

2      The Lindon City Council held a regularly scheduled *electronic meeting* on **Monday,**  
3      **May 4, 2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North  
4      State Street, Lindon, Utah.

6      **REGULAR SESSION – 5:15 P.M.**

8      Conducting:                Jeff Acerson, Mayor  
8      Invocation:                Van Broderick

10     **PRESENT**                          **EXCUSED**

12     Jeff Acerson, Mayor  
12     Carolyn Lundberg, Councilmember  
14     Jacob Hoyt, Councilmember  
14     Van Broderick, Councilmember  
16     Mike Vanchiere, Councilmember  
16     Randi Powell, Councilmember  
18     Adam Cowie, City Administrator  
18     Mike Florence, Planning Director  
20     Brian Haws, City Attorney  
20     Kathryn Moosman, City Recorder

22     1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

24     2. **Approval of Minutes** – The minutes of the regular meeting of the City Council  
26     meeting of April 13, 2020 were reviewed.

28     COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE MINUTES  
28     OF THE REGULAR CITY COUNCIL MEETING OF APRIL 13, 2020 AS AMENDED.  
30     COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS  
30     RECORDED AS FOLLOWS:

32     COUNCILMEMBER LUNDBERG                AYE  
32     COUNCILMEMBER HOYT                    AYE  
34     COUNCILMEMBER BRODERICK                AYE  
34     COUNCILMEMBER VANCHIERE                AYE  
36     COUNCILMEMBER POWELL                    AYE  
36     THE MOTION CARRIED UNANIMOUSLY.

38     **3. COUNCIL REPORTS:**

40     **Councilmember Hoyt** – Councilmember Hoyt reported he received a notice from  
42     residents about May 4<sup>th</sup> being the date the pavilion and playgrounds would be open and  
44     questioned if that date has been extended. Mr. Bateman said the bathrooms, parks, pickle  
46     ball courts and pavilions have opened this week, but the playgrounds are still closed  
because of the Governor's order. Councilmember Hoyt also asked for an update on the  
heritage trail completion to Utah lake. Mr. Cowie stated we received a grant to complete  
the last section and the funds won't be available until this coming year. He noted JUB

2 Engineers were hired by UDOT and they are finalizing the design and should be  
3 completed in the next 12-18 months. Noah Gordon is our project coordinator on the trail.  
4 He also asked if any business or residents have taken advantage of the deferment plan  
5 offered. Mr. Cowie confirmed that statement adding there is just a small handful that  
6 have applied noting there are currently 78 delinquent accounts out of 3,000. Many are  
7 recurring every month with only a few new ones. Mr. Cowie asked the council if they  
8 want to continue the deferment program for the may billing as well. Following  
discussion, the Council was in agreement to extend the deferment through May.

10

11 **Councilmember Vanchiere** – Councilmember Vanchiere reported he spoke with Roger  
12 Harper and there were about 1,200 customers last Saturday at the landfill which is about  
13 double what an average Saturday would be which is good for the increased revenues. He  
14 also reported things are going well on the green waste hopper on top of the closed  
15 landfill. He also mentioned he visited the RV Park at the Lindon Marina and asked Mr.  
16 Cowie for a reminder of the use of the adjacent property that was sold. Mr. Cowie stated  
17 it was sold to Vineyard City for their future Public Works and office building and is no  
18 longer in our city boundary. Councilmember Vanchiere also mentioned he has talked to a  
19 lot of neighbors about the landfill passes and if the passes are available online. Mr. Cowie  
20 stated there must be some misinformation as passes are not provided online. Residents  
21 are required to call the office for one pass that is good for two trips to the landfill which  
22 are then mailed out. He indicated there has been also been some discussion about in the  
23 future mailing one pass to residents at the beginning of each year.

24

25 **Mayor Acerson** – Mayor Acerson reported that he had a discussion regarding the soccer  
26 program with Mr. Bateman in regards to possibly moving soccer to the fall before the  
27 basketball season starts.

28

29 **Councilmember Broderick** – Councilmember Broderick reported he attended the Provo  
30 River Water Users Association meeting on April 23<sup>rd</sup> with Noah Gordon. They are  
31 anticipating the water forecast to be pretty close to a normal year, but of course it always  
32 depends on how much water will come.

33

34 **Councilmember Lundberg** – Councilmember Lundberg reported she spoke with Allen  
35 Walker, Pool Manager, about the pool status and hiring. Mr. Walker stated he doesn't  
36 know the timeline but indicated he will speak with Mr. Bateman and Mr. Cowie about  
37 interviews in assuming the pool will be opening. Mr. Cowie stated he was in on a  
38 meeting today with the state and ULCT that addressed some of the pool issues. He noted  
39 they are planning to move ahead with opening the pool in June, but it may be in a limited  
40 capacity. They will be going ahead with interviewing and hiring. Councilmember  
41 Lundberg also mentioned the 2020 Census and what are we doing to promote the census  
42 as it is self-directed. Mr. Cowie stated he has put the census on Facebook four times and  
43 sent out an Everbridge notification. He noted we have had a very good self-response rate  
44 of 73% and Lindon is in the top 15 cities in the state for self-reporting; he hopes it  
45 continues through the rest of the year. He noted those that don't self-report the  
46 canvassers will hit those residents; October 31<sup>st</sup> is the last day to respond online.

2 Councilmember Lundberg also inquired about the housing situation discussed about  
3 removing barriers in reporting to those who are renting and when we can get those  
4 discussions going again. Mike Florence commented we can discuss this issue at any  
5 future city council meeting. She also mentioned she attended the Chamber of Commerce  
6 Board meeting where they discussed fall events with businesses and speakers. They are  
7 looking at minimizer those events due to a possible resurgence of Covid and discussed  
8 doing more virtual events and also to bring good investment for those who join the  
9 Chamber. She also asked about donating billboards at the city center to celebrate seniors  
10 who are graduating from college and high school. Mr. Cowie replied he was contacted  
11 but he declined as there was a fee involved. Councilmember Lundberg commented it  
12 was her understanding it was through a sponsorship. Mayor Acerson suggested posting  
13 something on the park sign or doing a digital sign for graduates. Mr. Cowie stated he will  
14 facilitate a sign.

16 **Councilmember Powell** – Councilmember Powell reported the sign is off of the  
17 Cullimore Mercantile building noting Lyle Lamoreaux made sure to get the sign for the  
18 Historical Preservation Commission. She also expressed her concerns of the  
19 boundary/road on the canal road by Oak Canyon Junior High. She noted there are some  
20 home owners that feel they have not been made whole and she feels it needs more  
21 discussion before anything is done there. She wants to ensure that it will be both  
22 attractive yet also benefit the city; a good resolution is needed. Mr. Cowie and Mr.  
23 Gordon gave an update on this situation. Mayor Acerson stated he will follow up on this  
24 issue for a possible solution and agrees it warrants further discussion. She also expressed  
25 her concerns on how long the playground equipment will be closed due to covid-19. She  
26 understands this is from the orders of the Governor, but she feels we need to make it  
27 available as soon as possible. She also mentioned her concerns with struggling businesses  
28 during this time and if there is anything (signage, etc.) we can do by the city to promote  
29 and encourage the opening; this would be beneficial and would unite us as a community.  
30

32 **Brian Haws** – Mr. Haws mentioned the State Ombudsman's opinion on the development  
33 on 1520 West which is close to the animal shelter where the road came in and originally  
34 stopped at the canal. They required that the developer to go to that point and then run  
35 utilities so far. The new developer came in and insisted the city pay for the road and a  
36 box culvert. The total was between 40 and 50 thousand dollars. The city told the  
37 developer it was his responsibility as it serves his development. The developer took that  
38 issue to the state ombudsman office. The city filed an objection to that and the opinion  
39 came back from the ombudsman with the opinion that the city was not responsible for the  
40 burden he was creating for the development he was putting in. However, we are working  
41 with him on other portions of the property being developed and we may pay some of the  
42 asphalt costs.

44       **4. Administrator's Report:** Mr. Cowie reported on the following items followed by  
45 discussion.

46       **Misc. Updates:**

- 2        • COVID-19
- 4              ○ State of Utah Phase Health Guidelines. Moderate (orange) risk level.
- 6              ○ City facilities to remain closed to public walk-in traffic for a few more weeks.
- 8              ○ Park pavilions, restrooms, pickleball & tennis courts will open week of May 4th.
- 10             ○ Playgrounds to remain closed per State guidelines.
- 12             ○ Memorial Day - no ceremony; perimeter flags will be placed
- 14             ○ Soccer canceled; no recreation events in May. Planning for small classes in June/July (10-15 participants)
- 16             ○ Continued electronic meetings likely through May and maybe June, or until State moves to 'low' risk category. (difficult to know if we'll hit 20-person cap and have to keep people out)
- 18             • Road maintenance project bids due May 12th
- 20             • PW Director applications being reviewed. Interviews scheduled soon.
- 22             • Misc. Items

24        **5. Presentations and Announcements:**

- 26             a) Comments/Announcements from Mayor and Council members.

28        **6. Open Session for Public Comment** – Mayor Acerson called for any public comment not listed as an agenda item. There was one comment on Facebook and Mr. Cowie stated he will address the comment.

30        **7. Consent Agenda Items** – The following consent agenda item was presented for approval.

- 32             a) Rocky Mountain Power, Street Light Utility Agreement.

34        COUNCILMEMBER HOYT MOVED TO APPROVE THE CONSENT AGENDA ITEM AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

36        COUNCILMEMBER LUNDBERG              AYE

38        COUNCILMEMBER HOYT              AYE

40        COUNCILMEMBER BRODERICK              AYE

42        COUNCILMEMBER VANCHIERE              AYE

44        COUNCILMEMBER POWELL              AYE

46        THE MOTION CARRIED UNANIMOUSLY.

48        **CURRENT BUSINESS**

50        **8. Discussion Item — FY2021 Proposed Budget.** The Lindon City Council will review and discuss the proposed Fiscal Year 2021 budget. The Council will provide direction on specific items.

2 Kristen Colson, Finance Director, stated this is the meeting where the Council  
4 members should provide any desired changes or significant budget issues or concerns so  
6 that we can finalize the budget before the adoption dates. She noted with how rapidly  
information is changing related to the COVID-19 crisis, and with limited real-time data  
on sales tax and other tax revenues, we expect that a budget amendment may be needed  
in early fall.

8 Ms. Colson noted this is the first draft of the Proposed Budget. She pointed out  
the economy went from robust, business as usual to only essential business and now  
10 many businesses are in the process of reopening with safety precautions in place. There  
12 is no history of a sudden economic change like this to look at. The 2020-2021 FY Budget  
will need to be flexible and we may need frequent budget amendments starting as early as  
14 August 2020. We will be watching the economy and monitor revenues as they come in  
throughout the year.

16 Ms. Colson presented the estimated revenues noting total city revenues are  
\$19,377,789. She then went over the net of fund balances and transfers as follows:

- General Fund
  - Sales tax is estimated to decrease 20%
  - Building permits is estimated to decrease 25%
  - Court revenue is estimated to decrease 33%
  - Overall revenue is estimated to decrease 14.7%,
    - not counting police vehicle lease revenue and the sale of current police vehicles, which is an increase in revenue
- PARC Tax and Transit Taxes estimated to decline 15-25%
  - Not charged on grocery items
  - Other retail sales down
- Road Fund Allotment estimated to decline
  - Decline in amount of gas sales
- Enterprise Funds
  - Utility Rate Increases
    - Culinary water rates will increase 9%
    - Sewer rates will increase 4%
    - Garbage and recycling rates will increase 3%
    - Storm Water rates will increase 13%
  - We may see a decrease in utility revenue
    - Are there high usage businesses that closed or decreased usage? For how long?
    - Is there increased usage from people being home all day?
    - April billing still in process
- Recreation revenue has been estimated based on resuming activities and facility rentals by July 1, which may or may not be possible
- Budgeted Expenditures
  - Citywide Expenditures by Object
  - Total Expenditures - \$20,722.078
  - Net of fund balances and transfers

2 Ms. Colson explained there will be no cost of living allowance (COLA) increase,  
which is usually effective July 1<sup>st</sup>. We will implement the new pay scale effective  
4 January 1, 2021. Employees already on steps 1-5 will move up to the next step and  
6 employees currently in the mid-high range will be placed on the step higher than their  
8 current hourly wage. This will cost the City an additional \$86,000 and is in this budget,  
but staff will bring this back to the City Council in December for another review and for  
final approval.

