

May 16, 2022

The Board of Public Works & Safety met on Monday, May 16, 2022, at 10:00 a.m. in the Marion City Council Chambers. Present were Alex Huskey, Janice Adams, Cindy Cunningham, Linda Wilk, and secretary to the board.

Motion to approve the minutes for May 2, 2022- Janice Adams; seconded Cindy Cunningham.
Motion carried.

City of Marion- Public Hearing

Janet Pearson: Good morning.

Board in unison: Good morning.

Janet Pearson: The properties that you have this morning are vacant lots. The first one is 419 W. 5th Street for \$800, the second one 717 W. 8th Street for \$800 and the last one 518 W. 9th Street for \$800. We would just like to get these approved and get them back on the tax rolls.

Alex Huskey: Are there any questions for Janet? Seeing that there are no questions I would entertain a motion to approve the sale of these properties as listed.

Motion to approve the sale of 419 W. 5th, 717 W. 8th, and 518 W. 9th Street in Marion-Cindy Cunningham; seconded Janice Adams. Motion carried.

Janet Pearson: Thank you so much.

Alex Huskey: Thank you, we appreciate the work that you are doing with that.

Janet Pearson: Thank you.

Code Enforcement- Mowing bids

Jason Konazeski: I am Jason Konazeski Chief Code Enforcement Officer for the city of Marion. Doing a contract for the City of Marion for mowing. We have decided to go with Midas Mowing. A Nehemiah Kennedy.

Alex Huskey: Pardon me.

Jason Konazeski: Nehemiah Kennedy. Midas Mowing.

Linda Wilk: Is that two different or is that one?

Jason Konazeski: It is the same one.

Linda Wilk: So it is just one. You decided to go with just one.

Jason Konazeski: Right.

Linda Wilk: Okay. Is there, because I know last meeting there was, Jerry made the comment that he would probably go with two different because of the number of lots you had.

Jason Konazeski: Well I have a discrepancy with one of them.

Linda Wilk: Okay.

Jason Konazeski: I am not. I don't feel comfortable using them. So I decided just to go with the one. Midas Mowing.

Linda Wilk: Okay.

Alex Huskey: What is the discrepancy?

Jerry Foustnight: Do what?

Alex Huskey: What is the discrepancy?

Jason Konazeski: Well I was told that uh the other company um would go along and say they mowed a property which they did not mow and they were trying to get payment for that. And so I decided not to go with them. I don't want to have to deal with that the first year doing this. So I prefer to just go with the one and see how that works.

Cindy Cunningham: Will the one be able to keep up with everything?

Jason Konazeski: I am hoping. I meet with them tomorrow actually. He wasn't available today. Um to have a meeting today. If not then I will be forced to use the other gentleman because I only had three bids. One bid didn't fill out the application correctly so I can't use him. And so I was forced to use the other two and I heard, I know it is hear say, it is what somebody has told me about the other company. I didn't feel comfortable using that.

Cindy Cunningham: We don't have proof though.

Jason Konazeski: No. We don't have any proof other than what someone has told me. I did not feel comfortable on my end to have to deal with that and so I went with this other company.

Linda Wilk: So is this company one you have used before?

Jason Konazeski: Not that I am aware of.

Linda Wilk: Okay. So the other company was used previously by the city.

Jason Konazeski: As far as I'm, as far as I know, yes. Several years ago.

Janice Adams: Did you have any problems with that company before when they worked for you?

Jason Konazeski: I was not in that position to know that.

Janice Adams: Okay. Do you think it would have been to your advantage to investigate that rather than just going with hearsay?

Jason Konazeski: It is possible. What

Janice Adams: I would have thought you...

Jason Konazeski: I had the deputy of the work crew tell me this information so I took it for what it was.

Janice Adams: mmm hmm. My concern is that you have a person that you have never worked with before and then you have someone that you have and so we didn't investigate to see if previous people have had problems with them we are just going with the hearsay. And so I kind of struggle with that.

Jason Konazeski: Okay. The gentleman that I picked here is also cheaper for us to have the work done. So that was another reason why I decided to go with that.

Janice Adams: How much cheaper, because I thought the last time they were both...

Jason Konazeski: One was \$50 a lot and this one gentleman here I am using is \$35 a lot.

Cindy Cunningham: But what I understood Jason and I know this is your first time and it probably makes you kind of nervous but please you know, I just have questions.

Jason Konazeski: Yep, no problem.

Cindy Cunningham: What I understood was um that you guys paid them regardless of what their um bid was you were going to pay them \$50 even if they came in at \$35. Is that not the case anymore? Are you going to pay them the \$35? I think it was \$35 a lot. If I recall.

Jason Konazeski: I am not a hundred percent sure on that.

Cindy Cunningham: Okay.

Jerry Foustnight: May I speak? Um we have taken and we had the two bids submitted. Mr. Huskey said that uh we should take the lower of the two bids.

Alex Huskey: That is not what I said. That is not what I said. I am looking through my notes dictated from my phone and that is not what I said.

Jerry Foustnight: Yes, and what what was said was I said that we paid \$50 per lot and you asked the question if you have somebody that is cheaper do we pay them that amount.

Alex Huskey: That is what I asked. But I did not suggest that we pay the \$50.

Jerry Foustnight: Yes, anyway uh we went back through the applications that we had uh as far as the previous uh company that mowed for us. We did have conversations with the inmate work crew deputies and they indicated that there were some issues where they had mowed properties and that we under uh when the other code enforcement was overseeing this that um they were paid for properties that apparently that wasn't uh complete.

Cindy Cunningham: So they were both the work crew and the other company...

Jerry Foustnight: Yes, and we do use the work crew on uh only the city properties but we do use that work crew on...

Cindy Cunningham: But the sheriff's department didn't notify you when they found out that we were paying...

Jerry Foustnight: What, what what was said was there was there was just an indication that it was possible that they hadn't mowed. We uh have now we have a system better in place so that we know, we require now we require that when a company goes to mow a a vacant lot or a structure or where a structure is that they have to take pictures prior to and after it uh. We also have better communications with the work mate crew so that we have a list uh when they compete a uh like this week if they did twenty yards we (inaudible) tell us where those twenty yards were mowed or uh if they were cleaned up or whatever. We have that available to us. Uh...

Cindy Cunningham: Back to the pay. Are you paying this Midas are you going to pay them the \$35? I think it was \$35 if I recall.

Jerry Foustnight: The first, their bid was for \$35.

Cindy Cunningham: And that is what you will pay them?

Jerry Foustnight: And uh, uh they're at this time they're content with the \$35.

Alex Huskey: The question is, is that what you are going to pay them?

Jerry Foustnight: Yes.

Alex Huskey: Okay.

Cindy Cunningham: And they can't come back in a few weeks and say hey wait a minute we need \$50 this is more and that you will bump them up?

Jerry Foustnight; Uh, that would be Jason's call I, I would feel that if they feel comfortable with bidding the \$35 uh that they uh investigated and made sure that that amount of money is what they need to do it. Hopefully, and uh we have already started on a lot of the lots throughout the city you will see we have started on a lot of lots with the inmate work crew. Hopefully that we can get these individuals started as soon as possible. After June 1st we don't have to notify individuals as far as if Mr. Huskey's yard is a foot tall after January or June 1st we can just go in

and mow it and send him the statement that you know the city uh took care of his yard (inaudible). Prior to that we have to notify individuals. So if uh if we go out and do properties right now we have the inmate crew out doing a lot of properties as we speak but we can't uh uh bill these individuals until after June 1st. And so by the time here it is in May by the time we go out to Mr. Huskey's yard and look at it today by the time we send him a notification and everything then it is going to be close to the June 1st deadline and uh so it's kind of a this period between April and June 1st is a period that we do a lot of free mowing in the city basically with our inmate work crew that that is out trying to get areas mowed down. So we will start this company at the \$35. They uh felt comfortable apparently with the \$35 and uh hopefully they will go forward. As in the past and I am sure all of you is aware that we have hired companies to come in and mow for us and even at the \$50 or whatever before I think it was \$45. We raised it last year where the lowest bid was like \$50 and before that uh we had individuals that bid the job that we gave the contracts to them to do and they mowed for a couple of weeks and they said no we can't do this it's too tall, it's tearing our mowers up and all that. So, uh as Jason (inaudible) to we have a meeting tomorrow with this company to make sure they do have the equipment that they're going to be able to uh do the work for us. Apparently they feel that they have the equipment to do it they felt that they had they uh the uh man power or they would not have put in the bids for the

Alex Huskey: I, I must tell you and I want the record to reflect I find this very frustrating because at the last meeting you stated that it was a policy that regardless what folks bid you paid them \$50 a lot to mow.

Jerry Foustnight: That is what we have done in the past, correct.

Alex Huskey: Okay, how when did the policy change?

Jerry Foustnight: We can change a policy it is not an ordinance or anything.

Alex Huskey: That is not good, that is not good community service, it is not good business and it is certainly no transparency.

Jerry Foustnight: Well sure it is.

Alex Huskey: Not when you go on the record and say the policy is and you have not advertised that the policy has changed. That that is not good business or good community service. I am going to, I am going to let the record reflect that and that really does bother me because those are the transparency issues that people have complained about time and time again. And that garbage has to stop.

Jerry Foustnight: That what?

Alex Huskey: That garbage has to stop.

Jerry Foustnight: Okay.

Alex Huskey: And I want the record to reflect that I, I am not accepting this bid packet as is based on the testimony that we were given in the last last meeting about how the process was done and it has not been followed to this "T" and they you are taking hearsay without any evidence and you specifically said at the last meeting there was you, you had affirmed that these companies had done their job. But now you are telling me that you are affirming that they haven't done their job.

Jerry Foustnight: No we indicated that we were told that they hadn't done their job.

Alex Huskey: But, but but to make a decision like that and change a policy based on what you are told without any evidence is... I am not an attorney but there are attorney's in here and I guarantee you if I did that in a court of law that would be considered perjury.

Jerry Foustnight: Whatever.

Jason Konazeski: Well I stated I didn't, I didn't, I heard the information. I didn't feel comfortable using this company because of what I heard. And I have a right to choose which company I use I believe. Whether it is this job or that job I have three bids one I could not use because he did not feel the application out correctly. The other one I thought I may have problems with, that is my opinion, and the other one I agreed I would rather have this person do it.

Alex Huskey: And, and I and I appreciate that as an opinion and this board has oversight of those opinions.

Jason Konazeski: So do you guys choose, I am new to this so you guys choose who I use?

Linda Wilk: No, you come to us with a recommendation.

Alex Huskey: With the process.

Linda Wilk: I also share is that hearsay, that is a slippery slope. I mean if you had actual documentation even if it is previous year's work then I could understand that but you can't go with hearsay. I mean unless it's, I mean if someone showed you pictures or showed you documents or called and said you know I was just out there and they didn't mow but they are putting in a receipt or an invoice like they did that is a different story. I that is not, I would not

use someone's hearsay. I would not and I agree with Alex. We need to make sure that what we talked about last time that if the policy is to pay \$50 then that needs to be put as part of the advertisement so they know.

Alex Huskey: Yes.

Linda Wilk: Because what happens if (inaudible)

Jerry Foustnight: What we would like to do is we would like to table this.

Linda Wilk: Yeah, it is definitely (inaudible)

Jerry Foustnight: Please table this and we will come back to you.

Cindy Cunningham: Because there is new ways of doing it with the pictures and stuff could you possibly you know go back and give this other company some lots and with now that you have got proof and I understand before what you are saying was happening maybe you could address that with them and then say okay this is the you know what's in place to make sure that you are mowing like you say you are. It, it might take care of that problem.

Janice Adams: I just appreciate you guys tabling that because I agree with everyone else here. I would think that after someone does work for you you would at least go back and check and make sure that the work has been completed and that you are satisfied with that and so a year later to come back and say you hear that they didn't do a good job I think that there is um on our side that we did not carefully pursue this the best we could. I would think that after a person finished doing the work there would be an assessment to go back and check and see how well they completed that work.

Jerry Foustnight: We would like to table it and come back to you

Alex Huskey: And Jason I do appreciate the thoughtfulness that you have given this. It is just it is very different from the testimony that we heard last week and we we just need to be make sure that we are being transparent with our citizens.

Jerry Foustnight: Thank you.

Jason Konazeski: Thank you.

Board in unison: Thank you.

Motion to table the mowing bids- Linda Wilk; seconded Cindy Cunningham. Motion carried.

Transportation- Update

Jeff Edwards- Good morning. I am here for Transportation's update that I was supposed to do in March.

Alex Huskey: We understand, you were a little busy.

Jeff Edwards: Oh okay, I appreciate that I am sorry about that but uh it could not be helped. So our update as far as our schedule is still the same. Eleven o' clock shut down and we quit at four. ADA is still running from seven to six so we are still one hundred percent on that. Uh probably the only change that has come about is the CDC uh there is not mask, the mask mandate has been lifted so it is recommended that we wear a mask but it is not a mandate anymore so. Most people wear masks, our bus drivers do of course we are behind plexiglass and that helps us but most of the passengers still wear a mask also. So other than that I think we did get one of our employees back from maternity leave so that helps us out a little bit on vacation coverage and stuff like that so but we are trying to um hire some people. It is kind of difficult now with the classes you they have to go through so we are working with the Employment Office to get that done because they have grants that is sending people to take the class and then once they take the class then hopefully they will send them to us so. If you have any question then I will try to answer them. Or chuck.

Alex Huskey: So what are the classes that individuals have to take?

Chuck Martindale: CDL. Preparation for CDL now because of the new federal regulations and state requirement so and then that class is expensive um and I think where the closest regional campus is in Muncie.

Jeff Edwards: Muncie.

Alex Huskey: mm hmmm.

Chuck Martindale: And then uh and then they come back to transit to do their drug testing and all that that is required. Um pre-employment and then uh our mechanic Phil Sheveily (inaudible) and also the bus drivers that are already CDL licensed could drive the Marion Transit buses you have to have a CDL go through you know the normal requirements CDL's, the annual physicals and that sort of thing, you have to maintain your license and uh these new federal regulations that are not subsidized (inaudible) like most of the transit services we operate. It is pretty hard for people who are of age um and want to drive a bus. Of course the you know the already existing CDL drivers they are grandfathered in so it is hard to find somebody now to go to the class, be able to pay the money, (inaudible) solely relies on the unemployment office and grants to help

out in that regard. So it is a problem for all bus systems throughout the state of Indiana and elsewhere. So it is kind of hard to find help that can do the upfront to get their license so um anyway. Jeff has two openings, right Jeff.

Jeff Edwards: Right, I have two and the employment is uh waiting on grants so you just don't walk in there and sign up and then they send you so they have to wait on the grants to send them. So, it is a first come first serve, if you get signed up first you get to go but they might have ten but only be able to send five.

Chuck Martindale: It is just another obstacle we have to deal with.

Janice Adams: What is the cost?

Chuck Martindale: \$1,000.

Janice Adams: \$1,000.

Jeff Edwards: No, the cost is uh if you have a bus it is \$2,300 and if you don't have a bus to go train, to go to the class it is \$2,900.

Chuck Martindale: I am sorry, I thought it was \$1,000.

Alex Huskey: The classroom portion is \$1,000.

Cindy Cunningham: I know previous from the job I had that people (inaudible) we were able to hire them and then they had a period of time to pass. Is it still the same?

Jeff Edwards: Yeah, I just did that with a young lady. She actually beat the deadline and got hired and had everything before February 7. So we trained her in house and she took the test and passed the test. But now if you hire somebody you have to you can train them in house but you still have to pay that \$2,300 to send them to class and then you pay the \$2,300 and they don't pass then either they are going to pay you \$2,300 back or you are just out of \$2,300. So, if you hire somebody like that now you have really have confidence that they can pass.

Cindy Cunningham: How long does the class take?

Jeff Edwards: Four weeks. And I think most people that really want it will, will pass but you might get one that can't pass and you not only hired them and paid them a salary then you are out of that class money too.

Alex Huskey: And, and what is the biggest hurdle of getting individuals into that class? Is it the travel to Muncie?

Jeff Edwards: No, I don't think it is the travel. I think it is just right now if I hire somebody and say hey you have to take this class its \$2,300 I think that is the hurdle.

Chuck Martindale: Yeah.

Alex Huskey: Okay.

Jeff Edwards: We have the bus that you know to go over there with them it is just I am guessing that is what it is.

Alex Huskey: The reason why I am asking I can't offer you the classes because I sit on this board. We have so they would have to go to the Muncie Ivy Tech which is totally separate from us but there may be some opportunities to connect with some workforce ready grants and some things like that and see if there's dollars there to help assist that. So I didn't know if it was the transportation that was causing because I can have their, their uh CCEC Team get in contact with you to work through that.

Jeff Edwards: Right. No, I think it's it's just the finances and INDOT they are trying to get something comparable to the classes so we can send them there for free and then uh transportation will accept that instead of spending \$2,300 but they haven't come up with anything yet.

Alex Huskey: Right. Okay.

Jeff Edwards: Hopefully they will because everybody is hurting on this.

Alex Huskey: Trust me I hear it all the time.

Jeff Edwards: Yeah hurting pretty bad.

Chuck Martindale: You know with the shortage of truck drivers and all that throughout the nation you know this federal regulation does pose problems obviously. Because if you are of age and you're physically capable of doing it and you pass the drug test and all that uh to get your license you know it's you know most people just don't have the money to pay for the class. So as Jeff said we are waiting. We are having some training with INDOT in June and I am sure the people from INDOT are going to be hearing a lot about this issue and that conference. Right, that training.

Alex Huskey: Oh I am sure they will but this is all federal so.

Jeff Edwards: Yeah they will put the pressure on them I would imagine because they are losing you know on this.

Alex Huskey: So, is is is that the reason why you still run the adjusted hours because you are having difficulties.

Jeff Edwards: Yeah.

Chuck Martindale: We can cover the routes and all that.

Alex Huskey: I get it.

Jeff Edwards: Because right now we are out. I am not saying trying to steal but you know we are trying to get people from other places to come work for us so if we take some from the school system then they are short. Or from Oak Hill, or Eastbrook you know they come and work for us then they are short so it is rough.

Cindy Cunningham: Are our wages comparable?

Jeff Edwards: Yes they are.

Cindy Cunningham: Okay.

Jeff Edwards: Yeah, our wages are pretty good.

Cindy Cunningham: Okay.

Jeff Edwards: I mean they might not say that but they are.

Cindy Cunningham: Right.

Chuck Martindale: And you know full time drivers get full benefits retirement, health insurance and all that too and that is expensive also.

Cindy Cunningham: Yes.

Jeff Edwards: And I am sitting on the other side saying yeah you know but I was on that side for about thirty-six years so I know if it's good I am not going to sit here and sugar coat it if our wages weren't pretty good.

Cindy Cunningham: Thanks.

Alex Huskey: Thank you for your update. Any questions. I also just want to commend you for recognizing some of your employees recently for the work that they have done. So, that excellent community service and sacrifice and helping that family with that wheelchair. I know it was meaningful to them. It was meaningful for me to hear that so.

Jeff Edwards: It was. Appreciate that.

Alex Huskey: So kudos to you and your team.

Jeff Edward: Thank you very much.

Alex Huskey: Thank you.

Public Comment

Council woman Robin Fouce: I want to thank you all for your assistance on transparency in the bidding process. It is imperative. I know it is not the easiest thing to do, however it is certainly most necessary. We have grass thigh high in my district as I rode through just this weekend. Lots of Lots and so um it is paramount that we get as many bidders and people to cut the grass and that that process is managed soundly, fiscally as well. So thank you guys for that. Um we are looking for the help that we need to get the grass cut because it is very high. Thank you so much.

Alex Huskey: Thank you.

Payment of the bills for: May 16, 2022

Alex Huskey: Cindy were you able to get all of your questions answered?

Cindy Cunningham: I did. They answered everything. The one that there was a Dawson oil uh for vehicle car washes and I know that we had always paid Steve's carwash \$1,000 you know a month and what I found out was Steve's had some mechanical stuff with their equipment and it was tearing up some of the vehicles and so now they take those to Dawson to get them washed. The other ones go to Steve's.

Alex Huskey: Do we still have, I mean this has been eons ago. Do we still have the wash bay down at the Transportation department?

Julie Flores: I think they do yes.

Alex Huskey: Okay. Any other questions or comments about the bills?

Cindy Cunningham: Other than when I went up you know Lynda looked up, Julie came out I had three of them that I was just curious about and they answered me right away and figured out what was going on. So, I appreciate that, Julie,

**Motion to pay the bills for May 16, 2022-Cindy Cunningham; seconded Janice Adams.
Motion carried.**

Motion to adjourn: Linda Wilk

Alex Huskey- President

Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary

Board of Public Works & Safety