dispatcher, in which the device is permanently affixed to the motor vehicle; and, e. A driver who uses a digital two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizen's or family radio service bands in accordance with rules of the Federal Communications Commission; or f. A driver who uses an amateur radio and who holds a valid amateur radio operator license, or any other similar license related to such use, issued by the Federal Communications Commission. c) For the purposes of subsection (a), "hands-free" use shall mean listening or talking on a wireless communication device that has an internal feature or function, or is equipped with a temporary or permanent attachment or addition, that allows listening or talking without the use of either hand, except to activate or deactivate that function of the wireless communication device. d) There shall be a rebuttable presumption that any person who is driving a motor vehicle and holding a wireless communication device to, or in the immediate proximity of, his or her ear is listening or talking on such device in violation of subsection (a). Immediate proximity shall mean that distance that permits the person to listen or talk on such device, but shall not require physical contact with the person's ear.

Alternatives:

The City Commission may choose to suggest other changes to the hands-free ordinance.

Fiscal Impact:

If the City of El Dorado were to adopt a "Hands Free Ordinance," Signs posting this would have to be installed in every possible entrance into El Dorado along with other strategic locations. Brad Meyer stated the cost for materials to produce the signs would be approximately \$750.00. This does not include labor to produce and erect the signs. There would be costs associated with advertising and getting the information out such as posting the ordinance in the local newspaper, including brochures in the city water bill mailing, etc. These costs would be approximately \$500.00.

Trade-offs:

N/A

Staff Recommendation:

While all distractions are problematic when a person is driving a motor vehicle, Staff does not recommend proceeding with this ordinance at this time as the local and state data does not support that talking on a hand held mobile device is causing significantly more accidents.

Commission Actions:

The City Commission needs to give staff direction on whether they should bring this item to a regular agenda.

Contributing Circumstances

Category		Contributing Circumstance (top 40)	Frequency**	% Total
1	DRIVER	INATTENTION - GENERAL	13,908	20.8%
2	ENVIRONMENT	ANIMAL - - WILD OR DOMESTIC	8,707	13.0%
3	DRIVER	RIGHT OF WAY VIOLATION	7,208	10.8%
4	DRIVER	FOLLOWED TOO CLOSELY	5,648	8.4%
5	DRIVER	TOO FAST FOR CONDITIONS	3,476	5.2%
6	DRIVER	UNKNOWN	2,906	4.3%
7	DRIVER	IMPROPER LANE CHANGE	2,125	3.2%
8	DRIVER	UNDER INFLUENCE OF ALCOHOL	1,918	2.9%
9	DRIVER	DISREGARDED SIGNS-SIGNALS-MARKINGS	1,906	2.9%
10	DRIVER	IMPROPER BACKING	1,429	2.1%
11	DRIVER	AVOIDANCE OR EVASIVE ACTION	1,416	2.1%
12	DRIVER	OTHER DISTRACTION IN OR ON VEHICLE	1,378	2.1%
13	DRIVER	IMPROPER TURN	1,330	2.0%
14	DRIVER	RAN RED LIGHT	1,314	2.0%
15	DRIVER	OVERSTEERING- OVERCORRECTION	1,172	1.8%
16	DRIVER	CARELESS OR RECKLESS DRIVING	1,024	1.5%
17	ROAD CONDITION	WET	942	1.4%
18	ENVIRONMENT	RAIN, MIST, OR DRIZZLE	930	1.4%
19	DRIVER	FELL ASLEEP OR FATIGUED	925	1.4%
20	DRIVER	OTHER	627	0.9%
21	DRIVER	MOBILE PHONE	622	0.9%
22	DRIVER	ILL OR MEDICAL CONDITION	552	0.8%
23	DRIVER	EXCEEDED SPEED LIMIT	492	0.7%
24	ROAD CONDITION	OTHER	428	0.6%
25	ROAD CONDITION	DEBRIS OR OBSTRUCTION	354	0.5%
26	VEHICLE	TIRES	352	0.5%
27	ROAD CONDITION	ICY OR SLUSHY	351	0.5%
28	DRIVER	IMPROPER PASSING	343	0.5%
29	DRIVER	WRONG SIDE OR WAY	337	0.5%
30	ROAD CONDITION	UNKNOWN	327	0.5%
31	DRIVER	DISTRACTION NOT IN OR ON VEHICLE	325	0.5%
32	DRIVER	UNDER INFLUENCE OF ILLEGAL DRUGS	287	0.4%
33	ENVIRONMENT	VISION OBSTR--SUN OR LIGHT GLARE	283	0.4%
34	VEHICLE	BRAKES	249	0.4%
35	ROAD CONDITION	SNOW PACKED OR ACCUMULATION	241	0.4%
36	DRIVER	EMOTIONAL CONDITION	235	0.4%
37	DRIVER	AGGRESSIVE DRIVING	209	0.3%
38	DRIVER	OTHER ELECTRONIC DEVICE	200	0.3%
39	DRIVER	DID NOT COMPLY WITH DL RESTRICTIONS	200	0.3%
40	DRIVER	UNDER INFLUENCE OF MEDICATION	182	0.3%

*More than one Contributing Circumstance may be recorded per crash

Driver Distractions



Distraction- Cell Phone

Year	Crashes				People	
	Total	Fatal	Injury	PDO	Deaths	Injured
2012	524	6	183	335	6	262
2013	482	6	149	327	7	210
2014	537	5	181	351	6	242
2015	618	2	182	434	2	252
2016	639	7	191	441	7	271
2017	622	6	198	418	6	269
Total	3,422	32	1,084	2,306	34	1,506



Distraction- Other Electronic Devices*

Year	Crashes				People	
	Total	Fatal	Injury	PDO	Deaths	Injured
2012	237	-	84	153	-	115
2013	242	1	84	157	2	116
2014	186	-	62	124	-	90
2015	205	2	59	144	2	85
2016	220	-	64	156	-	77
2017	200	-	57	143	-	73
Total	1,290	3	410	877	4	556

* Examples: DVD player, Stereo, GPS Unit, etc.

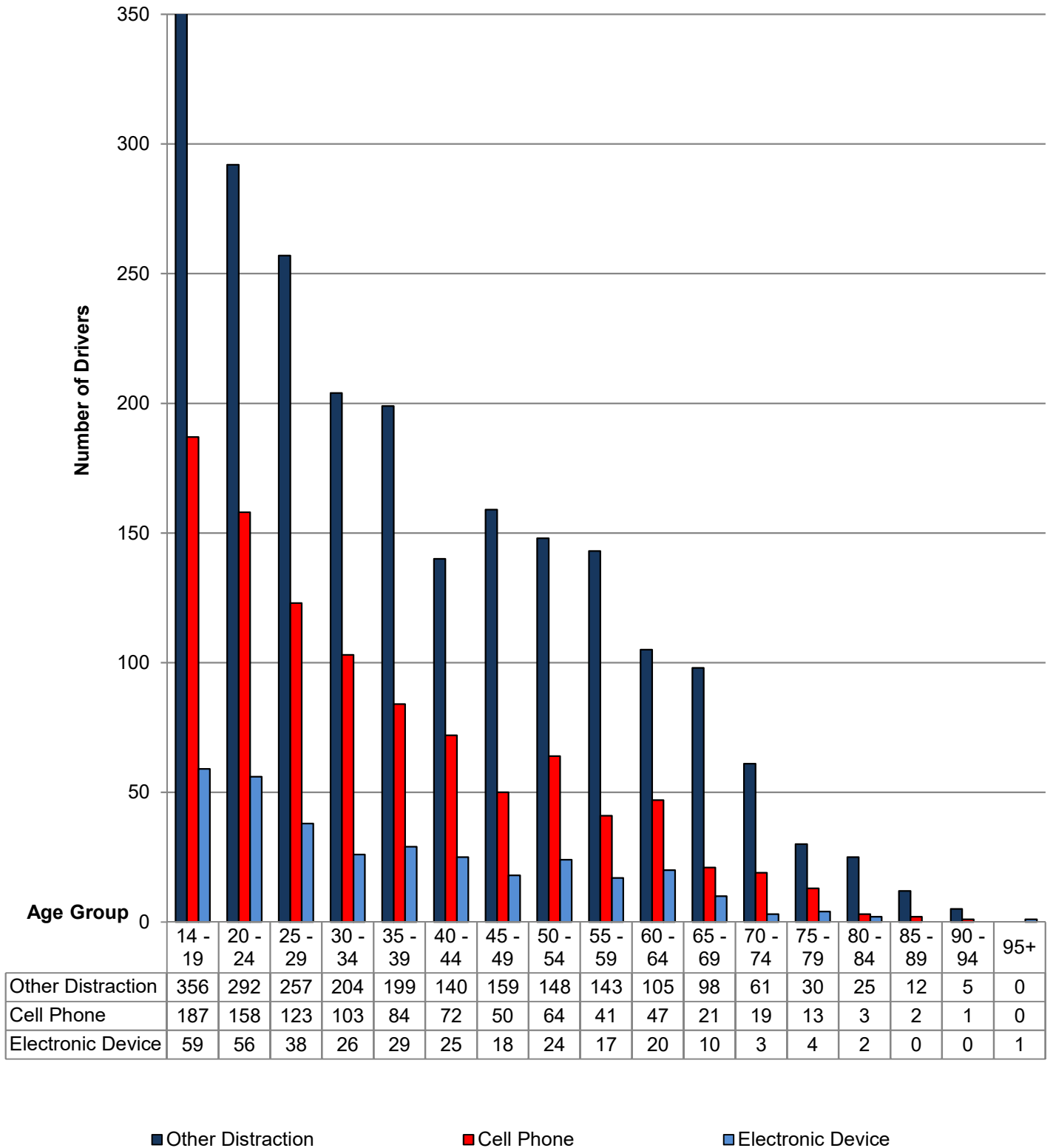


Other Distraction In or On Vehicle **

Year	Crashes				People	
	Total	Fatal	Injury	PDO	Deaths	Injured
2012	1,418	11	443	964	15	701
2013	1,309	6	414	889	6	609
2014	1,430	11	454	965	12	660
2015	1,573	2	453	1,118	2	683
2016	1,518	8	426	1,084	8	638
2017	1,378	5	369	1,004	5	563
Total	8,626	43	2,559	6,024	48	3,854

** Examples: Applying Makeup, Reading Newspaper, Children, Food, etc.

Distracted Drivers by Age Group



Driver Contributing Circumstances

Driver Contributing Circumstances		Frequency Coded*	% of Total
1	INATTENTION - GENERAL	13,908	26.1%
2	RIGHT OF WAY VIOLATION	7,208	13.5%
3	FOLLOWED TOO CLOSELY	5,648	10.6%
4	TOO FAST FOR CONDITIONS	3,476	6.5%
5	UNKNOWN	2,906	5.5%
6	IMPROPER LANE CHANGE	2,125	4.0%
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8	DISREGARDED SIGNS-SIGNALS-MARKINGS	1,906	3.6%
9	IMPROPER BACKING	1,429	2.7%
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19	ILL OR MEDICAL CONDITION	552	1.0%
20	EXCEEDED SPEED LIMIT	492	0.9%
21	IMPROPER PASSING	343	0.6%
22	WRONG SIDE OR WAY	337	0.6%
23	DISTRACTION NOT IN OR ON VEHICLE	325	0.6%
24	UNDER INFLUENCE OF ILLEGAL DRUGS	287	0.5%
25	EMOTIONAL CONDITION	235	0.4%
26	AGGRESSIVE DRIVING	209	0.4%
27	OTHER ELECTRONIC DEVICE	200	0.4%
Total		53,312	100.0%

* More than one Contributing Circumstance may be recorded per crash



CITY ORDINANCE
USE OF
HAND HELD
MOBILE DEVICE
BY DRIVER IS
PROHIBITED

2018 Commission Priorities

Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Scott Rickard
SUBJ: Floodplain management
DATE: October 28, 2019

Background:

The City of El Dorado has recently been involved with a restudy of the local floodplains. The revised Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) will become effective on January 22, 2020. The City of El Dorado must update our municipal code and to bring it into full compliance with Code of Federal Regulations -44 CFR 60.3 (d).

This ordinance will amend the current municipal code regarding flood damage protection.

Policy Issue:

Adopting the ordinance will keep the City of El Dorado in the National Flood Insurance Program. If the Commission desires not to proceed the City would not be eligible for federal aid during disasters, including flooding, tornado, high wind etc.....

Fiscal Impact:

N/A

Trade-offs:

N/A

Staff Recommendation:

To adopt the ordinance

Commission Actions:

FLOODPLAIN MANAGEMENT ORDINANCE
Pursuant to 44 CFR § 60.3 (d) - Regulatory Floodway Identified,
K.S.A. 12-766, and K.A.R. 5-44-1 through 5-44-7

ORDINANCE No. _____

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

SECTION A. STATUTORY AUTHORIZATION

1. *Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption*

The following floodplain management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on October 14, 2019.

