



**COMMUNITY
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DEPARTMENT**
SERVING THE
CITIES OF
GARDEN CITY
HOLCOMB
AND
FINNEY COUNTY
620-276-1170

INSPECTIONS
620-276-1120
inspection@garden-city.org

**CODE
ENFORCEMENT**
620-276-1120
code@garden-city.org

**PLANNING AND
ZONING**
620-276-1170
planning@garden-city.org

**CITY ADMINISTRATIVE
CENTER**
301 N. 8TH
P.O. BOX 499
GARDEN CITY, KS
67846-0499
620.276.1170
FAX 620.276.1173
www.garden-city.org

MEMORANDUM

To: Governing Body
From: Community Development
Date: 1/4/2011
Re: FEMA Proposed amendments to the Flood Insurance Rate Maps

The following provides a timeline of events regarding the update of the FEMA Flood Insurance Rate Maps. Due to the potential economic impact to our citizens and Community as a whole, Staff has been concentrating on proactively mitigating the economic impacts of the new Flood Insurance Rate Maps. This means that property owners who have not previously had to pay flood insurance may now be required to purchase flood insurance as part of a federally backed loan under the terms of the National Flood Insurance Program. This could potentially have the impact of lowering property values within the Special Flood Hazard Area and may also affect resale value of those properties as well.

- March 6, 2007** Scoping meeting conducted by the Division of Water Resources and AMEC Earth and Environmental for map modernization
- February 25, 2008** Received letter from Kansas Division of Water Resources regarding map modernization process and the March 6, 2007 meeting minutes.
- March 18, 2008** Staff receives letter from FEMA stating we will be receiving the working maps for review.
- March 20, 2008** Received FEMA "Working Maps" from Division of Water Resources. Staff contacted Andy Megrail, Mapping Coordinator for the Division of Water Resources on scheduling a meeting with City and County Staff for April 10, 2008.
- April 10, 2008** City and County Staff held a meeting with Mapping Coordinator Andy Megrail, and the State's mapping subcontractors to discuss the "Working maps" and concerns over among other topics, proposed inclusion of Drainage District 1, and Drainage District 2 in the new Flood Insurance Rate Maps. Andy Megrail stated that if any jurisdiction had elevation data which contradicted the FEMA data on the maps, that such information could be submitted for consideration to be included for revision of the preliminary map phase, but there was no guarantee amendments would be made. Upon receipt of the preliminary maps, each jurisdiction would have 30 days to submit any data for review. Mr. Megrail stated that elevations for DD1 and DD2 would be provided as soon as possible.
- April 11 to September 22** – Garden City, Finney County and Holcomb municipal engineers collect and compare data to FEMA elevations. Garden City and Holcomb concentrate on areas immediately adjacent to the Arkansas River. Garden City is awaiting elevation data for Drainage District 1 and Drainage District 2. Finney County Engineer begins surveying areas around Drainage District 2 and the community of Pierceville.



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- September 23, 2008** City and County received preliminary maps from FEMA for review. Letter stated 30 days to amend and correct "Non-Technical" data.
- September 24 to October 6** – Maps are analyzed by City and County Officials, and are provided to residents.
- October 7, 2008** City received elevation data for DD1 and DD2 from Division of Water Resources.
- October 13, 2008** Submitted letter jointly signed by Garden City, Finney County and Holcomb to FEMA Region 7 Representative Julie Grauer requesting an extension of the review period from the October 23rd deadline to April 23rd. E-mailed Dennis Mesa a copy to use as a template to be submitted by Senator Brownback and other members of the Congressional Delegation to express support for this extension.
- October 16, 2008** City Manager receives call from FEMA Region 7 stating there is no appeal process for the preliminary maps, and that FEMA would not consider revising them.
- October 17, 2008** City Staff contacted Andy Megrail who stated that "appeals" were only for new flood studies, and that even though the letter submitted by FEMA dated September 23rd states revision of "non-technical" data would only be considered, all numeric and elevation data could still be submitted for review, though there were no guarantees the changes would be included on the final maps.
- October 17, 2009** Joint Public meeting between Garden City, Finney County and the City of Holcomb with representatives of the Division of Water Resources and FEMA Region 7.
- October 20, 2008** Staff submits materials for revision to the Preliminary maps of Garden City and Finney County (2 foot contour data, County Contour Data, Miscellaneous data from City engineer and Comments from General Public).
- October 21, 2008** City of Holcomb submitted materials for revision of their preliminary maps (1 foot contours, and city limit boundaries).
- November 20, 2008** Staff received letter from FEMA stating they will not use the data submitted as a formal "appeal".
- January 6, 2009** Staff received letter stating FEMA had considered the changes submitted in October and November and would revise the preliminary maps to reflect the changes.
- January 9, 2009** Staff received revised Preliminary Maps for review from FEMA. Maps reflected data changes submitted by City and County. Staff given 30 days to review the maps for non-technical data.
- January 29, 2009** Staff received a follow up letter resolving the protest letter received from Staff on January 6 regarding Count Surveyor's data.
- February 9, 2009** 30 day Review of Preliminary Maps expired. Staff schedules Public meetings for February 18th, and March 4th, 2009 hosted by the City allowing the Division of Water Resources and FEMA Region 7 to discuss insurance and general floodplain administration questions.



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February 18, 2009	A pair of public meetings are held to answer questions about general floodplain questions and flood insurance.
February 23, 2009	City constructs a web page devoted to questions and answers about the flood plain, and includes maps of the jurisdictions of Garden City, Finney County and Holcomb.
February 26, 2009	Community Development Department sent out letters to all property owners within the Special Flood Hazard Area of Garden City, Finney County and Holcomb. These notifications included an invitation to attend the March 4 th Question and Answer session presented by Division of Water Resources and FEMA Region 7, as well as notified residents of the City's website devoted to this issue.
March 1, 2009	Staff met with area surveyors to discuss the LOMA and LOMR process. Scheduled conference call with Division of Water Resources for March 3 rd to discuss technical questions surveyors had regarding these processes.
March 4, 2009	A second pair of meetings is held to answer any general floodplain questions and questions about flood insurance.
March 27, 2009	Staff received Letter of Final Determination From FEMA finalizing the effective date of the new Flood Insurance Rate Map at September 25, 2009.
April 20, 2009	Staff posed the question to the Division of Water Resources regarding the feasibility of a community enforcing only a portion of the Flood Insurance Rate Map. The Division of Water Resources submitted their reply which stated that a community is required under the NFIP to enforce the entire designated Special Flood Hazard Area.
April 21, 2009	Staff posed the same question to FEMA Region 7, and received a similar response. The City Commission at their April 21 st meeting directed Staff to conduct a Phase One study to determine the accuracy and consistency of the large areas of undetermined approximations that have been preliminarily established by FEMA for the existing drainage ditch elevation data.
April 23, 2009	Staff submitted letters to both drainage districts and Finney County requesting cooperation in conducting this study.
May 7, 2009	Special pre meeting with the City Commission to review the correspondence, reports and available options concerning changes to FEMA flood plain maps.
June 4, 2009	City Staff met with Secretary of Agriculture Polanski
June 26, 2009	Wilson and Company Study is received, and is sent with a cover letter to Secretary Polansky and other Government entities.
July 17, 2009	City and County jointly submit letter to Deborah S. Ingram, et al. requesting FEMA to restart the mapping process and to respond no later than August 21, 2009.
July 20, 2009	Staff receives letter from FEMA dated June 29 re-stating that September 25 th is the adoption date.



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- August 6, 2009** City submits final notification to property owners signed by Mayor Harness.
- August 12, 2009** City and County were contacted by FEMA stating a response to the letter dated July 17 jointly submitted by City and County would be responded to, but no other details given.
- August 21, 2009** No response from FEMA. to July 17th letter .
- August 25, 2009** City and County receive letters dated August 24, 2009 that continued to deny relief.
- August 27, 2009** Filing of complaint in District Court.
- August 31, 2009** FEMA states in a telephone conversation with Dave Traster that the Letters of Final Determination were late, and thus the adoption date of September 25, 2009 would be rescinded along with the LFD's.
- September 3, 2009** FEMA states that after extensive discussion, they would rescind the LFD's as promised and would provide a 90 day appeal period, including publishing notice in the Federal Register. Interpretation of the maps and submitted data would remain the same, and the Final D-FIRM would not change.
- September 15, 2009** Staff receives letters from FEMA for the three jurisdictions announcing they would rescind the LFD for Finney County. Letter did not indicate incorporated areas of Garden City and Holcomb would be rescinded.
- September 16, 2009** Staff receives corrected letters from FEMA. Indicating Finney County and "Incorporated Areas". Staff cancels scheduled approval hearing for September 17th.
- September 17, 2009 to December 16, 2009**
City reviews options while awaiting a new letter of final determination establishing a new effective date of the maps. County surveyor collects elevation data, while City Staff evaluate options for that portion of Drainage District 1 that lies within the City.

FEMA requests the City drop its legal action against them. The City and County send a response to FEMA's request, and continue to emphasize that the process must be started from the beginning. Court is scheduled to make a ruling on December 17th.
- December 17, 2009** Courts push back date to make decision until January.
- December 18, 2009 to December 24, 2009**
Staff continues to wait for court action while considering additional alternatives.
- December 24, 2009** FEMA files a motion in support of dismissal of Preliminary injunction.
- December 25, 2009 to February 18, 2010**
Staff awaits Court action while considering additional alternatives.
- February 18, 2010** Federal Court dismisses City and County cases as moot.



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- March 5, 2010** Staff composes letter of invitation to the new Regional Administrator of FEMA Region VII, Beth Freeman, to visit Garden City and Finney County to see first hand the man made drainage ditches which were included in the proposed flood plain.
- March 10, 2010** Senator Sam Brownback extends invitation to Beth Freeman to visit Garden City.
- April 19, 2010** Scheduled visit with Beth Freeman
- April 27, 2010** Staff received call from FEMA Region 7 to schedule a conference call to initially discuss letters of map amendment.
- April 28, 2010** Conference call with FEMA Region 7, and a FEMA contractor to discuss what technical information would be considered by FEMA in amending the boundaries of the proposed Special Flood Hazard Area around DD-1 and DD-2. It was this conference call that the City was assured of receiving a formal letter outlining what data would be acceptable, but no time line was given as to when the City was to expect the letter, nor the revised Letter of Final Determination.

- Prior to adoption of the revised ordinance and maps, Staff will notify all property owners within the Special Flood Hazard Area to inquire about and purchase flood insurance to receive the lower rate.
- Following adoption of the Maps and revised floodplain ordinance, owners of property affected by these maps may apply for a LOMA or LOMR to potentially have their properties removed from the floodplain.