

# City Council Work Session

5:30 PM  
Council Chambers  
Date: October 20, 2014

## ATTENDANCE:

Mayor/Council (please check)  Hanel,  Cromley,  Yakawich,  Cimmino,  Pitman,  McFadden,  Bird,  Swanson,  McCall,  Crouch,  Brown

## Agenda

### TOPIC #1: Human Relations Commission Report

- Walt Donges - Human Relations Commission: Handed out the 2014 report to City Council listing the last 13 months that the Human Relations Commission is working on. Has raised awareness and made formal presentations to City Council, Democratic Caucus and we are working on our Facebook presence reaching about 550 people. The purpose of the City of Billings Human Relations Commission is to promote mutual understanding and respect among all racial, nationality and minority groups and work to discourage and prevent discriminatory practices against any such group. Mr. Donges discussed the Rules and Regulations found in the handout.  
Billings Human Relations Commission Members are: Lita Pepion – represented the minority and low income community; Charlene Sleeper – represented the Native American community; Kayla Cochran – represented the youth and is past Chair of the commission; Richard Maciel – represented the Hispanic community, and is committed to ensure all citizens are given the same opportunities and have equal access to all services; Ian Elliot – is Vice Chair and represented the disabled community; Gwen Kircher – our second longest serving member represented the African American, Mental Health, Women's Issues and the Messianic/Christian communities; Diane Foley – represented the elderly and Autism Spectrum communities; Walt Donges – current Chair, represented the LGBTQ and Open and Affirming Christian communities. The Commissioners and the group each represented are not 'minority groups' as defined by the BHRC Rules and Regulations or Montana Code 2-552.

The 11 elected members of the Council rely on dozens of volunteers who provided advice and insight on public policies. The City had more than 30 Boards and Commissions of unpaid volunteers. All of the City Boards and Commissions are appointed by the Mayor with the consent of the Council. We encourage Billings' residents to consider what they can do to serve their community. This is a quote from Mayor Hanel, "The value of the volunteerism of our citizens, is crucial to the success of Billings. It is the citizens that make it happen. By getting involved. They can have a part in that success. The information we receive from the citizens is vital to the decisions we make. The City Council can't do its work

without the involvement of volunteers who give their time to delve into issues and present recommendations for making our City an even better place to live and work." That was the roll the Human Relations Commission took on.

- The Billings Human Relations Commission complied with Mayor Hanel's request, on a volunteer basis and on our own time.
  - We attend BHRC meetings on our own time
  - We set agendas on our own time
  - We investigate and recommend on our own time
  - We report to City Council on our own time
- We were honored to be appointed to represent Billings; we're committed to building Billings as a community for all groups.

### **Formal Recommendations**

To abide by the Rules and Regulations and City of Billings Code 2-552, the Human Relations Commission formally reported, and made the following recommendation to make consistent and modernized the language for the City of Billings Human Relations Commission and City of Billings Employee Equal Opportunity statement.

### **Billings Code Section 2-552 – Functions and Duties Recommended Language:**

- (5) Aid in seeing that no person in this City is deprived of equal services furnished in the City by reason of discrimination or prejudice on account of race, sex, age, color, creed, national origin, ancestry,; on the basis of, veteran status, religion, marital or familial status, physical or mental disability, sexual orientation, gender identity/expression, political beliefs, or being a member of a minority group or any other protected characteristic as defined by applicable law.

We are also recommending the City adopt that same language because there is two or three different quotations where some standardization may help move things forward.

- Our goals for the rest of 2014:
  - Native American Days
  - Veterans Day
- Spring 2015
  - Martin Luther King Events
  - Homeless/Runaway focus
  - Continue to network and support BHRC
- Mayor Hanel: I want to compliment Mr. Donges on the great job he does. Recognized other members of the committee who were present.
- Crouch: Mr. Donges, were you involved helping the staff with the Non Discrimination Ordinance?
- Walt Donges: I was involved and did serve on the steering committee.
- Crouch: How many responses did you get from the community with regard to the NDO?
- Walt Donges: Many in my community are not comfortable filing reports. Have had 5 calls since the NDO was voted against. This community has two choices: Fight, or walk to the other side of the street and ignore.

- Crouch: What other kinds of discrimination have they seen?
- Gwen Kircher - Member of the Board Member of the BHRC: The most recent complaint is against the City Police Department. There was an investigation, the police did follow correct procedure, and BHRC did report back to the complaining parties that their information was incorrect. This incident happened to be a Tran's person who felt that the police was not following discriminatory procedures. Have also had complaints from the Native American community. Felt a certain agency was discriminating. It was investigated and found there was no discrimination. For the last couple of years BHRC has been trying to get their name known in the community and let the citizens know that they are here to help when someone has a problem.
- Cimmino: Could we get a copy of the members and who they represent?
- Tina Volek: Yes, I will take care of that.
- Bird: Does the Board have other means to generate resources or donations?
- Gwen Kircher: No.
- Walt Donges: The Board did consider coming to Council for more funding, but we made a conscious decision to focus on the issues that were going on at that time. Still have some money left in our funds. Will be back in 2015 to ask for some support.
- Bird: Do you have enough brochures to distribute if you are speaking to a service organization?
- Walt Donges: We are currently going to need a reprint on the brochures.
- Pitman: As we approach this summit at the end of Oct. on homelessness and transients, as a Council, what we are looking from your group would be issues that are affecting populations. What should we be looking for or expecting to come up?
- Walt Donges: Because two of the members are Native American, we have had these informal dialogues at the BHRC meetings about how can we help and where can we plug in to: a) Find information; b) Share information. Maybe even make a recommendation if we get enough data to collectively process.
- Pitman: Are there any specifics you could give the Council?
- Walt Donges: The issue we have seen with the transients coming into Billings has been discussed. Panhandling downtown and Native Americans who come to town, spend a week or two, and are being disruptive in certain areas of town. Where can we look at building a facility or a resource for those people? What can we do to help educate and help the City Administration and Council to come up with ideas?
- Bird: Mr. Donges could you explain on a comment you made about the recommendations that were based on updating the language?
- Walt Donges: Referring to the handout. I feel that standardizing the language throughout all of the City processes would help. We did research and we look at what is going on around us, and recognizing the potential for impact if we don't have information as a Council or Commission to make recommendations and help lead that process. This is to make the recommendations formally.
- Bird: We are a growing community and with the growth we are experiencing more diversity. I compliment the committee on their hard work.

