

REGULAR ZOOM MEETING – February 7, 2022

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, February 7, 2022, at the hour of 8:30 a.m., hosted by “Zoom” and streaming live on “My Michigan City” Facebook page.

The meeting was called to order by President, Virginia Keating, who presided.

Noted present in person: Virginia Keating, Michael Vinson, and Mayor Parry (3), **Absent: None** (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich-Stalbrink, Corporate Counsel
Kaleb Goodwin I.T. Webmaster
Jeff Wright, City Engineer
Jillian Ashley, Assistant Chief
Captain Jeff Loniewski, M.C.P.D. Traffic Division
Marty Corley, Assistant Chief of Operations, M.C.P.D.
Robin Tillman, Transit Director
Shong Smith, Director M.C. Central Services
Yvonne Hoffmaster, Controller

Gale Neulieb, City Clerk
Stacy Dudley, Assistant Deputy Clerk

APPROVAL OF MINUTES

Mayor Parry moved to approve the minutes of the Regular “Zoom” meeting of January 18, 2022; seconded by Vice-President Vinson. The minutes were approved by the following vote: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

REQUEST FOR SOLICITATION OF BIDS/APPROVAL OF BID PACKET- Robin Tillman, Transit Director is requesting approval to solicit bids for disposal of excess City Vehicles

Robin Tillman, Transit Director, addressed the Board stating that there are a total of four (4) vehicles for disposal that are past their useful life with over 200,000 miles on each vehicle; solicited the FTA for approval to utilize funds back into the transit system for capital.

President Keating asked Ms. Tillman if she could give a description of the vehicles.

Robin Tillman explained that there are three (3) vehicles that were purchased in 2013.

President Keating asked if there were any questions or comments from the Board.

Vice-President Vinson asked Ms. Tillman what these vehicles are.

Robin Tillman stated that they are City Transit buses that are thirty-five (35) foot long called cutaways.

Further discussion ensued between Vice-President Vinson and Ms. Tillman regarding the description of the buses and their usefulness to the City.

Mayor Parry explained that there have been conversations regarding the size of the City buses, the occupancy, and the routes.

Further discussion ensued between Mayor Parry and Ms. Tillman regarding the maintenance of the buses and FDA regulations.

Amber Lapaich-Stalbrink, Corporate Counsel asked Ms. Tillman about the dates for the notice to bidders.

Robin Tillman answered Ms. Lapaich-Stalbrink stating that bids open March 21, 2022 and received by March 20, 2022.

President Keating asked Ms. Lapaich-Stalbrink if she reviewed the bid packets.

Amber Lapaich-Stalbrink stated she has looked them over and they are in order.

Vice-President Vinson made the motion to approval the solicitation of bids for disposal of excess City Vehicles. The motion was seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

STREET CLOSURE- Nicole Barker, Northern Indiana Commuter Transportation District (NICTD), is requesting roads and alleys to be closed, and easements be granted to NICTD for construction of the Double Track NWI Rail Project on February 28, 2022 (permanent) at 7:00 a.m.

Connor Nolan, Attorney at Harris Welsh & Lukmann, addressed the Board stating that the construction is to remove the railroad tracks from 10th Street and place them on the south side of the road, cross over the cross streets on the south side going west to east until we get over to Chicago Street and then we will be on the north side of 11th Street from the railroad tracks just like separating 10th Street so we can make travel overall safer for vehicles and pedestrians by building either T-intersections or cul-de-sacs.

President Keating asked if there questions or comments from the Board.

Mayor Parry commented that this will be a little bit of an inconvenience at times.

Amber Lapaich-Stalbrink, Corporate Counsel asked Mr. Nolan if he has drafted the actual easement.

Connor Nolan answered Ms. Lapaich-Stalbrink stating that the draft is for the temporary easements it would be for construction of the cul-de-sacs or T-intersections and reconstruction of sidewalks.

Further discussion ensued between Amber Lapaich-Stalbrink and Connor Nolan regarding the necessary documents and brining this matter back before the Board at the next meeting.

Mayor Parry made the motion to table the easement portion for two weeks till the next Board meeting. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

President Keating asked if Jeff Wright, City Engineer should be included in this matter.

Mayor Parry stated Mr. Wright should be included in this matter.

Connor Nolan addressed the Board stating that MCPD and MCFD all have a representative on this project's safety committee; there is a requirement in our maintenance of traffic plan to keep at least Franklin Street, Washington Street, and Wabash Street open at any one time.

President Keating asked Amber Lapaich-Stalbrink if there was a need for an additional motion. Amber Lapaich-Stalbrink stated that the Board needs a motion for the road closure.

Vice-President Vinson asked what the proposed detour route will be.

Jeff Wright, City Engineer stated that he reviewed the route and there are no issues as long as this is coordinated with the City Engineer's office and the MCPD; we need to have the ability to add or take away or change signage for the duration of the project from beginning to end.

Mayor Parry stated we need to include MCFD in this coordination.

Mayor Parry amended the motion to approve the roads and alley closures and include MCFD, MCPD, and the City Engineer to be continually involved from beginning to the end of this project. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

SPECIAL PURCHASE- Marty Corley, MCPD Chief of Operations, is requesting approval to purchase police equipment from Waymire Fleet to outfit the four (4) Dodge Durango's and four (4) Dodge Chargers in the amount of \$82,180.44

Marty Corley, MCPD Chief of Operations, addressed the Board stating that the special purchase is for equipment to outfit the four (4) Dodge Chargers and four (4) Dodge Durango's that were previously approved by the Board on January 4, 2022 a three (3) year leasing contract with LaPorte Chrysler in addition to the equipment we are also asking that the equipment for all vehicles be installed by Minor Electronics.

President Keating asked if there were any questions or comments.

Vice-President Vinson asked Chief Corley what happens to the old equipment that was on the previous vehicles are they now obsolete for the newer vehicles or is anything that can be reused.

Chief Corley stated that the old vehicles were Crown Victoria's so the equipment cannot be reused since we are now using Dodge vehicles plus that equipment was outdated so we hope in the future to come before the Board and get those vehicles purchased by a dealership to put money back; the old equipment sold back to Waymire or another smaller company.

Mayor Parry asked Chief Corley what color the leased vehicles are.

Chief Corley replied that on the original agreement the vehicles are white and black but due to the vehicles being 2021 it just depends on what LaPorte Chrysler can get in stock.

Further discussion ensued between Mayor Parry and Chief Corley about the colors of the leased vehicles.

Mayor Parry made the motion to approve the special purchase of police equipment from Waymire Fleet to outfit the four (4) Dodge Durango's and four (4) Dodge Chargers in the amount of \$82,180.44; seconded by Vice-President Vinson. The motion was approved by the following vote:

AYES: Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

SPECIAL PURCHASE- Jillian Ashley, MCPD Assistant Chief of Services is requesting approval to purchase Computer Aided Dispatch (CAD) Mobile 10 Client, and (RMS) Record Management System Subscription in the amount of \$34,410.00

Jillian Ashley, MCPD Assistant Chief of Services stated that MCPD already has the Computer Aided Dispatch (CAD) and the Mobile 10 Client in their budget which is an annual subscription; what they are looking for is to add the Record Management System Master (RMS) online subscription at the cost of \$34,410.00 further explaining that the 911 Center actually paid the bill from a grant that they had received since 2009 and beginning 2021 it changed to each jurisdiction pays for their own RMS through Colossus Caliber Public Safety.

President Keating asked if there were any questions, there was no response.

Vice-President Vinson made the motion to approve the special purchase request for (RMS) Record Management System Subscription for one year in the amount of \$34,410.00. The motion was seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

EMERGENCY PURCHASE - Shong Smith, Michigan City Street Department Director is requesting an emergency purchase of a used 2100C Sidewalk Vehicle from Dan's Landscaping in the amount of \$19,711.83

Shong Smith, Michigan City Street Department Director addressed the Board stating that on October 19, 2021 the City Council had created an Ordinance No. 94-253 in reference to snow on City sidewalks further explaining the need for an emergency purchase of the used 2100C Sidewalk Vehicle from Dan's Landscaping in the amount of \$19,711.83.