2. *Kansas Statutory Authorization*

The Legislature of the State of Kansas has in K.S.A. 12-741 *et seq*, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare of the public. Therefore, the City Commission of El Dorado, Kansas, ordains as follows:

SECTION B. FINDINGS OF FACT

1. *Flood Losses Resulting from Periodic Inundation*

The special flood hazard areas of El Dorado, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. *General Causes of the Flood Losses*

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. *Methods Used To Analyze Flood Hazards*

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.

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- a. Selection of a base flood that is based upon engineering calculations, which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods, which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. The base flood is the flood that is estimated to have a one percent chance of being equaled or exceeded in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated January 22, 2020 as amended, and any future revisions thereto.
- b. Calculation of water surface profiles that are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
- c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
- d. Delineation of floodway encroachment lines within which no development is permitted that would cause **any** increase in flood height.
- e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare of the public; to minimize those losses described in Article 1, Section B(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) § 59.22(a)(3); and to meet the requirements of 44 CFR § 60.3(d) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

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ARTICLE 2 GENERAL PROVISIONS

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SECTION A. LANDS TO WHICH ORDINANCE APPLIES

Division of Water Resources

This ordinance shall apply to all lands within the jurisdiction of El Dorado, Kansas identified as numbered and unnumbered A Zones, AE, AO and AH Zones on the Flood Insurance Rate Map (FIRM) panels referenced on the associated FIRM Index dated January 22, 2020 as amended, and any future revisions thereto.. This ordinance shall also apply to all properties with a Letter of Map Revision – Fill (LOMR-F). In all areas covered by this ordinance, no development shall be permitted except through

the issuance of a floodplain development permit, granted by the City Commission or its duly designated representative under such safeguards and restrictions as the City Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

SECTION B. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION C. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

SECTION D. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.

SECTION E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of El Dorado, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION F. SEVERABILITY

If any section; clause; provision; or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3 ADMINISTRATION

SECTION A. FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured or mobile homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-

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Division of Water Resources

improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

SECTION B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed to administer and implement the provisions of this ordinance.

SECTION C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
9. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

SECTION D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

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1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Specify whether development is located in designated flood fringe or floodway;
6. Identify the existing base flood elevation and the elevation of the proposed development;
7. Give such other information as reasonably may be required by the floodplain administrator;
8. Be accompanied by plans and specifications for proposed construction; and
9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE 4 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured or mobile homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the one percent annual chance or 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.
3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured or mobile homes, and other developments shall require:

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- a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Construction with materials resistant to flood damage;
- c. Utilization of methods and practices that minimize flood damages;
- d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) All proposals for development, including proposals for manufactured home parks and subdivisions, of greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. *Storage, Material, and Equipment*

- a. Storage of material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

6. *Nonconforming Use*

A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- a. If such structure, use, or utility service has been or is discontinued for twelve (12) consecutive months, any future use of the building shall conform to this ordinance.

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- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

7. *Accessory Structures*

Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; the accessory structure meets the following floodplain management requirements; and a floodplain development permit has been issued. Wet-floodproofing is only allowed for small low cost structures.

Any permit granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Permits shall meet the following conditions.

In order to minimize flood damages during the one percent annual chance flood event, also referred to as the 100-year flood and the threat to public health and safety, the following conditions shall be required for any permit issued for accessory structures that are constructed at-grade and wet-floodproofed:

- a. Use of the accessory structures must be solely for parking and limited storage purposes in any special flood hazard area as identified on the community's Flood Insurance Rate Map (FIRM).
- b. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
- c. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- d. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.
- e. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with Article 4, Section B (1)(c) of this ordinance.
- f. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E (2) of this ordinance. No permits may be issued for accessory

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structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

- g. Equipment, machinery, or other contents must be protected from any flood damage.
- h. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
- i. Wet-floodproofing construction techniques must be reviewed and approved by the community. The community may request approval by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. Cost for any required professional certification to be paid by the developer.

8. *Hazardous Materials*

All hazardous material storage and handling sites shall be located out of the special flood hazard area.