- McCall: I think this particular format is excellent and would like Bruce McCandless and Ms. Volek, to share this format. The changes are good and would recommend to the Council to move this forward.
- Yakawich: I want to continue supporting BHRC on the broader picture. The Native American relations are that other side of our community that needs that support. I agree with Councilmember Pitman that as we move forward, I would like to attend a meeting and see what can be done in the greater picture of issues that our community is facing.
- Walt Donges: There are other issues besides the LGBT. We are looking for input on what we can do as a commission to help serve the Council.

Public Comment

- Marty Elizabeth Ortiz – 707 1<sup>st</sup> St. W, Billings, MT: I disagree with one item the Mr. Donges spoke on. I believe that Billings is ready for an NDO. But tonight we are talking about our City Code and protecting our citizens and the employees of Billings. We need to make sure that everyone is protected. Exactly what BHRC is trying to accomplish by adding those words, gender identity/expression and sexual orientation. I encourage Council to pay attention to that and come to a consensus.
- Mayor Hanel: I am not opposed to moving this forward, but I suggest Council review the request of changes first.
- Tina Volek: I also want an opportunity to review the changes with the HR Director Karla Stanton first. They are in the process of looking at our City Policies. Many which have been in place for a number of years and need to be revised. They were adopted by Administrative Order rather than Council Action. This item is a priority with HR.
- Mayor Hanel: I want to be sure that the Council knows and there is a public announcement. Usually at the City Council Business Meetings, we would present a Proclamation to come forth. Because of the timing, this particular Proclamation was not made available. This is the Proclamation for Pink Day in Billings. I will not read because Council has a copy. Will be posted and will become part of the official record. The official Pink Day is this Thursday, October 23. There will be an evening volleyball game at Skyview High School. I encourage everyone to come to the game, wear pink, and show their support. Will be presenting the official Proclamation at a regular business meeting.

**TOPIC #2: Tow Truck Parking**

- Tina Volek: We were approached by the Yellowstone Valley Tow Truck Association. The MTTA has reviewed City Code Article 27-600; Section 27-601 (a) (4) and the proposed recommendation to the Mayor and City Council dated Friday, October 19, 2014 in addition to the proposed wording provided by State Representative Joanne Blyton and the Yellowstone Valley Tow Truck Association. The MTTA is in support of the recommended changes provided by the Yellowstone Valley Tow Truck Association. They are asking that the Council consider allowing commercial tow trucks serving the Highway Patrol rotation list to be parked in residential neighborhoods. Ms. Blyton has provided with some

language that mirrored State Statute. City Staff took the language and used it to amend the existing codes. That language is in the Packet provided to City Council on Friday. This is a challenge. We have had 483 citations on the street, of all truck types. Have had 20 citations in residential areas. Tina shared a Power Point Presentation on all truck types. Have had discussions with the Public Works Dept. and have talked about a 12,000 lb. limit. The towing services are suggesting that we discuss Class A and Class D trucks, because they are stickered by that weight. The largest size vehicle that is allowed in Class A is 18,000 lbs. It is primarily continuous use we are concerned about. They were less concerned about 12,000 pounds in residential areas. When there is a vehicle that is unhitched, then it is in the purview of the Code Enforcement area. If it is a vehicle that is hitched to a commercial vehicle, then that becomes under the control of the Police Department.

- Yakawich: Is there no Ordinance for 12,000 lb. trucks?
- Tina Volek: The largest amount was 8,000 lbs. This is a proposed Ordinance. On page 3, it does say that “one business that is associated with a home occupation and which does not exceed 8,000 pounds gross vehicle weight may be parked or stored on the premises”.
- Swanson: Are most tow trucks excused under this proposed language?
- Tina Volek: I am not sure of the numbers of Class A and D but those are two of the most populous categories. This is a wrecker and a rollback. It is the majority of the vehicles that handle two businesses. Staff is recommending 12,000 lb. limit. I believe that the Association has a different view.
- Brown: Over the past few years since the 8,000 pounds, have we increased the number of tow trucks and is this a bigger issue than it used to be?
- Tina Volek: I cannot answer that question in terms of numbers. What is required now is if you have a tow truck service, you need a commercial locality to park the vehicle. The tow truck association believes that if they are in the rotation for the Highway Patrol it is important for them to have the vehicle at their home or an area adjacent to their home because they want to be able to respond without having to go to a distant lot and pick up a tow truck.
- Brown: Have the number of complaints gone up for them parking on the streets?
- Nicole Cromwell: One of the issues is that we don't know how many tow truck complaints were in 2013 because they are all classified under the same code violation. The majority of our complaints are everything from your little utility trailer that is left on the street unattached, to RV campers left on the street unattached; cattle trucks, party buses, and tow trucks. I don't think we have seen an increase in complaints. We have just seen an increase in the business practice of allowing employees to take tow trucks home overnight to respond to those overnight calls.
- Brown: Have any of those complaints been for noise? For example, going out and starting their diesel truck in the middle of the night?
- Nicole Cromwell: Not a specific complaint, just unusual site in a residential neighborhood to have a large commercial vehicle parked overnight.

- Tina Volek: Another issue is some of our streets are narrower, passing and site distance when a vehicle is trying to back out.
- Pitman: Follow-up – Most of the complaints I get in the Heights are the big semi-trucks, cattle trucks, but I am not hearing as much about the smaller vehicles.
- Tina Volek: We have also had a couple of companies that like to run a home business with the tow truck which is not something we have had until now. We only have three code enforcement officers to drive the streets looking for violations who respond to citizen complaints. Class A will allow up to 18,000 lbs. Residential streets are not built to the same standard as commercial streets. We are waiting to hear back from Public Works on this issue.

