

**Flood Control Committee**  
**September 14, 2020**

The Flood Control Committee met Monday, September 14<sup>th</sup>, 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.

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

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

Mayor Hollowell wanted to clarify the purpose of this meeting is mainly for an update on the events that have occurred at the 1415 N 6<sup>th</sup> Street property. He requested that committee members refrain from discussing personal opinions on the options.

**2. Committee Members Comments:**

-None-

**3. Discussion on property at 1415 N. 6<sup>th</sup> Street, Miles City, MT to proceed with mitigation or taking judicial action to have structure removed**

- Administrator Malenovsky explained that the title is semi-misleading as it is more of a refresher discussion as to what has already occurred and what needs to be determined at the next City Council meeting on September 22<sup>nd</sup>. She explained that the Federal Emergency Management Agency (FEMA) has been working very well with us and given the City of Miles City plenty of leeway on this matter, and has now set a specific deadline for our decision. She ran through a list of events that have occurred thus far.
  - April 10<sup>th</sup>, 2019 – Variance application for an addition to the shop on the property was received.
  - April 28<sup>th</sup>, 2019 – Variance application went in front of Council and was denied.
  - June 26<sup>th</sup>, 2019 – The property owner poured a slab of concrete on the property.
  - June 28<sup>th</sup>, 2019 – A floodplain violation was sent to the property owner.
  - November 14<sup>th</sup>, 2019 – The structure had begun to be built, so a stop work order was given to property owner by Officer Sloan.
  - January 17<sup>th</sup>, 2020 – FEMA sent a letter stating the ramifications to the community of a non-compliant building.
  - February 4<sup>th</sup>, 2020 – Flood Control Committee moved to recommend proceeding with the 1316 to Council.
  - February 11<sup>th</sup>, 2020 – Option to proceed with the 1316 was approved by Council, with the option of encroachment analysis compliance and/or the second option of civil action. Council members also voiced concern about who would be responsible for the cost of either action.
  - March 24<sup>th</sup>, 2020 – A second non-compliance letter was sent to property owner by certified mail, with insurance ramifications.

- April 29<sup>th</sup>, 2020 – FEMA sent a 1316 violation letter to Administrator Malenovsky, Mayor Hollowell, and the property owner stating that due to non-compliance structure, property has lost discounted insurance rate and will not be able to get it back in the future.
- August 31<sup>st</sup>, 2020 – City Attorney Rice emailed property owner's Attorney Chris Gray, copying Deputy City Attorney Carr, Mayor Hollowell, and Director Gray stating that in terms of a resolution an engineering review, and a mitigation plan approved by FEMA at Mr. Eckart's expense; mitigation identified and set a plan if required at Mr. Eckart's expense; building permit, occupancy permit, and flood permit review and approval; and divergent agreement pertaining to City Court charges must be met.
- September 2020 – She spoke with Thomas Birney, National Flood Specialist for FEMA, and he stated that an action plan must be decided on by October 1<sup>st</sup>, 2020 or the decision would fall on the community as a whole.

Administrator Malenovsky will ask FEMA for a two-week deadline extension so Council will have a chance to go over the active negotiations and create a corrective action plan based on the additional information and present their final decision at the City Council meeting on October 13<sup>th</sup>, 2020.

- Mayor Hollowell believes that a decision as to what the City is going to do is what FEMA needs. We need an organized plan and the ability to act on the repercussions if the requirements are not met by the property owner.
- Committee member Kassner expressed concern about the deadline and requested that a Special Council meeting be scheduled to further discuss the City's action plan details.
- A brief discussion unanimously concluded that the committee cannot make an informed decision without knowing of the possible mitigations that have taken place or any ramifications of judicial action going forward. They do not want to push FEMA anymore than they already have and agree that a Special Council meeting should take place before September 30<sup>th</sup>, 2020.

\*\* *Committee Member Lott moved to adjourn the meeting, seconded by Committee Member Kassner and passed unanimously, 3-0.*

There being no further business, the Committee adjourned at 6:24 p.m.

Respectfully Submitted,

  
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 Ken Gardner, Chairperson

  
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 Mary Rowe, Deputy City Clerk