

May 2, 2022

The Board of Public Works & Safety met on Monday, May 2, 2022, at 10:00 a.m. in the Marion City Council Chambers. Present were Alex Huskey, Janice Adams, Cindy Cunningham, Brian Flynn, Linda Wilk, and secretary to the board.

Motion to approve the minutes for April 18, 2022- Linda Wilk; seconded Brain Flynn. **Motion carried.**

Code Enforcement-Opening of Bids

Jerry Foustnight: Good morning. Jason is off today which is actually the chief code enforcement officer so I am here today. What we have done is uh per the ordinance and everything we did advertise for contractors to submit a bid for mowing the properties that we have here in the city. Uh so I have three packets that I would like to open before you as a formality so we can take them under advisement, if we would please. Uh our first one that I will open is from Mashawn Kemp uh and it does show is certificate of liability insurance, uh he also did include the bid for basic city lot average is 6' by 132' (inaudible) any way, his bid to mow those lots is \$50 per lot.

Cindy Cunningham: Did you say fifty?

Jerry Foustnight: Pardon me?

Cindy Cunningham: Did you say fifty?

Jerry Foustnight: Fifty. Yes, Ma'am. And the hourly rate uh we ask them to include a hourly rate for instance we have extra's that we need done. We need bushes cut out or uh whatever the circumstances may be. Uh we pay them additional money for that and it is \$75 per hour. Uh our next one we have here it is submitted by uh Kevin Foard of Foard's Snow and Tree Service. Uh this would be an actually a voided estimate. He never put the amount he wanted for the properties or the hourly rate and also he did not include his certificate of insurance. The next one before you is by Midas Mowing of Marion, Uh their basic lot is \$35 and \$50 per hour for additional work. Uh so basically we have two bids before us that is acceptable. The one from uh the one I just read to you from Midas Mowing and from MaShawn Kemp. So what we would like to do is is we will take these under advisement and uh we will uh we have to move very quickly on this because mowing season has already started. We have already been out in the area mowing different properties uh with the work mate crew. Uh so, uh...

Alex Huskey: So Mr. Foustnight did you say that Midas had their certificate of insurance as well?

Jerry Foustnight: Midas? Yes sir.

Alex Huskey: Okay.

Jerry Foustnight: Midas, Midas their certificate of insurance had to be presented with the bid. They did present their insurance and also uh MaShawn Kemp's.

Alex Huskey: Right.

Jerry Foustnight: The one from Kevin Foard he didn't fill out the application at all so uh you know. And uh we of course with any bid there is a deadline. The deadline I believe was the 29th and uh so uh

Cindy Cunningham: How many crews will you hire?

Jerry Foustnight: Uh.

Cindy Cunningham: Possible both of them?

Jerry Foustnight: Yeah, we would like to have two crews. It makes it much easier as we move forward and everything. It makes it much easier. Um we have set in the past at when I first came into office I believe we were paying \$35 per lot. Uh then we couldn't get anybody so we moved it up to \$40 per lot and the last time we did it we paid \$50 per lot. Um sometimes you win sometimes you lose on these lots. Sometimes you go in and it is very quick. You can do it very quickly because uh uh uh the height of the weeds and the grass. Other times when it is two foot tall, three foot tall it takes a lot longer so we tried to make sure that it averages out. What we do is in the code department we have a list of the properties that need mowed and we do what we call work orders that we present. We present those work orders to the contractor. Um we give them a period of time uh to get those completed. Uh once they complete them and they return the work orders to us our officers will go out to check and make sure the properties are being maintained or that they have been mowed. Uh and uh then we want to make the statement to you or the bills so that we can get them paid.

Janice Adams: Have you used these companies before Kemp and Midas? Have you used those before?

Jerry Foustnight: Pardon me, have we used them before?

Janice Adams: Have you used them before, Kemp and Midas?

Jerry Foustnight: Uh, I have never used Midas, no Ma'am. MaShawn Kemp we used him, what two years?

MaShawn Kemp: 3

Jerry Foustnight: So uh he is familiar with the process and everything.

Cindy Cunningham: Now will you pay Midas the same thing that you pay Kemp even though their bids are different.

