

## ADDENDUM



### CITY COUNCIL MEETING

**MONDAY, JULY 10, 2017; 7:00 PM  
COUNCIL QUESTIONS / STAFF RESPONSE**

From: Alderman Jamie Mathy

Consent Agenda Items 7K, 7L, and 7M

In the council packet, there are multiple lease transfers where it is stated that the old lease-holder did not get permits for their seawalls, boat docks, and other equipment, and the new resident needs to get permits.

1. Can you tell me what the permitting process is?
2. Shouldn't there be some financial penalty for the seller who didn't permit their stuff? Like maybe make a condition that they have to pay what the permitting fees should have been that they didn't follow?

Response: Bob Yehl, Water Director

Permits for improvements on non-leased marginal lands, such as those referenced in the memos, are ultimately issued in the form of an Excavation Permit once approved by the Department. The Department provides an informational packet that includes the permit request forms and indicates what information is required for evaluation. Typically the Department discusses the desired improvement with the resident / contractor during the process and provides feedback in both verbal and written format.

I am not aware of a financial penalty that the City can be assessed at this time. In addition, please note that Chapter 23, Section 53, indicates that permits shall not be transferable, and that all benefits which may be derived therefrom shall accrue only to the person to whom the permit is originally issued. Therefore, even if the current lease holder had obtained permits, the proposed lease holder would need to obtain permits after the lease transfer was finalized.

From: Alderman Jamie Mathy

Regular Agenda Item: 9A

In the packet, it says that residents who lived on Washington St. were notified about the proposed changes. I'm curious if businesses on Washington St. were notified at all?

Response: Jim Karch, Public Works Director

## **ADDENDUM**

On May 9th, the City sent the attached notifications to both residents and property owners including business along the route from State Farm Plaza to Lee Street. We did include businesses along the route.

From: Alderman Diana Hauman

Consent Agenda Item: 7E, 7F, 7K, 7L, 7M

7E - Has Local 49 ratified the agreement?

Response: David Hales, City Manager

Yes, they ratified it by a vote of approximately 62 to 5. Why is nothing noted under "Financial impact;" two years' salary increases must have some impact? Please review the Financial Impact section of the Council Memo on pages 2 and 3 (attached) as this information was somehow left out of the copied packet materials.

7F - How would failure to grant the waiver impede the welfare of the City...? What if the Planning Commission denies the zoning request?

Response: Tom Dabareiner, Community Development Director

The "waiver" is in the interest of the City because it provides a healthy and reliable way to dispose of waste; denying it harms the City by having a property, annexed or adjoining, which has a waste disposal and therefore a health impact on neighbors. Secondly, the Planning Commission will make a recommendation to City Council on the rezoning and, no matter their action the Council will act. Should the Council not rezone, the City will have a newly annexed property designated for Agricultural.

7K, L, M - Are the docks on these properties in compliance?

Water Department staff performed an initial evaluation during council memo preparation. This evaluation indicated that all observed existing non-leased marginal land and reservoir improvements appear to be compliant with City rules and regulations, though no Excavation Permits were found for the installations. This is true for docks, as well as all other observed installations.

The final detailed evaluation and inspection process, performed during the permitting process, will determine ultimate compliance. In addition to permits coordinated through the Water Department, it is likely that permits will be required from the Community Development Department for electrical installations.

Public Hearing Agenda Item: 8A

8A - "...occurred" should be "will occur" or was scheduled to occur...



## CONSENT AGENDA ITEM NO. 7E

FOR COUNCIL: July 10, 2017

**SUBJECT:** Ratification of Collective Bargaining Agreement with Local 49 Firefighters.

**RECOMMENDATION/MOTION:** That the Collective Bargaining Agreement with the Local 49 Firefighters be approved and ratified.

**STRATEGIC PLAN LINK:** Goal 1 – Financially Sound City Providing Quality Basic Services

**STRATEGIC PLAN SIGNIFICANCE:**

Objective:     d: City services delivery in the most cost-effective, efficient manner.  
                  e. Partnering with others for the most cost-effective service delivery.

**BACKGROUND:** On May 12, 2015, Local 49 and the City staff began negotiating the terms of a collective bargaining agreement to replace the agreement which expired on April 30, 2015. The expired agreement can be located at [www.cityblm.org](http://www.cityblm.org) under Human Resources in a folder titled Labor Contracts. The parties were able to reach Tentative Agreements on the following issues and the Union is scheduled to ratify these Tentative Agreements on July 3, 2017:

### Leave Time

Section 3.3 Conversion of Unused Vacation Days. – Permit use of banked vacation days until December 31<sup>st</sup> of each year.

Section 3.4 School Leave. – Allow for variation in incremental use of time taken, and clarify the appropriate use of such leave.

Section 5.1 Sick Leave. – Include the Sick Leave Buy Back language awarded by Arbitrator Greco in the prior interest arbitration.

Section 7.1 Hours of Work. – Kelly Days will be bid in conjunction with annual vacation bid instead of in advance of vacation bid.

Section Union Business. – This leave will run on a calendar year instead of a fiscal year, and permit this benefit to be carried over from one calendar year to the next.

### Wages and Benefits

Article 17 Group Insurance. – Move to the new Health and Dental Insurance Plans that were implanted for many other employee groups as of January 1, 2017. Eliminate the Health Alliance

option for the HMO plan. Include new language on plan design process. Increase the life insurance benefit from \$25,000 to \$50,000.

Section 33.3 EMS Supervisors. – Clean up language regarding the EMS Supervisor being a “new and experimental position.” In addition, the staff assigned to such position will be paid at this rate for all hours paid instead of all hours worked.

Section 28.1 Salaries. – General wage increase with retroactive pay (on a non-precedential basis) as follows:

May 1, 2015 2.5%  
May 1, 2016 2.5%  
May 1, 2017 2.5%

Section 33.2 Public Education/Fire Investigation. – Pay for employees assigned to fire investigation duties will be 3% over their normal hourly rate instead of at their next higher longevity step.

### **Miscellaneous Items**

Section 7.3 Trades. – Increase the number of hours employees are permitted to trade from 240 hours to 480 hours.

Section 9.2 Recall Procedure. – Eliminate the prohibition on contacting, for recalling purposes, off-duty personnel who were off on their last duty day due to sickness, injury or being assigned administrative duty

Article 11 Acting Pay. – Modify eligibility for Acting Pay.

Section 25.2 Captain Promotion Process Eligibility and Section 25.3 Asst. Chief/Battalion Chief Promotion Process Eligibility. – Update language for promotional process documentation.

Section 26.6 Discipline. – Employees who test positive on the confirmatory test for drugs or alcohol shall be subject to termination after their second positive test instead of their third positive test.

New Section Layoffs and Recalls. – Include language regarding reduction in force rights; order of reduction in force to comply with state statute, which solidifies the City’s right to layoff.

New Section Wellness Initiative. – Require all personnel to participate in an annual Wellness Physical at the expense of the City.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** N/A

### **FINANCIAL IMPACT:**

The financial impact of the tentative agreements includes:

- Increase in wages by 2.5% effective on May 1, 2015, May 1, 2016 and May 1, 2017. Clark Baird Smith LLP estimated labor cost of these wage increases during the term of the contract for full-time employees to be approximately \$1,864,502.84, excluding roll-up costs but does include broad estimates of step increases annually not on each employee's actual effective date. This number does not account for new hires; but does include employees who have retired, resigned, or who have been promoted out of the bargaining unit. This method may overestimate the contract cost slightly but is considered to be a conservative approach.
- The movement of 90 firefighters to the Enhanced Health and Dental insurance plans will positively impact the City's overall employee census for Plan Year 2018; however, due to a significant premium drop seen from Plan Year 2016 to Plan Year 2017 for the Health Alliance HMO plan, currently in place, the City will actually see a net increase in annual subsidy costs of \$32,865 (\$18,455 for Health and \$14,409 for Dental).
- Change in the pay structure for EMS Supervisors is estimated to cost approximately \$1,700 annually.
- Based on the current Fire Investigators staffing, changes in pay structure for Fire Investigators is estimated to save the City approximately \$1,200. Ultimately, staff feels this will be a cost neutral change.
- The investment on the Wellness Initiative has been budgeted in the Human Resources Other Medical Expense budget for FY 2018 in the amount of \$25,000. Based on recommendations and findings in the Fire Service Joint Labor Management Wellness/Fitness Initiative this project seeks to invest in wellness resources to maintain a fit, healthy, and capable firefighter throughout his/her 25-30 + year career and beyond. It is estimated that this program should realize cost savings in lost work time, workers compensation and disability benefits.

**COMMUNITY DEVELOPMENT IMPACT:** Not applicable

Link to Comprehensive Plan/Downtown Plan Goals: Not applicable

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION:** Not applicable

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Asst. Human Resources Manager

Reviewed by: Brian Mohr, Fire Chief  
Nicole Albertson, Human Resources Director

Financial & budgetary review by: Laura Hughs, Accountant  
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

A handwritten signature in black ink, appearing to read "David A. Hales". The signature is fluid and cursive, with the first name being the most prominent.

David A. Hales  
City Manager

**Attachments:**

- Local 49 Labor Contract May 1, 2015- April 30, 2018