

**EUDORA CITY COMMISSION
MEETING AGENDA
June 25, 2018
Eudora City Office
4 East 7th Street Eudora, Kansas
7:00 P.M.**

Mayor: Tim Reazin

City Commission: Ruth Hughs, Jolene Born, Troy Squire & Tim Bruce

- I. CALL TO ORDER Roll Call Pledge of Allegiance**
- II. CHANGES OR ADDITIONS TO AGENDA – Approve agenda**
- III. CONSENT ITEMS:**
 - A. Consider minutes of June 11, 2018 Eudora City Commission meeting**
 - B. Consider warrants against the City of Eudora**

PUBLIC COMMENTS: Please state name and address prior to addressing the Governing Body. Public comments are limited to 5 minutes per speaker.

- IV. BUSINESS ITEMS:**
 - A. Consider Ordinance 1080 amending City Code Chapter 7 Article 4, 7-401 eliminating the need for firework stand permits to be approved by the Governing Body**
- V. Mayor & City Commission comments**
- VI. City Manager & staff comments**
- VII. WORK SESSION:**
 - A. None**
- VIII. EXECUTIVE SESSION:**
 - A. Non-elected personnel**
- IX. Adjournment**

As a courtesy, please silence all cell phones while the City Commission meeting is in session.

Eudora City Commission Meeting
City Hall – 4 E. 7th Street
Eudora, Kansas
June 11, 2018
7:00 p.m.

Call to Order:

Mayor Tim Reazin

Commissioner Troy Squire

Commissioner Tim Bruce

Commissioner Ruth Hughs

Commissioner Jolene Born absent

Quorum noted.

Pledge of Allegiance was recited.

Changes or additions to agenda

Mayor Reazin requested adding Consider pre-development agreement with Alcove Development Company as Item D and shifting the remaining items down.

Commissioner Squire moved the City Commission approve the agenda with the addition of new business item, motion seconded by Commissioner Hughs, all ayes, motion carried, 4-0.

Consent agenda items

- A. Consider minutes of May 14, 2018 Eudora City Commission meeting
- B. Consider warrants against the City of Eudora
- C. Consider May Police Department report
- D. Consider May Fire Department report
- E. Consider adoption of 2018-2023 Fire Department Strategic Plan

Commissioner Hughs moved the City Commission approve consent items, motion seconded by Commissioner Bruce, all ayes, motion carried, 4-0.

Public comments

Public comments were invited and were heard by Curtis McCormick regarding RV parking regulations.

Business Items

- A. Introduce new employees: Jimmy Flowers, Ryan Fritz, Leland Carter, Abby Beck, Richard Vasquez, Brice Kesler, Nick Collier, DJ Davis, Melody Buchholz and Dewey Isaacs

Department heads introduced new employees to the City Commission and the audience. Melody Buchholz, Leland Carter and Ryan Fritz were unable to attend the meeting.

- B. Review 2017 audit – Audrey Odermann, Mize Houser & Company P.A.

Audrey Odermann of Mize Houser & Company P.A. presented the 2017 audit.

- C. Presentation of Transportation 2040 by Douglas County Planning & Development Services
Transportation Planner Ashley Myers

Ashley Myers provided a couple of handouts for the Commission. This plan is required to be updated every five years per regulations by the Federal Government. The plan includes all cities in Douglas County as well as the county itself. There is an open house scheduled at the city office on Wednesday, June 19th at 5:30 pm to 6:30 pm followed by a guided bike ride from 7:00 pm to 8:00 pm.

D. Consider pre-development agreement with Alcove Development Company

City Manager Matite worked with City Attorney David Waters and representatives of Alcove Development on the pre-development agreement that was handed out before the meeting. The agreement expires in six months although it can be extended.

Commissioner Hughs moved the City Commission approve the pre-development agreement and authorize the Mayor to execute the pre-development agreement with Alcove Development, LLC once Alcove establishes a fund and makes an intimal deposit of \$25,000 to the fund to insure the prompt and timely payment of the city expenses associated with this project, motion seconded by Mayor Reazin, all ayes, motion carried, 4-0.

E. Consider request from EABSA to operate a fireworks stand at 1428 Elm Street, Nottingham property

During conversation, staff was directed to create an ordinance that would allow fireworks tents to be approved administratively instead of coming before the Governing Body for approval.

Mayor Reazin moved the City Commission approve the request to use the Nottingham location as a site for a fireworks tent sponsored by the Eudora Amateur Baseball and Softball Association, motion seconded by Commissioner Hughs, all ayes, motion carried, 4-0.

F. Annual review of specified animal permit at 718 Church Street

Codes Administrator Curt Baumann conducted a site visit at 718 Church Street and verified the criteria that was set in 2015 was still in compliance. Baumann checked with the Police Department and the City Office and neither had received complaints regarding the animals.

G. Consider rezoning application from Adrian Bryant for property located at 420 W. 7th Street and 600 Fir Street

Baumann explained the applicant is requesting a change in zoning for these properties from RS – Residential Single Family District to I – Industrial because the properties have been commercial or industrial in use. The Comprehensive Land and Future Land Use maps show the properties conform to the existing industrial development that are concentrated in one of two areas: Intech Business Park and the railroad right-of-way.

Mayor Reazin moved the City Commission approve the unanimous recommendation of the Planning Commission and approve the zoning amendment for the properties located at 420 W. 7th Street and 600 Fir Street form RS – Single Family Residential District to I – Industrial District, motion seconded by Commissioner Squire, all ayes, motion carried, 4-0.

H. Consider Ordinance 1078 amending zoning district map

After approval of the zoning amendment, the Governing Body is required to approve an ordinance.

Mayor Reazin moved the City Commission approve Ordinance 1078 amending the zoning districts to the properties located at 420 W. 7th Street and 600 Fir Street from RS – Single Family Residential District to I – Industrial District, motion seconded by Commissioner Squire, all ayes, motion carried, 4-0.

I. Consider Zoning Regulations text amendment regarding setback regulations for accessory buildings

Baumann explained approving this text amendment will no longer allow residents to construct an accessory building on the back property line.

Mayor Reazin moved the City Commission approve the recommendation of the Planning Commission and accept the text amendment to the City of Eudora Zoning Regulations, Section 16-401(f) defining the location of an attached or detached private garage/accessory building to read as follows: An attached or detached private garage/accessory building shall not be located closer than 25 feet to the street right-of-way, motion seconded by Commissioner Bruce, all ayes, motion carried, 4-0.

- J. Consider Ordinance 1079 amending City Code Section 16-401(f) defining the location of an attached or detached private garage/accessory building

After approval of the text amendment, the Governing Body is required to approve an ordinance.

Mayor Reazin moved the City Commission approve Ordinance 1079 to amend the Zoning Regulations, Section 16-401(f) to reads as follows: An attached or detached private garage/accessory building shall not be located closer than 25 feet to the street right-of-way, motion seconded by Commissioner Bruce, all ayes, motion carried, 4-0.

K. Consider request to reallocated funds to purchase a push mower in lieu of a 48" mower
Assistant Director of Public Works Musick requested funds to be reallocated from the purchase of a 48" mower to allow for the purchase of a commercial push mower. The push mower would be used for smaller public areas and abatements.

Mayor Reazin moved the City Commission approve the reallocation of funds to purchase a commercial push mower at a cost not to exceed \$1,200 in lieu of the 48" mower, motion seconded by Commissioner Squire, all ayes, motion carried, 4-0.

Mayor and City Commission Comments

Mayor Reazin thanked staff for bringing new employees to the meeting. He suggested next time start the meeting at 6:30 pm and have refreshments to allow the employees and the commissioners a chance to talk.

Commissioner Bruce – No comment.

Commissioner Hughs – No comment.

Commissioner Squire complimented the Recreation Department staff on Family Fun Night. It was a fun time.

Commissioner Born – No comment.

City Manager and Staff Comments

City Manager Barack Matite commented the conversation regarding infrastructure hopefully happen before the July 18, 2018 budget work session. Nothing was scheduled. Matite will miss the June 25th City Commission meeting. There are two items that will be brought before the Commission regarding reallocation of funds in Public Works in the near future.

Assistant Manager Leslie Herring updated the Commissioners on the Assisted Living project. The Eudora Planning Commission tabled the Assisted Living items until the July 18th meeting which will be held at the Public Safety Building in the Municipal Court room. The Convention and Visitor Bureau is planning the city wide

garage sale this year. Staff will notify citizens of the street construction going on in various parts of town and will also post information regarding trash pickup during the street construction.

Director of Public Works Branden Boyd commented he will have a conversation with O'Donnell Construction Company to convey the city's concerns regarding the city wide garage sale and trash pickup during the construction time period. Hopefully, within the next week or two, all the easements rights will be taken care of for the water line project. Once that has been completed staff can begin working with the selected company on moving forward with the project.

Public Works Interim Director Chad Musick – No comment.

Police Chief Wes Lovett commented two new police vehicles will be delivered tomorrow. The vehicles will feature the same design but in a different color.

Fire Chief Ken Keiter commented the Fire Department will resume fire inspections. In the last couple of weeks, the city buildings have been inspected. Commercial building inspections will begin soon. Staff will begin flushing fire hydrants tomorrow.

Parks & Recreation Director Gary Scott thanked master gardeners Arlene Whitten, Michelle Cleveland, Heather Noble and Andrea Verbanic for planting flowers around the statue in CPA Park. It's a project they want to continue in the future. Scott thanked citizens for attending Family Fun Night and the sponsors involved. During the sixteen days the pool has been open, attendance has averaged 316 a day. There was a swim meet on Friday morning that had over two hundred participants. Swim lessons started this week.

Electric Superintendent Eldon Brown – No comment.

City Clerk Pam Schmeck – No comment.

Commissioner Hughs moved to adjourn, motion seconded by Commissioner Bruce, all ayes, motion carried, 4-0.

Meeting adjourned at 7:56 pm.

Tim Reazin, Mayor

Pam Schmeck, City Clerk



Agenda Statement

Date: June 12, 2018
To: Mayor, Vice-Mayor and City Commissioners
From: Ken Keiter, Fire Chief
Re: Ordinance 1080 amending City Code of the City of Eudora

Background

Concerning firework sales, the current code of the City of Eudora, Kansas states, "Such sales shall not be made without the prior affirmative vote of the governing body of the City of Eudora, Kansas". During the June 11, 2018 commission meeting, Commissioners indicated that it was not necessary for each firework sales permit to be voted on by the Commission.

Enclosed in your packet is 7-401 with the proposed changes highlighted in yellow.

Staff recommendations

A permit process, managed by City of Eudora Code Officials, is in place to verify applicants "not for profit" status, location, insurance, safety considerations, tent structure, signs and other conditions as the governing body may uniformly impose. Staff believes the amended version of Article 4 and required inspections will ensure compliance with the Code of the City of Eudora.

Budget Impact – None

City Manager Approval – N/A

Recommended Commission Action

Suggested Motion: I move the City Commission approve Ordinance 1080 amending Article 4, Section 7-401 of the Eudora City Code.

ARTICLE 4. FIREWORKS

7-401. Fireworks; sale prohibited; exception to prohibition; penalty.

(a) It shall be unlawful for any person, firm, or corporation to sell or offer for sale within the city limits of the City of Eudora, Kansas, any fireworks or articles that may be used in pyrotechnical displays. Provided, however, that this section shall not be construed to prohibit the sale of fireworks to the City of Eudora, Kansas, for the purpose of giving pyrotechnical displays.

(b) A permit is required to sell fireworks within the City limits of the City of Eudora, Kansas.

(c) Provided, that a corporation that has been organized and created as a “Not for Profit Corporation,” defined by the City of Eudora as having verifiable proof of 501(c)3 designation from the Internal Revenue Service, may sell fireworks within the City limits of the City of Eudora, Kansas, between the hours of 7:00 o’clock a.m. and 10:00 o’clock p.m. on the 1st and 2nd days of July; and between the hours of 7:00 o’clock a.m. and midnight on the 3rd and 4th day of July, each year; such sales to be restricted to City of Eudora Commercial Zoning Districts. Any “Not for Profit Corporation” to whom such approval shall be granted, shall comply with the permit requirements of the City of Eudora regarding location, insurance, safety considerations, tent structure, signs and other such conditions as the governing body may uniformly impose. However, in no event shall bottle rockets, as defined by K.S.A. 31-155, as amended, be sold within the City limits of the City of Eudora, Kansas.

(d) Any person, firm, or corporation found to be in violation of this section shall be subject to a fine punishable by a fine set by resolution of the governing body from time to time not to exceed \$500.00.

(Ord. 751; Ord. 773; Ord. 795; Ord. 819; Ord. 835; Ord. 1009; Ord. 1033; Code 2016)

7-402. Fireworks; discharge prohibited; exception to prohibition; penalty.

(a) It shall be unlawful for any person to discharge or fire off any fireworks of any kind within the city limits of the City of Eudora, Kansas. Provided, however, that nothing within this section shall be construed as prohibiting the governing body of the City of Eudora, Kansas, from giving pyrotechnical displays or from granting permission to responsible persons, firms, or corporations to give pyrotechnical displays in places to be designated by the governing body within the city limits of the City of Eudora, Kansas.

(b) Provided, also, that subsection (a) of this section shall not apply to the discharge of fireworks, as authorized under state law, on the 1st and 2nd days of July, each year, between the hours of 7:00 o’clock a.m. and 10:00 o’clock p.m., and on the 3rd and 4th day of July, each year, between the hours of 7:00 o’clock a.m. and midnight. However, it shall be unlawful for any person to discharge, fire off, or explode any bottle rocket, as defined at K.S.A. 31-155, within the city limits of the City of Eudora, Kansas, at any other time.

(c) Failure to conform to these requirements shall be, upon conviction thereof, punishable by a fine of an amount set by resolution of the governing body from time to time.

(Ord. 751; Ord. 773; Ord. 795; Ord. 819; Ord. 835; Ord. 1033; Code 2016)

ORDINANCE 1080

AN ORDINANCE AMENDING THE CITY OF EUDORA MUNICIPAL CODE OF ORDINANCES CHAPTER 7, FIRE REGULATIONS TO UPDATE ARTICLE 4, 7-401, FIREWORKS; SALE PROHIBITED; EXCEPTION TO PROHIBITION; PENALTY.

WHEREAS, the City of Eudora has previously passed and approved code as set forth in Chapter 7, Article 4, 7-401, Fireworks; sale prohibited; exception to prohibition; penalty, of the City's Municipal Code to, among other purposes, effectuate the City's Municipal Code and to regulate the sell and discharge of fireworks with the City limits of the City of Eudora; and

WHEREAS, the Governing Body deems it to be in the best interest of the City to amend Chapter 7, Article 4, 7-401 of the City's Municipal Code, and to provide substitute and additional provisions in their place.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EUDORA, DOUGLAS COUNTY, KANSAS:

SECTION I. Section 7-401 of the Code of the City of Eudora, Kansas, is hereby repealed in its entirety and replaced with the following:

7-401 Fireworks; sale prohibited; exception to prohibition; penalty.

(a) It shall be unlawful for any person, firm, or corporation to sell or offer for sale within the city limits of the City of Eudora, Kansas, any fireworks or articles that may be used in pyrotechnical displays. Provided, however, that this section shall not be construed to prohibit the sale of fireworks to the City of Eudora, Kansas, for the purpose of giving pyrotechnical displays.

(b) A permit is required to sell fireworks within the City limits of the City of Eudora, Kansas.

(c) Provided, that a corporation that has been organized and created as a "Not for Profit Corporation," defined by the City of Eudora as having verifiable proof of 501(c)3 designation from the Internal Revenue Service, may sell fireworks within the City limits of the City of Eudora, Kansas, between the hours of 7:00 o'clock a.m. and 10:00 o'clock p.m. on the 1st and 2nd days of July; and between the hours of 7:00 o'clock a.m. and midnight on the 3rd and 4th day of July, each year; such sales to be restricted to City of Eudora Commercial Zoning Districts. Any "Not for Profit Corporation" to whom such approval shall be granted, shall comply with the permit requirements of the City of Eudora regarding location, insurance, safety considerations, tent structure, signs and other such conditions as the governing body may uniformly impose. However, in no event shall bottle rockets, as defined by K.S.A. 31-155, as amended, be sold within the City limits of the City of Eudora, Kansas.

(d) Any person, firm, or corporation found to be in violation of this section shall be subject to a fine punishable by a fine set by resolution of the governing body from time to time not to exceed \$500.00. (Ord. 751; Ord. 773; Ord. 795; Ord. 819; Ord. 835; Ord. 1009; Ord. 1033; Code 2016)

SECTION II. That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION III. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

PASSED AND APPROVED this 25th day of June, 2018, by the Governing Body of the City of Eudora, Kansas, as provided by law.

APPROVED:

Tim Reazin
Mayor

ATTEST:

Pam Schmeck
City Clerk