

Marias Heritage Center

Condominium Board Notes

April 12, 2018

Officers 2018-2019:

- Chair ~ Shane Clark
- Vice-Chair ~ Jade Goroski
- Secretary ~ Heidi Alford
- Treasurer ~ Lorette Carter

Buildings & Grounds:

- The Heritage Center has 33 residents with 2 open studio apartments.
- The facility has upgraded to 32 security cameras, with one at the front entrance to City Hall.
- Judy is applying for funding from the Home Depot Charitable Foundation for ADA needs within the facility. It was also suggested she reach out to the Town Pump Charitable Foundation.
- The facility water tank has been replaced, but the old tank still needs to be removed.
- Judy noted the exterior trim needs to be painted as well as lawn and tree concerns.

Financial:

- Shane Clark presented a Profit & Loss Statement.

Marias Heritage Center
Profit & Loss Budget vs. Actual
July 2017 through February 2018

	Jul '17 - Feb 18	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
315600 · Heritage Center Rent Received	552,290.60	535,512.00	16,778.60
315610 · Heritage Center Ancillaries	181,288.07	178,448.00	2,840.07
315611 · Heritage - Laundry	3,885.00	4,040.00	-155.00
315612 · Heritage - TV	8,002.44	8,208.00	-205.56
315613 · Heritage - Supplies	1,927.05	2,056.00	-128.95
315614 · Heritage - Meals	1,566.94	1,384.00	182.94
315615 · Heritage - Other Income	6,173.11	7,672.00	-1,498.89
316000 · Heritage Center Retirement	-144.00	-176.00	32.00
316010 · Heritage Center In-Home Care	25.68		
316510 · Heritage Center - Meals	0.00	32.00	-32.00
522460 · Medicaid Contractual	-13,171.51	-13,840.00	668.49
Total Income	741,843.38	723,336.00	18,507.38
Gross Profit	741,843.38	723,336.00	18,507.38
Expense			
615600 · Heritage - Salaries	315,080.00	298,200.08	16,879.92
615608 · Heritage - FICA	22,598.51	21,600.00	998.51
615609 · Heritage - PERS	10,715.97	9,733.36	982.61
615610 · Heritage - Unemployment	1,072.12	800.00	272.12
615611 · Heritage - Workers Compensation	20,135.71	21,466.64	-1,330.93
615612 · Heritage - Health Insurance	71,323.21	68,000.00	3,323.21
615615 · Heritage - Amortization	0.00	0.00	0.00
615635 · Heritage - Supplies Exp	4,102.67	5,400.00	-1,297.33
615645 · Heritage - Food	59,504.87	59,000.00	504.87
615646 · Heritage - Non-Food	1,237.60	1,533.36	-295.76
615650 · Heritage - Activities	161.83	200.00	-38.17
615656 · Heritage - Repairs & Maint	19,659.30	25,000.00	-5,340.70
615660 · Heritage - Advertising Costs	0.00	666.64	-666.64
615665 · Heritage - Other Direct Costs	485.00	2,200.00	-1,715.00
615667 · Heritage - Depreciation	52,927.84	51,389.36	1,538.48
615678 · Heritage - Electric	18,841.75	19,266.64	-424.89
615679 · Heritage - Gas	10,070.92	10,133.36	-62.44
615680 · Heritage - Water	5,700.38	7,666.64	-1,966.26
615688 · Heritage - Phone Service	342.34	333.36	8.98
615689 · Heritage - Dues & Subs	5,119.94	2,933.36	2,186.58
615691 · Heritage - Education	245.00	533.36	-288.36
615692 · Heritage - Travel Expense	0.00	200.00	-200.00
69800 · Uncategorized Expenses	0.00	0.00	0.00
851067 · Depreciation Expense - Building	0.00	0.00	0.00
869000 · Interest Expense	31,305.02	30,706.64	598.38
869030 · Heritage - Int Exp Bonds	0.00	0.00	0.00
Total Expense	650,629.98	636,962.80	13,667.18
Net Ordinary Income	91,213.40	86,373.20	4,840.20
Other Income/Expense			
Other Income			
510000 · Interest Income	762.08	0.00	762.08
511000 · Donations Received	1,124.00	0.00	1,124.00
Total Other Income	1,886.08	0.00	1,886.08
Net Other Income	1,886.08	0.00	1,886.08
Net Income	93,099.48	86,373.20	6,726.28

Jade Goroski

From: Jade Goroski
Sent: Tuesday, April 17, 2018 4:06 PM
To: Luke Casey
Subject: RE: Water Rate Projections

Luke:

This is what additional revenue would look like at the following volume rates. Financially speaking I would like to see us stay at the \$2.75/kgal until NCMRWA is online.

2.75 = \$430,986

2.50 = \$412,263

2.23 = \$392,205

From: Luke Casey [mailto:luke.leelaw@gmail.com]
Sent: Tuesday, April 17, 2018 11:48 AM
To: Jade Goroski <jade@shelbymt.com>
Subject: Water Rate Projections

Jade:

Could you do some projections on the following scenarios re: our proposed rate increase:

- 1) Current proposed resolution, but reduce the volume rate from \$3.23 to \$2.23.
- 2) Same as above but use \$2.75 (I believe the number the mayor used last night).

Thanks!

--

Luke Casey
Lee Law Office PC
158 Main St.
PO Box 790
Shelby, Montana 59474
(406) 434-5244

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Lori Stratton

From: Jade Goroski
Sent: Tuesday, April 24, 2018 6:39 AM
To: Lori Stratton
Subject: FW: Water rate increase ideas

Lori:

Please add this correspondence to the council packet.

Thanks

From: Roy Benjamin [mailto:roybenj@northerntel.net]
Sent: Monday, April 23, 2018 11:32 PM
To: jody@ncmrwa.com; garym@3rivers.net; Jade Goroski <jade@shelbymt.com>; William (Bill) E. Hunt, Jr. <huntlaw@3rivers.net>; tustiancitycouncil@gmail.com; luke.leelaw@gmail.com; debclark2007@yahoo.com; Joe Frethiem <f-outfit@northerntel.net>; Cecil Benjamin <bzcecil@yahoo.com>; Kevin Dodson <hilinefm@northerntel.net>; Roy Benjamin <roybenj@northerntel.net>
Subject: Water rate increase ideas

Mayor McDermott,

I was invited by Jody Hellegard to Tuesday's meeting in Great Falls. It would seem that since the City of Shelby and NCMRW have some legal matters to explore, that my presence could present more of a distraction from the topic at hand than a benefit. So I will not attend, but do want to send this info to you prior to the meeting, so that if our proposal could be of any influence in shaping the future of how Devon's or other 4" meters are charged out, you will have this input.

The previous as well as proposed base rate for 4" services includes 79,240 gallons. This is an irrelevant amount, because a four inch meter at an efficient velocity can deliver this amount in one day. So the city has no contractual guarantee of additional sales, while the 4" user knows ahead of time that he will use 20x to 30x the base gallonage in a month's time. I have 35 years of data that show Devon rarely goes below 30,000 GPD (900k/mo). Therefore, once we are connected, Shelby can count on a substantial minimum billable amount for as far out as anyone can see. We are not like Cut Bank, with a separate and preferred source. I believe this can be said for Ethridge, Big Rose, Oilmont, and Nine Mile as well; Shelby will be our only source, and with livestock in winter and crop spraying in summer, we are relatively consistent. So, what if we had a minimum "take or pay" rate of \$2 per thousand on an initial fairly high number of gallons, like 700k-800k gallons per month? Would this assure Shelby of needed cash flows while helping to keep our user's costs down? (This concept would be applied to the other 4" meters also, as a percentage of their total deliverable gallonage when multiplying users times orifice size).

We are in favor of a "take or pay" type system, particularly if it would make some type of compromise possible with respect to the rate increase. We appreciate that the City utility has to operate at a sustainable cash flow and that guaranteed revenues must increase from present levels. We are suggesting that a commitment on our part of buying a substantially larger minimum number of gallons could result in a more modest (than proposed) increase in the price per unit. We are confident we will use the quantity, so our risk with such a commitment is acceptable, and by reducing risk to the City it may be possible to forge a compromise in these other areas.

As previously stated, we wish only to assist in the creation of good long term solutions, and our input is not intended to be antagonistic in any way. Thank you for allowing us to be part of the discussion. We certainly appreciate access to Shelby water.

Respectfully,

Roy Benjamin

Member - Devon Water Inc

With guidance from DWI Board President

Jade Goroski

From: huntlaw@3rivers.net
Sent: Thursday, April 26, 2018 12:43 AM
To: 'Luke Casey'
Cc: Jade Goroski
Subject: RE: Water rate increase ideas

Luke,

No, one user cannot be subject to a different rate structure than other users on the same water system. The rates are all interrelated. Different rate structures would require the different users to be on completely different systems that didn't share any infrastructure- that is, completely different wells, pumps, pipelines, etc.

I think your question really is: can one class of users have different rates than another class within the same rate structure? Probably. I'm pretty sure that I've recently seen another municipality's rate structure where the price per 1000 gallons decreased for a user as the amount of usage increased. (I cannot remember which town). This rate structure seemingly favors bulk users. My interpretation of the statutes is also that they're flexible to allow different rates within the same rate structure. However, to be legally compliant, that town's rate structure has to justify why the lower rates after a certain threshold of gallons doesn't discriminate against other users such as residential customers. In other words, are the residential users unfairly required to subsidize the larger consumers? Maybe that town can justify its rates. I don't know as I didn't dig into those rates. I can only assume it's legitimate unless I dig into those rates.

In Roy's proposal, Devon, Big Rose, Etheridge, Nine Mile, etc. would be in a class of consecutive systems that have no other sources of water. Cut Bank would be in a separate class of consecutive users that have other sources besides Shelby. (And, in reality, it's NCMRWA that's our customer. NCMRWA then sells to Cut Bank). Shelby residential is its own class. And Shelby Business could be a separate class. I interpret the applicable statutes to read that rates need to be based on the costs of delivery to each class of customer plus debt service and reserves. So, we would need to justify the different rates based on Shelby's costs being different for delivering water to the Devon class versus the NCMRWA class versus Shelby Residential versus Shelby Business. In order to make Roy's proposal to work, we'd have to show that it costs far less to deliver the same amount of water to the Devon class than it does to the Shelby Residential and NCMRWA classes. In contrast, Roy's rate structure is based really on the Devon class being a stable funding source rather than actual cost of delivery.

The next obvious question is: Why can't we show how much it costs to deliver to the separate Devon, Shelby Residential & Business, and Cut Bank classes? The answer is that Shelby's system is simply one big system. NCMRWA, in its letter of protest to us, makes the argument that Shelby's system is comprised of discrete components that service these various classes. That is, certain components (like pump stations and pipelines) are used to deliver water to Shelby customers but aren't needed or used for NCMRWA customers. Shelby's argument is that the system, in its entirety, plus upgrades are necessary to deliver all of the water we're required to deliver to all of our customers including Shelby residential. If my house doesn't get water because of a failure anywhere in the system, then NCMRWA and Devon aren't getting water either. This is an oversimplification of the arguments, but it is very difficult to break our system down to discrete subsystems fairly and equitably to various classes.

I think other municipalities around the country face similar analysis in their rate structures which is why the trend is to use the EDU model for water rates. As a result, classes of users tend to be defined on levels of consumption rather than types of users. (We are adding a O&M surcharge to the south line which isn't based on EDU, however. This is fine because it really does cost us more to deliver water south. So we have EDU + O&M for those customers.)

But, the short answer to your question as I've rephrased it is: Yes, I think we can have different rates for different classes of users as long as those rates comply with 7-13-4204, 4307, 4308, and 69-7-101 which require rates to be nearly as possible equitable in proportion to the services and benefits rendered in order to service the infrastructure, debt, and reserves. However, the answer is "No" in regards to entertaining Roy's proposal because it's based on historical use with a take-or-pay component. I think it's okay to look at historical usage and take or pay as long as the costs of delivery, debt service, and reserves are the main driving parts of the formula.

Does this answer your question?

Bill

From: Luke Casey <luke.leelaw@gmail.com>
Sent: Wednesday, April 25, 2018 4:55 PM
To: Jade Goroski <jade@shelbymt.com>
Cc: William (Bill) E. Hunt, Jr. <huntlaw@3rivers.net>
Subject: Re: Water rate increase ideas

Jade:

Do you have thoughts on the financial aspect of Roy's proposal and what effect that has on the city's current financial situation?

Bill:

Is his proposal something the city could even entertain? Can we bill one user according to a different rate structure than the rest of our users?

On Mon, Apr 23, 2018 at 11:31 PM, Roy Benjamin <roybenj@notherntel.net> wrote:

Mayor McDermott,

I was invited by Jody Hellegard to Tuesday's meeting in Great Falls. It would seem that since the City of Shelby and NCMRW have some legal matters to explore, that my presence could present more of a distraction from the topic at hand than a benefit. So I will not attend, but do want to send this info to you prior to the meeting, so that if our proposal could be of any influence in shaping the future of how Devon's or other 4" meters are charged out, you will have this input.

The previous as well as proposed base rate for 4" services includes 79,240 gallons. This is an irrelevant amount, because a four inch meter at an efficient velocity can deliver this amount in one day. So the city has no contractual guarantee of additional sales, while the 4" user knows ahead of time that he will use 20x to 30x the base gallonage in a month's time. I have 35 years of data that show Devon rarely goes below 30,000 GPD (900k/mo). Therefore, once we are connected, Shelby can count on a substantial minimum billable amount for as far out as anyone can see. We are not like Cut Bank, with a separate and preferred source. I believe this can be said for Ethridge, Big Rose, Oilmont, and Nine Mile as well; Shelby will be our only source, and with livestock in winter and crop spraying in summer, we are relatively consistent. So, what if we had a minimum "take or pay" rate of \$2 per thousand on an initial fairly high number of gallons, like 700k-800k gallons per month? Would this assure Shelby of needed cash flows while helping to keep our user's costs down? (This concept would be applied to the other 4" meters also, as a percentage of their total deliverable gallonage when multiplying users times orifice size).

We are in favor of a "take or pay" type system, particularly if it would make some type of compromise possible with respect to the rate increase. We appreciate that the City utility has to operate at a sustainable cash flow and that guaranteed revenues must increase from present levels. We are suggesting that a commitment on our part of buying a substantially larger minimum number of gallons could result in a more modest (than proposed) increase in the price

per unit. We are confident we will use the quantity, so our risk with such a commitment is acceptable, and by reducing risk to the City it may be possible to forge a compromise in these other areas.

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Respectfully,

Roy Benjamin
Member - Devon Water Inc
With guidance from DWI Board President

--

Luke Casey
Lee Law Office PC
158 Main St.
PO Box 790
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(406) 434-5244

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Lori Stratton

From: Jade Goroski
Sent: Thursday, May 3, 2018 3:55 PM
To: Lori Stratton
Subject: FW: Rate increases

From: Roy Benjamin [mailto:roybenj@northerntel.net]
Sent: Monday, April 30, 2018 8:57 AM
To: Gary McDermott <garym@3rivers.net>; Jade Goroski <jade@shelbysmt.com>
Subject: Rate increases

Gary,

Devon does not plan to make any further comments on this matter and we won't be able to attend tonight's meeting. Thanks for all your careful planning and thought, and we will charge forward together! You are on the right track!

Roy Benjamin
Project Coordinator
Devon Water, Inc.
Ph. (406) 432-3460
roybenj@northerntel.net

"A community water system since 1971"



Taylor K Smith
Manager Public Projects

BNSF Railway Company

2454 Occidental Ave S, Suite 2D
Seattle, WA 98134
(206) 625-6396 (office)
taylor.smith@bnsf.com

April 18, 2018

Mr. Gary McDermott
Mayor
City of Shelby
112 1st St South
Shelby, MT 59474

Re: Notice of Intent to create a 24-hour Quiet Zone on BNSF's Hi Line and Great Falls Subdivisions in Shelby, MT

Dear Mr. McDermott:

BNSF Railway is in receipt of the City of Shelby's ("City") Notice of Intent dated February 15, 2018 ("Notice") to create a New Quiet Zone ("Quiet Zone") for following crossings:

LS	USDOT	Subdivision	Milepost	Crossing	Crossing Type
36	088059K	Hi Line	1065.58	Montana Ave	public at-grade
354	088620J	Great Falls	99.71	Highway 2	public at-grade

At the outset of this letter, BNSF would like to be clear that we believe that if not properly accounted for with appropriate safety enhancements, the elimination of the train horn can be detrimental to safety. The train horn is intended to alert the motoring and pedestrian public of train movement. The city's use of the Rule should be used as a minimum guideline in its approach to creating a situation where the train horn is eliminated as a safety measure. For any quiet zone implemented on BNSF-owned track, we strongly recommend each crossing receive appropriate enhanced safety devices to accommodate for removal of the horn prior to the establishment of the quiet zone. BNSF writes this comment letter based in part upon requirements set by FRA in the Train Horn Rule ("Rule") at 49 CFR 222.

BNSF notes that after the Notice of Intent letter was received, a request was received from the City's design consultant regarding Montana Avenue. The request was for BNSF to review and respond to the addition of pedestrian gates along with the inclusion of overhead cantilevers in lieu of the originally proposed 2-quadrant gate system. This is new information that was not mentioned during the time of the diagnostic. Additionally, we understand that additional information regarding a project to improve the Amtrak station be included in the proposed fencing plan. Without knowing the full extent of the Amtrak project, BNSF believes a proper fencing and trespassing mitigation plan cannot be sufficiently developed. Because of these issues, BNSF requests a follow up diagnostic meeting be held in order to discuss this new information.

Our records indicate that these crossings are on two separate Line Segments. Under the Rule, crossings must fall on the same Line Segment to be considered part of the same quiet zone. BNSF requests that the City confirm with FRA that these crossings are allowed to be a part of the same quiet zone corridor. If not, the crossings must be pursued as two separate quiet zones. Further, the City may not be able to pursue Highway 2 as a single-crossing quiet zone unless it has jurisdiction (as defined under the Rule) for Highway 2.

Montana Avenue/USDOT 088059K

BNSF acknowledges the City's plans to implement Alternative Safety Measures (ASMs) at Montana Avenue by the use of cast-in-place non-traversable curbs. Due to multiple tracks at this location, the City has elected to install a 38' median on the south approach, with a 16' median before the northernmost tracks, with a 36' median on the north approach. While we understand the NOI states that the median on the north approach is 75', we would like to point out that it is not a full length of 75' from the gate arm as measured back, away from the crossing, and we ask FRA to take this into consideration for risk calculation. Additionally, BNSF strongly encourages the City to review and install pedestrian treatment at this location as discussed at the diagnostic meeting, specifically, two (2) stand-alone pedestrian Standard Number 8 signals be installed in the off quadrants for pedestrian warning.

Highway 2/USDOT 088620J

BNSF acknowledges the City's request for BNSF to install 2-quadrant gate assemblies on Highway 2 to replace the current flashing light assemblies. BNSF acknowledges the City's plans to implement Supplemental Safety Measures (SSMs) at Highway 2 by the use of 100' cast-in-place non-traversable curbs on both sides of the at grade crossing approach. It appears that Highway 2 may not be under the jurisdiction of the City. BNSF requests the City confirm jurisdiction as defined in the Rule, and if the City does not have authority to pursue this Quiet Zone, obtain permission from the roadway authority having jurisdiction over Highway 2 as outlined in the Rule.

The use of ASMs requires an application to the FRA for approval of the ASMs and the Quiet Zone. BNSF must be copied on the application, and the application affords an additional comment period.

Once construction is complete and all other requirements are met, the City is required to issue a Notice of Establishment for the Quiet Zone implementation. In the Notice of Establishment, the City should certify that all SSMs and ASMs have been constructed and comply with the requirements set forth in Appendices A and B of the Rule, and that the Quiet Zone in its entirety is compliant with 49 CFR 222. Please ensure all proper advanced warning signage will be installed prior to Quiet Zone establishment. BNSF reserves the right to further comment on this proposed quiet zone.

We look forward to working with you on this effort. If BNSF can be of further assistance, please contact me or French Thompson, Public Projects Director, 2650 Lou Menk Drive, Fort Worth, TX, 76131, 817-352-1549, French.Thompson@bnsf.com.

Sincerely,



Taylor K Smith
Manager Public Projects

cc: via U.S. Mail

Associate Administrator for Safety
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Montana Department of Transportation
Rail, Transit & Planning Division
Stephanie Maes
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620

cc. via electronic mail:

Nicole Hightower, BNSF Railway
French Thompson, BNSF Railway
Megan McIntyre, BNSF Railway
Jennifer Willingham, BNSF Railway
Cheryl Bonebrake, FRA

Gary McDermott

Add to packets

From: Scott Pfahler <Scott.Pfahler@Montana.gov>
Sent: Thursday, April 19, 2018 11:54 AM
To: Gary McDermott
Cc: 'Lorette Carter'; 'Jade Goroski'; Luke LaLiberty
Subject: FW: Shelby Quiet Zone Notice of Intent - BNSF
Attachments: 4617142-PostDiagReviewMemo.pdf

Gary,

I am not sure if you have read through the comments provided by BNSF for the Shelby quiet zone (received yesterday), but I wanted to get a response back to Taylor as soon as we can. Below, I have copied his comments, and have developed some draft responses (in red); within the responses, I have also included my thoughts on the safety aspects on some of BNSF's suggested improvements. Could you take a read through, and let me know how the City would like to proceed? Feel free to give me a call if you want to discuss any of these comments in more depth.