Jerry Foustnight: Yes. Uh you know we we pretty much set the policy at \$50 per lot. Sometimes we see bids and everything we may not go with the lowest bidder. We may go with somebody that we have dealt with before or that uh those process you know uh I believe that anybody can wants they start and learn the process (inaudible) and everything, So, I have never had a conversation with uh uh Midas Mowing uh I am sure maybe Jason has had a conversation when they were uh getting ready to bid, bid the properties. So, any way uh...

Alex Huskey: So before you go to anyway I a few more things. Uh a couple of things. One, I mean it's if the person is doing a good job I don't mind paying them if it is a small project versus a larger project. That is the key. I mean, it's sometimes people make a big deal out of the amount of time and they forget the quality. Right? So the quality has to be there because there is a mowing and then there is an actual care in mowing. Right, I can go through there and cut every doggone bush down and every piece of grass that looks horrible (in audible) but also I would like to be able to assess this. And I think it the past uh I, I, I just wonder why would we pay if they bid \$35 an hour and you're planning on hiring crews, why wouldn't you give them the smaller jobs at \$35 an hour and give Mr. Kemp the other jobs at \$50 an hour. I don't see, I don't see, I don't see equity because they bid it. They knew what they were bidding on when the bid it. And so I don't see the equity in being able to bump them up if they bid \$35 an hour.

Jerry Foustnight: Well uh I might relay what's happened uh in the past years. We have had individuals come in and bid the lower amount and uh uh they lasted for maybe two weeks and then they decided I can't mow it for that amount of money and.

Alex Huskey: That is their business decision not ours.

Jerry Foustnight: Right, right but then they understand that they are paying other individuals more money that causes attention there also.

Alex Huskey: That is their business desire when they bid.

Jerry Foustnight: But our lots basically all of our lots are the same except we do have some bigger throughout the city but most of them is uh 60 or 32 by 66 or whatever it is. They are pretty much the same lot throughout the city. Uh uh you know we can see about the uh...

Alex Huskey: Just let the record reflect that I have a major issue when we do things like this. It does not create equity because that they did bid. Mr. Kemp made his bid and I think the equity is you give them the work according to the

Jerry Foustnight: Well right and also Mr. Huskey if we wanted to do like some of the things that's required we could say ok Mr. Kemp's bid was \$50 the other one's \$35 so we are going to use Midas and not use Mr. Kemp. You know if we take the lowest bid. You understand what I am saying.

Alex Huskey: There is nothing in policy that says you have to take the lowest bid.

Jerry Foustnight: Well.

Alex Huskey: It says it does talk about the quality of work. And I think I think overall we just need to be careful about that when people are making bids. They are bidding their amount and we don't know the quality of the work. So, maybe you put them on a trial and see how well they do but I, I, I just think we need to be real careful because it gives an appearance of inequity.

Jerry Foustnight: Okay.

Brian Flynn: I kind of have a follow-up clarification. Uh you said the work is assigned by work order so one time for the same property may be one person cutting the next time it may be the other person cutting?

Jerry Foustnight: What we try to do is um when we issue the work orders the work orders will have the address where the work needs to be completed. If we have for instance MaShawn Kemp here if he did property number 1, 2, 3, and 4 and then towards the end of the season or mid-season or something we have to re-mow those structures uh we try to take those contractors and let them re- mow the ones that they have done before. Uh that way they know if there is a pipe sticking up in the yard or they know this or whatever. But in otherwise though we want to make sure we are fair. We don't want to overload one contractor and the other not. And so we try to be fair you know if we have two contractors, three contractors uh we we take those work orders and say okay we have twenty for you, twenty for you, and twenty for you. Uh in the past we have had some issues where one contractor may do the mowing in say a period of two weeks the other one may take four weeks, five weeks or whatever and so we we kind of put stipulations on how quickly they have to be mowed. We have also taken and said oh wow if you take four weeks

and he takes two weeks and there is more that has to be mowed we are going to go with the individual that is available. We are not going to wait for two additional weeks to have a contractor mow. We will move forward and, and uh I believe uh everybody understands that that works for us.

Brian Flynn: Thank you. I was going to address the continuity of the knowledge of the lots. Being able to go back in if I know I mow quite a bit. You will learn the nuances of each property and uh it also gives you an opportunity to monitor performance instead of switching back and forth from one to the other. Well who did it this time, who did it that time?

Jerry Foustnight: We also um as a safety net for the city we also require now as they go in as they get ready to do that uh that property they take a picture of the property. When it is completed they take another picture and send that picture to us. They don't send it to us but when they turn in their statements or their work orders back we will have copies of that.

Brian Flynn: That is good.

Jerry Foustnight: And so that is a safety net for us and then also our officers will go out there additionally look at it and say yes it is completed. If they go out there and there is an issue be it whether uh they through grass all over the road and never took care of it or whatever the issue maybe uh then we address those issues with the contractor. Saying you know this can't be here or whatever. So, uh it has worked out pretty well in the past since we changed things then again you know there is always room for improvement and we know that.

Linda Wilk: So, the question I would have knowing that the one came in a lot lower than the other and the other has experience because they know your process what were the guidelines? Did you indicate how much they would be paid? Or what, when you did the bids was it just completely open?

Jerry Foustnight: Yes.

Linda Wilk: There was no said this is what has been paid in the past?

Jerry Foustnight: No, if you look at the copy of the contract it has in there it says you know about their insurance you know and gives the guidelines. But then it also takes and uh has an area where the individuals uh put for instance mowing the lot and it gives the approximate size of the lot what they charge. It also gives in there their hourly rate. And those are the things that have to be bid or put in there. Uh like I said the one individual that uh put in never put any information he just basically returned it with his name on it. So I, I you know I don't know why he did that.

Alex Huskey: So Linda you go what, what my point was. If we are going to set an hourly, if we are going to set a rate for the lot, set the rate but then ask them to bid on the hourly rate because we have already set the rate at \$50 an hour, I mean \$50 a lot. And so it is a moot point of having them bid on how much they charge on the lot it is really more about how much they charge additionally on the hour for the additional work that needs to be done. So I think, I think we need to change that process moving forward. And I would, I would love you know when you have those pictures I would love to see some of those pictures of when they are done with the work.

Jerry Foustnight: Well we can we can supply those to you. Once we

Alex Huskey: I mean everyone else may not want to see them but I would just love to see them.

Jerry Foustnight: Well well once we start the process uh and we we have those available I can bring them down so you can look at them. It will indicate this address and the date when they did it and then that way you can look at them and make sure before you pay the bills that you have that available to you.

Alex Huskey: Yeah.

Linda Wilk: Yeah and I think it would be fine just to bring them. I don't think we need them on our individual packets because that is a lot of work. If you could just bring them that would be great.

Jerry Foustnight: Well you know I would hope that you wouldn't want them for every property because we...

Alex Huskey: Oh no, no no.

Linda Wilk: Just a sampling.

Jerry Foustnight: You know there are quite of few properties but you know we can say here is one, here is one, and here is one or even if you guys would request can you show us what's been done at such and such an address we can provide that information to you because we keep it all on file.

Alex Huskey: Yeah and just and I would love the only other additional thing I would love is a list of the properties that have been mowed when they have been mowed just simply this.

Because I get a lot of complaints from folks about how the city looks right and so when I get those complaints about how the city looks I want to make sure I can go back and give an intelligible answer about what is being done and how it is being addressed.

Jerry Foustnight: Sure. We can provide those that is not an issue. Uh you know when you know at the first of the month I can provide last or whatever you want just so you have it. Even if I am not on the agenda we can send each of you a packet that shows what we are doing. Maybe you can have that as a reference.

Alex Huskey: Thank you. I will entertain a motion to accept the bids as presented.

Motion to accept the bids as presented- Linda Wilk; seconded Cindy Cunningham. **Motion carried.**

Jerry Foustnight: Thank you very much.

Alex Huskey: Thank you Mr. Kemp for being here today. I appreciate you and your team being here.

MaShawn Kemp: Alright have a good day.

Alex Huskey: Have a good day.

Marion Fire Department- Mayday S.O.P.

Assistant Fire Chief Eckstein: I apologize for being late. I was helping one of my guys do an arson case I had over the weekend.

Alex Huskey: We always want to catch those arsonists.

Assistant Chief Eckstein: Well we have a pretty good lead on this one already so it is going to be interesting.

Alex Huskey: Alright.

Assistant Chief Eckstein: Uh bringing to you the Mayday S.O.P. through the fire department.

Um this is the guideline for our guys and gals to where if they get into a situation that puts their life in jeopardy they know the procedures for them to follow.

Linda Wilk: Now, is this new or is this updated?

Assistant Chief Eckstein: This was not in Lexipol. The last um S.O.P's um the last time that we had a Mayday S.O.P. was back in the 80's and things have changed a lot since the 80's.

Alex Huskey: Slightly.

Assistant Chief Eckstein: Yeah the technology the gear uh radios passed devices everything has been a little different since the 80's.

Linda Wilk: So when it says date when we approve this you will put that as the effective date?

Assistant Chief Eckstein: Yes, Ma'am.

Linda Wilk: Okay.

Alex Huskey: As with most of our documents we have had this for some time to review so are there questions, comments, or concerns.

Brian Flynn: I think I have a comment that may be a question as well. It is not really about any of the language, what is the training procedure to this type of event. Do you do simulations? Is it something that is done...?

Assistant Chief Eckstein: Yeah, we do it in house. Um we do the Denver Drill. It is I am trying to think of the best way to describe it. The Denver Drill we are teaching everybody together on a shift. Um we don't do it whole department, we do it per shift because you work with them guys on a 24 hour area. You know their behaviors and what guys are good at certain aspects compared to other guys. Um but we do, do training on it as crews. Denver Drills um it pretty much your; with the equipment that we have out anymore, our new coats, hats actually have the drag webbing it is a piece of webbing I guess you could say. It is about four foot long and it is integrated into our coats now. It is actually a NFPA requirement. So those are just of the things that we are doing on the department when we purchase new gear to help in the event that somebody was to go down.

Brian Flynn: Thank you.

Assistant Chief Eckstein: Also the uh state of Indiana has a trailer that we get at least two or three times a year that talks about collapses, if the floor ever gives out underneath of a fireman. We have wire entanglement facility that we built, that our training officer built that is down in old station 3. Then there is one where if you ever have to breach a wall you learn how to take your pack off with you mask still on. Even big guys like myself can squeeze through it so but yeah we do do training on if a fireman was to go down.

Brain Flynn: Very good. Thank you.

Alex Huskey: Any additional questions, concerns. I do want to commend you for bringing back a Mayday S.O.P though because for whatever reasons we we seem to grapple sometimes in a smaller community about what we need and what we don't need until we get into trouble. Right? And so I, I thank you for being proactive and getting this back up and ready and making it fairly unique to the circumstances that you are going to face here. I have a nephew from a police department to a fire department and I applauded him as well. I am learning so much more even

from him about fire science and the things that are happening in that space so thank you so much for.

Assistant Chief Eckstein: In Grant County we have actually had a Mayday happen um it was early 2000's it happened in Upland and a fireman did go down and they did request for Marion fire to come out. The ending wasn't what we wanted but it does happen.

Alex Huskey: I remember that incident. Thank you. Alright, if there is no additional discussion I will entertain a motion to approve.

Motion to approve the Mayday S.O.P. - Brain Flynn; seconded Janice Adams. **Motion carried.**
Assistant Chief Eckstein: Thank you very much.

Board in unison: Thank you.

Alex Huskey: And chief we are getting ready to go into public comment but before we do that I just want to thank you and Chief David for following up with me about the diversity, equity and belonging policies. I will have some information for you all in the next week. I have been working with a couple of entities to get something that is specifically for your needs.

Assistant Chief Eckstein: Okay. That sounds great. If anyone know anyone looking for a job for the fire department we are hiring.

Alex Huskey: Thank you sir.

Assistant Chief Eckstein: We only have two candidates right now so.

Alex Huskey: Thank you sir.

Assistant Chief Eckstein: Thank you.

Cindy Cunningham: Thank you.

Public Comment:

No public comment.

Alex Huskey: I personally in this moment of public comment, I would like record to reflect I thank this board for your act of service and all that you do. A lot of people don't understand how much time you put in for preparing for these meeting and the things that you do. But uh I am quite appreciative of it and I believe that the citizens of Marion are appreciative of it. So thank you so much.

Cindy Cunningham: Thank you Alex.

Payment of the Bills- for May 2, 2022

Alex Huskey: Are there any questions, comments, or concerns about the bills? I see after a year the supply chain issue is being resolved and we do have a new truck coming on board so thank you so much. I would entertain a motion to pay the bills.

Motion to pay the bills for May 2, 2022-Janice Adams; seconded Brain Flynn. **Motion carried.**

Adjournment

Motion to adjourn: Cindy Cunningham

Meeting adjourned.

Alex Huskey- President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety