

JOURNAL OF COMMISSION WORK SESSION
August 6, 2024

City Commission Work Session
Civic Center, Gibson Room 212

Mayor Reeves presiding

CALL TO ORDER: 5:30 PM

CITY COMMISSION MEMBERS PRESENT: Cory Reeves, Joe McKenney, Rick Tryon, Shannon Wilson and Susan Wolff.

STAFF PRESENT: City Manager Greg Doyon; City Attorney David Dennis; Planning and Community Development Director Brock Cherry; and, Deputy City Clerk Darcy Dea.

PUBLIC COMMENT

Donna Williams, 2916 2nd Avenue North, provided and discussed Developing a Municipal Heat Response Plan Guide for Medium-sized Municipalities and 2021 District of Columbia Heat Emergency Plan, American Red Cross Extreme Heat Preparedness Checklist, and Mesa Care Cool Spots handouts. Ms. Williams suggested having a Heat Emergency Plan available on the City's website to help reduce emergency responses and protect the safety of citizens during a heat wave.

Ben Forsyth, City resident, expressed concern about the increase in violent crimes related to drugs, hospitalization due to marijuana use, the effects it has on various people and the City Commission not ensuring the safety of marijuana and marijuana products. Mr. Forsyth provided and discussed a Recommended Cannabis Control Laws handout.

Shelly Bandow, 667 Sacajawea Drive, commented that she was affected by the City's water main break. Water and mud ran down the hill and into her basement, which ruined her walls, carpets, carpet padding and tile and is costing her thousands of dollars to fix. Ms. Bandow explained that she contacted the City and was informed that the City was not liable. She is not asking the City for thousands of dollars; however, she needs help with restoring her basement to the way it was.

Vance Meadows, 700 Skyline Drive NE, commented that he was affected by the City's water main break. The rocks and mud collected in his driveway, yard and garage, water flowed around both sides of his house and proceeded to the properties located to the south. Mr. Meadows explained that he believes the damage to his residence, as well as those located to the south of him, could have been prevented if the streets drained properly. He had voiced his concern previously with the City about the way the streets drain due to excessive water flowing through his property from heavy rains. The City attempted to prevent this with a small asphalt bump; however, it does not work. Mr. Meadows concluded that the streets in his area do not drain properly in accordance with the City's Storm Drainage Design Manual dated April 2024, specifically Chapter 5.

Patrick Propp, Parkdale resident, expressed concern about the Great Falls Housing Authority (GFHA) removing storm doors, the limited public notice prior to starting the process and that the decision was not voted on. Mr. Propp commented that removing storm doors is a safety issue, packages will be left out in

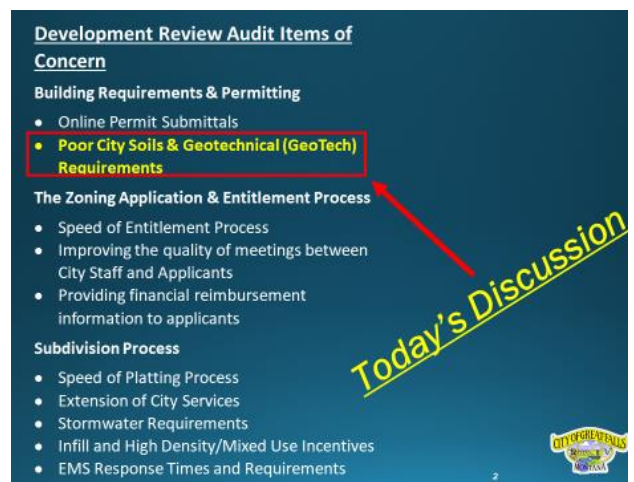
JOURNAL OF COMMISSION WORK SESSION
August 6, 2024

the open and crime will increase in Parkdale and spread through the community. He explained that the GFHA had agreed at its June 2024 Housing Authority Board Meeting to halt the process of removing storm doors; however, they are being removed and will continue removing storm doors that are damaged and on vacant units. Mr. Propp mentioned that the State and Federal levels indicated to him that there is too much overreach and too limited oversight. The Department of Housing and Urban Development in Helena indicated that the GFHA stands on its own and is changing the norm by not adding storm doors to newly developed buildings and remodels. GFHA is also removing undamaged storm doors and is approximately a \$280,000 deficit. Mr. Propp extended an invitation to the Commission and City staff to attend the Housing Authority Board Meeting on August 15, 2024. Mr. Propp concluded that he received correspondence from Congressman Matt Rosendale advising him to take legal action against the government.

Sam Eccles, 633 Skyline Drive NE, commented that the City’s water main break on July 23, 2024 damaged his residence and wanted to know what the City is doing about it. Mr. Eccles commented that the issue he has is that the Montana Municipal Interlocal Authority (MMIA), insurance for the City, claimed from their investigation, that there was no liability from the City; however, it is the City’s pipe and not his. He wants to determine who is liable because he is trying to get his costs covered for the damages and the damages incurred to the City is greater than \$10,000. His house was due to sell; however, because of the City’s main break, he is out \$130,000 because his house is not sold. Mr. Eccles added that he is moving out of state for a new job and had to take out loans because the City is failing to pay for anything and acknowledge any liability. Mr. Eccles inquired when the last time the main line was repaired and if it was repaired, was it within the timeframe that it should have been repaired.

1. 2023-2024 DEVELOPMENT REVIEW AUDIT – GEO TECH REQUIREMENTS & DEVELOPMENT

Planning and Community Development Director Brock Cherry reviewed and discussed the following PowerPoint slides:



JOURNAL OF COMMISSION WORK SESSION

August 6, 2024

Special Topic Team: GeoTech Requirements & Development



Bruce Herman,
Building Official



Joelle Marks,
Capacity Building Official



Thad Goetz,
Plans Examiner



Amber Acharnek,
Plans Examiner



Sara Sauer,
Staff Attorney



Matthew Hoffman,
Terracon



Craig Hakiras,
Civil Engineering




Joe Hagfner,
Big Sky Subsurface



3

The “dirt” on Great Falls:

- Local Geotechnical Engineers project that 80-90% of the buildable areas in Great Falls are likely to have expansive soils based on Building Code criteria.
- The absence of a formal adopted policy for residential Geotech reports and requirements is a pressing issue that needs to be addressed.
- Geotechnical Engineers no longer create reports for individual homes due to liability issues and lack of follow-up inspections.
- Due to ongoing legal concerns, few engineers are willing to conduct geotechnical reports. This has resulted in significantly extended lead times, sometimes exceeding a year, and numerous individuals are having difficulties securing a callback.




4

Not to “pile more dirt on,” but:

- The Great Falls Development Authority’s recent [2024 Housing Demand Assessment](#) indicates:
 - Nearly 11% annual home appreciation since 2021.
 - A demand for 2,670 new single-family homes over ten years (267 per year).

SINGLE FAMILY HOME BUILDING PERMITS ISSUED				
2019	2020	2021	2022	2023
42	33	49	52	39

- On average over the last five years only forty-five (45) single-family home building permits were issued (45.0% of the 267 to meet annual demand).
- Complications, including expandable soils, stormwater issues, and rising site improvement costs (roads, water, sewer) continue to stifle single-family subdivision development.




5

Options Moving Forward:

Option #1 – Mandatory Full GeoTech & Inspections
A registered design professional must prepare a GeoTech report containing recommendations for foundation design or soil mitigation. The report and construction documents must be approved to ensure compliance with the GeoTech Report. The designated geotechnical engineer will conduct third-party inspections. The new requirement is that construction can only continue once the engineer confirms that the recommended measures have been completed.


Pros: Protects Engineers and the City in regard to legal liability.
Cons: Is economically prohibitive to new development, in particular singular, infill, or smaller scale development. This option would benefit the engineers, but not necessarily the home builders.
**Billings utilizes a similar policy.*
***Option previously provided by PCD & Legal*



6

Option #2 – Only Require a Signed Affidavit from an Engineer
A signed inspection affidavit and certification by a registered geotechnical engineer confirms soil mitigation for code compliance instead of full GeoTech. The owner then assumes full responsibility and liability.


Pros: Most efficient process. Some cost savings?
Cons: Getting a registered geotechnical engineer to sign off on an affidavit without conducting a geo and necessary inspections is difficult. None of the engineers we engaged with would be willing to do this.
***Option previously provided by PCD & Legal*



7

Option #3 – No GeoTech Requirements
Applicants are responsible for any hazards on their proposed site when developing property in the city. The Director of Planning & Community Development will specify the liability to be assumed on the permit application, permits, certificates of occupancy, and other related development documents.

Pros: Would be favorable with home builders and would keep development costs down.
Cons: It would not be consistent with the City’s public duty as it does not deal with the difficult soils and could put present or subsequent homeowners at risk. The probability of continued home problems and lawsuits is high. Liability to the city still exists; staff believes there is an increased liability with larger-scale developments and subdivisions.
***Option previously provided by PCD & Legal*



8

JOURNAL OF COMMISSION WORK SESSION

August 6, 2024


NEW Option #4 – Building Code & Infill Incentive

When evaluating the soil, we initially use a standard soil test on each lot or proposed subdivision instead of a full GeoTech report, which saves money. The soil test decides what rules we follow in the International Residential Code (IRC). If the soil doesn't meet the IRC rules, we design a standard foundation based on the IRC. If the soil exceeds the IRC rules, we follow the International Building Code (IBC) rules instead. The sole exemption to this would be that infill lots can be developed without requiring a GeoTech report or soil analysis. (Not addressed by Engineers).

Pros: Allows consistency with existing building codes, except for infill, singular, smaller-scale development, which will benefit from not having the financial burden of providing a GeoTech.

Cons: Projected only 10-20% of residential lots will have satisfactory soils where lower cost of IRC compliance would be applicable (why infill exemption is important.) However, infill exemption doesn't address difficult soils, potentially putting homeowners at risk of problems and lawsuits.

**Helena, Missoula, and Kalispell have similar policies.*
***Option previously provided by PCD & Legal*



9


NEW Option #4 – Building Code & Infill Incentive

When evaluating the soil, we initially use a standard soil test on each lot or proposed subdivision instead of a full GeoTech report, which saves money. The soil test decides what rules we follow in the International Residential Code (IRC). If the soil doesn't meet the IRC rules, we design a standard foundation based on the IRC. If the soil exceeds the IRC rules, we follow the International Building Code (IBC) rules instead. The sole exemption to this would be that infill lots can be developed without requiring a GeoTech report or soil analysis. (Not addressed by Engineers).

Pros: Allows consistency with existing building codes, except for infill, singular, smaller-scale development, which will benefit from not having the financial burden of providing a GeoTech.

Cons: Projected only 10-20% of residential lots will have satisfactory soils where lower cost of IRC compliance would be applicable (why infill exemption is important.) However, infill exemption doesn't address difficult soils, potentially putting homeowners at risk of problems and lawsuits.


**Helena, Missoula, and Kalispell have similar policies.*
***Option previously provided by PCD & Legal*



10

Option #4 – Building Code & Infill Incentive Next Steps:

- **Contact Helena, Missoula, and Kalispell to discuss the administration of their respective GeoTech policies.**
- **Finalize components and scope of proposed “Soils Analysis.”**
- **Draft a precise definition for “Infill Lot/Property.”**
- **Draft and have the City Commission adopt necessary ordinances/resolutions.**



11

With regard to the “Option #3 – No GeoTech Requirements” slide, Mayor Reeves received clarification that none of the other big six utilizes Option #3.

Commissioner Wilson expressed support of Option #4; however, there is a problem area downtown that creates issues for single-family homes.

Planning and Community Director Cherry responded that City staff takes into consideration areas where they know soils are compromised. A GIS map study indicated that there are over 300 infill lots. There is an opportunity to incentivize redevelopment of certain areas that have been proven to have good soils.

Commissioner Tryon commented that he likes Option #4; however, it seems like smaller publically funded projects are receiving a better deal than privately funded projects. He inquired about the challenge for developers to receive private funding when data from the GFDA Housing Study indicated a need of 265 homes per year and if there is new technology to help mitigate poor soils.

JOURNAL OF COMMISSION WORK SESSION
August 6, 2024

Planning and Community Development Director Cherry responded that City staff can reach out to others with regard to new technologies for ways to stabilize soils.

Mayor Reeves expressed support of Option #4 and moving forward with talking to the sister cities about the implementation, pros and cons. He inquired about a timeframe.

Planning and Community Development Director Cherry responded that he would like to have a draft ordinance by the end of this year.

Commissioner McKenney inquired about the outreach process to builders.

Planning and Community Development Director Cherry responded that there were two large listening sessions, a survey was administered, City staff spoke to frequent flyers and reached out to those in the private sector with the greatest level of expertise.

Commissioner Wolff received clarification that City staff could reach out to similar-sized cities in similar areas that are not in Montana that are dealing with collapsible soils.

DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS

City Manager Greg Doyon reported that there were no topics for the August 20, 2024 work session. An annual update from airport and airport board would be a topic for the September 3, 2024 work session.

ADJOURN

There being no further discussion, Mayor Reeves adjourned the informal work session of August 6, 2024 at 6:35 p.m.