SECTION B. SPECIFIC STANDARDS

- 1. In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

- a. *Residential Construction*

New construction or substantial-improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above the base flood elevation. Mechanical and HVAC equipment servicing the building must be elevated or flood protected to same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

- b. *Non-Residential Construction*

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall verify that the standards of this subsection are satisfied. Mechanical and HVAC equipment servicing the building must be elevated or flood protected to same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such

certification shall be provided to the floodplain administrator as set forth in Article 3, Section C(7)(8)(9).

c. *Enclosures Below Lowest Floor*

Require, for all new construction and substantial-improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
- (2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

SECTION C. MANUFACTURED or MOBILE HOMES

1. All manufactured or mobile homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured or mobile homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
2. Require manufactured or mobile homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured or mobile home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Mechanical and HVAC equipment servicing the building must be elevated or flood protected to same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

3. Require that manufactured or mobile homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that:
 - a. The lowest floor of the manufactured or mobile home is a minimum of one (1) foot above the base flood elevation. Mechanical and HVAC equipment servicing the building must be elevated or flood protected to same level as the lowest floor. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

SECTION D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section A are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. *AO Zones*

- a. All new construction and substantial-improvements of residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
- b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured or mobile homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two (2) feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

2. *AH Zones*

- a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 4, Section B.
- b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

SECTION E. FLOODWAY

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Located within areas of special flood hazard established in Article 2, Section A, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in **any** increase in flood levels within the community during the occurrence of the base flood discharge.
3. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 CFR 65.12, and receives the approval of FEMA.
4. If Article 4, Section E(2), is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.
5. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

SECTION F. RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within all unnumbered and numbered A Zones, AE, AH, and AO Zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days, or
2. Be fully licensed and ready for highway use*; or
3. Meet the permitting, elevation, and anchoring requirements for manufactured homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

ARTICLE 5 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

SECTION A. ESTABLISHMENT OF APPEAL BOARD

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The Board of Zoning Appeals shall act as the Appeal Board as established by The City of El Dorado and shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

SECTION B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in Article 5, Section A.

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

SECTION C. FURTHER APPEALS

Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

SECTION D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

1. Danger to life and property due to flood damage;
2. Danger that materials may be swept onto other lands to the injury of others;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, not subject to flood damage, for the proposed use;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

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11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

SECTION E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, repair, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provide the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge or base flood elevation would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
7. A community shall maintain a record of all variance actions, including justification for their issuance.
8. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of items 1 through 5 of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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ARTICLE 6 VIOLATIONS

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1. The floodplain administrator may make reasonable entry upon any lands and waters in El Dorado for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. The floodplain administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered. If none of these persons can be found, the floodplain administrator shall affix a copy of the notice to one or more conspicuous places on the property a minimum of five (5) days prior to entry.
2. A structure or other development without a floodplain development permit or other evidence of compliance is presumed to be in violation until such documentation is provided.
3. The floodplain administrator shall provide written notice of a violation of this ordinance to the owner, the owner's agent, lessee, or lessee's agent by personal service or by certified mail, return receipt requested. The written notice shall include instructions and a deadline to request a hearing before the appeals board, and if no hearing is requested, a deadline by which the violation must be corrected.
4. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent El Dorado or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
5. Notwithstanding any criminal prosecutions or in lieu of any criminal prosecutions, if the owner, occupant or agent in charge of the property has neither alleviated the conditions causing the alleged violation nor requested a hearing within the period specified, the public officer or an authorized assistant shall abate or remove the conditions causing the violation.
6. If the public officer or an authorized assistant abates or removes the nuisance pursuant to this section, notice shall be provided to the owner, the owner's agent, lessee, or lessee's agent by certified mail, return receipt requested, of the total cost of the abatement or removal incurred. The notice shall also state that the payment is due within 30 days following receipt of the notice. The cost of providing notice, including any postage, required by this section may also be recovered.
7. The notice shall also state that if the cost of the removal or abatement is not paid within the 30-day period, the cost of the abatement or removal shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments and charged against the lot or parcel of land on which the nuisance was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1617f).

ARTICLE 7 AMENDMENTS

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The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of El Dorado. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

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ARTICLE 8 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"100-year Flood" *see "base flood."*

"Accessory Structure" means the same as *"appurtenant structure."*

"Actuarial Rates" *see "risk premium rates."*

"Administrator" means the Federal Insurance Administrator.

"Agency" means the Federal Emergency Management Agency (FEMA).

"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" means the elevation of the surface of the water during a one percent annual chance flood event.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" *see "structure."*

"Chief Engineer" means the chief engineer of the division of water resources, Kansas Department Of Agriculture.

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

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"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

"Existing Construction" means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

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"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Hazard Map" means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (*see "flooding"*).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

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"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does include mobile homes manufactured prior to 1976 but **does not include** a *"recreational vehicle."*

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be

affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"Numbered A Zone" means a special flood hazard area where the Flood Insurance Rate Map shows the Base Flood Elevation.

"One percent annual chance flood" *see "base flood."*

"Participating Community" also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

"Permit" means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Reasonably Safe From Flooding" means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings. To ensure that new or proposed structures with basements placed on fill are reasonably safe during the Base Flood condition, the basement must (1) be dry, not have water in it, and (2) be structurally sound, not have loads that exceed the structural capacity of walls or floors or cause unacceptable deflections.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations, which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

"Special Flood Hazard Area" *see "area of special flood hazard."*

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"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The ***actual start*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the ***actual start of construction*** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures, which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure."*

"Unnumbered A Zone" means a special flood hazard area shown on either a flood hazard boundary map or flood insurance rate map where the base flood elevation is not determined.

"Variance" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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Division of Water Resources

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Division of Water Resources

ARTICLE 9 CERTIFICATE OF ADOPTION

This Floodplain Management Ordinance for the City of El Dorado, Kansas.

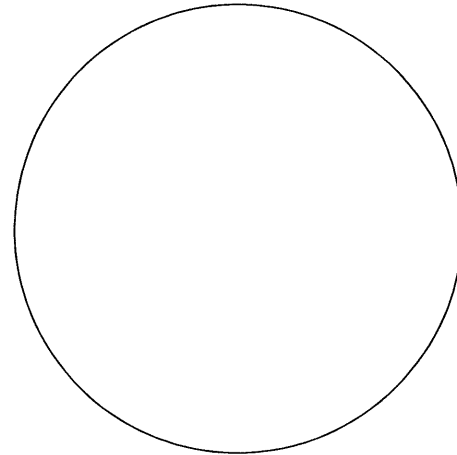
PASSED AND ADOPTED, by the Governing Body of El Dorado, Kansas.

This 4th day of November, 2019.

Chief Engineer Draft Approval Seal Here:

APPROVED
This 14 day of October, 2019
Steve Samson for David Barfield
DAVID W. BARFIELD, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

Community Approval Seal Here:



APPROVED:

Vince Haines, Mayor

ATTEST:

Tabitha Sharp, City Clerk

Published in official news publication *or* on website _____ (name of
Publication or website address).

2018 Commission Priorities

Water Sales • Community Image • Industrial and Business Parks • Parks and Recreation • Public Safety

TO: City Commission
FROM: Brad Meyer
SUBJ: 2020 Airport Project
DATE: October 30, 2019

Background:

After the “go call” on September 30, 2019 with the FAA for the 2020 airport project (which is replacing runway lights on 4-22 and 15-33) we were informed that the FAA did not include the PAPI light replacement on 15-33 and the addition of PAPI lights to 4-22. We also discovered that the 2020 plan did not include taxiway lights.

The project scope would be as follows. Estimated total cost is \$800,000

- Runway 15/33 light replacement with new regulator
- Runway 4/22 light replacement with new regulator
- Runway 15/33 PAPI replacement (2-box) with new regulator
- Runway 4/22 new PAPI installation (2-box) with new regulator
- Taxiway A light replacement
- Taxiway B new LED light fixtures
- Taxiway C new LED light fixtures

Policy Issue:

This project is not budgeted and is a federal project, so it must be approved by the City Commission.

Fiscal Impact:

During the call staff discussed with the FAA about a multi-year grant that would include all of those pieces left out of the 2020 project. The FAA was in favor of this and indicated the city/FAA could save a substantial amount of money on the project by doing all the projects at once, but the city would need to carry the projects and get the allotted \$150,000 per year in the fiscal year they become available in. The City would be responsible for 10% of the project under the 90/10 grant opportunities.

Staff will bid a temporary note to pay the up-front costs, after the bids, we will be able to provide the interest rate.

Trade-offs:

Should the City Commission decide to do the projects separately, it could cost more to pay for mobilization costs each year.

Staff Recommendation:

Staff would recommend doing all electrical items in one project in FY20. The city will carry the costs for the additional work, with the anticipation of annual federal funding of \$150,000.

Commission Actions: