

KINDRED CITY COUNCIL SPECIAL MEETING MINUTES
Monday, October 21, 2024 | 7:00 pm | Kindred City Hall

Present: Mayor Darrell Kersting, CMs Adam Spelhaug and Ozzie Peraza. Absent: Matt Sharp and CM Julie Johnson.
Others present: City Attorney Sarah Wear (Virtually), City Engineer Brandon Oye (Virtually), Building Official Mike Blevins (Virtually), Auditor Tabitha Arnaud, P&Z Chair Sue Kersting, Marlowe Rud, Tyler Krump, Michelle Borud, Mark Ottis, Randy Cramer, Scott Cramer.

Meeting was called to order at 7:02 pm.

Building permits for structures outside LOMR-F boundaries

Follow-up to previous discussions on this topic in recent months, Developer Mark Ottis explained that LOMR-F's (Letter of Map Revision Based on Fill) were submitted so the new parcels in Newport Ridge 8th and 9th Addition were out of the current effective flood plain (FP) maps. FEMA's Letter of Final Determination, that would begin the 6-month comment period for the new revised effective maps to be adopted, was suppose to be issued on Oct 9 but we have now been advised that due to FEMA's need for staff resources in other departments for hurricane responses, the LFD issuance has been postponed until at least Feb 2025. Ottis shared that some of the owners/builders have plan sets submitted for building permits (BPs), but a portion of the structure is outside of the approved LOMR-F area. This would not be as concerning if the LFD was received, as the areas would be out of the FP 6 months later. These owners/builders were hoping to get the foundations in before winter freeze up and are now at a stand still to determine the next steps.

Engineer Brandon Oye noted that Kindred has no basement exemption on basement flood proofing; agrees that the extra costs for this is difficult to consider when the data is showing the area will be out of the FP at some point when the new maps are adopted. He shared a risk to consider is a FEMA audit of records; should a BP be issued before a proper LOMR-F is submitted/approved, it could be seen as a technicality in processing and the FP Administrator would be at risk for penalties. Attorney Sarah Wear expressed concern that the LFD could again be delayed in Feb, especially considering the previous history of being pushed back. Discussed additional risks that are dependent on the FEMA auditor, which could include penalties, removal from the flood insurance program (which, along with the FP ordinance, is intended to help protect owners form disasters) potentially causing some owners to lose coverage, lenders not financing new construction, the City being put on probation, or the possibility that the federal govt could withhold any federal funding opportunities. Oye shared that Horace and Harwood have had FEMA audits in recent years.

Discussed option for owner/builder to complete new expanded LOMR-F before proceeded with construction work; excavation for the foundation could provide the additional material to raise the area of property to the required elevation to be out of the FP. The elevation survey could be completed to get the paperwork needed to submit the LOMR-F paperwork to FEMA before then proceeding with the construction for the BP. Also discussed that the LOMR-F would need to be approved/received from FEMA before a Certificate of Occupancy would be issued on the BP.

MOTION, passed – To allow issuance of building permits in Newport Ridge Eighth and Nineth Addition contingent on expanded LOMR-F being FEMA approved prior to Certificate of Occupancy on new construction. Spelhaug moved; Peraza seconded. RCV (Roll Call Vote); MCU (Motion Carried Unanimously).

Building Official Mike Blevins asked if a control point could be provided for contractors, so that an elevation in the area was identified and could be used to set the building elevations. He noted that current BPs don't include an elevation survey fee. The builders can work with Moore Engineering or any engineering/surveying firm to find elevations, get surveys, or help with the LOMR-F submittal process.

MOTION, passed – To adjourn meeting at 7:43 pm. Peraza moved, Spelhaug seconded. RCV; MCU.

(Minutes subject to council approval.) (Agenda deadline is noon Wednesday the week before the meeting.)

Darrell Kersting, Mayor

Tabitha Arnaud, City Auditor

Date approved