

November 20, 2023

The Board of Public Works & Safety met on Monday, November 20, 2023, 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 October 16, 2023 minutes-Alex Huskey; seconded Brian Flynn. Motion carried.

Motion to approve November 6, 2023 minutes- Alex Huskey; seconded Cindy Cunningham. Brian Flynn and Linda Wilk abstained.

Marion Police Department- Swearing in

Police Chief Angela Haley swore in Katy Wise and Jaida Lang.

Marion Police Department- Life saving merit award

Police Chief Angela Haley presented Max Stefanatos for saving the life of a resident. He applied a tourniquet to a gunshot wound to stop heavy bleeding.

Building Department- Demolitions

Jerry Foustnight informed the board that the property located at 1716 S. Branson St is in disrepair. There is a pending case in Marion City Court for this property because of the trash and debris that is on the property. Jerry Foustnight asked the board to approve the recommendation for a demolition on this property. All of the notices we sent out and published in the newspaper. Motion to approve the demolition of 1716 S. Branson St- Brian Flynn; seconded Cindy Cunningham. **Motion carried.**

Jerry Foustnight said that 311 W. 7th St is in disrepair. All of the notices have been sent to all interested parties. There has not been any communication. Jerry Foustnight asked the board to approve the demolition of this property. Motion to approve the demolition of 311 W. 7th St- Cindy Cunningham; seconded Alex Huskey. **Motion carried.**

Jerry Foustnight told the board that his department sent all notices out interested parties for the property located at 723 W. 7th St. the notice was published in the newspaper through times. One guy called because he received notification on it and he told the building department said he does not care and for them to tear it down. Jerry Foustnight asked the board to approve the demolition of this property.

Dean Dawson, 801 W. 7th St, lives directly west across the alley from 723 W. 7th St. He said he reported this property approximately ten years ago. There have been three police raids at this property. Dean Dawson said there are about four more properties in the Garfield Neighborhood Association that need to be taken care of.

Motion to approve the demolition of 723 W. 7th St- Brian Flynn; seconded Alex Huskey. **Motion carried.**

Jerry Foustnight said the last property at is 523 W. 6th St. Jerry Foustnight said due to inspections from complaints the foundation is falling in on this structure. All of the notifications were sent out. The notices went to the deeded owner as well as the tax sale purchaser and it was advertised in the newspaper three times. Jerry Foustnight asked the board for their approval for demolition of this property. Motion to approve the demolition of 523 W. 6th St- Janice Adams; seconded Brian Flynn. **Motion carried.**

Building Department- 302 N. Illinois update

Jerry Foustnight informed the board that he was able to go to this structure on the 17th. Jerry Foustnight was able to go inside the property to do inspections. Nothing has been done on the inside of the structure but on the outside the roof has been taken care of. The damage to the outside has been corrected. The issue right now is the privacy fence around the pool has fallen and the pool is not maintained. Jerry Foustnight said no one can live in the structure and no one is living there now. The owner of the property is still incarcerated and may want to start working on the property. Jerry Foustnight said the structure itself is sound. There has been new rafters and new OSB board. Jerry Foustnight said his recommendation would be that the owner be given thirty days to clean the area up where the pool is and then they can get started getting the structure brought up to code on the inside. Once it is brought up to code then they will be able to live in it. Jerry Foustnight said that after walking the structure he feels the structure is sound and finds no reason to proceed with the demolition order. They will be required to have permits, and to have all required inspections.

Eliza Burton asked if the fence and pool need to be corrected and the pile in the back is what need to be correct right now and Jerry said yes. Linda Wilk asked if she can get this done in thirty days. Eliza Burton said she will try to get it done and if she can't she will make contact with Jerry and give those updates. Alex Huskey thank Eliza for updating the board and for the progress on the property.

Motion to extend a thirty day time frame to make the improvements in the backyard as presented- Brian Flynn; seconded Cindy Cunningham. **Motion carried.**

This property will come back before the board of works on December 18, 2023.

Grievance Disciplinary Issue- Jason Konazeski

Attorney Tom Hunt said from his understanding Jason is not contesting the suspension rather he is contesting the amount of time that was imposed without pay. Attorney Hunt said he thinks he is right. On page thirty five of the employee handbook you will see a two group discipline process. Group 1 appears to be things that are less serious than others and it puts a cap of three days suspension without pay. If you look at Group 2 on page thirty six those appear to be more serious charges, and yet they allow suspension to be with pay and not without and the cap is five days. Attorney informed the board the suspension was for fourteen days without pay. Jason Konazeski said he is appealing the amount of time he was suspended without pay but also he believes they skipped some steps in the actual suspension itself. I am wanting to appeal the time-line also in the employee appeal section on section 9 subsection B it states in the case of possible suspension without pay, pay reduction and (inaudible) the employee shall be notified of the

charges in advance and be afforded the opportunity to present evidence or witness on (inaudible) before disciplinary action, said hearing will be before the Board of Works. Jason Konasezki said he never had that meeting prior to the suspension without pay. Alex Huskey asked Jason if he was contesting the entire process of the suspension and the or are you contesting the number of days of the suspension. Jason Konazeski said with the section he read in section B he guesses it would be process of them all because in his eyes that was not followed before he got suspended without pay. Jason Konazeski said he was suspended ten working days without pay instead of the three days and then the three to five days with pay. He said he was not paid for any of the time that he was suspended. He informed the board that he was suspended for violations in group 1 and group 2. The violations were in section B behavior page 33 part D, I, K, and L. The disciplinary document states two weeks with no pay, number of days fourteen. Alex Huskey said his recommendation would be that the board uphold a three day suspension with pay. Just because of the procedural errors. Jason Konazeski asked does that mean he should have only received the three days with pay suspension. Linda Wilk said yes.

Motion to up hold the three day suspension with pay- Alex Huskey; seconded Cindy Cunningham. Motion carried.

Public Comment

None

Motion to adjourn- Brian Flynn; seconded Cindy Cunningham.

Meeting adjourned.

Linda Wilk President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety