

June 6, 2022

The Board of Public Works & Safety met on Monday, June 6, 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 minutes for May, 16, 2022- Linda Wilk; seconded Cindy Cunningham.  
**Brian Flynn abstained.**

### **City of Marion-Public Hearing**

Janet Pearson- Good morning. The two lots that you have on your agenda this morning are city owned lots and the first one is 930 S. Adams Street for \$1600. The second one is 1520 S.

Branson Street for \$800. We would like to get these approved and put back on the tax rolls.

Linda Wilk: Just so the public understands there both vacant lots are they? And is one lot bigger than the other, what is the difference in the price?

Janet Pearson: The first one is like a parking lot, it has got some concrete on it so it is a little bit more.

Linda Wilk: Okay. And the other one is a vacant lot?

Janet Pearson: Yes.

Linda Wilk: Okay, thank you.

Alex Huskey: Are there any additional questions? Seeing none. I would entertain a motion to approve the sale of these properties.

Motion to approve the sale of the two properties: Briand Flynn; seconded Linda Wilk. **Motion carried.**

### **Marion Police Department- Swearing In**

Chief Angela Haley: Swore in Colton Compton, Canaan Powell, Sean Wert, Max Stefanatos, Jayden Brunot.

### **Marion Police Department-Merit Award**

Chief Angela Haley: It is my privilege to be here before you today. Um not just to swear in five great new police officers for the City of Marion but also um because we have a merit award to to give out today and that is to Office Powell. And uh I am just going to read the summary of counseling that his sergeant wrote for him. "Officer Powell responded to a self-inflicted gun-shot victim that was suffering from life threatening bleeding. Officer Powell utilized his training and equipment appropriately and applied a proper tourniquet that was able to stop the bleeding. His sergeant believes uh that, that saved that person's life. It appeared that he was suffering from arterial bleeding and had the injury been treated he likely would have died." And so today we are presenting Officer Powell with a merit pin. In observance of meritorious service in the line of duty with Marion Police Department which was providing life-saving assistance to an accidental shooting that um on May 16<sup>th</sup>, 2022 at 615 South Adams Street here in Marion. So thank you.

Alex Huskey: Chief just prior to us greeting these fine officers and welcoming them to the city of Marion officially um you I's sure that all of you have received a great bit of advice over the time that you have been coming into this place and, but I just want to share one with you that I hope that you take with you and keep it close to your heart. Um 31 years ago in this very same room I stood and an old retiree handed me as I was being sworn in handed me a caricature. And that caricature was an older officer handing a box to a brand new officer. And on the side of that box was written the words public trust. And the older officer looked at the younger officer and says handle this with care because you don't get very many opportunities to get it back. So, as you start your journey down this career remember public trust is huge these days. And while there is so much negative out there about this profession there is so much good that can be seen in the work that you do. So, as you encounter the public remember that everybody's not the bad guy, but handle that public trust with care and dignity. Thank you.

Chief Haley: Thank you. Gentlemen come forward.

### **Marion Fire Department- Commitment Agreement**

Assistant Chief Brandon Eckstein: Good morning. I am bring to you before a conditional offer of probationary employment through the Marion Fire Department. As you see on page 1 it talks about if we send them to perf which is the retirement down in Indianapolis if they were to fail the physical or the mental portion of it they would pay back the city before they come on the Marion Fire Department. Um which is roughly about \$1,200. Um so we are trying to be stewardess of good money um for the taxpayers to where if we can't use that person and we are out \$1,200 that

is not a good stewardship of taxpayer money. And then further down it talks about if they leave within five years of their signing with us they will pay the city back if they leave, resign or fired, terminated within the five years. Um it costs the city roughly \$5,000 to outfit guys with class A's, bunker gear, and then their street clothes. But that \$5,000 could eventually get higher like everybody is seeing. Prices have almost doubled. Um we just spent \$26,000 for six sets of gear. I can't say it was the cheapest made but that was the cheapest price we could get at the time to meet NFPA standards. Um so we have been told that prices will continue to go higher with everything that is going on. So we wanted to be good stewardship of the taxpayers money so that is why we want to come up with this five year agreement that as soon as you hire on if you quit, resign, or get fired you will pay the city back the total sum of everything that we have purchased for you.

