

Flood Control Committee
January 22, 2020

The Flood Control Committee met Wednesday, January 22, 2020, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members: Brant Kassner, Ken Gardner, John Uden, and Austin Lott.

Also present were: Floodplain Administrator Samantha Malenovsky, City Attorney Dan Rice, Mayor John Hollowell, and Deputy City Clerk/Minute Recorder Mary Rowe.

1. Elect Chairperson:

** *Committee Member Uden nominated Committee Member Gardner and seconded by Committee Member Kassner.*

** *Committee Member Kassner called for nominations to cease and seconded by Committee Member Uden. On a roll call vote the motion passed, 3-1, with Committee Member Gardner voting no.*

** *Committee Member Uden move to appoint Committee Member Gardner as Chairperson and seconded by Committee Member Kassner. On a roll call vote the motion **passed unanimously, 4-0.***

2. Request of Citizens/Public Comment:

-None-

3. Committee Members Comments:

-None-

4. Discussion on Violation at 1415 North 6th Street, Miles City, MT.

** *Committee Member Kassner moved to open discussion, seconded by Committee Member Lott.*

- Committee Member Uden stated that the City of Miles City had received a letter from the Federal Emergency Management Agency (FEMA), dated January 17, 2020, signed by Thomas G. Birney, and it directly reflects upon what we are addressing in the meeting and could cause a very expensive outlay for the citizens of Miles City if nothing is done. He proceeded to read a few paragraphs from the letter to highlight his concern. The following paragraphs were read directly from the FEMA letter:
 - “44 Code of Federal Regulations 59.1 defines development as: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.”
 - “The ramifications of Suspension from the NFIP are severe. When a jurisdiction is suspended from the NFIP, residents are unable to purchase new NFIP insurance policies, existing NFIP policies cannot be renewed, no Federal grants or loans for development may be made in identified flood hazard areas under programs administered by Federal agencies, and no Federal mortgages insurance or loan guarantees may be provided in identified flood hazard areas. This includes loans written by Federal Housing Administration, Veterans

Affairs and others. Additionally, no Federal disaster assistance may be provided to repair insurable buildings located in an identified flood hazard area for damages caused by flood.”

- “Additionally, all NFIP policy holders will be charged additional \$50.00 probation surcharge.”

Committee Member Uden then asked what the deadline was for response and inquired as to whether or not they need to have another meeting to make a recommendation to Council.

- Floodplain Administrator Sam Malenovsky gave a brief overview of the possible Citywide impacts from being suspended from the NFIP. The City would no longer be able to participate in the Community Rating System (CRS). Policy holders would lose their additional 10% discount. The United States Army Corps of Engineers (USACE) would no longer work on the section 205 project. She requested that there be another meeting scheduled to present a recommendation to Council. She believes that a “1316” needs to be done. United States Code, section 1316 (also in City Ordinance). The ordinance states, “Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)”. The Floodplain Administrator shall provide the Federal Insurance Administrator with the five requirements. A “no-rise” engineering report would need to be done to show there was no change in base flood elevation (BFE). The property in violation would be unable to receive insurance now or in the future, including in the event of sale of property.

She closed by saying that she will contact Thomas G. Birney to verify what would be needed to satisfy the request from FEMA.

- Attorney Rice thinks that a recommendation is not necessary. FEMA just needs to be advised as to whether or not the property is compliant, and if the property is not, what actions the City has taken to bring the development into compliance. The City has taken action, citations were issued, and they are currently working on a further corrective action plan.
- Mayor Hollowell explained the financial impact of the \$50 probation surcharge to approximately nine hundred policyholders. It would be around \$45,000 affecting the community. Any grandfathered policies would be gone and the people would have to go to the new level, which could be an increase of several hundred dollars.
- Committee Member Kassner pointed out that approximately 75% of homes in Miles City have Federal Housing Administration (FHA) & The United States Department of Housing and Urban Development (HUD) loans through the bank system. If we were to lose the discount it would be detrimental to Miles City.
- A meeting was scheduled for Tuesday, February 4th, 2020 at 6:00pm

4. Adjournment

****** *Committee Member Kassner moved to adjourn the meeting, seconded by
Committee Member Lott and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:29 p.m.

Respectfully Submitted,



Ken Gardner, Chairperson



Mary Rowe, Deputy City Clerk