

**Flood Control Committee**  
**February 4, 2020**

The Flood Control Committee met Tuesday, February 4, 2020, at 6:00 p.m. in the City Hall Conference Room. Those present were Chairperson Ken Gardner, Committee Members: Brant Kassner and Austin Lott. Committee Member John Uden was absent.

Also present were: Floodplain Administrator Samantha Malenovsky, Mayor John Hollowell, Council Member Dwayne Andrews, and Deputy City Clerk/Minute Recorder Mary Rowe.

**1. Request of Citizens/Public Comment:**

-None-

**2. Committee Members Comments:**

-None-

**3. Discussion and Recommendation on Violation at 1415 N. 6<sup>th</sup> Street, Miles City, MT.**

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

- Chairperson Gardner stated that the City of Miles City was looking at different options.
  1. Do nothing.
    - If the City does nothing then we fail to comply which would jeopardize the entire City. We could be put on suspension and/or probation. Current policyholders could lose their insurance rates and/or have to pay an additional fifty-dollar fee.
  2. File an Injunction
  3. Prepare a 1316 declaration of action, encroachment, mitigation, and other corrective action.

He also pointed out that it is the responsibility of the City to enforce regulations. We adopted the responsibility when we joined the National Flood Insurance Program (NFIP) governed by the Federal Emergency Management Agency (FEMA). He also noted the deadline to respond to FEMA is February 28<sup>th</sup>, 2020.

- Committee Member Lott questioned how much funding would be lost for section 205 grant and the Flood Mitigation Assistance (FMA) grant for the slough if we get put on probation or suspended by FEMA.
- Floodplain Administrator Sam Malenovsky responded that approximately ten million dollars would be lost from section 205 and approximately one hundred thousand dollars from the FMA slough grant. She also stated that the MCA rules were included in the packet explaining what the City's responsibility is regarding enforcement of flood regulations.
- Mayor Hollowell explained that he had spoken with Mr. Thomas Birney, National Flood Insurance Specialist for FEMA, and that it was very clear that there would be consequences if the City did nothing more. Some of the consequences would be a \$50 fee for policyholders, the loss of the

Community Rating System (CRS) discount along with other potential consequences. He said another option is that civil action can be taken, but that would cost the City. He explained that Attorney Rice had been in contact with Attorney Gray and they have been discussing the benefits of a 1316 for both parties involved. Mayor Hollowell also said that the 1316 could potentially grant the City an extension of time, possibly mid-March, for further corrective action plans. He stated that the staff recommends proceeding with the 1316 for now and keep searching for other options to mitigate the violation.

\*\* *Chairperson Gardner moved to recommend to Council that the City proceed with preparing 1316 and seconded by Committee member Kassner. The motion passed 3-0.*

**4. Assign Committee member to Program for Public Information (PPI)**

Committee member Kassner recommended Chairperson Gardner.

Committee member Lott nominated Committee member Uden and seconded by Committee member Gardner.

\*\* *Committee member Kassner moved to assign Committee member Uden to the position and seconded by Committee member Lott. The motion passed unanimously, 3-0.*

**5. 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 6:16 p.m.

Respectfully Submitted,



Ken Gardner, Chairperson



Mary Rowe, Deputy City Clerk