Alex Huskey: Any questions from any members of the board?

Brian Flynn: I do. Is this something that um was discussed with the labor representative (inaudible) the actual implications for this?

Assistant Chief Eckstein: Yes. In our contract it says that they will pay back training if they leave within forty eight months. But there is nothing in our contract saying that they will pay us back for uniforms, bunker coat, and we actually got this from Marion Police Department. They do the same thing with their with their officers. That is how we came up with the idea kind of. We stole it from them.

Janice Adams: Does that interfere with people wanting to come on? Because they have to pay the money back just in case if there is something happen, they move away they still have to pay the money back?

Assistant Chief Eckstein: I don't for see that being a problem. We have only had one gentleman that has left us that went to Westfield. He officially retired yesterday um but his problem was he wanted to be closer to family. He lived in the Kokomo area already. He just got tired of driving back and forth so that is why he went to Westfield instead of staying with us.

Janice Adams: So he had to pay the money back?

Assistant Chief Eckstein: No this would be

Janice Adams: Oh you said retired.

Assistant Chief Eckstein: Yeah, this will be the first week. We couldn't implement that until we went before you guys um we did not want to implement that and not have it approved.

Alex Huskey: My question is how difficult has the police department or others found it to collect these dollars.

Assistant Chief Eckstein: I can't personally say um but I know Chief Haley just had a gentleman move out of state and they did make an agreement on payments for their payback.

Alex Huskey: Yeah. And the reason why I am asking simply is this because what we have found in a lot of cases what would it cost if (inaudible) chooses to fight this agreement. What it costs is usually a lot more than if we just let it go. And in spirit of transparency when I retired from the state government it cost me money to go through an ethics hearing to retire but I got all of my money but it was way more than what they would have given me if I would have just retired. It

Assistant Chief Eckstein: Oh yeah.

Alex Huskey: It was in the tens of thousands so.

Assistant Chief Eckstein: Our biggest problem is we buy gear for guys that are a size 4 for them so now we have structural firefighter gear that we can never use again that is pretty much moths are eating through it.

Alex Huskey: Sure.

Assistant Chief Eckstein: We can't ever use it ever again. Um then we had a gentleman that just up and quit on us the other day. He I guess he had a bad day and so we have his gear that we can't ever use again and it is just a waste of taxpayers' money and we want to be good stewardship of that.

Alex Huskey: So, and I appreciate that. So in the efforts of being a good steward of of the resources that are available uh just also count the cost should it ever be challenged and don't try to fight it based on the principle alone. Make sure it is a good reason to fight that because again the cost associated with legal fees and everything that you lose are going to be much greater than a \$5,000 piece of equipment. I can assure you of that.

Assistant Chief Eckstein: Yes sir.

Alex Huskey: Because most good attorney's start out at...

Assistant Chief Eckstein: quite extensive.

Alex Huskey: Yeah.

Linda Wilk: I do believe this important though and I do commend you for doing this. Because I think we have to have people that are willing to commit. And five years isn't that much. And the amount that you are putting into it is an investment that they can after five years can go

somewhere else quite frankly. So, I think it is something important to do. I understand what Alex is saying.

Assistant Chief Eckstein: And also the we can't go past the forty eight months of training but there is a lot of money that we put into the guys into training um EMT has went up from \$900 to \$2,200 if we send them someplace else um then if they go outside of district 6 which Grant County is part of we pay for their, they get a \$20 per diem for food, hotel, and fuel which is fifty five cents a gallon,

Unknown speaker: it is actually more than that now yeah.

Assistant Chief Eckstein: So we're paying for these people to get training that may leave and go someplace else and we are stuck with the bill with nothing to pay for it.

Alex Huskey: Again, my caveat is just make sure that we are not, that we don't get into a match with folks and try to fight things that are not worth fighting. I agree it is a good thing, but my experiences have taught me differently. Even working with us we have a hard time enforcing these agreements with faculty members (inaudible).

Assistant Chief Eckstein: Yes, sir.

Linda Wilk: It is like anything else those that are going to comply will comply and those that aren't are going to...

Alex Huskey: Yeah.

Linda Wilk: But at least for those honest and I am going to say honest people that come in with the right attitude then they are going to see this and take it seriously. Those are the officers and firefighters you want anyway.

Assistant Chief Eckstein: Yes, ma'am.

Alex Huskey: Just know that if they come back with a class action lawsuit you have to pay all those individuals back not just those that complied.

Linda Wilk: I don't disagree with all you are saying.

Alex Huskey: Okay. I need that to be on the record because five years from now when we if we have these issues come up we need to make sure we have set the precedence.

Assistant Chief Eckstein: And our biggest and another with the physical and mental test prior to being hired on we looked at if we send ten people down to perf we are paying \$10,000 for people that we cannot even use now on the street and now the tax payers are out of \$10,000 for absolutely nothing and so we want to be smart with with the way the economy is going right now um with our spending and be smart.

Alex Huskey: Alright, I will entertain a motion.

Motion to approve the Five Year Commitment Agreement- Linda Wilk; seconded Janice Adams.  
**Motion carried.**

### **Code Enforcement- Mowing Contracts**

Jerry Foustnight: Good morning. Um we are here again concerning the mowing contracts after having discussion with the individuals uh we did have a meeting with both contractors. Uh they were set on what they had said although we have made a decision that uh we will pay \$50 per lot per each contractor. If approved uh we uh took and had a meeting again with the contractors what last week?

Jason Konazeski: Yeah, well.

Jerry Foustnight: Two weeks ago. Uh we uh will as Mr. Huskey asked next year I believe you were talking about the advertised price so next year we are going to change our policy Mr. Huskey. We are going to put in instead of putting bids out we are going to say here is what the City of Marion pays uh we will pay this amount you do have to submit with your application uh you would still have to provide your insurance and that kind of thing is still required. Also, um we have in place a policy that now if an individual goes to mow a lot for us they will take pictures prior to mowing it, when the finish a property they take a picture when they turn in their work order that we have given them um that will be submitted along with it so that we will have those pictures to put with the files so if uh...we have a lot of trouble with individuals saying well you never mowed our yard. This will be a way and also Jason will have his individuals or Jason himself will go out and do spot checks to make sure that you know this contractor said he did this this and this they will be able to drive around during their daily performance and make sure that those properties were maintained and taken care of. Um so um we uh let's see I made myself notes here. So, if we would like to move forward with this contract. Right now we are kind of and it was our we are the ones that pulled it from the agenda last time. So we are a week behind on our mowing um we do have on a daily basis uh have the inmate work crew out mowing properties uh for us. But we try to utilize them mostly on our city properties. Uh but uh uh we're ready we have work orders ready to that has been generated that is ready to give to the workers or to the contractors. I know both of them that we had talked to previously had called Jason

wanting to know when they could start the process so we are ready. We are ready to move forward. Uh again thank you again Mr. Huskey about that \$50. You know it it was this kind of a mix up maybe not a mix up but Jason felt one way because of and we were what we were actually going to do we weren't actually going to try to cheat anybody what we were going to do was the smaller lots we were going to give to the individual that bid lower the bigger lots to the individual that mowed. But uh after conversation and everything we decided that \$50 plus let's just pay \$50 across the board uh next year hopefully there won't be any confusion. If we determine that next year we have to go from \$50 to a larger amount or whatever uh we will be able to do that because of the economics out there as far as gas and different things like that. So that is where we are at right now. We are at entertaining any questions you might have um uh but we would like to move forward if we could to get these uh uh lawns started to be mowed.