10 Ms. Colson further explained retirement costs for Tier 2 public safety employees  
were increased by the legislature effective July 1, 2020. A 2% mandatory increase to be  
paid by the employer will increase Lindon City costs about \$4,450 for the fiscal year.  
12 2.27% mandatory increase may be paid by the employee or the employer. This budget  
includes Lindon City paying this cost, which is about \$5,050 for the year.

14 Ms. Colson stated employees will begin participating in the payment of their  
medical insurance premiums by paying 3% of the premium; employees with family  
16 coverage for dental insurance will continue to pay 50% of the premium.

The amounts are shown below:

- 18 • Employee only coverage: \$18.06/month for medical insurance
- 20 • Employee plus spouse coverage: \$37.39/month for medical insurance
- 22 • Employee plus family coverage: \$50.57 for medical insurance
- \$46.60 for dental insurance (continuing, not new)
- This saves the City about \$24,760 for the year.

24 Ms. Colson noted medical insurance premiums will increase 7.6% and Dental  
insurance premiums will decrease 10% by switching insurance carriers. Overall,  
26 employee benefit allowance will increase 3.9% or \$30,785.

28 Ms. Colson indicated department heads have cut operational costs while still  
maintaining infrastructure and current levels of service and travel expenses have been cut  
except where training is needed to maintain required certifications.

30 Other items that have been cut are as follows:

- 32 • \$5,000 for Deer management
- \$2,500 for Police public outreach
- 34 • \$45,000 for new community programs summer concerts
- youth theater council
- recreation on wheels

36 General Fund capital expenditures have been limited as much as possible as follows:

- 38 • \$15,000 for the City Center HVAC upgrades (replacing furnaces over 20 years  
old).
- 40 • \$650,000 for 15 police vehicles funded by lease revenue with the annual lease  
payments estimated to be \$90,000
- 42 • \$36,000 \$20,000 for a new software program for inspections and community  
development. This was in the 2020FY budget, but staff is still researching to find  
the right software.
- 44 • Dedicated / restricted funds
  - \$2.1M for Road Capital Improvements
  - Park Impact fee expenditures

- 2                   ○ \$30,000 to install picnic areas and drinking fountain at Meadow Park  
4                   ○ \$100,000 to install second pavilion at Fryer Park

4 Ms. Colson then went over the following funds:

6 Water Fund

- 8                   • \$500,000 for new well site  
10                 • \$50,000 for well improvements  
12                 • \$250,000 for Canal Dr pipe  
14                 • \$30,000 for secondary water traveling screen rebuild  
16                 • \$25,000 for culinary and secondary water master meter upgrades  
18                 • \$40,000 to finish PRV upgrades  
20                 • \$45,000 for 835 E booster station upgrades  
22                 • \$200,000 for impact fee project

24 Sewer Fund

- 26                 • \$35,000 for trash pump  
28                 • \$29,000 to install a generator at sewer lift #4  
30                 • \$25,000 to upgrade hardware and software for sewer truck tv  
32                 • \$100,000 install sewer mainline in Treasury subdivision and rebuild sewer lift #4

34 Storm Water Fund

- 36                 • \$270,000 for Upper main drain  
38                 • 600 East upsize  
40                 • Bank repair behind Scotts Miracle Grow  
42                 • Geneva Rd lining  
44                 • 200 West box culvert

46 Recreation Fund (funded by PARC Tax transfers)

- 48                 • \$25,000 for Aquatics Center pump maintenance and replacement  
50                 • \$80,000 for Aquatics Center boiler maintenance and replacement  
52                 • \$20,000 for Community Center furnaces maintenance and replacement

54 Requested Capital Projects that are NOT in this budget

- 56                 • \$300,000 for new Aquatics Center Slide  
58                 • \$287,000 in facility projects for City Center, Vet Hall, PW Building, Aquatics Center, and Community Center  
60                 • \$120,000 for 3 vehicles for Parks Department  
62                 • \$50,000 for Trail improvements  
64                 • \$250,000 of PARC Tax funds to replace the playground at Meadows Park and add playground equipment at Citizenship and Panorama Parks  
66                 • \$12,000 for loader bucket for Public Works  
68                 • \$70,000 to design and build a storage garage at Aquatics Center

70 Following the presentation, Ms. Colson called for any questions or comments from the Council.

72 Councilmember Broderick expressed that he is always sensitive to those on a fixed budget and feels the \$7.19 utility rate increase is significant. He would like to see a mechanism in place for seniors (perhaps 70 and over) to provide some relief for seniors.  
74 The council was in agreement they would be open to explore and discuss some type of

2 mechanism for relief to seniors. Mr. Cowie stated he can look into some options and  
4 check to see what other communities are doing. Councilmember Broderick also  
mentioned stormwater noting he understands it is unfunded and there are immediate  
needs for the city.

6 Mr. Cowie mentioned several employees have expressed some concerns about  
8 paying the 3% on insurance premiums and with no COLA increase the perception is that  
this is a pay cut.

10 Mayor Acerson commented with added retirement benefits for first responders,  
12 and holding back COLA increases for everyone, and now increasing medical costs, we  
need to find what the fairness and balance is and what is the right thing to do to not give  
the perception we are favoring one over the other.

14 Councilmember Lundberg commented it is her understanding that the city is still  
16 picking up an increase in the insurance premium, so the employee doesn't bear the entire  
increase; the city is paying slightly more than half of that increase. Could this be  
disseminated to the employees that this is essentially a pay increase and a benefit that  
would be a cost absorbed by the city and not burdened on to them.

18 Councilmember Powell expressed that this is certainly a challenging time and it is  
20 paramount that we keep employees happy. She also believes it is our responsibility to be  
good stewards of our tax dollars.

22 Councilmember Hoyt expressed this is a hard time for everyone, but there never  
24 will be a great time to look at the employee contribution, but we have considered this for  
a lot of years. He is supportive of looking at this but is leaning towards the way it is  
written in the budget, but he is open to see what the economic conditions bring as to be  
wise and prudent.

26 Councilmember Broderick agreed with that statement noting revenues are down  
and insurance premiums are up. He would like to continue to monitor this but he is good  
28 with the way its proposed.

30 Councilmember Vanchiere agreed with the previous comments. He noted when  
we consider the employment market in general, this is very inexpensive. He would  
32 suggest to look at it at a later date to see if we can help out. With the potential reduction  
in revenues, this is not unreasonable, and he would be in agreement to move forward with  
the way it is presented.

34 Councilmember Lundberg suggested making a top list of priorities when a  
rebound happens (i.e., adding COLA back in). Councilmember Powell agreed with that  
36 suggestion. Councilmember Vanchiere agrees that is a good idea and believes this is an  
ongoing discussion in his mind. The purpose tonight is to approve this draft budget with  
38 the idea of having an ongoing discussion and to see how the money comes in. Mayor  
Acerson asked staff to make a priority list, so as revenues do improve, we can look at the  
40 list and adjust it as needed. He added this would go a long way in building support and  
confidence with the employees. Ms. Colson stated after January they will have a better  
42 idea of how the economy is rebounding.

44 Ms. Colson reiterated this is a draft of the Proposed Budget and the Proposed  
Budget will be presented at the May 18th City Council Meeting for adoption. The Final  
Budget will be presented at the June 15<sup>th</sup> City Council Meeting for adoption. The 2020-  
46 2021 FY Budget will need to be flexible and it may need frequent budget amendments

2 starting as early as August 2020. She noted we will watch the economy and monitor  
3 revenues as they come in throughout the year and we will prioritize spending and  
4 establish timing of expenditures.

5 Following some additional discussion, the Mayor and Council thanked Ms.  
6 Colson and Mr. Cowie, and the Department Heads for the good work on the budget and  
the information presented.

7 Mayor Acerson called for any further comments or discussion from the Council.  
Hearing none he moved on to the next agenda item.

8

9. **Public Hearing — Ordinance #2020-7-O;** Ordinance amendment to Title 17.62  
10 Flood Damage Prevention ordinance and adopting pending FEMA Flood  
11 Insurance Study and Flood Insurance Rate Maps.

12 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC  
13 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
14 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

15 Mike Florence, Planning Director, led this discussion item by giving an overview  
16 stating the National Flood Insurance Program (NFIP) is a voluntary program that Cities  
17 elect to participate in and is administered by the Federal Emergency Management  
18 Agency (FEMA). According the NFIP website: “the NFIP program aims to reduce the  
19 impact of flooding on private and public structures. It does so by providing affordable  
20 insurance to property owners, renters and businesses and by encouraging communities to  
21 adopt and enforce floodplain management regulations. These efforts help mitigate the  
22 effects of flooding on new and improved structures. Overall, the program reduces the  
23 socio-economic impact of disasters by promoting the purchase and retention of general  
24 risk insurance, but also of flood insurance, specifically.”

25 Mr. Florence explained that FEMA has recently updated their Flood Insurance  
26 Study and Flood Insurance Rate Map for Utah County and incorporated areas, such as  
27 Lindon. The study and maps become effective on June 19, 2020. Before this date and to  
28 remain in the NFIP program, Lindon City is required to update its Flood Damage  
29 Prevention ordinance to meet the minimum program requirements and recognize the  
30 newest studies and maps published by FEMA. This ordinance affects only those locations  
31 in Special Flood Hazard Areas or areas that the Lindon or another agency has studied and  
32 know of potential flooding risks.

33 Mr. Florence stated the Lindon City General Plan states the city should update  
34 existing floodplain ordinances and building requirements to be consistent with current  
35 Federal Emergency Management Agency standards and best floodplain management  
36 principles. Efforts to exceed minimum National Flood Insurance Program requirements,  
therefore lowering flood insurance for Lindon residents, should be pursued. The Utah  
Division of Emergency Management provided two model ordinances for communities to  
follow. One ordinance was similar to Lindon’s current minimum standards ordinance and  
the other was a higher standard ordinance. As the city planning director and engineer  
evaluated the two ordinances, they felt like the higher standards ordinance provided a

2 better review process, provided more definitions, and suggested design standards that  
3 should be considered when building structures in a Special Flood Hazard Area.

4 Mr. Florence indicated that many sections of the ordinance are “boiler plate” and  
5 are required. However, the city council should specifically review the higher standards  
6 section found in 17.62.270. These are standards that go above what is required but city  
7 staff felt like they should be included in the ordinance. He noted city staff did not include  
8 all of the higher standards in the model ordinance, only those that could be reasonably  
9 applied to Lindon’s specific circumstances.

10

11 **The ordinance update adds the new sections below to the code required by FEMA  
12 as follows:**

- 13 • Stop work order process for a property owner who builds in a floodplain without  
14 obtaining a Floodplain Development Permit; See 17.62.160
- 15 • Penalties section for constructing, locating, extending, converting or altering a  
16 building in the floodplain without obtaining a Floodplain Development Permit;  
17 See 17.62.170
- 18 • Perquisite requirements for when the Board of Adjustment can grant a variance.  
19 See 17.62.220
- 20 • Requiring notice to adjacent communities, Utah Division of Water Resources, and  
21 FEMA prior to altering or relocating a watercourse that requires a State of Utah  
22 permit; See 17.62.240
- 23 • New manufactured homes are required to be installed using methods and practices  
24 that minimize flood damage and sets forth minimum construction requirements.  
25 See 17.62.270(7)
- 26 • Recreational vehicles being used for habitation can only be onsite for two weeks  
27 within a six-month period. This is consistent with Lindon City Code 17.64.020.  
28 See 17.62.270 (8)
- 29 • An enclosure is an enclosed walled-in area below the lowest floor of an elevated  
30 building and are used for building access, parking and storage. An example would  
31 be a parking garage. See 17.62.207(9)
- 32 • Shallow flooding areas are locations with one to three feet of flooding where a  
33 known channel doesn’t exist and that are unpredictable. The ordinance requires  
34 specific construction requirements for Flood Zones AO and AH. Lindon City  
35 currently does not have these two zones. However, City staff felt that if FEMA  
36 ever adopted these zones in the City then Lindon would already be prepared with  
37 ordinance. See 17.62.280

38

39 **The Utah Division of Emergency Management has recommended that Utah  
40 communities consider adopting a number of “higher standards” than what is  
41 typically required by the Flood Damage Prevention ordinance. Below is a list of  
42 those recommendations:**

- 43 • 17.62.040 add additional definitions which makes the code easier to use in order  
44 to find how a term in the ordinance is defined. Staff have reviewed each of  
45 definitions it the ordinance update.
- 46 • Best Available Data is existing flood data information that the community has that

- 2 may not be on the Flood Insurance Rate Map. These are areas that have been  
4 studied by other agencies, the State or Community and are known to be flood  
hazard areas. The higher standard allows communities to apply the Flood Damage  
Prevention ordinance to these areas. See 17.62.040 and 17.62.060;
- 6 • Freeboard is a factor of safety that is expressed in feet above the flood level. For  
example, in ordinance 17.62.270 city staff are recommending a one-foot  
8 freeboard requirement above the Base Flood Elevation. The Utah Division of  
Emergency Management recommends, at a minimum, the City adopt the one-foot  
10 Freeboard Requirement among all of the higher standards;
- 12 • 17.62.070 states that land annexed into Lindon would be regulated by the City's  
floodplain ordinance;
- 14 • 17.62.190 adds to the responsibilities of the floodplain administrator with the  
following requirements.
- 16     ○ Sections 11 and 12 don't apply unless FEMA designates floodplain zones A-  
30, AE or AH. Staff feels like these sections should be added through in case  
FEMA ever does come back and designate these areas in Lindon;
- 18     ○ Section 13 allows the floodplain administrator to require an encroachment  
analysis when a floodway has not been designated by FEMA but us  
20 reasonably believed to cause an adverse impact. The encroachment analysis  
will create a baseline of existing conditions ad determine potential impacts;
- 22     ○ Section 14 allows for inspections;
- 24     ○ Section 15 allows for Best Available Data to be used if there is an area not  
designated on a floodplain map and has been studied that there are floodplain  
issues;
- 26     ○ Section 16 allows the floodplain administrator to require FEMA map revisions  
if a project is reasonably believed to cause adverse impacts;
- 28     ○ Section 17 if fill is placed in a Special Flood Hazard Area that it should not  
result in any net loss of natural floodplain storage or increase in water surface  
30 elevations during the base flood.
- 32 • 17.62.210 allows for the City to request floodplain elevation certificates during  
construction phases to ensure that structures are constructed to the correct  
elevation when built in a Special Flood Hazard Area;
- 34 • 17.62.220 does not allow for a variance to reduce the one-foot Freeboard  
requirement;
- 36 • 17.62.250 requires that if structures located in a Special Flood Hazard Area makes  
substantial improvements to a structure or a structure is damaged up to 50% of the  
38 market value then the structure needs to meet the Flood Damage Prevention  
ordinance. The thought in this is that if additions or repairs exceed 50% of the  
40 market value of the structure then it should be brought up to code. This would  
limit property owners from making significant additions to their home or restoring  
42 a home if damaged 50% or greater in a flood event;
- 44 • 17.62.270(3) – requires to the extent practicable that non-residential structures,  
walkways, driveways, and roadways be located not less than the Base Flood  
Elevation and with dry land access. This requirement ensures that property  
46 owners can safely leave their property and emergency personnel can access the

- 2           property as well.;
- 4       • 17.62.270(4) allows for wetproofing of commercial, industrial and non-residential  
6           structures. Wetproofing is a design of flood resistant materials and allows for  
8           automatic entry and exist of flood waters through the use of opening. Building  
10          also need to properly anchored to resist floatation;
- 12       • 17.62.270(5) requires an agreement with the city that if a structure is wetproofed  
14          it won't be later converted to residential use;
- 16       • 17.62.270(6) allows for a residential or commercial crawlspace if it meets FEMA  
18          regulations and standards set out in the ordinance;
- 20       • 17.62.270(10) sets requirements for accessory structures that are constructed in  
22          specifics floodplain zones

14           Mr. Florence then presented the Pending Flood Insurance Rate Map sections for  
16           Lindon City, the Draft Flood Damage Prevention Ordinance and the Draft Flood Damage  
18           Prevention Ordinance with "redline" changes followed by some general discussion.  
20           Following discussion, the Council thanked Mr. Florence and Mr. Gordon for their hard  
22          work and expertise and expressed their confidence that this has been vetted well. They  
24          were in agreement to approve the plan as presented.

26           Mayor Acerson called for any public comments. Hearing none he called for a  
28          motion to close the public hearing.

30           COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
32           COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED  
34          IN FAVOR. THE MOTION CARRIED.

36           Mayor Acerson called for any further comments or discussion from the Council.  
38          Hearing none he called for a motion.

40           COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE #2020-  
42          7-O AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE  
44          MOTION. THE VOTE WAS RECORDED AS FOLLOWS:  
46          COUNCILMEMBER LUNDBERG           AYE  
48          COUNCILMEMBER HOYT              AYE  
50          COUNCILMEMBER BRODERICK       AYE  
52          COUNCILMEMBER VANCHIERE       AYE  
54          COUNCILMEMBER POWELL           AYE  
56          THE MOTION CARRIED UNANIMOUSLY.

58           **10. Review & Action-Emergency Declaration Extension; Resolution #2020-10-R.**  
60           The Lindon City Council will consider the issuance of an extension to the  
62           emergency declaration on March 23, 2020 by the Lindon City Mayor declaring a  
64           local emergency in Lindon City in response to the evolving COVID-19 pandemic  
66           and to consider approval of Resolution #2020-10-R consenting to such extension.

2           Mr. Cowie led this discussion item by stating the current emergency declaration  
3       was adopted on March 23<sup>rd</sup> and currently expires on May 6<sup>th</sup>. He noted taking this action  
4       would cover us for federal reimbursement. Under the current order it has given more  
5       flexibility to make any changes with any public issues. The original declaration that the  
6       mayor proclaimed declaring the emergency would stand, and the city council would  
7       authorize to extend it until the State of Utah declares the state is not at risk any longer. Mr.  
8       Cowie stated staff recommends taking this action noting we can lift it at any time we need  
9       to and he doesn't see a down side in taking this action.

10          Mayor Acerson commented that a lot of mayors are weighing in on this issue and  
11       having some detailed discussion in order to get what share is appropriate. This action  
12       protects us to have the opportunity for funding if it becomes available. Councilmember  
13       Powell inquired what this funding might be used for and how we would qualify.

14          Kelly Johnson, Emergency Coordinator commented that they have been assigned a  
15       liaison to wade through the monies that may become available. She noted this is happening  
16       in reverse of other disasters and there are quite a few questions about this and how to  
17       qualify. Her understanding is that we would apply through FEMA for a specific  
18       reimbursement like PPE (personal protection equipment), overtime, decontamination,  
19       senior food purchases, and personnel items. Additional items we are not sure of yet, and by  
20       taking this action we are putting ourselves in the best position to apply for funds as they  
21       become available.

22          Mayor Acerson pointed out that any Covid-19 related items should qualify and  
23       mitigation will also be covered. Mr. Cowie confirmed that statement. Mayor Acerson  
24       added this allows us the freedom, as expenses occur, to see if they qualify for  
25       reimbursement. Councilmember Powell expressed that she wants the public to understand  
26       what this entails. We don't know what to anticipate as far as expenditures we may have due  
27       to the pandemic, and this action is not being heavy handed or meant to infringe on any  
28       personal liberties.

29          Following discussion, the Council was in agreement to approve the extension as  
30       requested. Mayor Acerson called for any further comments or discussion from the  
31       Council. Hearing none he called for a motion.

32           COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION #2020-  
33       10-R AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE  
34       MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

35       COUNCILMEMBER LUNDBERG           AYE  
36       COUNCILMEMBER HOYT               AYE  
37       COUNCILMEMBER BRODERICK       AYE  
38       COUNCILMEMBER VANCHIERE       AYE  
39       COUNCILMEMBER POWELL           AYE  
40       THE MOTION CARRIED UNANIMOUSLY.

41          Mayor Acerson called for any further comments or discussion from the Council.  
42       Hearing none he called for a motion to adjourn.

43       **Adjourn** –

2 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING  
4 AT 7:40 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL  
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Approved – May 18, 2020

8

10 \_\_\_\_\_ Kathryn Moosman, City Recorder

12

14 Jeff Accerson, Mayor