Public Comment:

Joanne Blyton, Current House Representative on House District 59: We are here because issues within the City are complaint driven. The Yellowstone Valley Tow Truck Association needs your help to resolve an issue regarding City Code Article 27-601(a) (4). Our goal is to provide expedited ETA's for the Billings Police Department and the Montana Highway Patrol when providing service to the motoring public and safety personnel and allow tow trucks of certain classes to be parked at a residence within the city limits. Towers are about public safety. and we as towers want to be solution focused and not problem driven. This will not cost the taxpayers anything. We believe that our requested changes to the code will make the job of the Code Enforcement Department easier. By the Montana Tow Truck Act, 61-8-905 tow trucks have classifications standards. There is Class A, B, and D which all have different weight limits. According to the rules governing the tow trucks in Montana, tow trucks must pass an annual DOT and MHP inspection. When inspections are completed, a classification sticker is placed in the windshield of the tow truck, showing the classification of the unit. By using the Class A, B, D, Code Enforcement would only have to look at the windshield to know what classification a tow truck falls into. We believe that our service is a valuable one. So we request that the code reflect words such as: "Open storage and off-street parking of one (1) licensed and operable motor vehicle used for commercial or business purposes is an allowed accessory use provided it is recognized as an authorized emergency vehicle, not larger than Class A and D according to the Montana Tow Truck Act (61-8-905). And that Sec. 24-406 – Parking of trucks, trailers, buses and similar vehicles in residence districts also reflect the above change.

I would like to read a letter that is in your presentation packet I passed out. It is from Todd R. Burger, President and CEO, and AAA Mountain West. (See letter inserted in packet.) Mr. Burger hopes that City Council will give serious consideration to the proposed request and grant the variance. Tow trucks are authorized emergency vehicles. Sticker identifiers shall be placed in the windshield by MHP. Vehicle shall be parked in a drive off the street when possible. I would like to talk about the proposed new ordinance that has been drafted that was passed out to all Councilmembers. Section 24-406 – Parking of trucks, trailers, buses and similar vehicles in residence districts. That is not allowing trucks and tractor trailers to be there except if they are on service calls

or delivery. It seems to me like this Section does not apply to commercial tow trucks with a manufacturers rating of 12,000 pounds gross vehicle weight, or less. What happens if the tractor trailer is broke down and the smaller tow truck goes instead of the Class C truck.

- Tina Volek: This does accept people who are there in connection and repair building service calls or the moving of household goods, so this would be a service call?
- Nicole Cromwell: Yes. You need a Class C tow truck in a residential neighborhood. This would not apply because you are on a service call.
- Joanne Blyton: We would like to become uniform with the Montana Professional Tow Truck Act by using Class A and/or D. I would like to introduce Captain Becker and Captain Kitchens and other members that work with us and the tow industry and attend our local meetings.
- Pitman: Received an e-mail today from Dennis Gambill. Would you be opposed to parking the wrecker at the residence of the operator of the wrecker?
- Joanne Blyton: No. In our actual words, we said "off street parking when possible". I have been down some of the streets in town where wreckers have been parked in a two lane street that is narrow and sometimes difficult to pass if a tow truck is parked there. I think there should be provisions that they should be off the street.
- Swanson: How does the rotation work?
- Joanne Blyton: The rotation system is set up and overseen by the MHP. The answering service in town has a list of two companies. They start with A and go through the alphabet. It has nothing to do with the proximity of where the accident is. The police would like a 30 minute ETA or less.
- McCall: With Class D equipment, this includes rollbacks and car carriers, how many cars can one of these carriers take?
- Joanne Blyton: The most you can carry is 2 maximum.
- McCall: The other part of the Statute says "Gross Vehicle Ratings of 10,000 pounds and over". It doesn't restrict the weight of the vehicle?
- Joanne Blyton: Would have to refer to the specialists. When this the Tow Truck Act was enacted in 1995, it was 8,000 pounds. Since then, the construction of cars and the truck to haul them has changed. That is why I am asking for uniformity that we may be able to do Class A and D. With the rollback, you are not going to find them in the category of the C Class.
- McCall: What you are asking is that each company be able to have one vehicle within close proximity to the operator's home?
- Joanne Blyton: Yes. Some company operators do not have trucks at home.
- Cimmino: I am a customer of AAA. In the event that I needed a tow truck, the dispatcher would get in touch with the next available towing service that has a contract with AAA, and you are saying that this type of business is also governed by the MHP, and then we have a rotation system with the City of Billings. There are all kinds of people that get involved in order to provide this service to people

that need it at the time of an accident. Or in the event that my car needs to be towed. You are asking conformity for Class A & D vehicles based on weight to be parked in residential districts? Would that mean our Code should be a little more lenient in the sense that commercial trucks should be able to park in residential districts?