President Keating asked if there were any questions.

Mayor Parry stated that after the ordinance passed to remove the snow from sidewalks by the City Council, we immediately went into a search for this type of equipment mentioned but due to the pandemic no equipment was available anywhere, further explaining the need for the emergency purchase that he approved.

Vice-President Vinson asked Mr. Smith if the equipment has been used already.

Further conversation ensued between Vice-President Vinson and Mr. Smith regarding if this is the type of equipment that the Street Department needs to remove the snow, the cost of the equipment, and the different types of equipment that might be needed in the near future.

Mayor Parry asked Mr. Smith if this is a component of the fleet that will help with the snow removal furthermore explaining that he drove the piece of equipment and explained what it has to offer.

Vice-President Vinson made the motion to approve the emergency purchase of a used 2100C Sidewalk Vehicle from Dan's Landscaping in the amount of \$19,711.83; seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

RESOLUTION

President Keating read the following proposed resolution by title only,

MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY

RESOLUTION NO. [2825](#)

DETERMINING THAT FUNDING FOR CERTAIN OUTSTANDING PURCHASE ORDERS FROM 2021 SHOULD BE ENCUMBERED AND AUTHORIZING THE CITY CONTROLLER TO ENCUMBER SUCH FUNDS

WHEREAS, the City of Michigan City, is an Indiana municipal corporation governed by its duly elected Mayor and Board of Public Works & Safety; and

WHEREAS, the Board of Public Works & Safety has the authority to approve claims for those departments and political subdivisions within its jurisdiction; and

WHEREAS, the City of Michigan City has outstanding purchase orders from 2021 in various funds that the services or products have not yet been paid as listed in Exhibit A; and

WHEREAS, in order to complete certain projects, programs, or purchases using funding set aside in previous fiscal years, and in order to be consistent with Indiana law and Indiana Department of Local Government Finance (DLGF) procedures, the encumbrances must be authorized by a resolution adopted by the Board of Public Works & Safety; and

WHEREAS, the City Controller of the City of Michigan City, Indiana recommends the approval of the various services or products that have not yet been paid for as listed in Exhibit A.

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY COMMON COUNCIL, INDIANA as follows:

Section 1. That those certain City purchase orders identified in Exhibit A, which is attached hereto and made a part hereof, are hereby approved.

Section 2. The City Controller of the City of Michigan City is hereby directed to encumber the funding for said purchase orders in the appropriate accounts.

This Resolution shall be in full force and effect after passage by the Michigan City Board of Public Works & Safety.

Adopted by the Board of Public Works & Safety of the City of Michigan City, Indiana by a vote of 3 - 0 this 7th day of February, 2022.

/s/ Virginia Keating, President
Michigan City Board of Public Works & Safety

NOTE: Exhibit A is attached to the file in the Clerk's office

Yvonne Hoffmaster, Controller addressed the Board stating that this is one of the year end requirements that the Department of Local Government Finance requires a resolution be approved by the Board encumbering purchase orders from our prior year's budget and when these purchases and projects are complete then the purchase orders will be liquidated.

President Keating asked if there were any questions, there was no response.

Vice-President Vinson made the motion to approve the proposed resolution; seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

CORRESPONDENCE- Correspondence was received in the Clerk's Office on January 25, 2022, from Amalgamated Transit Union Local 517 requesting to schedule a meeting for wage negotiations for the year 2023 (NOTE: For Informational purposes only)

Amber Lapaich-Stalbrink, Corporate Counsel addressed the Board to let them know that by virtue of the current union contract the parties are to exchange written proposals by April 1, 2022.

POLICY CHANGE- Amber Lapaich City Attorney is requesting amendments to the "Cities Purchasing Policy" regarding supplies, equipment, and services

Amber Lapaich-Stalbrink, Corporate Counsel addressed the Board to further explain the "Cities Purchasing Policy" regarding supplies, equipment, and services stating that any purchase in the excess of \$5,000.00 with a duration of one (1) year or longer needs Board approval.

President Keating asked if there were any questions, there was no response.

Vice-President Vinson made a motion to approve the amendments to the “Cities Purchasing Policy” regarding supplies, equipment, and services; seconded by Mayor Parry and carried as follows: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

REQUEST FOR HONORARY STREET SIGN- Robbie Novak, 617 Indiana Avenue and Angela Palmieri, 413 Main Street (granddaughter) are requesting an honorary street sign to be placed at Maple Street or the corner of 10th Street and Michigan Boulevard in honor of Tony Petti owner of Petti’s Grocery Store

Angela Palmieri, 413 Main Street (granddaughter) stated that she on behalf of her family would like to request an honorary street sign for her grandfather Tony Petti, whose store was on that corner for seventy (70) years in business. He helped so many people and would like to honor him.

President Keating asked Amber Lapaich-Stalbrink, Corporate Counsel if this matter should be coming before the Board or is this at the Mayor’s discretion.

Amber Lapaich-Stalbrink, Corporate Counsel stated that honorary street signs go before the Board of Works, but if we were talking about renaming an entire street there is an Indiana Code section that discusses naming or renaming of an entire street; further discussion continued regarding how to go forward with an entire street becoming renamed by virtue of state law and the Mayor having jurisdiction over that matter.

President Keating thanked Ms. Lapaich-Stalbrink for the clarification.

President Keating asked if there were any questions, there was no response.

Mayor Parry made the motion to approve the honorary street sign for Tony Petti on the corner of 10th and Michigan Boulevard; seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

STREET CLOSURE- David Merkel, P.E. Larson Danielson Construction Co. Inc, is requesting the westbound lane closure of 11th Street between Pine and Franklin Street with barricades for safe demolition of the foundation of the NICTD Stationhouse starting February 9, 2022 (Changed dates to February 14, 2022 and February 15, 2022 due to weather)

David Merkel, P.E. Larson Danielson Construction Co., Inc. addressed the Board stating that they knocked down the station last week, starting filling in the foundation, and they would like to take out the front wall that is adjacent to the road and close the westbound lane for safety. Jeff Wright, City Engineer stated that he reviewed the detour with no exceptions to the proposed detour or the signage the only problem is that 11th Street is going to be closed for 10 months starting next week; is there a potential that this matter can wait until 11th Street is closed.

David Merkel answered by stating that they are not affiliated with that larger project that the roads are being closed for and the completion date for Larson Danielson Construction Co., Inc. is February 25, 2022.

Jeff Wright, City Engineer stated with that being the case then there are no objections to approve the detour.

President Keating asked Mr. Wright if he would be asking for the coordination with the Police Department.

Jeff Wright, City Engineer stated he would ask for coordination with the MCPD.

President Keating asked if there were any questions.

Mayor Parry asked Mr. Merkel how deep they will be going to remove all of the sub grade building structure.

David Merkel answered by stating that the building itself does not look deep about ten (10) feet below street level.

Further discussion ensued between Mayor Parry and David Merkel regarding if Larson Danielson will have any security in place to prevent any injuries and what Larson Danielson will do to keep the community safe.

President Keating asked if there were any further questions, there was no response.

Mayor Parry made the motion to approve the Larson Danielson Construction Co. Inc, request for the westbound lane closure of 11th Street between Pine and Franklin Street with barricades for safe demolition of the foundation of the NICTD Stationhouse starting February 14, 2022 and February 15, 2022; seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

RESOLUTION

President Keating read the following proposed resolution by title only,

MICHIGAN CITY BOARD OF PUBLIC WORKS & SAFETY

RESOLUTION NO. [2826](#)

REQUESTING THE MAYOR REVIEW THE CITY'S SUBMISSION AND SUBSEQUENT AWARD OF THE 2021-2 COMMUNITY CROSSING MATCHING GRANT (CCMG) FROM INDOT IN THE AMOUNT OF \$338,437.42 AND IMPLEMENT NECESSARY REMEDIAL MEASURES

&

SETTING FORTH PROCEDURES FOR FUTURE CCMG SUBMISSIONS AND CHANGE ORDERS FOR CONSTRUCTION PROJECTS

WHEREAS, in 2016, Indiana first launched the Community Crossing Matching Grant Program ("CCMG"), which provides funding to cities, towns, and counties across Indiana to make improvements to roads and bridges; and

WHEREAS, Michigan City, Indiana has applied for and been a recipient of CCMG funding since 2016 subject to the terms and conditions of said grant; and

WHEREAS, each year, there are two (2) funding cycles, and for purposes of 2021, the first funding cycle opened January 6, 2021 and closed January 29, 2021 at 5:00 pm (EST), and the second call opened July 5, 2021 and closed July 30, 2021 at 5:00 pm (EST); and

WHEREAS, the City Engineer is the administrator of the CCMG for the City and is responsible complying with the terms and conditions of the grant as well as submitting electronic grant applications to INDOT through INDOT's Technical Application Pathway (ITAP) account; and

WHEREAS, on June 21, 2021, the City Engineer, Jeff Wright, requested that the Board of Public Works & Safety ("BOW") approve a request for solicitation of bids for "2021-Phase II Miscellaneous Street Paving" and advised the BOW that "they were applying for the second phase of the CCMG funds; stating that there are funds available in MVH fund; and also CCMG funds leftover from the 2021 Cleveland Avenue Project." (A copy of the BOW minutes from June 21, 2021 are attached hereto and incorporated herein as "**Exhibit A**"); and

WHEREAS, on June 21, 2021, the BOW approved Mr. Wright's request to solicit bids for the "2021-Phase II Miscellaneous Street Paving;" and

WHEREAS, on or about July 22, 2021, Mr. Wright submitted an application to Indiana Department of Transportation (INDOT) for the 2021-2 grant cycle on behalf of the City for CCMG funding for the "2021-Phase II Miscellaneous Street Paving." (A copy of the application submitted by Mr. Wright is attached hereto and incorporated herein as "**Exhibit B**"); and

WHEREAS, on August 16, 2021, the BOW awarded the bid for the "2021-Phase II Miscellaneous Street Paving" to the lowest and most responsive bidder, Reith & Riley; and

WHEREAS, Reith & Riley has completed all work for the "2021-Phase II Miscellaneous Street Paving" and submitted a final bill, which included a change order¹, to the City in the amount of \$784,824.16.² (A copy of the final bill is attached hereto and incorporated herein as "**Exhibit C**"); and

¹ The change order for the "2021-Phase II Miscellaneous Street Paving" was not brought to the BOW for review and approval.

² The City Controller advised that \$402,753.87 was appropriated for the City's local share of the CCMG for 2021-2. The balance due and owing Reith & Riley is \$382,070.29 (\$338,437.42 plus \$43,632.87 change order issued).

WHEREAS, on November 3, 2021, INDOT issued a Notice of Award letter to the City advising the City that it had preliminary been awarded \$338,437.42 for the 2021-2 grant cycle (A copy of the Notice of Award letter is attached hereto and incorporated herein as “**Exhibit D**”); and

WHEREAS, in addition, on November 3, 2021, INDOT notified the City that all future grant agreements would need to be signed electronically, and as such the City was responsible for submitting to INDOT the name and contact information of the person that would be executing INDOT contracts for the City; and

WHEREAS, on December 20, 2021, the BOW adopted Resolution # 2824 authorizing the BOW President to sign all INDOT agreements electronically. (A copy of Resolution #2824 is attached hereto and incorporated herein as “**Exhibit E**”); and

WHEREAS, on January 13, 2022, the President of the BOW executed the Local Roads and Bridges Matching Grant Agreement between the City and INDOT for the 2021-2 grant cycle awarding the City \$338,437.42 for the 2021-2 grant cycle for the “*2021-Phase II Miscellaneous Street Paving*,” and for purposes of transparency, this Agreement is placed on the BOW agenda for February 7, 2022 for ratification by the BOW. (A copy of the Local Roads and Bridges Matching Grant Agreement is attached hereto and incorporated herein as “**Exhibit F**”); and

WHEREAS, only after the BOW President executed **Exhibit F**, the BOW recently learned that Mr. Wright did not comply with the terms and conditions of the CCMG for the 2021-2 cycle, more specifically Mr. Wright prematurely brought the “*2021-Phase II Miscellaneous Street Paving*” to the BOW for the solicitation of bids and the BOW awarded the bid for the project before the City received the Notice of Award of funding letter from INDOT; and

WHEREAS, Marcia Blansett, the LPA Program Director for INDOT, recently advised that the terms and conditions/FAQs are always posted on the INDOT website prior to the call opening for any of the grant cycles. (A copy of email from Marcia Blansett dated January 31, 2022 is attached hereto and incorporated herein as “**Exhibit G**”); and

WHEREAS, the FAQs for the 2021-2 Community Crossing Matching Grant state as follows:

“Are already awarded contracts for roads and bridge construction or bought material eligible for CCMG?”

No, projects that have already been procured, completed or under construction (aka retroactive projects) are “NOT” eligible for CCMG projects.

Annual bids are “NOT” acceptable. Each project awarded funds must be bid project specific.

If you apply for a project and bid that project prior to being awarded CCMG funds, that project would “NOT” be eligible if you have accepted a contractor bid prior to award date. Any accepted bids after the award date are eligible for the program.”

(A copy of the FAQs for the 2021-2 CCMG cycle is attached hereto and incorporated herein as “**Exhibit H**”); and

WHEREAS, on or about January 28, 2022, the City Controller discussed this matter with Ms. Blansett, and Ms. Blansett advised that since the City prematurely bid and awarded the Project before receiving the Notice of Award from INDOT, the City should submit a letter to INDOT forfeiting funding for the 2021-2 CCMG so that future CCMG funding would not be jeopardized; and

WHEREAS, after reviewing this matter, the BOW reasonably believes that the Mayor, on behalf of the City, should submit a letter to INDOT forfeiting funding for the 2021-2 CCMG.

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY, INDIANA BOARD OF PUBLIC WORKS & SAFETY as follows:

1. The aforementioned “Whereas” sections are included herein as if fully set forth herein.
2. A copy of this Resolution shall be forwarded to the Mayor and the Common Council.
3. The Mayor should immediately review this matter, and if he concurs that the terms and conditions of the 2021-2 CCMG were not complied with, the Mayor should submit a letter to INDOT forfeiting the funding for the 2021-2 CCMG the City was awarded in the amount of \$338,437.42.
4. The Mayor and Common Council should also immediately review this matter for a determination as to whether an additional appropriation ordinance is necessary to pay Reith & Riley for work performed for the “2021-Phase II Miscellaneous Paving” project.
5. The City Engineer shall not prematurely solicit bids through the BOW in contravention of CCMG grant terms and conditions.
6. For purposes of transparency proceeding forward, the City Engineer shall timely file with the City Clerk for the BOW:
 - a. Copies of the 2022 CCMG grant application and copies of any and all future grant applications for CCMG submitted on behalf of the City;
 - b. Copies of any and all future Notice of Awards the City receives for CCMG; and
 - c. Copies of any and all future INDOT correspondences regarding the CCMG program; and
 - d. Copies of any and all future INDOT contracts executed for CCMG.
7. The President of the BOW should also timely file with the City Clerk for the BOW copies of any and all future INDOT contracts executed electronically for CCMG so the BOW may ratify said contract. The President should also provide copies of the same to the Mayor, City Attorney, and City Engineer.
8. BOW approval is required for all change orders for all construction projects. If a change order is being requested for a CCMG project, the City Engineer shall submit written documentation demonstrating that CCMG funding can be utilized for change orders.

This Resolution shall be in full force and effect after passage by the Michigan City Board of Public Works & Safety.

Adopted by the Board of Public Works & Safety of the City of Michigan City, Indiana by a vote of 3 - 0 this 7th day of February, 2022.

/s/ Virginia Keating, President
Michigan City Board of Public Works & Safety

NOTE: Exhibit “A” is attached to the file in the Clerk’s office

Amber Lapaich-Stalbrink, Corporate Counsel stated that the resolution sets forth the factual basis, a timeframe that everything occurred with all relevant documents attached; further explaining in detail the resolution.

President Keating asked if there were any questions, there was no response.

Jeff Wright, City Engineer stated that he has no issues with bringing change orders to the Board.

Further discussion ensued between Amber Lapaich-Stalbrink and Jeff Wright regarding the change orders.

President Keating stated that what the Board is trying to do is delineate between a change order that is an emergency and one that is a non-emergency.

Further discussion ensued between President Keating and Mr. Wright regarding change orders not necessarily related to emergency procedures.

Further discussion ensued between President Keating and Amber Lapaich-Stalbrink regarding that this is a case-by-case basis where there needs to be some discretion if the situation is considered an emergency or not.

Yvonne Hoffmaster, Controller stated that her office needs to be notified immediately if there is a change order so that they can confirm if the funds are appropriated to cover the change order; worst case scenario we could call a Special Board of Works meeting.

Mayor Parry agreed that this can be treated as a case-by-case situation.

Amber Lapaich-Stalbrink, Corporate Counsel stated that the Board can just follow what they have done in the past.

President Keating stated that there have been circumstances where we have been faced with things of this nature and the Board has always been willing to call a Special Meeting if necessary.

Mayor Parry made the motion to approve changes that need to be brought before the Board of Works before the work is performed unless it is an emergency at which case a Special Board of Works meeting will be called; seconded by Vice-President Vinson. The motion was approved by the following vote: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

Mayor Parry stated that he has issued a letter to LaPorte District of the Indiana Department Transportation to indicate our intention to forfeit the \$338,437.42 for the Paving Project for the second Phase of 2021 Paving.

Councilwoman Nelson-Deutch, 126 Lady Lane addressed the Board asking if there is a contingency amount that is set that allows flexibility up to a certain amount to make changes that you budget into projects; addressing the forfeiture not coming before the Council, an ordinance was passed back in May and going forward any of these grants that are submitted have to be presented to the Council in a public manner.

President Keating asked Amber Lapaich-Stalbrink if she would like to address the issues of the grant going before Council.

Amber Lapaich-Stalbrink, Corporate Counsel stated that this Resolution contemplated that the City Engineer is going to always file, submit applications, and all documents that go along with the CCMD; Council passed an ordinance requiring that any grant that the City is going after that requires a local match has to go before Council for their approval further explaining why this has become an issue.

Mayor Parry made the motion to approve the Resolution **REQUESTING THE MAYOR REVIEW THE CITY'S SUBMISSION AND SUBSEQUENT AWARD OF THE 2021-2 COMMUNITY CROSSING MATCHING GRANT (CCMG) FROM INDOT IN THE AMOUNT OF \$338,437.42 AND IMPLEMENT NECESSARY REMEDIAL MEASURES & SETTING FORTH PROCEDURES FOR FUTURE CCMG SUBMISSIONS AND CHANGE ORDERS FOR CONSTRUCTION PROJECTS.** The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members, Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

CLAIMS AND PAYROLL

Mayor Parry moved that the claims set forth in the Register of Claims (in possession of the City Controller) and appearing in the Register be severally allowed and ordered paid and proper warrants for payment thereof hereby ordered issued in the stated amounts to person(s) and/or firm(s) as set forth, and payrolls approved. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

CLAIMS DOCKET

January 18, 2022

Municipal Claims		\$	2,159,312.03
CDBG		\$	36,233.10
Health & Life		\$	626,283.77
Workers COMP	\$		226,843.35
Total Claims -		\$	3,480,672.25

PAYROLL DOCKET

January 14, 2022

City Payroll	\$	606,972.57
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PAYROLL DOCKET

January 28, 2022

City Payroll	\$	589,873.71
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Mayor Parry made the motion to approve the payroll dockets for January 14, 2022 and January 28, 2022. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

UNFINISHED BUSINESS

President Keating stated the first item on the pending items/unfinished business list is a Citizen's complaint about a dumpster that is in the traffic lane just south of 11th Street on Washington Street.

President Keating stated that the dumpster has been removed and this matter can be removed from the pending items list.

Mayor Parry made the motion to remove the matter of the citizens complaint about a dumpster that was in the traffic lane just south of 11th Street on Washington Street from the pending items/unfinished business list. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

President Keating stated the next item on the pending items/unfinished business list is Councilman Don Przybylinski's concerns regarding the missing markers in the traffic islands by Blue Chip Casino and other areas

President Keating asked Jeff Wright, City Engineer to address all three (3) of Councilman Przybylinski's concerns.

Jeff Wright addressed the Board stating that after the last Board meeting, he drove US Highway 12 and made a list of the missing markers that he sent to INDOT who subsequently put out their sub district of Michigan City a work order to have the markers reinstalled in the spring; this particular issue to remain on the pending items list till the May meeting.

President Keating stated the next item on the pending items/unfinished business list is Councilman Don Przybylinski's concerns from the public that on Franklin Street in the Arts District vehicular traffic is going the wrong way on that street

Jeff Wright addressed the Board stating that he drove that area and that none of those approaches from the east to the west were lacking in terms of signage or markings that would contribute to traffic going in the wrong direction; he emailed Shong Smith, Director Central Services to take a look to see if there was something that he was not seeing and suggested that this remains on the pending items list until Mr. Smith can make a suggestion.

President Keating stated the next item on the pending items/unfinished business list is Councilman Don Przybylinski's complaints from the public concerning ADA compliant truncated domes

Jeff Wright addressed the Board stating that some of the ADA ramps there are brick which is not compliant with ADA so at some point those ramps will have to be brought up to the standard of ADA.

Mayor Parry made the motion to remove the request from the pending items list. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

PUBLIC COMMENTS

President Keating stated that there is a matter concerning the closure of 11th Street from Chicago Street to Michigan Boulevard to address.

Tommy Kulavik, 1316 Ohio Street, addressed the Board stating that he was supposed to be on the agenda under pending items list due to his request being tabled regarding the three (3) way stop sign at Wabash Street and Ann Street.

President Keating asked the Clerk's Office to put Tommy Kulavik's request back on the pending items list to be addressed at the next meeting.

Tommy Kulavik, 1316 Ohio Street, addressed the Board thanking them for approving the honorary street sign for Mr. Petti; would like to ask the Board to have another honorary street sign on Michigan Boulevard and School Street for Mr. Fred Devries that passed away within a week of Mr. Petti; Mr. Kulavik expressed an interest in serving on the Michigan City Fire Merit Commission; addressed the equipment requested by Chief Corley and Chief Ashley and the county wanting to put on the LIT Tax on paychecks.

Amber Lapaich-Stalbrink, Corporate Counsel asked to go back to the street closure on 11th Street from Chicago Street to Michigan Boulevard stating that Walsh submitted a formal request and is

assuming that this will go on the next Board of Works agenda so their request can then be addressed.

Gale Neulieb, City Clerk addressed the Board stating that Kevin Kegebein was under the impression that he was the other approval; would the Board like him to get back on to address the Board.

Conner Nolan, Attorney at Harris Welsh & Lukmann, addressed the Board stating that their contractor had a submission for the actual closure of 11th Street; it can be put on for the next Board Meeting to further explain the traffic plan and the closure for 11th Street and the detours.

Gale Neulieb, City Clerk asked the Board if this will be referred to any certain departments.

Mayor Parry stated that this matter should go to every department involved in public safety.

President Keating stated we should include Jeff Wright, City Engineer in this matter as well.

Mayor Parry made the motion to approve the 11th Street closure be placed on the next Board of Works agenda. The motion was seconded by Vice-President Vinson and carried as follows: **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

Gale Neulieb, City Clerk thanked everyone for their help in this matter.

President Keating stated the Board needs more time to address the 11th Street closure.

BOARD COMMENTS

President Keating asked if there are any Board comments, there was no response.

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, asked for a motion to ADJOURN the meeting at approximately 10:00 a.m. Mayor Parry made the motion to Adjourn. The motion was seconded by Vice-President Vinson. **AYES:** Board of Public Works and Safety members Keating, Vinson, and Parry (3). **NAYS:** None (0). **Motion Carries.**

Gale A. Neulieb, City Clerk