BNSF Comment: BNSF notes that after the Notice of Intent letter was received, a request was received from the City's design consultant regarding Montana Avenue. **This request was for Highway 2 signals, not Montana Ave.** The request was for BNSF to review and respond to the addition of pedestrian gates along with the inclusion of overhead cantilevers in lieu of the originally proposed 2-quadrant gate system. This is new information that was not mentioned during the time of the diagnostic. Additionally, we understand that additional information regarding a project to improve the Amtrak station be included in the proposed fencing plan. Without knowing the full extent of the Amtrak project, BNSF believes a proper fencing and trespassing mitigation plan cannot be sufficiently developed. Because of these issues, BNSF requests a follow up diagnostic meeting be held in order to discuss this new information. **Attached is the memorandum I prepared and sent to FRA earlier this week which includes a summary of the responses we received from MDT and BNSF regarding the overhead cantilever signals and pedestrian gates at the Highway 2 crossing. I would like to send this to Taylor if that is ok with the City. In response to the request for a second diagnostic meeting, I think maybe we should offer to have a conference call rather than meet on site. I don't see the benefit of another on-site meeting, and this could significantly delay the project schedule. I could conduct a "GoToMeeting" which would allow everyone to see my computer screen, and I could show the proposed fencing along Front St. as well as the proposed handrail to be installed as part of the Amtrak project. If necessary, I could also contact a representative for the Amtrak project and see if they are available to attend the call. Is the City ok with this approach, or would you prefer another on-site meeting.**

BNSF Comment: Our records indicate that these crossings are on two separate Line Segments. Under the Rule, crossings must fall on the same Line Segment to be considered part of the same quiet zone. BNSF requests that the City confirm with FRA that these crossings are allowed to be a part of the same quiet zone corridor. If not, the crossings must be pursued as two separate quiet zones. Further, the City may not be able to pursue Highway 2 as a single-crossing quiet zone unless it has jurisdiction (as defined under the Rule) for Highway 2. **The fact that the crossings are located on two separate rail lines was discussed at the diagnostic review meeting, and Cheryl Bonebrake (FRA rep) said that as long as the signal at the Montana Ave. crossing encompasses both rail lines, both crossings can be part of the same quiet zone. I have left a message for Cheryl to confirm.**

BNSF Comment:

Montana Avenue/USDOT 088059K

BNSF acknowledges the City's plans to implement Alternative Safety Measures (ASMs) at Montana Avenue by the use of cast-in-place non-traversable curbs. Due to multiple tracks at this location, the City has elected to install a 38' median on the south approach, with a 16' median before the northernmost tracks, with a 36' median on the north approach. While we understand

the NOI states that the median on the north approach is 75', we would like to point out that it is not a full length of 75' from the gate arm as measured back, away from the crossing, and we ask FRA to take this into consideration for risk calculation. I discussed this with Cheryl before I submitted the quiet zone application which included the safety calculations, and she said that the gap between the center medians for the yard track near W. Central Ave. should be included as part of the total median length and included in calculation. I will discuss this with Cheryl when she calls me back. Additionally, BNSF strongly encourages the City to review and install pedestrian treatment at this location as discussed at the diagnostic meeting, specifically, two (2) stand-alone pedestrian Standard Number 8 signals be installed in the off quadrants for pedestrian warning. I don't have any record of this discussion at the diagnostic review meeting. I personally don't believe separate pedestrian gates are warranted for this crossing because the vehicular gates cover the pedestrian path and provide sufficient warning. Pedestrian gates are often recommended when the sidewalk/pathway is behind the vehicular gate. I will call Taylor to see what additional safety benefit he believes the pedestrian gates would offer.

BNSF Comment:

Highway 2/USDOT 088620J

BNSF acknowledges the City's request for BNSF to install 2-quadrant gate assemblies on Highway 2 to replace the current flashing light assemblies. BNSF acknowledges the City's plans to implement Supplemental Safety Measures (SSMs) at Highway 2 by the use of 100' cast-in-place non-traversable curbs on both sides of the at grade crossing approach. It appears that Highway 2 may not be under the jurisdiction of the City. BNSF requests the City confirm jurisdiction as defined in the Rule, and if the City does not have authority to pursue this Quiet Zone, obtain permission from the roadway authority having jurisdiction over Highway 2 as outlined in the Rule. I will contact MDT to see if we can get written permission to proceed with the quiet zone implementation including Highway 2.

Scott

Direct: 406.441.5789
Cell: 406.461.0839

From: Smith, Taylor [mailto:Taylor.Smith@BNSF.com]

Sent: Wednesday, April 18, 2018 4:12 PM

To: Scott Pfahler <Scott.Pfahler@kljeng.com>; mitooley@mt.gov; tamela.riggs@dot.gov; Gary McDermott <garym@3rivers.net>; Althof, John <jalthof@mt.gov>

Cc: 'Lorette Carter' <shbcdc@3rivers.net>; 'Jade Goroski' <jade@shelbymt.com>; Bonebrake, Cheryl (FRA) <cheryl.bonebrake@dot.gov>; Prinzing, Steve <sprinzing@mt.gov>; Scott, Brendan <bscott@mt.gov>; Ladenburg, Matt <mladenburg@mt.gov>; Bolan, Danielle <dbolan@mt.gov>; McNett, Don <dmcnett@mt.gov>; Kathy Harris <kathy.harris@kljeng.com>; Luke LaLiberty <luke.laliberty@kljeng.com>

Subject: RE: Shelby Quiet Zone Notice of Intent - BNSF

Scott et al.,

Attached is a draft of the BNSF responses to the NOI. We need one final approval before we can release the final-signed version, and I apologize on that. Will send the electronic and hard copies when I receive the okay.

Respectfully,

Taylor Smith

Manager Public Projects – ID, MT, OR

BNSF Railway Company

Office: 206.625.6396

Cell: 817.304.9249

Safety is no Accident

From: Scott Pfahler [<mailto:Scott.Pfahler@kljeng.com>]

Sent: Friday, February 16, 2018 6:35 AM

To: mitooley@mt.gov; tamela.riggs@dot.gov; Smith, Taylor <Taylor.Smith@BNSF.com>; Gary McDermott <garym@3rivers.net>; Althof, John <jalthof@mt.gov>

Cc: 'Lorette Carter' <shbcddc@3rivers.net>; 'Jade Goroski' <jade@shelbymt.com>; Bonebrake, Cheryl (FRA) <cheryl.bonebrake@dot.gov>; Prinzing, Steve <sprinzing@mt.gov>; Scott, Brendan <bscott@mt.gov>; Ladenburg, Matt <mladenburg@mt.gov>; Bolan, Danielle <dbolan@mt.gov>; McNett, Don <dmcnett@mt.gov>; Smith, Taylor <Taylor.Smith@BNSF.com>; Kathy Harris <kathy.harris@kljeng.com>; Luke LaLiberty <luke.laliberty@kljeng.com>

Subject: Shelby Quiet Zone Notice of Intent

*** This email includes an ATTACHMENT from outside of BNSF and could contain malicious links. Ensure email is from a **trusted** sender before opening the attachment.

Never enter your login credentials if prompted. Click the **Email Alert** button on the Outlook toolbar to send SPAM email to Security.

EXTERNAL EMAIL

Hello, everyone.

Attached is the Notice of Intent (NOI) for establishment of the railroad quiet zone in Shelby, MT. Hard copies of the NOI have been mailed to the direct recipients of this email. Call me anytime if you have questions or comments.

Thanks,

Scott Pfahler, PE, CFM



406-441-5789 Direct
406-461-0839 Cell
2969 Airport Road, Suite 1B
Helena, MT 59601-1201
kljeng.com



Taylor K Smith
Manager Public Projects

BNSF Railway Company
2454 Occidental Ave S, Suite 2D
Seattle, WA 98134
(206) 625-6396 (office)
taylor.smith@bnsf.com

April 18, 2018

Mr. Gary McDermott
Mayor
City of Shelby
112 1st St South
Shelby, MT 59474

Re: Notice of Intent to create a 24-hour Quiet Zone on BNSF's Hi Line and Great Falls Subdivisions in Shelby, MT

Dear Mr. McDermott:

BNSF Railway is in receipt of the City of Shelby's ("City") Notice of Intent dated February 15, 2018 ("Notice") to create a New Quiet Zone ("Quiet Zone") for following crossings:

LS	USDOT	Subdivision	Milepost	Crossing	Crossing Type
36	088059K	Hi Line	1065.58	Montana Ave	public at-grade
354	088620J	Great Falls	99.71	Highway 2	public at-grade

At the outset of this letter, BNSF would like to be clear that we believe that if not properly accounted for with appropriate safety enhancements, the elimination of the train horn can be detrimental to safety. The train horn is intended to alert the motoring and pedestrian public of train movement. The city's use of the Rule should be used as a minimum guideline in its approach to creating a situation where the train horn is eliminated as a safety measure. For any quiet zone implemented on BNSF-owned track, we strongly recommend each crossing receive appropriate enhanced safety devices to accommodate for removal of the horn prior to the establishment of the quiet zone. BNSF writes this comment letter based in part upon requirements set by FRA in the Train Horn Rule ("Rule") at 49 CFR 222.

BNSF notes that after the Notice of Intent letter was received, a request was received from the City's design consultant regarding Montana Avenue. The request was for BNSF to review and respond to the addition of pedestrian gates along with the inclusion of overhead cantilevers in lieu of the originally proposed 2-quadrant gate system. This is new information that was not mentioned during the time of the diagnostic. Additionally, we understand that additional information regarding a project to improve the Amtrak station be included in the proposed fencing plan. Without knowing the full extent of the Amtrak project, BNSF believes a proper fencing and trespassing mitigation plan cannot be sufficiently developed. Because of these issues, BNSF requests a follow up diagnostic meeting be held in order to discuss this new information.

Our records indicate that these crossings are on two separate Line Segments. Under the Rule, crossings must fall on the same Line Segment to be considered part of the same quiet zone. BNSF requests that the City confirm with FRA that these crossings are allowed to be a part of the same quiet zone corridor. If not, the crossings must be pursued as two separate quiet zones. Further, the City may not be able to pursue Highway 2 as a single-crossing quiet zone unless it has jurisdiction (as defined under the Rule) for Highway 2.

Montana Avenue/USDOT 088059K

BNSF acknowledges the City's plans to implement Alternative Safety Measures (ASMs) at Montana Avenue by the use of cast-in-place non-traversable curbs. Due to multiple tracks at this location, the City has elected to install a 38' median on the south approach, with a 16' median before the northernmost tracks, with a 36' median on the north approach. While we understand the NOI states that the median on the north approach is 75', we would like to point out that it is not a full length of 75' from the gate arm as measured back, away from the crossing, and we ask FRA to take this into consideration for risk calculation. Additionally, BNSF strongly encourages the City to review and install pedestrian treatment at this location as discussed at the diagnostic meeting, specifically, two (2) stand-alone pedestrian Standard Number 8 signals be installed in the off quadrants for pedestrian warning.

Highway 2/USDOT 088620J

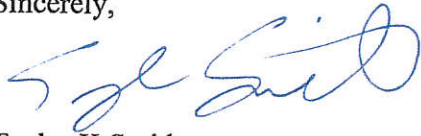
BNSF acknowledges the City's request for BNSF to install 2-quadrant gate assemblies on Highway 2 to replace the current flashing light assemblies. BNSF acknowledges the City's plans to implement Supplemental Safety Measures (SSMs) at Highway 2 by the use of 100' cast-in-place non-traversable curbs on both sides of the at grade crossing approach. It appears that Highway 2 may not be under the jurisdiction of the City. BNSF requests the City confirm jurisdiction as defined in the Rule, and if the City does not have authority to pursue this Quiet Zone, obtain permission from the roadway authority having jurisdiction over Highway 2 as outlined in the Rule.

The use of ASMs requires an application to the FRA for approval of the ASMs and the Quiet Zone. BNSF must be copied on the application, and the application affords an additional comment period.

Once construction is complete and all other requirements are met, the City is required to issue a Notice of Establishment for the Quiet Zone implementation. In the Notice of Establishment, the City should certify that all SSMs and ASMs have been constructed and comply with the requirements set forth in Appendices A and B of the Rule, and that the Quiet Zone in its entirety is compliant with 49 CFR 222. Please ensure all proper advanced warning signage will be installed prior to Quiet Zone establishment. BNSF reserves the right to further comment on this proposed quiet zone.

We look forward to working with you on this effort. If BNSF can be of further assistance, please contact me or French Thompson, Public Projects Director, 2650 Lou Menk Drive, Fort Worth, TX, 76131, 817-352-1549, French.Thompson@bnsf.com.

Sincerely,



Taylor K Smith
Manager Public Projects

cc: via U.S. Mail

Associate Administrator for Safety
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Montana Department of Transportation
Rail, Transit & Planning Division
Stephanie Maes
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 59620

cc. via electronic mail:

Nicole Hightower, BNSF Railway
French Thompson, BNSF Railway
Megan McIntyre, BNSF Railway
Jennifer Willingham, BNSF Railway
Cheryl Bonebrake, FRA



Lorette Carter
Community Development
112 1st Street South
Shelby, MT 59474
(406) 424-8799
(406) 450-4067
Fax: (406) 424-8413
www.shelbymt.com

April 25, 2018

Debra Powell, Assistant Warden
Core Civic – Crossroads Correctional Center
55 Crossroads Drive
Shelby, MT 59474

Re: Community Fundraising

Debra,

Thank you so much for attending the Shelby~ Toole County Transportation Safety Committee/DUI Task Force meeting. It is a very diverse group, all with a heart to make our community safer for our children, ourselves and all who travel our streets.

The Shelby - School District #14 Safe Routes to School Program began in 2006 with city officials, school administration, law enforcement and medical facilities partnering to apply for funding to make improvements to the sidewalks leading to our school campus. Within the program, the group also began educational campaigns and initiated Walk n' Wheel Wednesday and Fit Friday, creating "walking buses" led by adult volunteers.

Funding is no longer available for infrastructure improvements or incentives for students to participate in the walking/biking program. In past years, the group was able to afford small year-end gifts for all elementary students. These included water bottles, packs and key rings. Twelve individual prizes are also given away at the end of the school year which include swimming pool passes and Coyote apparel. The names are drawn randomly from the children walking/biking throughout the year.

As you mentioned, funds raised from the special food program might be available for Shelby Elementary students. The city falls under section 170 (c)(1) of the Internal Revenue Code which allows charitable contributions to governmental units.

I sincerely hope you might be able to assist the Shelby - School District #14 Safe Routes to School Program.

Sincerely,

Lorette Carter
Community Development Director
City of Shelby

Cc: Shelby City Council

CITY OF SHELBY

112 First Street South
Shelby, MT 59474
Telephone: (406) 434-5222
FAX: (406) 434-2039
www.shelbymt.com



Mayor: Gary McDermott
Council: Deb Clark, Luke Casey
Bill Moritz, Lyle Kimmet,
Trenton Tustian, Justin Aikins
Animal Control: Mark Warila
Attorney: William E. Hunt, Jr.
Building Inspector: Rob Tasker
Community Development: Lorette Carter
Finance Officer: Jade Goroski
Judge: Joe Rapkoch
Recreation Director: Cindy Florez
Superintendent: Loren Skartved

May 1, 2018

Mr. Robert Eaton
Government Affairs
187 South Holgate Street
Seattle, Washington 98134

Re: Unmanning of Shelby Amtrak Station

Dear Mr. Eaton,

I am writing with great concern over the news of the unmanning of the Shelby Amtrak Station. This has come as a tremendous shock to our community which has continually supported Amtrak efforts in building a strong crew base; supporting station improvements; and providing weekly bus transit to the station.

Shelby numbers have fluctuated slightly over the years, but our station remains a busy, viable station that draws rail passengers from Great Falls, Helena and many other central and southern communities. Glacier Park stations clearly dominate ridership, but Shelby has consistently seen over 10,000 passengers annually who appreciate our central Montana location; who have access along Interstate 15; and who are traveling not only for leisure, but also medical and business reasons.

I hope you might reconsider the unmanning of the Shelby Amtrak Station as this will create the loss of local jobs; the loss of traveler revenue within our community; and the loss of our historic depot.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary McDermott", is written over the typed name and title.

Gary McDermott, Mayor
City of Shelby

Cc: Shelby City Council
Senator Steve Daines
Senator Jon Tester
Representative Greg Gianforte

Thank you
note to
Mayor Mc Dermott

Gary,

On behalf of our community
and all the children's families
who utilize assistance to afford
pool passes ~ Thank you very
much for your generous
financial support. It's going
to be a great summer of
swimming for these families!

Thank you, Donna

CITY OF SHELBY
MONTHLY ANIMAL CONTROL REPORT

February 2018
(Month) (Year)

Animal Control Calls and/or Complaints

City Hall or Public Works.....	<u>6</u>
Sheriff's Office.....	<u>8</u>
On Patrol.....	<u>8</u>

Dog-Cat
4-1
8-0
4-4

Fees Collected by Animal Control Officer

Destroyed- Animals brought in.....	<u>0</u>
License.....	<u>0</u>
Pound	<u>0</u>
Rabies Shot.....	<u>0</u>

Pound Activity

Animals in pound at end of last month.....	<u>5</u>
Impounded..... + <u>0</u>	
Destroyed - Animals from pound..... - <u>0</u>	
Destroyed - Animals brought in..... + <u>0</u>	
Released/Returned to owner..... - <u>0</u>	
Total in Pound Month End - - - - - >	<u>5</u>

3-2

3-2

Dead Animals

Marias Vet Clinic.....	<u>0</u>
Other (list where picked up):	
1-cat MARIAS AV 1-cat Ash Ave	<u>2</u>

Vehicle Log

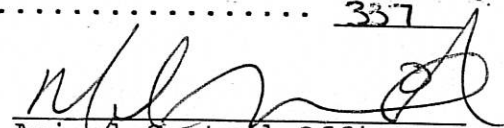
Gallons of Gas.....	<u>26</u>
Mileage - current month reading.....	<u>91069</u>
Mileage - previous month reading.....	<u>90768</u>
Total Mileage.....	<u>301</u>

Warnings and/or Citations

Verbal Warnings.....	<u>8</u>
Written Warnings.....	<u>0</u>
Citations Issued.....	<u>0</u>

Licenses Issued

Month.....	<u>108</u>
Year to Date.....	<u>357</u>


Animal Control Officer.

cc: City Superintendent
City Council (deliver to City Hall 1st of month)
Animal Control file

CITY OF SHELBY
MONTHLY ANIMAL CONTROL REPORT

MARCH 2018
(Month) (Year)

Animal Control Calls and/or Complaints

City Hall or Public Works.....	<u>5</u>
Sheriff's Office.....	<u>8</u>
On Patrol.....	<u>11</u>

Dog Cat
4 - 1
7 - 1
9 - 2

Fees Collected by Animal Control Officer

Destroyed- Animals brought in.....	<u>0</u>
License.....	<u>0</u>
Pound	<u>0</u>
Rabies Shot.....	<u>0</u>

Pound Activity

Animals in pound at end of last month.....	<u>5</u>
Impounded..... + <u>0</u>	
Destroyed - Animals from pound..... - <u>0</u>	
Destroyed - Animals brought in..... + <u>0</u>	
Released/Returned to owner..... - <u>0</u>	
Total in Pound Month End - - - - - >	<u>5</u>

3 - 2

4 - 1

Dead Animals

Marias Vet Clinic.....	<u>0</u>
Other (list where picked up):	<u>0</u>

Vehicle Log

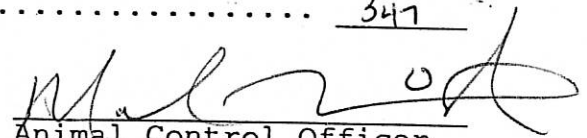
Gallons of Gas.....	<u>29</u>
Mileage - current month reading.....	<u>91399</u>
Mileage - previous month reading.....	<u>91069</u>
Total Mileage.....	<u>330</u>

Warnings and/or Citations

Verbal Warnings.....	<u>9</u>
Written Warnings.....	<u>0</u>
Citations Issued.....	<u>0</u>

Licenses Issued

Month.....	<u>11</u>
Year to Date.....	<u>347</u>


Animal Control Officer.

cc: City Superintendent
City Council (deliver to City Hall 1st of month)
Animal Control file