Alex Huskey: I just I have two comments and then one question or suggestion.

Jerry Foustnight: Sure.

Alex Huskey: uh first of all thank you for going back and revisiting that and doing this. The you know the \$50 amount I think is reasonable considering gas is now \$5 a gallon or near bouts um so I think that is reasonable for individuals that want to be in this. And I thank you for looking at that. My comment would be uh this... when they submit their photos to you thank you for putting the (inaudible) back on the individual as well and not on the city for them to report that. But when they submit their photos with the new technology it is easy to time and date stamp those so that you have so that you may want to just put in the safe guard to make sure that they are doing that as well so that you know you have the records stored for that.

Jerry Foustnight: Right.

Alex Huskey: But thank you. I appreciate you taking that and looking at it.

Jason Konazeski: Well along with that work order that we issue the contractors it is stated on there that we need it, we need that done in a timely manner. I think it is like ten or fifteen days on it. Um so they're hopefully getting those done quickly and so yeah the time stamp would be great but I can talk to them about doing that as well.

Cindy Cunningham: And did you decide to go with both contractors?

Jerry Foustnight: Yes.

Cindy Cunningham: Okay.

Jerry Foustnight: We asked, I don't want to get into detail but we went back and did some investigations and did some follow-up on uh the advice that your board here and we felt comfortable to proceed with both contractors.

Cindy Cunningham: Great.

Jerry Foustnight: Especially since we have some new policies in place that is not part of the contract. They are just a day late policy that they have to follow. So we felt very if they don't do as requested then we can replace them, you know what I am saying.

Jason Konazeski: I made an issue with them that if they don't provide the pictures then they don't get paid for that lot. So that is something that is going to force them to do that as well.

Cindy Cunningham: Thank you.

Linda Wilk: For next year you commented that some lots are smaller than others you could always consider giving you know so much, you are paid so much for the size of lots. You know there is nothing that says you have to pay \$50. This year you do but next year if you wanted to you could look at one size is \$35 and one size is \$50.

Jerry Foustnight: Well here's what happens a lot of times. As we do lots um some of the lots at like uh I would have to ask Herb. They are a one hundred thirty two foot long and like thirty three foot wide.

Herb Spitzer: They are 33 X 132.

Jerry Foustnight: Something, so there mostly and then we do have some lots that are a little a little bigger lots and uh hopefully that if someone would have a larger lot this year to mow but they have a smaller one over here they can make up the difference from the larger one to the smaller one because it can go quicker you know what I am saying.

Linda Wilk: Just a thought.

Jerry Foustnight: And I understand what you are saying we will look into that uh prior to coming before you next year. The contract will look completely different then what you guys have seen in the past.

Alex Huskey: okay.

Linda Wilk: Sounds good.

Alex Huskey: I would entertain a motion.

Motion to approve the code enforcement mowing contracts- Brian Flynn; seconded Cindy Cunningham. **Motion approved.**

Jerry Foustnight: Thank you very much.

Alex Huskey: No thank you.

Jerry Foustnight: And again I am sorry for the confusion we had last week or two weeks ago but uh we appreciate this cause as we leave here he is going to go out and start getting the work orders out.

**Public Comment**

Robin Fouce: Hi. Thank you for what you do.

Alex Huskey: Thank you, thank you.

**PAYMENT OF THE BILLS- June 6, 2022**

Alex Huskey: Are there any questions, comments, or concerns about any of the billing items. Seeing there are none I would entertain a motion to approve.

**Motion to approve payment of the bills for June 6, 2022- Cindy Cunningham; seconded Brian Flynn. Motion passed.**

Motion to adjourn- Janice Adams. Meeting adjourned.

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Alex Huskey- President  
Board of Public Works & Safety

ATTEST:

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Aisha Richard- Secretary  
Board of Public Works & Safety