

## **Flood Control Committee Meeting January 18, 2012**

The **Flood Control Committee** met Wednesday, January 18, 2012, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Jerry Partridge, John Hollowell, Susanne Galbraith and Dwayne Andrews. Also present were Mayor Chris Grenz, Flood Administrator Sam Malenovsky, Grant Administrator Dawn Colton, Public Services Director Al Kelm, Recorder/City Clerk Becky Stanton.

### **Election of Committee Chairperson**

\* \* *Committee member Galbraith moved to appoint John Hollowell for Chairperson of the Flood Control Committee, seconded by Committee member Partridge and motion carried unanimously by the Committee.*

### **FEMA – Application for acquiring properties in floodway**

Administrator Colton explained that because of the Presidential Declaration, FEMA has opened up some money for pre-disaster mitigation which is called the HMGP Grant (Hazard Mitigation Grant Program). The application for this grant is due at the end of March. Administrator Colton has met with the State Hazard Mitigation Officer Kent Atwood, who reviewed her four letters of intent outlining four potential projects. The two projects Atwood thought would get funded are acquiring properties in the floodway, where a new levy could be potentially built along the Yellowstone. The other project is improving the dike around the water treatment plant.

Administrator Colton started working on the grant application to acquire properties but then learned about some issues that sidelined it. FEMA will not pay for properties that could potentially be located in the footprint of a newly constructed dike/levy system. As of today, the exact location for said dike/levy has not been identified. Administrator Colton suggested a study be conducted to locate the dike/levy. Currently, there are grant application deadlines that may cause the City to not take full advantage of the HMGP money. However, Administrator Colton will proceed for application for water treatment plant dike improvements

Administrator Malenovsky cautioned that if a property owner in the floodway refuses to sell/move from their home, then FEMA will not allow for eminent domain.

Councilperson Galbraith asked if there was anything that could be done to make the dike FEMA approved. Administrator Malenovsky responded that a new

setback dike would be the best option. The **new** dike would have to be constructed 600 feet back from the natural river bank to the heel of the dike, plus a 15 foot right-of-away would be needed.

Mayor Grenz stated the City plans to raise the height of the dike and widen it. He further explained that removing trees and debris will be done this spring.

The Committee discussed setbacks and how they affect the properties near the dike.

Mayor Grenz stated he received information from the town of Malta on how they got their dike approved by FEMA. He has forwarded that information to the Engineering office. Malta no longer pays flood insurance due to building a concrete wall down the middle of their dike. Also, he is looking into how the dike was built, as it is believed to be built and certified by Corp of Engineers. Administrator Colton stated she did research into what Malta did and found that it cost over a million dollars to replace a quarter mile of their old dike with a concrete wall.

Committee member Andrews strongly advises that a strategy be laid out for what has to be done, to set goals, time frames and locate sources of money to get this project accomplished. This is extremely important to the City of Miles City and its economic well-being and long term health.

\* \* *Committee member Partridge moved to recommendation to City Council to proceed in applying for the grant, seconded by Committee member Andrews and motion carried unanimously by the Committee.*

### **Organize Public Information Meeting concerning floodway objectives**

Administrator Malenovsky explained to the Committee that holding a public information meeting concerning floodway objectives would improve Miles City's CRS rating (community rating system), which is tied to the flood insurance program. Miles City is currently rated at 9, which gives property owners a 5% discount on their flood insurance. There is potential to receive up to a 25% discount through other methods and projects.

Committee member Andrews stated spring time would be a good time to hold this type of meeting. The initial agenda and locations were discussed by the Committee. Administrator Malenovsky will return to the Committee with recommended dates and locations.

**Additional language for Ordinance #1205: An Ordinance Repealing and Replacing the Provisions of Chapter 12 of the Miles City Code of Ordinances establishing Floodplain and Floodway regulations for the City of Miles City to comply with the Montana Floodplain and Floodway Management Act and to ensure compliance with the requirements for continued participation in the National Flood Insurance Program (NFIP)**

Administrator Malenovsky explained there are people who are building in the floodway and they are noncompliant with the Floodplain Ordinance. As the Ordinance stands now, there is not a process on how to handle this issue. Administrator Malenovsky recommends the following information be added to Ordinance 1205 following the 4.7 VIOLATION NOTICE:

- Floodplain Administrator sends out a certified letter stating the violation as it pertains to the floodplain
- Homeowner will have 30 consecutive days to apply for a Board of Appeals application, or bring/move the structure into compliance
- If homeowner does not comply with the above, then applicant will be charged with a misdemeanor as stated in section 4.9 Penalties.
- If applicant applies for an appeal hearing, the applicant will have 30 consecutive days to comply with the Board of Appeals' decision, starting the day after the Appeal Hearing
- If homeowner still does not comply with the floodplain rules & regulations, then the homeowner will be taken to Court, if homeowner is found guilty, the issue will be turned over to DNRC and FEMA

Director Kelm explained this language is a mechanism that allows the City to have a legal avenue to go after people who are violating the Floodplain Ordinance.

Administrator Malenovsky explained that there are certain things that cannot be done in the Floodway, such as, a vacant lot cannot be built on and an existing property has to stay within its footprint/size. She further explained that you are allowed to maintain your property, such as fix a roof, put in windows and put up siding **based on case by case basis**. There are also further options through the Board of Appeals. She also pointed out that there are grants available for people to elevate their homes up to the correct height.

*\*\* Committee member Galbraith moved to recommend to Council to amend Ordinance 1205; Section 4.7 Violation Notice: to add the following language:*

- Floodplain Administrator sends out a certified letter stating the violation as it pertains to the floodplain*

*-Homeowner will have 30 consecutive days to apply for a Board of Appeals application, or bring/move the structure into compliance  
-If homeowner does not comply with the above, then applicant will be charged with a misdemeanor as stated in section 4.9 Penalties.  
-If applicant applies for an appeal hearing, the applicant will have 30 consecutive days to comply with the Board of Appeals' decision, starting the day after the Appeal Hearing  
-If homeowner still does not comply with the floodplain rules & regulations, then the homeowner will be taken to Court, if homeowner is found guilty, the issue will be turned over to DNRC and FEMA, seconded by Committee member Partridge and motion carried unanimously by the Committee.*

**Requests of Citizens**

-None

There being no further business the Committee adjourned at 7:35 p.m.

Flood Control Committee Chairperson,

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Chairperson John Hollowell

Respectfully submitted,

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Billie D. Burkhalter, HR/Payroll Officer