

In the Common Council Chambers of the Municipal Building held on July 31, 1978 at 7:30 p.m. with Council president Richardson presiding over a special session of the Common Council.

COMMON COUNCIL
JULY 31, 1978
SPECIAL SESSION

Note--these minutes are a summary. Tapes are available in the Council Office.

Councilmembers present: Morrison, Olcott, Middleton, Richardson, Blume, Towell, Kinzer and Allison. Absent: Young.

ROLL CALL

Richardson apologized for starting the meeting late (7:55 p.m.) and then gave the agenda summation. For second reading, Ordinance 78-52, Salary Ordinance for Appointed Officers and Employees for 1979; Ordinance 78-53, Salary Ordinance for Police and Fire Officers and Employees; and Ordinance 78-54, Salary Ordinance for City Clerk and Court Employees.

AGENDA SUMMATION

Olcott said that he was dismayed to see that the Human Rights Commission Chairperson and the Deputy City Attorney went to Albuquerque to a conference using City funds, especially since the Deputy City Attorney is leaving City employ.

MESSAGES FROM
COUNCILMEMBERS

The Mayor said he made one change in the Salary Ordinance and this was to change the salary of the Human Resources Director to \$16,500.

MESSAGES FROM
THE MAYOR

Bill Finch explained the trip to Albuquerque, stating that the expenses incurred were paid entirely by the Federal EEOC. They invited two representatives of local commissions to the conference. He noted that the Deputy City Attorney is also the Contract Compliance Officer (she would benefit from the EEO conference), and also no one knew should would be leaving the City.

There were no Petitions and Communications.

PETITIONS & COMM.

Olcott moved and Morrison seconded a motion to introduce and read Ordinance 78-52 by title only.

ORDINANCE 78-52
Salary Ordinance
Civil City

Deputy Clerk Connors read Ordinance 78-52 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-52. Richardson read the legislative synopsis.

The Council then agreed to vote on the ordinance department by department.

Regarding the Legal Department, Towell said that the Mayor has many staff people when department heads are considered, and that the restructuring of the Legal Department needs to be examined in light of the request for an additional attorney.

Legal Department
(Continued on p. 2)

Blume moved and Middleton seconded a motion to approve the Legal Department section. Motion carried by unanimous voice vote.

Controllers Office - Richardson said that Neil Schmeltekop of Utilities informed him that it would be difficult to find a good computer analyst even for \$16,000.

Controller's Office

Blume said he would like to see a hiring freeze and to have each new position deleted. He then moved and Towell seconded a motion to cut the Computer Analyst position. Blume said that there is often good justification for new positions, but that when you consider that one third of a person's salary must be paid by the city in the form of social security and PERF payments, then the City should take a good look at hiring new people.

Towell said the City has been slow in consideration of the uses of a computer. He said the City could make up the salary of this person through savings made with computer use. The cost of computers is going down and they will be extremely helpful in the future.

Kinzer said she supported the position, stating that it should save the City money in the long run and make for more efficient operations.

Olcott agreed and said computerization has helped his company a lot, and the City really should look to this as the thing of the future.

Morrison agreed that the computer would help, but that it should not replace employees.

Middleton asked if this person could be shared with Utilities.

Pat Gross answered that the position is designed for the use of the civil city. The Utilities employees working in this area will be involved primarily with billing procedures, and this would be a full-time job for them. Later on, perhaps there could be cooperation. This person won't be involved with the hardware yet. The first year would be spent in determining the possible needs and uses for a computer.

Mayor McCloskey said he is in favor of the proposed \$2,000 raise for this position.

Richardson said that the Council should consider leaving the position there and if they want to cut it later they can do it during the budget session.

There was then a discussion concerning whether the city would be obligated to fund a position if it appeared in the salary ordinance, and McCloskey said this is unclear, but no one has ever filed suit to fund a position because it was in the salary ordinance. He noted that the salary ordinance merely sets the maximum, and the City is not obligated to pay the maximum. The City has done this in the past and the State Board of Accounts has not objected.

Blume's motion to cut the position then failed by a vote of Ayes: 1 (Blume), Nays: 7.

Kinzer moved and Towell seconded a motion to increase the salary figure for the Computer Analyst to \$12,000. The Mayor said he would go along with this.

Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to approve the Controller's budget as amended. Motion carried by a vote of Ayes: 8, Nays: 0.

Kinzer moved and Middleton seconded a motion to approve the Council Office budget as submitted (with \$250 advertising transfer to the Board of Works). Motion carried by a vote of Ayes: 8, Nays: 0.

Council Office

Kinzer moved and Blume seconded a motion to approve the Legal Department budget as submitted. Kinzer said the budget reflects an increased emphasis on enforcement, and she said she was glad to see this, especially with the addition of a work study position to take care of complaints.

Legal Dept.

Towell said he had voted for increased enforcement through the addition of a Deputy Attorney in 1975; however increased enforcement has not been forthcoming. He said that if the Legal Department would concentrate on legal functions there would be sufficient manpower to get the job done, but he said the City Attorney has many functions.

Middleton moved and Morrison seconded a motion to delete the new Deputy Attorney position.

Finch welcomed Towell to give him specifics about his displeasure with the Legal Department. He said it is their intent to enforce the city's ordinance, and he feels that they have been doing this. He explained the large increase in the Deputy Attorney's salary, stating that this person has a great deal of responsibility, in effect acting as the City Attorney in his absence. Also, with the emphasis on increased enforcement in housing inspections and animal control, the department must have the staff to do this. Finally, he said he does not serve in any other functions other than through the Legal Department. Towell asked about his role in negotiations, and Finch said that he would be glad to see the City hire a labor lawyer to handle negotiations so that he could concentrate on other things. Funds for drafting and advice from Ice Miller Donadio and Ryan help, but someone must still sit at the table and negotiate.

Richardson said there will be a need for another Deputy with increased enforcement. He continued that enforcement is a package, and until this year, the Mayor has not appropriated sufficient funds to get the job done. This year he has done this and the Council should take advantage of this. Kinzer agreed.

There was discussion concerning whether the salaries for the deputy attorneys are too low or too high. Finch said \$12,000 may be low for the new attorney, but they should be able to find someone for this amount.

Allison asked if they could get along with a part-time attorney, and Finch answered that a full-time position is needed, but of course they will take what they can get.

Bill Wilson addressed the Council, stating that the Legal Department spends a good deal of time on Parks and Recreation matters. He said they have helped to keep them out of lawsuits, have assisted with accident reports and in collecting fees. They also helped with the EDA grant. He concluded that if it means that the Parks and Recreation Department may lose some services from the Legal Department, perhaps Parks and Recreation can consider contributing to the salaries of the attorneys.

Olcott suggested that if assistance is needed, the Council's attorney can help. He said he would be in favor of raising the salary of the City Attorney, but would not be in favor of hiring a new one.

Finch said the Council's Attorney does help, but the Legal Department gets more complaints and they also have more experience in some areas. He continued that his department works for all City departments and are the only ones that review contracts, draft legislation, etc.

Towell moved and Allison seconded a motion to reduce the new Deputy Attorney to half-time at \$7,000. Towell said he hopes this half-time position would be enough to get the job done. Kinzer said she would like to see it kept as a full-time position.

Motion failed by a vote of Ayes: 3, Nays: 4 (Olcott, Blume, Kinzer and Middleton), Abstentions: 1 (Morrison).

Motion to delete position of Deputy Attorney failed for lack of majority by a vote of Ayes: 4, Nays: 4 (Allison, Kinzer, Middleton and Richardson).

Towell moved and Morrison seconded a motion to reduce the salary of the Deputy Attorney to \$6,750.

Motion failed for lack of majority by a vote of Ayes: 4, Nays: 4 (Olcott, Kinzer, Blume and Middleton).

Olcott moved and Towell seconded a motion to increase the salary of the City Attorney to \$19,120. Olcott said this would be fair when compared to other positions of similar responsibility in the city.

Allison said she has a problem with rewarding someone before we see how they perform. She said she would be in favor of a raise after the person proves their capabilities.

Motion failed by a vote of Ayes: 3, Nays: 5 (Towell, Allison, Kinzer, Blume and Richardson).

Allison moved and Morrison seconded a motion to reduce the Deputy Attorney/Contract Compliance Officer to \$15,000, with Allison stating it is a buyer's market for attorneys in this town.

Motion failed by a vote of Ayes: 2, Nays: 6 (Morrison, Towell, Olcott, Kinzer, Middleton and Richardson).

Blume moved and Morrison seconded a motion to delete the new part-time secretary.

Motion failed by a vote of Ayes: 2, Nays: 6 (Towell, Olcott, Allison, Kinzer, Middleton and Richardson).

Towell moved and Morrison seconded a motion to reduce the salary of the Deputy Attorney to part-time at \$6,500.

Motion carried by a vote of Ayes: 5, Nays: 3 (Olcott, Kinzer and Middleton).

Olcott moved and Towell seconded a motion to approve the Legal Department budget as amended.

Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to approve the Board of Works budget as submitted. Motion carried by a vote of Ayes: 7, Nays: 0 (Middleton out of room).

Board of
Public Works

Towell moved and Kinzer seconded a motion to limit the Personnel Director's raise to \$520.

Personnel Dept.

Mayor McCloskey said that the Director deserves this raise. He has worked hard and the pay is equitable compared to other positions. He was offered a higher salary by the state, but he chose to stay here.

Motion failed by a vote of Ayes: 2, Nays: 6 (Morrison, Olcott, Allison, Blume, Middleton and Richardson).

Olcott moved and Morrison seconded a motion to approve the Personnel Department as amended.

Motion carried by a vote of Ayes: 8, Nays: 0.

Richardson noted that the Mayor has recommended that the increase for the Human Resources Director be limited to \$16,500, and that the full-time secretarial position be made half-time.

Human Resources
Department

Middleton moved and Morrison seconded a motion to approve the Director's salary at \$16,500.

Towell noted that many arguments had been made concerning the high level of responsibility of certain department heads. He said this position has just as much responsibility with supervisory powers over many employees, varied programs, etc. He said this position is the innovation of the McCloskey administration, and said McCloskey is limiting his choices by only approving \$16,500.

McCloskey said that he has agreed to raise the salary to \$16,500 as recommended by the Council. At the lower salary, the City has received 90 applications from all over the midwest. He also recommended that the Director of the Center for Recovering Alcoholics be increased to \$11,000, as recommended in the grant.

Motion to increase to \$16,500 passed by a vote of Ayes: 5, Nays: 3 (Olcott, Kinzer and Blume). Olcott noted that with 90 applicants for a job advertised at \$15,000, there is no reason to raise the maximum to \$16,500.

Middleton moved and Towell seconded a motion to increase the salary of the Director for Recovering Alcoholics to \$11,000.

There was a short discussion with Richardson saying this person deserves this raise, and also the possibility of the City spinning off the program or using the Seventh and Rogers property for the program along with the Detoxification program.

Motion carried by a vote of Ayes: 6, Nays: 2 (Morrison and Kinzer).

Blume asked if there were any new positions and Ed Howell answered no.

Towell moved and Middleton seconded a motion to restore the secretary of the Human Rights Commission to a full-time position of Secretary III.

McCloskey argued that the duties of this position have been cut back with the deletion of I.U., sexual orientation, and marital status coverage. He said that for an example, the Legal Department secretary will be working for 2½ attorneys and five work-study students.

Towell said that the Mayor has proposed several large cutbacks in the Human Rights Commission budget, and that to function effectively, they need the full-time secretary.

Richardson said that Duffy LaCava has assured the Council that if it turns out they do not need a full-time secretary, they will voluntarily cut it back to half-time, as they did once before.

Olcott said not enough cases have been filed to warrant a full-time position, and Blume said that if the administration feels there is not enough work for a full-time position, then the Council should listen.

Peggy Tuke of the HRC said that in 1978, the HRC was in an atypical position in that they were shut down through the courts. The HRC agreed to eliminating the Chief Investigator position and to the cutback in the Director's salary, but they will not go along with a part-time secretary. She continued that I.U. has never represented more than 1/3 of all cases. She asked that the Council change the title in the Salary Ordinance to Director/Attorney so as not to run into possible

conflicts in function with the title of "Investigator".
McCloskey said he would go along with the change.

Motion to restore secretary to full-time failed for lack of majority by a vote of Ayes: 4, Nays: 4 (Morrison, Olcott, Blume and Kinzer). Towell asked that one of the nays reconsider their vote so that the Council could consider it during the budget meeting on August 28, and Pat Kinzer then changed her vote to yes. Motion adopted.

Olcott moved and Blume seconded a motion to delete the attorney for the Human Rights Commission.

There was then discussion concerning how this would in effect eliminate the HRC.

Motion failed by a vote of Ayes: 1 (Olcott), Nays: 7.

Towell moved and Morrison seconded a motion to change the Director's title to Director/Attorney.

Motion carried by a vote of Ayes: 8, Nays: 0.

Human Rights Commission approved as submitted by a vote of Ayes: 7, Nays: 1 (Olcott).

Blume said he has no objections to raising salaries, but he does object to adding new people. He then moved to cut two inspectors. There was no second and motion failed.

Engineering
Department

Blume moved and Olcott seconded a motion to cut the PPT Clerk Typist I.

Kinzer and Towell noted that this person could be funded under the other Clerk Typist I item in the salary ordinance and in this way the Council could keep their options open until August 28.

Motion carried by a vote of Ayes: 8, Nays: 0.

Middleton moved and Towell seconded a motion to approve the Plan Department as submitted.

Plan Department

Towell and Blume praised the Planning Director, with Towell saying that he has earned the city's confidence and deserves the raise suggested by the Mayor.

Motion carried by a vote of Ayes: 8, Nays: 0.

Richardson moved and Olcott seconded a motion to strike the Assistant Redevelopment Director and Rehabilitation Supervisor positions.

Redevelopment
Department

McCloskey explained that he has supported the position of Assistant Director to work as a "generalist" with a broad base to work with the entire department. He said he did not know about the other position.

Morrison said the department has had problems with followup on inspections, and said he would support the supervisor position.

There was then considerable discussion concerning which rehabilitation position should be cut, with Councilmembers asking what the difference is between Rehabilitation Trainee, Rehabilitation Technician and Rehabilitation Supervisor.

Motion to cut Assistant Director was approved by a vote of Ayes: 7, Abstentions: 1 (Allison - needs more information).

Motion to cut Rehabilitation Technician (instead of Supervisor) was approved by a vote of Ayes: 5, Nays: 2 (Towell and Olcott).

It was noted that these positions are not on tax-base, but are paid through ~~CDBG Funds~~.

Middleton moved and Towell seconded a motion to approve the Redevelopment Department as amended.

Motion carried by a vote of Ayes: 7, Nays: 1 (Allison).

Olcott moved and Morrison seconded a motion to approve the Sanitation Department salaries as submitted.

Sanitation
Department

Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to approve the Animal Shelter salaries as submitted. Richardson noted that one of the three additional officers has been removed at the request of the Betsy Williams, Director of the Shelter.

Animal Shelter

Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Middleton seconded a motion to cut the TPT Clerk Typist to \$3.75/hour.

Transit Dept.

Motion carried by unanimous voice vote.

Olcott moved and Middleton seconded a motion to approve the Transit Department as amended.

Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to approve the Fleet Maintenance Department as submitted.

Fleet Maintenance
Department

Motion carried by a vote of Ayes: 8, Nays: 0.

Olcott moved and Morrison seconded a motion to approve Rosehill Cemetery as submitted.

Rosehill Cem.

Motion carried by a vote of Ayes: 8, Nays: 0.

Morrison asked why the position is not paid very much, and McCloskey explained that the Sexton receives a free house to live in and help from the Board of Works.

Olcott moved and Towell seconded a motion to amend Coordinator to \$10,820.

Parks & Rec.

Motion carried by a vote of Ayes: 8, Nays: 0.

Towell said that the City has been insensitive to the needs of his district in the area of parks. He said that there should be a park in district two that is owned by the city.

Bill Wilson responded that the land north of the railroad may be available in the not-too-distant-future, and this is reflected in the master plan. He said there is a serious shortage of vacant land in this district, suggesting that perhaps tot lots on lots be put in. Also, Griffey Lake is a park in the district. He said there is a problem with funds to buy land, but he welcomed Towell to come before the board with the problem. He concluded that they hope to have the I.U. park for a while, and added that the only land available is on Walnut and is very expensive.

Kinzer said Towell has been asking for a park for years, and serious consideration should be given this request.

Towell moved to reduce the Director's salary by \$1,000. No second.

Parks and Recreation was then approved as amended by a vote of Ayes: 6, Nays: 1 (Towell), Abstentions: 1 (Kinzer).

Kinzer reopened discussion by moving that the attendants be raised to \$3.00 . Olcott seconded the motion. Motion carried by unanimous voice vote.

Pat Gross explained that salaries for Board members are \$400, not \$1200.

Board of Public Safety

Olcott moved and Middleton seconded a motion to approve the Board of Safety as amended. Motion carried by unanimous voice vote. Ordinance 78-52 approved as amended by unanimous voice vote.

Richardson announced that Ordinance 78-53, Salary Ordinance for Police and Fire Officers and Employees, is tabled until August 1.

Ordinance 78-53
Salary Ordinance
Police & Firemen

Olcott moved and Towell seconded a motion to introduce and read Ordinance 78-54 by title only.

Ordinance 78-54
Salary Ordinance
City Clerk &
Court

Clerk Connors read Ordinance 78-54 by title only.

Olcott moved and Morrison seconded a motion to adopt Ordinance 78-54.

Kinzer moved and Middleton seconded a motion to reduce Law Clerk to \$500 and Special Judges to \$750.

Pat Gross noted in answer to a question that most of the funds for special judges has been spent for this year.

Motion carried by a vote of Ayes: 7, Nays: 0 (Morrison had departed).

Olcott moved and Middleton seconded a motion to delete the Deputy Clerk III position in light of the phase-out of City Court.

Motion carried by a vote of Ayes: 6, Nays: 1 (Towell).

Olcott moved and Middleton seconded a motion to adopt Ordinance 78-54 as amended.

Motion carried by a vote of Ayes: 7, Nays: 0.


Olcott moved and Middleton seconded a motion to continue the meeting to August 1. Motion carried by unanimous voice vote.

The meeting was then adjourned at 11:30 p.m. until Aug. 1.


ADJOURNMENT

APPROVE:

ATTEST:



John F. Richardson, President
Bloomington Common Council



Noya M. Connors
Deputy City Clerk/Council

Minutes approved this day of September, 1978.