- Joanne Blyton: When you are dealing with commercial trucks, not just tow trucks, you are dealing with a different aspect. We don't want to open the door to allow all sizes of vehicles. When you mention all that could happen, that is for your protection. If you have a breakdown and highway patrol or city responds and asks if you have a preference for a tow, and you tell them AAA, they can dispatch through the answering service. They know who the AAA towers are and call them so there is not a lag of time.
- Pitman: The class makes more sense because it is easily identified vs. trying to guess the weight of the vehicle. There can be a big difference in weight.
- Joanne Blyton: If Code Enforcement had a complaint, they could look at the truck and say it is Class A. There would be no guessing.
- Crouch: How many trucks would be parked at residences?
- Joanne Blyton: Less than half a dozen.
- Crouch: They would not be parked at their residence for more than 2 or 3 days?
- Joanne Blyton: Depends on the rotation list. Sometimes you know you are on the rotation list next, but it might take a week to get there. But when winter comes they could go through that list twice a day.
- Yakawich: I attended one of your meetings and had a chance to do a lot of research. Potential list of tow truck drivers governed by the Highway Patrol, is approximately 42? There are approximately 42 tow trucks that can park in residences.
- Joanne Blyton: With the rotation system, a single owner may have 3, 4, or 5 names on rotation. We have 3. We don't play that game as well as some. Other companies in town have 12. They are not going to get 12 rotations in 1 night and we are not going to get 3 in one night. Out of those 42 on the list, there are probably 17 viable owners and companies.
- Yakawich: Would it be allowed in the Ordinance to be required that the tow trucks are parked in the driveway?
- Joanne Blyton: That answers lie with the City Council. I think if it is allowed and in the driveway, we will learn to accommodate. My original request said "off-street parking when possible". It could be that the owner never takes the truck home, but the employee will always have a truck to be on call for that ring down at night.
- Brown: If on the rotation list, you are called and can't get there for 45 minutes, is the next person called on the rotation list?
- Joanne Blyton: Usually when you get a call for rotation, it depends on how much time before you can get there. Sometimes you have to pass if you are on the list.

When you pass, you wait for your turn to come around again. When you have 3 companies like we do on rotation, a call comes around sooner.

- Brown: You don't get enough calls to have someone at the shop 24/7?
- Joanne Blyton: Purpose in this is assisting a business. Our primary goal is to provide expedited ETA's when responding to highway incidents. We are not asking to have every tow truck in town parked at a residence. We are dealing with a select area.
- Brown: Tow truck drivers are not just there to tow a car away? So how is the tow truck involved for example, if the AMR vehicle is turned over?
- Joanne Blyton: In upriding the vehicle and removing it from the scene. Sometimes people are ejected and may be under the car, and the sooner the wrecker can get there the sooner they can pick up that vehicle.
- Bird: It makes sense to have a tow truck at you home so you can get where you need to be without delay. This is a public safety issue.
- Terry Morrison – President of the Montana Tow Truck Association: I am also a trainer for the Traffic Incident Management System for the State of Montana, and I also sit on the Board appointed by the Attorney General for the State of Montana and listen to complaints about the towing industry. I commend Joanne Blyton and Yellowstone Valley Tow Truck Association for taking a proactive stance on this issue. The importance of responding to these accident scenes in a timely manner is very paramount. As we have learned from training with the Law Enforcement Agencies, Fire Dept., and EMS people that I have been involved with in this County and City, is that every minute counts. There was a question as to why the tow truck operator was required at the scene, and why that is so important. Because the wreck is not done until the road is clear. It is important that we prevent the secondary collisions. The catastrophic injuries and property damage due to secondary collisions is paramount opposed to the first collision. By allowing these tow truck operators to have their vehicles at home at night when they are on call, is so they can be ready to go. I want to thank this Council for recognizing the needs, and looking at making changes to their City Codes.
- Brian Sanderson – 1922 Toni Dr., Billings, MT: Owner of Magic City Wrecker & Recovery. Ten years ago there was an incident on Highway 312 between Shepherd and Worden. It was a roll over and the person was ejected from the vehicle that landed on top of him. Due to the ETA of the wrecker, they attempted to move the vehicle off of the victim by using a fire truck and a strap. Nobody there was trained on how to do a recovery. Nobody knew exactly what the load limits were as far as the rigging on their straps. They attempted to move the vehicle, the vehicle moved, the strap broke and the vehicle came back down on top of the person. It was deemed by the coroner that the secondary impact was what killed the person. If a wrecker operator would have been there in a timely manner, that person's life could have possibly been saved because a properly trained person could have been there and moved that vehicle. I don't have employees. I have myself and my partner and we each have a truck. My partner lives in Lockwood and is not affected by the Ordinance. If I get a call and I have

to respond to Lockwood to get my truck, it is going to considerably hamper my response time.

- Keith Edgell – District Commander of Montana Highway Patrol: The MHP and the Tow Truck Act provide a fair and equitable rotation system for services. The rotation system was designed for the fact that if an owner doesn't have AAA or if they don't have a specific request for a wrecker service, then the rotation goes into place. That is so all of the companies that have gone through the inspection process to get on that list have an equal ability to receive a call from Law Enforcement. Officers used to call whoever they thought could do the job. It wasn't a fair process. Captain Becker is our Wrecker Czar. He knows the law inside and out. We go through the inspection process once a year. There is a business inspection where the company has to be recognized by the Secretary of State (inaudible). We go through the business location. We then get into the inspection of the actual trucks. Dept. of Transportation does the physical equipment inspection in order to make sure that everything is functioning like it should. For these towers to be on Law Enforcement rotation, there is an additional requirement of signs, cones, buckets, brooms, etc., that have to be on the truck to be able to respond to a Law Enforcement rotation. We go through a secondary inspection once the mechanical inspection is done and we confer that everything is on the truck. The City of Billings and the Yellowstone County all run off of one rotation system.
- Mayor Hanel: This does not include if someone prefers a specific company, they still have that ability.
- Keith Edgell: Yes. The only time that the Law Enforcement rotation comes into play, is if the owner of the vehicle is either not present, or they have their own preference.
- Swanson: If time is of the essence and safety is critical, why don't you give it to the nearest person rather than the next one coming up on the rotation?
- Keith Edgell: There is no way to know where that person lives. What we would like to see, is avoiding the wrecker driving past the wreck to get the truck. That is what we would like to try to avoid. When it comes to fair and equitable, we have got two rotations in Yellowstone County. There is a Laurel rotation and Billings covers the rest of Yellowstone County. They go out to Custer, Huntley, all of those areas.
- Brown: Was there an issue with the amount of time it takes wreckers?
- Keith Edgell: Our concern was public safety. The longer we have a roadway blocked, the more apt we are to have secondary collisions that occur. The wrecker companies would know their response time.
- Pitman: I understand this concept from the safety aspect. The wreckers need to be at the scene quickly and they provide a service for our Police and Fire Dept., vehicle and traffic control. Ms. Blyton started this discussion because of the safety of the public.
- Mayor Hanel: Brent, (City Attorney) do you know how other cities handle this situation.

- Brent Brooks: I do not know but will check.
- Stephen Carlson - Owns a small independent towing company: It would be a 30-45 minute drive to pick up the tow truck at work. Most tow truck drivers are not looking for on street parking, and most have accommodations for off-street parking. In the 5 years I have been driving, this is the first complaint I have heard.
- Brown: Are your trucks Class A?
- Stephen Carlson: I have a hook truck for rotation that is Class A, and I have a rollback truck which is Class D.
- Don Blyton – Owner of a tow company. Would like to explain the size of the trucks. When I first started towing, I bought a '79 Chevy, 1 ton truck. It weighed 6,000 pounds. Could tow up to a small truck without any trouble. With the vehicles that are on the road now, they are complicated, plastic, high strength steel, and in order to carry some of these vehicles you have to have heavy trucks with wrecker bodies that have a strong undercarriage. 99% of these trucks are hydraulic. The equipment has to be strong enough to handle without damage.
- Ray Meyers – Abel Towing: None of my trucks fall under the 12,000 pound weight limit. I would ask for some latitude with regard to the weight limit. My trucks can be off the streets from public vision. I could park all of my trucks at my house out of site, but the City has stated that this is unacceptable.
- Cimmino: You live at 1028 Lewis? Is this part of Lewis where you can park on the street?
- Ray Meyers: Yes.
- Crouch: Are you saying that none of your trucks are Class C?
- Ray Meyers: None of my trucks are. I don't run heavy rotation. We have to have trucks that are at least 10,000 pounds before we would even be considered for rotation. There is a fine line between 10,000 and 12,000 pounds. A 350 weighs 10,000 and the 450 puts me over 12,000 pounds. In order to have a Dodge diesel, a Class A wrecker won't work. You are pulling the front end of your truck off of the ground. You do not see F350's on rotation anymore.
- Frank Keele – Owner of Frank's Towing and Frank's A+ Auto Recovery, and Frank's Towing and Auto Repair: Have been in this business for a very long time and I have always taken a truck home. I am wreck master certified. I have to be able to get to the accident scene and supervise or help out. I also send one of my drivers home with a truck every night.
- Yakawich: Do you park in your driveway?
- Frank Keele: Yes.
- Yakawich: Do you find that as a strong possibility that if this Ordinance would pass, that you all would adhere to parking in your driveway off of the main street?
- Frank Keele: Whenever it is applicable. A lot of times some employees don't have driveway access.
- Yakawich: Part of my concern is our City. Both addressing the safety issue as well as the overall environment of our community. I heard once a

recommendation was that they could find a place to park. Like rent a place close to their home. Was that every discussed or talked about?

- Frank Keele: In my opinion, the feasibility of trying to find some place where some of the employees live, you could still be a distance away from where you live.
- Mayor Hanel: The wreckers we are talking about have equipment on them and some equipment you can lock up and some of the equipment you can't. Parking a distance away from your home is not safe.
- Brown: Is your truck Class A?
- Frank Keele: I have a Class A, two Class B's, two Class D's, and a Class C that I just purchased.
- Tina Volek: The Council knows this will require two readings and a 30 day period to go into effect after the two readings if the Council wishes to amend the Ordinance. Staff seeks some direction this evening on this. One option is to bring forward the Ordinances proposed now, or the items we have heard raised this evening included whether there should be a requirement that all parking be off street or on a driveway, whether it should be an Class A or Class D, or should it be by weight. The staff has added a couple of other things. If this is intended to involve trucks that would otherwise be during business hours, then the question is, do you limit this to after business hours, weekends, and holidays? Second question staff has, should there be driveway setbacks.
- Mayor Hanel: With the information and the points of concern you just addressed needs to be disseminated. Personally I am going to suggest that the Council review this more carefully and also wait to hear back from our Attorney Brent Brooks. I advise that this be put on an Agenda for another Work Session so it can be discussed in more detail.
- Tina Volek: This would usually require a Council Initiative, a 24 hour notice at minimum. We can report back to Council in a Friday Packet. Then the Council can decide what needs to be done.
- Mayor Hanel: Asked for a consensus from Council and they agreed.

### **TOPIC #3: Software Conversion Status Report**

- Dave Watterson: There are going to be conversions that will affect almost every employee in the City of Billings. One of the conversions is in the Public Safety area. It is a good example of where we are looking to be more efficient and do more with less and to be good stewards of the resources we have. As we look at the chart (power point), it started with leadership from the Council supporting these conversions, with Administration understanding the need, the direction, and the plans that were put forward for them. It started with the Departments and how each of the Department Heads have been affected in their staff and have seen the vision. With IT and project management and understanding how to get to where we are going. That rolls into team work which works with our vendors that have been long term business partners with the City of Billings. And for all

the wealth of knowledge we have in our Staff and the key people in each of the areas that understand the business of the organization and the current software.

- Cimmino: Wanted to acknowledge receipt of this presentation that was provided by you in an email this afternoon. Are we going to receive any handouts?
- Dave Watterson: No I did not prepare handouts. Going paperless. But would be happy to answer questions. The conversions, two big areas we have are business applications – ERP (financials, payroll, community and development which includes planning, building permits, code enforcement, citizen access, payroll, utility billing, fleet, inventory, taxes, all of the business side of our organization. Converted from a company called HTE which we started with in 1989. We purchased Innoprise in 2009 with the Councils support. We have had the software New World Systems since 1990. It encompasses all of our Public Safety software systems for 911, Police, Fire. We cooperate, share resources and work closely with the Sheriff's Dept. What do these conversions have in common? In both cases we are moving off of what we refer to as a green screen text based system, to a browser based point and click type of application. Much easier to train officers and much quicker to respond. We are moving off of an AS100 platform to a Microsoft server and sequel server environment. This takes us to a more modern platform that allows a lot more increased access information from staff. There are some technology advances that give us better options in disaster recovery. We are leveraging our investment that the organizations made in GIS. We are fortunate to have a lot of good staff in IT, and in each of the Departments.
- Yakawich: What do you mean by success story?
- Dave Watterson: We have saved money and allowed people within the organization to do more with fewer resources. We have been successful in that conversions have gone on track. The statistics is 51% of all conversions fail of this size (industry wide). A lot of major conversions result in what the organization might see as failure or as very unsatisfied. It was a discussion we had with Ms. Volek and others when looking at these large undertakings. So far our relationship with our vendors, with the great staff members in this City, IT, Council, Administration, has all worked well and it has all moved forward. In any large conversion there are always a few wrinkles and we work through them. We have had great success in these very large scale conversions.
- Tina Volek: The conversion was done at very low cost and has been very successful. We have had the system amended to address our processes. It has been a big operation from the staff, but it has had benefits.
- Barb McRae, Application Development Manager from the Information Technology Division: It has been my task to try to make a success out of these conversions. We started in 2009 when we purchased the Innoprise Software at no additional cost. Dennis Harewood founded Innoprise, and was also the Founder of HTE. We have been in this conversion process for five years now. We have completed all of the Community Developments areas which include the Building Permits, Business Licensing, Code Enforcement and Planning, and Land Management. We have the majority of the financial systems moved. With the Financial area as well as the Community Development area, paperless was a

benefit. The Planning Department deals with the County, Clerk and Recorders Office, etc., and it goes through a routing process also. If there is a customer that calls in and asks where is this in the planning review, they can go into the system and know exactly whose desk it is setting on. Another big area that we went live in January 2013 was payroll. Every business function with payroll or our financials, we have never missed a deadline. We have some outstanding conversions on the Innoprise side and the biggest of the conversions is Utility billing. We are scheduled to go live in the January/February time frame. Fleet and inventory is another area we hope to get to this spring. The employee portal is a continuation on the payroll module and that is for online time cards. We are working towards a paperless time card system. Payroll is entered by designated people throughout the City and this would allow each individual to enter in their own time card and then go through an approval process.

- Cimmino: Does the City of Billings employees have employee numbers?
- Barb McRae: They would sign in through a user name and password.
- Brown: It says software purchases in 2009 at \$0 additional cost of what?
- Tina Volek: We paid for continuing maintenance payment which had already been budgeted and we didn't have to purchase a new system. We bid this (RFP), which was located at that time in Colorado, came in and made the conversion by us continuing to make the same payment we had made to the predecessor company.
- Brown: You initially planned to complete in five years. We are about a year beyond. Does that affect the budget you guys had for that?
- Tina Volek: No.
- Barb McRae: It has taken a little bit longer. There are a few reasons but in order to make a successful implementation you have to have all the players on board and on the same page.

The last area that I hadn't talked about was property tax. Innoprise was acquired by Harris Corporation in the spring of 2011. Harris out of Canada and Innoprise has their office in Broomfield, CO. We have support in other areas of the United States and Canada. There are some benefits to Harris taking over Innoprise.

They have put it more in a stable environment that got a lot more financial backing. Harris has acquired a lot of software packages. They have a similar older ERP solution that is called GEMS. There are 120 GEMS customers and they are going to take those customers into Innoprise. They are trying to put a lot of money into this Innoprise solution because they want their customers that are on an older platform to move this direction also. The one drawback is the conversions were delayed during that acquisition time. The New World conversion is the Public Safety area. That was the one that Council approved the \$600,000 from the excess SID revolving fund in 2013 and this plan we had to pay for. We have a ten year cooperative support contract with the City and County. We have a projective goal of 2015. From the time we started in June 2013 to March 2015, it is a year and a half to two years which is a normal conversion timeline for that. During this time all the mobile computing for Police, Sheriff, and Fire will be upgraded to the newer platform. Fire records have been on the new software since 2012. The benefits of the conversion, they will all be on the same

compatible platform. It will all be Microsoft Sequel Server based and right now Fire is on that environment and the other applications are still in the AS400 environment. Once this is all done, they will be on the same platform. There are a lot of mobile enhancements that are available to us once we get this conversion done. We are on the AS400 and they still support that platform but are not making changes to it anymore. Just maintaining as it was years ago. Any new enhancements they are making are into the new software. In order to take advantage of those enhancements, we need to move forward into the new software. A couple of nice things in the mobile environment are the mug shots. Fire will have access to their preplan. So if they are going to a fire, they can actually bring up the building plans.

More benefits of Conversion:

- Lock in Maintenance Rates for 10 years
- Migrate from AS/400 to Windows Browser-based “Point & Click” interface
- Improved access to data
- Allows attachments to area like incidents, cases, and bookings
- Interface records to Municipal, Justice, and District Court
- Fully integrated GIS
- Bird: In the contract for maintenance, is there any clause that addresses if the company changes hands or if they have financial trouble? Ten years is a long time and the IT industry can change hands or have financial problems. Are there any protections for the City in terms of that contract?
- Dave Watterson: When we evaluated the New World upgrade option and we looked at a ten year option, the net sum was that the ten year was an advantage to the City of Billings. We are talking about two major conversions. Innoprise was purchased in by Harris, etc. New World is a privately owned company and it has been since mid-1985. They say they have no interest in going out on the stock market, and and they have a good solid product with a good customer base. They have been our business partner since 1990. We are comfortable that shouldn't happen but having said that, it could. If someone purchased the business, they would have to honor that contract. We are lucky to have Barb McRae to lead two major conversions like this. A lot of people deserve credit throughout the organization. Barb keeps track of the vendor, and where the road map is for each of these conversions. Each person, the training, all the onsite trips. When we look at a system, and we have all of this data, all of the new software and in addition, we have to build hardware infrastructure. We have to take into consideration security, disaster recovery, power, cooling, etc. When you go live, there are usually all the things you don't perceive, challenges, and new things to learn. It is a difficult process. As an organization, we are lucky to have Barb McRae. She has been a Project Manager for the City for over 25 years and she has acquired a tremendous amount of knowledge. In the end with the way we see our success at the City of Billings and on these conversions, is the City Council, our Administration which has been very supportive of this entire process, giving us the resources and the guidance we have needed. None of this would happen without all the key people in each of the Departments. Yellowstone County has been outstanding to work with throughout this process.

- Tina Volek: Under Dave Watterson and Bruce McCandless' leadership; we have done a very good balance of new systems and with existing systems that are providing very good services to the citizens of the City of Billings. I also want to thank the Council, because some of what we have accomplished would have not been possible if we did not have your support. We had Innoprise in good control, but we did have a point in which we had SID's that had been paid off leaving a residue in those accounts. It was those moneys that were used when long ago property owners were dispersed and there was no way to return the money. So we used that money with the Council's approval for the New World conversion because it has an impact on every resident in this City if they need Police or Fire. We work very hard to make sure that has been a successful system.
- Bird: This is not easy, and we have a lot of employees in the City that are going to be impacted directly. I agree with Barb, if we are going to it, we need to do it right. Do you foresee much training required of staff or is it going to function from a user perspective?
- Dave Watterson: When a conversion is started, one of the first things we do is a road map. The training is a built in component to that. For each of the applications we do, we schedule out in advance the training. If there are 100 people impacted by this, we might train 15 -20 key people in the City. Then they train their people. Sometimes we train all the key people that use it. All of that training happens in advance of a go-live. That is already scheduled. The New World Software is a little more encompassing in that we are doing Fire Records, Police Records, Corrections, Mobile, all at once. That is a bigger road map because it does all the Public Safety at once.
- Public Comment: None

#### **TOPIC #4: ZooMT to Riverfront Park Trail Feasibility Study**

- Lora Mattox – Planner II Transportation Planner: The Zoo Montana to Riverfront Park Trail Feasibility Study was started about 6 months ago. We have been looking at a future 26 mile marathon loop. We have a lot of studies that are already completed or the infrastructure is in place. We have the infrastructure on top of the Rims that goes underneath Main Street, and you get over to the Colston and Kiwanis Trail Park. We did a study in 2011 from Mystic Park along Garden Avenue to look at connections to Riverfront. There is the Shiloh area which we have the separated path that gets to the Zoo. The study area we are looking at is between the Zoo and Riverfront area. We are currently doing a Highway 3 study that is looking at a variety of issues with that area. When we get that study done we have a good plan to look at the marathon loop in the future. This study has been going on for about 20 years and has been in all of our previous plans. It is mentioned in the Riverfront Park Master Plan. What we are specifically looking at is private park property opportunities, and constraints with private property, all trail alternatives. As funding becomes available, o provide us with a plan, that as we move forward, we have options to build some of these connections. Knowing that trails can be an issue, especially when we are working out of the County, respect was shown to all private property owners. They were invited individually to all of our meetings, and the consultant met with a lot of the

owners in person. We had 30 at our first meeting and 60 property owners at our second meeting. The first public meeting was to look at potential alignment and to talk to the property owners about opportunities and constraints. There are property owners that don't want a trail near their property. They just want to farm it. They were given the opportunity to voice their concerns. It gave us areas to avoid and to look at alternatives. At the second public meeting, most everyone was happy with the plan. Not one negative comment. With some emails, we got a few more comments and adjusted accordingly. Everyone was pleased with our Consultant Joe Gilpin with Alta Planning Design from Bozeman. (Lora referred to a map in Power Point. On the map, the green are opportunities and the red are constraints.) On the west end by ZooMT, Canyon Creek and Action Toys, this is green. That is all public right-of way that is either owned by the railroad or MDT. Some of the constraints are the old Shiloh Bridge. This area is really narrow and not a great opportunity to move bikes and peds. Those are the types of constraints and opportunities we looked at. What do we have, what would be a great fit, and what wouldn't be such a great fit? There are four different trail reaches that we looked at. On the west side by ZooMT there is the Zoo/Shiloh over-change area. The frontage road area, there is opportunity to go along the frontage road. The roads that have industrial uses have ample right-of-way. There is landscaping. It wouldn't be a bad place to walk, run, or bike. As you start moving further east, you get into residential areas, some annexation requests, you have residential development planned. (Lora pointed out Josephine Crossing, Riverfront Point, and then Titan Subdivision.) There is all of these existing public right-of-ways that will make great connections. McCall Developers are very supportive of a trail connection through their subdivision in the future. We are also in favor of looking at a trail connection by the cemetery, possibly within the south side then going into Josephine Crossing. We did a scoring exercise with a consultant and it came out very high on the user comfort along the facility. The other two high scorings were economic development and right-of-way availability. As a potential advantage, you can connect the new hotels and restaurants to the zoo and people can walk. If we had ample trail money, we could go out tomorrow and start building some of these types of facilities because the right-of-way is there.

- Mayor Hanel: Your biggest challenge is the Interstate?
- Lora Mattox: Yes. The field consultants walked the Canyon Creek area and it does have enough room to put a trail. Where we go from here is by having this plan in place, there is still a lot of undeveloped land down there. This gives us an opportunity to plan ahead and look if some of those developments come in and one of those trail segments really did align better. Not so much skirting the street or the right-of-way, but if we had a potential to get a trail easement and work that in with our planning document. There are so many different ways to go.
- Cimmino: I had an opportunity to read the study and noticed we have this for next Monday's Agenda but this is not included as an Exhibit? The Executive Summary is not completed.
- Lora Mattox: I will check to see why that Exhibit is missing.

- Yakawich: The idea of the path under the bridge is a great idea. In your report it says that over 35 miles people are not comfortable with bikers on the road. I am really concerned about Lewis from Division to 8<sup>th</sup>, and the concept was no trail, just to slow down traffic when people are riding bikes. In one of the handouts we received, “the bike lane to the right, transitions into an area where you may expect to see people riding bicycles in the same lane as those driving an automobile”. I am concerned about where we create trails on roads for bikes and cars. As we create a trail from Riverfront Park to the Zoo, there will be places where there will be interfacing with traffic.
- Tina Volek: In the case of Lewis Ave., the City was approached by a group of people who were concerned because of the two schools, students were already riding on Lewis Ave. The concept was, by putting in bike lanes, we created a space for them. We also did slow down traffic which was going faster than 25 miles. At the time that request was made was to eliminate parking for a large number of residents along the street. So the current bike lane was developed and it is intended to serve both needs.
- Lora Mattox: In this particular area, due to the width of the right-of-way, that we will see a lot of shared lanes and a dedicated bike lane. In most cases we would prefer a dedicated bike lane. In the case of the “sharrows” it is because the right-of-way width is not large enough to complete and handle all aspects of what you would need for a separated bike lane. But in the area we are talking about in this presentation, we are talking about a separated bike path not a “sharrow”.
- Mayor Hanel: This Marathon Trail is going to add so many opportunities.
- Swanson: Do we have a Master Plan on financing?
- Lora Mattox: We had our Community Transportation Enhancement Program Funds. That was a direct allocation that we received yearly (City/County) and we pulled our funds. The averages to about \$300,000 to \$500,000 a year depending on what we received. When we received those funds, we were able to go through a planning process and identify projects. That program has gone away with the new transportation bill. We are really limited to what funding is out there. The new program through the transportation bill is called the Transportation Alternatives Program. That is a competitive grant, so we have to compete statewide for funding. We are going to be very limited on what we will be able to build in the future. There are other sources out there. There is Direct Recreational Trails Program which is a program through federal bi-ways which comes down through the Governor’s office. It is a small amount and used for Gap or Match financing. We are lucky we have bike/net that helps us match a lot of our grants. We are planning for the future but we can’t say that next year we are going to build this many miles of trails, we don’t have the funding.
- Swanson: I would like to see us do some planning and thought on how to raise the money a lot faster.
- Lora Mattox: We do have an alternative by Bike/Ped Coordinator. One of his goals is to look at funding sources. We did have a General Obligation Bond ten years ago and we built a lot of trails. We spread that money on those trails between CTEP and BikeNet, local and private contributions. It is hard to fund trails. With our complete street policy, our Engineering Division is very proactive

looking at trying to retrofit some of those streets when they come in and do a project, and try to include all of those different modes of transportation so we can serve as many people as we can.

- Cimmino: It is a huge team effort and it is a great opportunity for all the community partners to participate.
- Lora Mattox: A lot of what we built could not have been done without the private support we have received.
- Public Comment: None

## **TOPIC #5: Council Discussion**

- Cimmino: Is there any way we could put a sign to remind people to slow down in the parking structure?
- Tina Volek: Yes.
- Bird: Has there been any discussion with Administration and Parking about potentially having to limit vehicle size particularly in Park 3? There are times when two cars can't pass each other because of the length of trucks that are parked. Also some of the trucks are wider than the space.
- Bruce McCandless: I don't believe this has ever been a topic of discussion among parking advisory board members. We as staff can bring that issue to them, ask for their thoughts on how much of a problem it is, where they view the problems being, and then we can look for potential solutions. We used to try to accommodate compact cars. The conventional wisdom now is not to do that, make all parking the same size. If we are not going to make allowances for small vehicles, I am not sure what we can do in making allowances for large vehicles. In the Empire Garage, one of the thoughts was, simply assigning the end spaces as being reserved for passenger vehicles or for sedans. Trying to disallow the larger trucks at the corners because that is where we have the problem of trying to meet the turn radius. It also interferes with sight distance. There has been some discussion but no specific proposal to limit or change what kind of vehicles we allow into the garages.
- Bird: I would like to see that discussion occur. Maybe it is only in Park 3 that this is an issue. Maybe an analysis of Park 3 and designate if possible.
- Swanson: I would like to compliment the Administration for the Shiloh Conservation Development. I think it will be a big success.
- McCall: I don't think anything can be done but it is as dangerous pulling out of diagonal parking if you are next to a long truck.
- Pitman: Want to bring to Council's attention, Bruce Simon who served the City on our Parking Board, and as a Legislator, did pass away. A great loss to our City. He had a lot of knowledge and wisdom.
- Crouch: I am amazed at the volunteers we have in this City that specifically relate to the City.
- Brown: Tina, could you explain what the trial proposal is to allow dogs in parks?
- Tina Volek: I learned about this through the newspaper article. Will do more investigation and report back. My understanding is that it has been fueled by the fact that first of all, we already have dog collection bags in many of the parks.

This sends a mixed message. I believe that the Parks Dept. is involved. I will find out where we are on that project and prepare a report for you.

- Brown: I am fine with this but my concern is if we have a way to clean up after the dogs.
- Tina Volek: We do have Volunteer Park Rangers but not universal. At the Dog Park we do have a volunteer situation and it seems to work.
- Bird: CM Brown, if you have had any time to spend at the Dog Park which is a controlled environment, there are people who do not clean up after their dogs. There are many of us who feel frustrated by that lack of respect and will go get a baggie and pick it up. It is a great conversation for our community to have. We are a dog loving community.
- Mayor Hanel: We will probably want to hold off the comments until we have a presentation from our committee. The Dog Park is fantastic and the heaviest used park we have.
- Cimmino: Can we get an update of the Centennial Park Master Plan?
- Tina Volek: I will check on that. We had to do an RFP.

#### **TOPIC #6: Public Comment on Items not on the Agenda**

- Marty Ortiz, 707 1<sup>st</sup> St. W, Billings, MT: A few years ago, NIOT started with an event called the Summit of Hate. It was an event to pick a topic and talk about intolerance, etc. This included an amount of different topics including building a more beautiful community. This year's topic will be "Challenging Discrimination". It will be on November 15, at the Public Library from 10:00 am to 4:00 pm. It is a public event and I am inviting all of you to be there.

#### **ADDITIONAL INFORMATION:**

**ADJOURN TIME:** 9:55pm