

City Council Work Session

5:30 PM
Council Chambers
November 19, 2012

ATTENDANCE:

Mayor/Council (please check) x Hanel, x Ronquillo, x Cromley, x Cimmino, x Pitman, x McFadden, x Bird, x Ulledalen, x McCall, x Astle, x Crouch.

ADJOURN TIME: 9:20 p.m.

Agenda

TOPIC #1	Beartooth RC&D
PRESENTER	
NOTES/OUTCOME	

Chris Mahus: Presents the Beartooth services and brochure. Explains that it is a business assistance program and shares a couple of success stories. Describes community development projects that are underway and assisted by Beartooth, including working with the East Billings Urban Renewal District (EBURD).

- Public comments: none

TOPIC #2	Train Traffic Letter
PRESENTER	
NOTES/OUTCOME	

- Candi Beaudry: Gave a presentation in response to a Council initiative adopted earlier this year. Points out that Council, PCC and County Commission rejected sending a letter to EPA about inclusion in an Environmental Impact Study. Reviews past studies, starting in 1958 and as recent as 2004. MDOT studied train traffic over a 12-hour period in October. Projections based on YVCC, WORC, MRL and BNSF statements, with railroads projecting fewer than the citizen councils. Recent mitigation projects include downtown quiet zone, advanced warning signs/signals. Potential projects to continue helping solve train traffic problems. Need to complete an approved Transportation Plan, scheduled for 2014. It will have an expanded section on rail traffic and identify mitigation projects. Staff work plan for mitigation: implement known short range projects, finish the transportation plan, collect funding and build newly identified mitigation projects. Ask Council to decide on 1) whether to send the NPRC letter, 2) send the letter and the plan or 3) don't send the letter and proceed with planning.
- Ronquillo: Proposed letter addresses train traffic generally, not just coal. Underpasses aren't passable in wet weather. Let Army Corps of Engineers do some of this planning

and funding work for us by sending the letter. Have had problems for over 50 years and still need to solve problems.

- McFadden: Support that our study should be about trains, not just coal trains. Should not be focused on ports on the west coast.
- Pitman: Minutes from Council meeting show that CM Ulledalen clarified CM Ronquillo's motion and he focused on studying train traffic and not about coal trains.
- Ulledalen: Agree that the issue is about trains, not just coal. Stay out of fight among Corps and environmental groups.
- McCall: Agree with CM Pitman and CM Ulledalen. June 8 Corps letter says they will not expand their environmental study. Proceed with option 3 (in presentation).
- Astle: Not at the meeting when initiative was adopted. What is the proposal for 13th and 21st underpasses?
- Candi: Plan will identify the infrastructure problems and solutions, including 2 underpasses.
- Cromley: Basic premise of presentation is that we don't have a problem now but will in the future? Pursue solutions based on plans that are already done? 4th option?
- Candi: Don't agree. Have current problems, that's why mitigation projects were completed. Problems will get worse, so we need additional solutions. Don't know how to answer your question if you're asking if the Corps could help us. PCC already directed staff to work on short term solutions but transportation plan needs to address long term solutions. Funding for new plan is secure.
- Bird: June letter from Corps – just for the initial part of the study project? Could there be a subsequent study if ports are approved? Who else has sent letters? Send the letter or send a message to the Corps and get on the record that Billings is concerned and wants to be part of the process.
- Candi: Agree the letter addressed the current study. NEPA gives the federal agencies the ability to decide the scope of the EIS. Missoula and Helena sent letters, and maybe Butte even though trains don't go through it. Letters sent from cities farther west but Corps isn't clear about how far upstream the study will go.
- Tina: 3-4 years of federal funding requests included money for planning study and solution was 10x that amount. Delegation discouraged the application. Dropped the application. Early summer discussion was about coal. Would like Council direction to staff after hearing public comments.
- Ulledalen: Stay focused on fixing problems, not on using letter to fight coal shipping. Federal highway funding is committed through 2020 to the outer bypass. MRL has capacity limits?
- Candi: Agree that MRL says they have capacity limits if going through Helena.
- McCall: Timeline for IBM grant application?
- Candi: Firming up a meeting to talk about how to approach IBM.
- Astle: 2 problems; lots of trains and no way around them. Not going to stop the trains, most are not coal. Engineers looked at ways to build overpasses or underpasses so that they don't impact private properties? Then it won't matter how many trains there are.

- Candi: All studies are planning level, not engineering. 2004 study looked at underpass but did not engineer it.
- Public comments:
- Greg Kohn: 3 Montana cities talked about coal. June Council vote 8-3 to direct PCC to not send EIS letter -- reviews the 4 points in his email to Mayor Hanel.
- Ronquillo: Arguments against testimony.
- McFadden: Can your group give us more realistic numbers?
- Terry Whiteside: Is a transportation consultant, represents most of the wheat commissions in the Western United States. One of the authors of the July 2012 report prepared for Western Organization of Resource Councils (WORC), a copy was provided. Two criticisms had for the study conducted by the BNSF were: 1) Not all 6 ports in the U.S. and Canada would be built and WORC never said they would. The three ports on the west coast ship about 110 million tons, together. That's the projected capacity. Wrote the study to begin conversations with the stakeholders. The differences between the Corps of Engineers vs. the Surface Transportation Board -- the Corps studies upstream and potential mitigation. Study may go farther than Spokane and over the mountains. STB studies downstream affects. It may be the downstream affects that captures the problems in Montana. 2) Railroads don't pay for crossings. They are required to put in a safe crossing at street level. Railroads are not obligated to pay for bi-level crossings. May help a little, but not a lot. Looked at 60-170 million tons of coal. The CEO of BNSF admitted they will ship a minimum of 100 million tons / 16 trains per day, which will equate to 30 trains per day. Billings has an interesting problem. Two choke points are Sand Point and Spokane. Everything funnels through there and also, Billings. Billings has a unique problem, because as the railroad is gearing up for Bakken's million barrels a day, this will be another 20 trains per day. Some of those trains will go East, but a majority will go through Billings. There have been no studies about Bakken, only coal studies. This study was not an environmental study. It was just a study about coal train traffic. Billings is perhaps the most affected than any other city because of the confluence of the Bakken and coal.
- Ulledalen: Gazette quotes not always accurate. Newspaper reported that you didn't talk to railroads because they don't know what is going on. Did you say that?
- Whiteside: No. The Railroads can't tell us shipping volume without violating shipping agreements with coal companies. In very recent years there has been a lot of re-enforcement of the railway with concrete ties, and bridge structures due to anticipated increased traffic.
- McFadden: Would Keystone pipeline relieve any train traffic?
- Whiteside: BNSF says pipeline won't impact them much because they can customize where they haul the oil. It may diminish it for a short period of time, but the production is still going up.
- Todd O'Hair: Senior government affairs officer from Cloud Peak, the 4th largest coal mining company in the U.S. Company is headquartered out of Gillette, WY. 3 coal mines, 2 in Wyoming and 1 in Montana, the Spring Creek Mine. Responsible for about 40% of the coal production in the State of Montana. Contributed \$56 million in taxes to the State of Montana. \$7 million was spent on goods and services and philanthropic

donations which mostly came into Billings businesses. Mostly selling coal domestically, but have also entered the export market. Recently entered Asian market; 3.5 million tons are going into South Korea. Cloud Peak is opposed to sending a letter to the Corps. asking to be included in an environmental impact statement will appear as being anti-coal. The Army Corps of Engineers will not be able to tell BNSF or any of the terminals that they have to do anything about Billings' problems. Cannot rely on a Federal agency to solve this problem. They have no legal authority.

- Ronquillo: What do you suggest as an alternative to the letter?
- O'Hair: Work together on mitigation. At this point we don't know how many terminals will be built. Don't know what kind of expansion there will be. Montana could be a major grain route as well as for coal and oil. Don't get ahead of ourselves on the impact?
- Ronquillo: You know we have the problems, will you be a part of the solution? Contribution on this study?
- O'Hair: We are contributing. We wrote a check to the State of Montana for \$56 million last year. That's a pretty decent contribution.
- Ronquillo: I'm talking Billings. (laughter)
- McFadden: How many of your coal trains are coming through Billings during the night?
- O'Hair: Most of our train traffic is heading East and going through Huntley. 3-4 trains per day come through Billings during a 24-hour period.
- Bird: Who will perceive that the letter to include the City in an Environmental Impact Statement as being anti-coal? Will the Army Corps of Engineers see it that way or who?
- O'Hair: I think all of the major environmental groups that are opposed to coal consumption will view the letter as a victory. Intent is to weigh this study down with so many questions that it will be impossible to answer them all. Very organized effort.
- Bird: So as a follow-up. Do you see the Northern Plains Resource Council and the WORC as being a part of that?
- O'Hair: No question about that. They are very clear on the fact that they would like to keep coal in the hole.
- Bird: Being raised in this area, we have been raised on an economy of extraction – coal, oil and timber. It has been the lifeblood of our economy here. White elephant in the room is coal, it is not really the traffic – that's part of it, but it is the environmental impact related to potential health impact. Coal business will continue in Montana, it is a part of our economy and it is what we have to offer the country. We must not lose sight that as we are hauling coal through Billings and through Montana, that part of the impact will be our quality of life issues related to potential health hazards. It needs to become a part of future conversations.
- Cimmino: Attended tour at Cloud Peak Energy and was impressed with operation and rehabilitation of the property. Very respectful of the environment.
- Crouch: Cloud Peak is already sending coal through Billings. What are you doing about dust?
- O'Hair: There was a time when the railroad was having some maintenance problems, especially within the first 50-100 miles of the mine, the train was loaded and as it was pulling away, coal dust was shaking out of the cars. It was a huge problem in Wyoming

because they do about 10 times the amount of coal production as does Montana. All that coal dust falling on the tracks caused problems with the valves. When it rains, the tracks don't drain properly, so BNRW asked the mines to start spraying a surfactant on all the coal to be shipped to reduce the dust. So now entire loads are sprayed and then a final spray is put on to create a "crust". Been very effective to mitigate dust issues.

- Commissioner John Ostlund: Please approve option 3 from Planning Dept. Lots of different ways for us to solve crossing problems and we'll be able to complete some of them. Need to come up with a good traffic management plan. Embrace train traffic. It is what created the "Magic City." Railroad traffic is by far the most effective and most environmentally friendly way to move anything. A train can move about the same amount of loads of commerce as 450 truckloads on the Interstate. A train creates fewer emissions than 450 trucks. 2011 federal energy subsidies for a megawatt of electricity around oil, coal and gas is about .64 cents; for hydro is about \$3; for wind is about \$57; subsidies for solar is \$775. Support coal.
- John Brewer, a representative with the Billings Chamber of Commerce Convention and Visitors' Bureau: About 2 years ago Cloud Peak spent about \$55 million in Billings in just that year. That is a significant impact on our local economy. Local and coal businesses will view City letter as anti-coal and anti-business. Chamber endorses option #3, take no action on the letter and work on traffic mitigation. National agendas of local organizations are anti-coal. Set aside the conversations about coal, specifically, and address the train traffic.
- Ronquillo: Do we have a problem with trains?
- Brewer: Letters being requested are from special interest environmental groups? There are crossing challenges.
- Ronquillo: Will Chamber write a letter asking for more info and impacts?
- Brewer: Need to look at the bigger picture of all impacts and industries, i.e., agriculture, manufactured goods, raw materials, oil, not just coal. Right now it is being completely tied to the coal industry. Not a discussion that should be taking place. Just a comprehensive picture of overall train traffic. Who would we write a letter to? How would the study now differ from the studies in the past?
- Ronquillo: We may learn how many additional trains we may need to accommodate. How can we solve these problems that we know are going to get worse in the future?
- McCall: In reviewing the letter, in the 2nd paragraph, it specifically talks about coal. It is in the letter.
- **Blain Jensen, 1516 Virginia Lane:** Offers an opinion about letter. Member of YVCC. In favor of the letter. Make sure the City of Billings is included in the Corps study so the results can be used for examination of the impacts to our City. Billings is the primary trade and distribution hub for a 150-mile radius and Billings is the largest city within 400 miles of any direction. We need to obtain the best information we can about this potentially transformative event.
- **Ed Gulick, 3015 10th Ave. North:** Member of NPRC. Live north of tracks and work south of them. Concerned about some possibilities, so need information from the Corps. Sees no downside to participating in the EIS. Let's look at the long term impacts. The study would give us an idea of how many trains are coming through Billings and help us

determine what infrastructure improvements need to be implemented to mitigate any effect; how much would that cost and how would we pay for it?

- **Margaret Beeson, 1346 Ave. F:** Interested in the environmental impacts of coal trains coming through Billings. Not a matter of for or against coal. Does not need to polarize our community. Need more info about train traffic and coal impacts. Look at potential health impacts before they occur. Letter should go to the Surface Transportation Board rather than Army Corps of Engineers.
- **David Strong, 206 Ave. E:** Co-chair of YVCC. Informed preparation is key. Being a part of an EIS will help us, not hinder us, in getting the right numbers. If the majority of the trains are coal trains, we need to know that.
- **Joy Barber, 3015 10th Ave. North:** Supports the letter in order to get information. This is an opportunity to get information to make decisions in the future.
- **Deb Fischer, 3129 Canyon Drive:** Concerned about diesel fuel usage, air pollution and coal dust, too. Pro-information. Favor sending the letter.
- **Eileen Morris, 1323 Janie Street:** Not anti-coal, just concerned about increases in train traffic. Supports sending the letter.
- **Teresa Keveny, 2005 Clark Ave:** Supports the letter and inclusion in the EIS. Information causes prejudices and misinformation to fall away. Believe the information obtained from the EIS will help with planning 10-20 years down the road.
- **Alan Ponrick, 3515 Glenfinnan Road:** Need as much information as we can about train traffic impacts. Supports sending a letter, suggestions amending the letter if there is unacceptable wording and figure out together who to send it to.
- Close hearing at 7:40 p.m.
- **Astle:** We have a track crossing problem, regardless of what the trains carry. EIS letter won't help, so I support option #3 as I want to improve street traffic crossing the train tracks.
- **McFadden:** Problem with EIS is that it doesn't address the train traffic impact. It is coal specific – coal coming through town and west coast ports, especially ports that are under development or being considered for development currently. Does not support the letter because the letter does not address trains in Billings, it addresses coal trains coming through Billings to get to Asian markets. Not addressing a broad enough subject.
- **Ronquillo:** Need some kind of a letter to address the train traffic problems. Maybe to STB. Supports option #2 and modifying the letter.
- **Bird:** 2 issues – train traffic mitigation and environmental impacts on increased train traffic. Most concerned about all trains carrying environmentally hazardous material. Our responsibility is to see that as train traffic increases we are not jeopardizing the health and well being of our citizens. Citizens' quality of life needs to be protected.
- **McCall:** Need to be clear that we continue talking about train traffic mitigation, and not coal trains tonight.
- **Pitman:** How does the Mayor want to direct staff without a vote?
- **Hanel:** We can vote to direct staff. When was the last transportation study completed?
- **Candi Beaudry:** In 2004 a study was completed that was commissioned by the Council. Mr. Whiteside completed one recently that was commissioned by the Northern Plains

Resource Council. Under that study, some solutions were completed such as quiet zone, advanced warning system. The advanced warning system can be enhanced. Signalization can be improved to allow for traffic to keep moving. An underpass and overpass option was looked into by Engineering. Both would have negatively impacted the businesses on First Avenue South and First Avenue North. It would have virtually eliminated access to Montana Avenue and other streets from First Avenue North.

- Hanel: Our history indicates that the tracks were placed in an awkward spot for today's growth pattern. The tracks will not be moving. We need to deal with it and keep in mind the safety of our citizens. Thanks everyone for comments. Use the info we have and implement recommendations aggressively and not send a letter at this time.
- Pitman: Take no action unless Council adopts a future initiative.
- Hanel: Consensus is to not send a letter and continue working on aggressive traffic mitigation.
- Recess at 7:55
- Reconvene at 8:05

TOPIC #3	Dog Park Update
PRESENTER	
NOTES/OUTCOME	

- Mike Whitaker: Committee, in partnership with Parks Department, have done a great job over the last 4 years in raising private donations of more than \$70,000.
- Mark Jarvis: This committee has been in existence since 2008. Dog parks increase socialization of both the owners and the dogs. In 2006 began receiving inquiries from dog owners in the community about availability or existence of dog parks in Billings. In 2007, held a public meeting to gage support and it was very well attended and it became evident the citizens were serious about having dog parks. In 2008, the Friends of Billings Dog Park Committee was formed. Primarily looks at raising funds to develop 3 dog parks in the City. They also promote awareness and proper dog etiquette and responsible dog ownership. Very appreciate of the members of the committee. A 501(c)(3) foundation has been created to accept contributions to go toward the creation of the dog parks. In May of 2011, the High Sierra Dog Park had their grand opening. Eighty percent (80%) of the households in Billings have at least one dog, making around 68,000 dogs within the City of Billings. In September there were 720 visits per day at the High Sierra Dog Park. Seeking a suitable location for a West end dog park. Notified last Friday that Sharptail Park will not be available for a dog park. Centennial Park may be an option and some private land may be a possibility. Public Works will need all of the land for stormwater retention. High Sierra is 7.5 acres total.
- Cimmino: How much land is needed for the West end dog park?
- Mark: 7-10 acres and this does not include parking.
- Bird: Expand High Sierra Park area? Should be considered.
- Mark: Yes. We could use a minimum of 3 dog parks.
- Cimmino: Would a small expansion interfere with proposed disc golf course?

- Mark: No. (returns to presentation) Review Centennial Park location and what needs to be done to build a dog park in it. Separates out the 3 ball parks and the newest one. A dog park could easily be developed there. Water is on the site. Need a master plan to address all of the groups interested.
- McCall: What part of the park would be dog park and how much land?
- Mark: South end of the park and up to 10 acres. Centennial Park has 32 acres altogether.
- Bird: A mixed use park may not be a good combination. Does it need a water feature?
- McFadden: Received negative comments about dogs at Centennial – need to shield the ball fields from dogs and damages done by dogs to the ball fields. We need to separate those two groups.
- Mark: Have looked at other park options, such as Cottonwood Park and Stewart Park. It is not going to be as easy to develop into a dog park in the short term. There isn't the infrastructure at Cottonwood Park. Stewart Park has a lot of use. The master plan will need to address whether Cottonwood Park would be a reasonable choice as it is a regional park, similar to Pioneer Park, and a dog park may not be a good choice there. (Continues with presentation)
- Cromley: Smaller dog parks in some cities – considered here?
- Mark: With the number of dogs in Billings, need to think big. Once we have at least 3 large dog parks in place, could think about implementing smaller parks.
- Cromley: Number of dogs licensed? License fees to be collected when park is used?
- Mark: According to animal control, about 10% get licensed. Probably have to change ordinance to allow animal control to collect fees at parks.
- **Marsha Clausen, Committee Member of the Friends of Billings Dog Park Committee:** Dog parks are more than places for dogs to run. It does provide an environment for dogs to exercise, but also provides for social interactions for dogs and people. Great place to educate people about health issues, dog obedience, spaying/neutering and help with getting more dogs licensed. The overuse of High Sierra Dog Park indicates the high interest in having dog parks. Have to build a west end park in 2013 or fundraising may be compromised.
- Clausen: Centennial Park as the best opportunity. Land availability on the West end is becoming less and less all of the time.
- Ulledalen: There may be a couple of opportunities on the South Side. Need to talk with neighbors if Centennial becomes realistic to alleviate negative opposition.
- Pitman: Can licensing be required in order to use a dog park? If a dog is not licensed, you don't know if they have been vaccinated, etc. It's a public health and safety concern, as well as a loss in revenue.
- Tina: Shifting money from licenses to park could be a problem. Volunteers have tagged cars and some money goes back to that effort. It's all general fund. The sale of specialty tags or licenses for fundraising might be a possibility. We could look at what others around the country are doing.
- Pitman: Look at other options to fund it and sustain it. User fees an option.
- Bird: Promotion of a licensing clinic and offer amnesty, with some of the license money going to dog parks or the animal shelter. Opposed to charging user fees for dog parks.
- Tina: Because we require proof of rabies vaccination when licensing, that may be a hindrance to issuing licenses at a dog park because you would be required to bring your

tags along. It would be great to have a micro-chipping, vaccination clinic in conjunction with the licensing.

- Whitaker: We do have a couple of options at Centennial Park even with hockey lease agreement, there is space for at least a small dog park. A plan update to allow a dog park will engage the neighborhood.
- Bird: What is the potential acreage for a dog park at Centennial Park?
- Whitaker: A minimum of 5 acres. Feel an adequate West end dog park would have 8-10 acres. This would help to spread out the wear. A small master plan can be done in-house, but since there are other potential users, may have to hire a consultant to run the process. Recommend the lease be looked at first before making a determination for the direction to go further.
- **Sue Bressler, the Friends of Billings Dog Park Committee:** Small area vs big area. Pueblo, Colorado has a 4-acre park between ball field fences. Once turfed, but now it is bare because it's too small and used heavily.
- Mayor: Consensus is to look at the lease and then the availability and possibility of having a dog park at Centennial Park.
- Public comments:
- None

TOPIC #4	Parking Management Options
PRESENTER	

- Bruce McCandless: Provided the Final Report on Parking Management Options. Updated on the preliminary report from July with additional research from Helena, Missoula and Bozeman. Parking Advisory Board has discussed options, primarily creating a parking commission and privatization. The Parking Advisory Board supports the creation of a Parking Commission and the development of either a comprehensive downtown plan, or a stand-alone parking strategic plan. The report identifies some transition steps needed and an approximate schedule for getting that done, if the Council decides it would like to go with this recommendation.
- Ulledalen: A parking commission makes sense. Due to the results of the report, we have enough information from the cities that were researched we do not have to reinvent the wheel. There needs to be a well thought out plan.
- Bird: Is option #2 basically moving parking more toward an enterprise fund?
- McCandless: No, it already is an enterprise fund. The commission would be appointed by the Mayor per approval of the Council, and the budget would be approved by the Council but most of the management is separated to the parking commission.
- Cimmino: Is this technically a business operation of the Downtown Business Association, a nonprofit business organization?
- McCandless: No, it is actually a governmental agency. Same rules apply as do the City of Billings . . . public meetings, public hearings, unionization and collective bargaining, etc.
- Cimmino: Who has the authority for their oversight?
- Tina: It would be the Council and the Mayor.

- McCandless: There are limited opportunities for the Council and the Mayor to control the commission. Cannot abolish a commission once it is established and have incurred debt or acquired facilities. If the Council decides to create a commission, there are some limits that can be set in the creation document.
- Cimmino: If the parking commission was established, would that dissolve the parking division with the City?
- McCandless: Yes, the parking division would cease to exist.
- Bird: Would a Parking Commissioner be appointed by the Council and Mayor?
- McCandless: Yes and 5 or 6 members. The members are not employees, they are an appointed commission. They have the ability to hire staff.
- Bird: Would the present parking division budget go to the commission?
- McCandless: That would be a part of the transition plan that would have to be done. It is uncertain at this time. It is part of the plan though. Commission would operate similar to that of a public water and sewer district. Very important for the Council to read and fully understand what a commission can and cannot do.
- Mayor: Believe the consensus is to proceed with option 2.
- Bird: What is the timeframe for this?
- McCandless: A minimum of 90 days, but closer to 6 months and would hopefully be in place for the next fiscal year.
- Public Comment:
- None.

Additional Information:
