

BOARD OF PUBLIC WORKS AND SAFETY
MINUTES
June 6, 2023

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, June 6, 2023 at 9:00 a.m. in the Common Council Chambers. Members present were Amy Moulton, Cindy Murray, and Eric Rody.

Absent: Gary Henriott and Ron Shriner

Jacque Chosnek, City Attorney, was also present.

Mrs. Murray called the meeting to order.

The Pledge of Allegiance was given to the flag of our Country.

Mrs. Murray announced that Eric Rody will be the new Board of Works Member replacing Norm Childress.

MINUTES

Mrs. Moulton moved for approval of the minutes from the May 30, 2023 regular meeting. Mr. Rody seconded. Passed.

BIDS UNDER ADVISEMENT

2023-1 Edgelea Addition CCMG Project

Mrs. Murray stated that this item will remain under advisement.

QUOTES UNDER ADVISEMENT

Guaranteed Maximum Price Proposal-WWTP Solar Field

Mrs. Murray stated that this item will remain under advisement.

NEW BUSINESS

Parks Department

Contract with Kettelhut Construction for the Primates, North American River Otter, and Bald Eagles Exhibits

Jon Miner, Parks Department, presented to the Board and recommend approval of a Contract with Kettelhut Construction for the Primates, North American River Otter, and Bald Eagles Exhibits for Construction Manager for Constructor. This will begin with re-construction and a future amendment for this contract will be issued once the Guaranteed Maximum Priced is established. Mr. Miner answered questions from the Board. Mrs. Moulton moved for approval. Mr. Rody seconded. Passed.

Purchasing

Declaration of Worthless Property-Lafayette Renew

Dave Payne, Purchasing Director, presented to the Board and recommended approval of a Declaration of Worthless Property for the Lafayette Renew Department that includes 5 semi-trailers City ID's #385, #386, #387, #388, and #389. Mr. Payne stated that the vehicles will be dismantled for spare parts and scrap. Mrs. Moulton moved for approval. Mr. Rody seconded. Passed.

Declaration of Surplus Property-Police Department

Mr. Payne presented to the Board and recommended approval of a Declaration of Surplus Property for the Police Department that includes 14 Glock 9mm Pistols. Mr. Payne stated that the items will be traded in on an upcoming firearms purchase. Mr. Rody moved for approval. Mrs. Moulton seconded. Passed.

CLAIMS

Jeremy Diehl, Controller, presented for Board approval of Claims in the amount of \$4,226,978.31. Mrs. Murray asked a question on Pages 12 regarding the Jasper Engines & Transmission Invoice for Engine 453. Mr. Diehl stated that is for an engine for the Water Works Vac Truck. Mrs. Moulton moved for approval. Mr. Rody seconded. Passed.

MISCELLANEOUS

Special Event Request-Bistro 501 Lobster Bake

Mary Buckley, Event Representative, presented to the Board and recommended approval of a Special Event Request for the Bistro 501 Lobster Bake to be held on June 13, 2023 from 5:00pm-10:00pm on 5th Street between Main Street and Columbia Street. Mrs. Moulton moved for approval. Mr. Rody seconded. Passed.

Special Event Request-MatchBox Coworking Studio Fundraiser

Samantha Filer, Event Representative, presented to the Board and recommended approval of a Special Event Request for the MatchBox Coworking Studio Fundraiser to be held on July 15, 2023 from 5:00pm-10:00pm on S. 6th Street between Alabama Street and South Street. Mr. Rody moved for approval. Mrs. Moulton seconded. Passed.

Special Event Request-St. Lawrence Church Eucharistic Procession

Mrs. Murray presented to the Board and recommended approval of a Special Event Request for the St. Lawrence Church Eucharistic Procession to be held on June 11, 2023 from 12:30pm-1:15pm on the streets that surround St. Lawrence Church. Mrs. Moulton moved for approval. Mr. Rody seconded. Passed.

Time: 9:08 a.m.

**BOARD OF PUBLIC WORKS AND SAFETY
ANIMAL APPEAL MINUTES
June 6, 2023**

Appeal Hearing:

The Board of Public Works and Safety met on Tuesday, June 6, 2023 at 9:15 a.m. in the Common Council Chambers. Members present were: Cindy Murray, Amy Moulton and Eric Rody.

Absent: Gary Henriott and Ron Shriner

Jacque Chosnek, City Attorney, was also present.

Mrs. Murray called the meeting to order.

Animal Control Appeal Hearing-Jackie Vega

Ms. Chosnek gave a brief description of the procedure for this hearing. Ms. Chosnek stated that the Board has received copies of incident reports from Animal Control Officer (ACO)'s and the appeal letter from Jackie Vega.

Aaron Gravely, Animal Control Officer (ACO), stated that he is familiar with the history of both Daisy and Reyna (Pit Bulls) that are owned by Mrs. Vega. ACO Gravely stated that there are previous calls regarding for these dogs. ACO Gravely had his first encounter with the dogs on May 16, 2023 where the two dogs were running at large. ACO Gravely went to the Sauk Place address on the recommendation of ACO Sarah Goans were the owner of the two dogs lived. ACO Gravely stated that when he arrived at the Sauk Place address the two dogs ran out from the side yard where the dogs had jumped the fence and went through a broken board going after the neighbor's dogs. ACO Gravely and ACO Goans tried to capture the dogs at that time. Daisy was friendly for ACO Goans however Reyna was not happy to be restraint by ACO Gravely. ACO Gravely stated that both the dogs were impounded at that time and taken to Almost Home Humane Society (AHHS).

ACO Josh Klumpe stated that the proper history with the two dogs has been habitual over the last several years. ACO Klumpe stated that they have met with the Vega family many times for their dogs running loose. The main problem is the fence is in poor condition and easy for the dogs to get out of the property. Ms. Chosnek confirmed with ACO Klumpe that there were five (5) prior interactions between July 2022 and May 2023. ACO Klumpe confirmed that to be true. ACO Klumpe stated that he went to recheck the improvements to the fence that included the addition of 'T' posts/stakes and wire fencing. ACO Klumpe stated that the new improvements would not to suitable to keep the dogs within the fenced in yard. ACO Klumpe stated that if the dogs were returned that they would indeed get out of the yard again and again. ACO Klumpe suggested a kennel system in the back yard to help keep the dogs from digging under or jumping over the existing fencing. Ms. Chosnek confirmed with ACO Klumpe that there have been fines issued to the Vega's totaling \$2,800.00. ACO Klumpe confirmed that to be true and stated that the fines are all outstanding. Mrs. Moulton confirmed that the dogs jumped over the improved fencing and still got out. ACO Klumpe confirmed that was true and noted that neither dog has bit anyone. The dogs are neither one altered. Mr. Rody asked about what the plan was for getting the fines paid and if there are any payments arrangements in place. ACO Klumpe stated that there was nothing in place. Discussion ensued. ACO Klumpe stated that the dogs present themselves as intimidating and the neighbors are scared.

Jackie Vega, 2400 Sauk Place, stated that since they owned both dogs, she has had financial issues with replacing a furnace, replacing a pipe in the wall etc. Ms. Vega stated that she tried to fix the fence with the little money she had to do it with. Ms. Vega stated that she could still be able to add tie-outs for both the dogs. Ms. Vega stated that they love their dogs but respects the decision that the Board must make. Ms. Vega stated that she also gets

mad when the dogs get out of the yard, and she knows that the neighbors fear the dogs. The dogs are currently not vaccinated.

Mrs. Moulton stated that she understands Ms. Vega's situation but moved to deny the appeal to have the dogs released back to the family. Mr. Rody seconded. Denied.

Animal Control Appeal Hearing-Zixu (John) Zhang

Ms. Chosnek gave a brief description of the procedure for this hearing. Ms. Chosnek stated that the Board has received copies of incident reports by the Animal Control Officer (ACO)'s and the appeal letter from Myla (German Shepard) owner Zixu (John) Zhang.

ACO Gravely stated that he was called out on May 26, 2023 for an animal bite. ACO Gravely stated that Mr. Zhang's neighbor's son was out playing with his dog in the front yard when Myla was let out the front dog by Mr. Zhang's father. Myla ran over to their yard attacked their dog and bit the son. Another son ran out to stop the attack and was bit as well. After ACO Gravely spoke with the neighbor Jennifer Riley, she stated that there had been a bite in the past with another neighbor and their dog. ACO Gravely stated that Mr. Zhang tried to rehome Myla before talking to the ACO's on this occasion. ACO Gravely reminded Mr. Zhang that he signed a Dangerous Animal Agreement (DAA) on March 11, 2021 and would forfeit ownership if Myla bit another animal or person again. ACO Gravely met Mr. Zhang back at the residence where Mr. Zhang surrendered Myla at that time. ACO Gravely stated that there have not been any other issues with Myla between 3/2021 and 5/26/2023.

ACO Klumpe confirmed that there have been no other issues with Myla during that time. Medical attention was sought for the two (2) boys and the dog during the first bite in 3/2021. ACO Klumpe touched on the fact that there is a two (2) year break between, and the dog is older however the dog has bit two (2) people and multiple animals.

Mr. Zhang, 2826 Atlas Drive, showed the Board a box of regular collars, leashes, shock collars and muzzles that are used with Myla. Mr. Zhang stated that Myla is leashed/muzzled every time that she goes outside for walk, in the front yard and in the back yard. Mr. Zhang stated that Myla was let out of the back patio dog by his father when Myla went over to the neighbor's house where the son was playing with his dog outside. Mr. Zhang was not home at the time when Myla attacked the dog and the son. Mr. Zhang stated that he and his wife have tried hard to contain Myla in the past with different indoor gates/fencing and has also taking Myla for obedience training. Mr. Zhang stated that he spoke with the neighbor, Jennifer Riley, later that day after the attack occurred on May 26, 2023 and he found out that her dog Evie was taken to the vet. Mr. Zhang pleaded that he would contain Myla in the future by installing a fence for Myla and their other dog Lawson (Doberman). Mr. Zhang stated that he has planned for his friend to keep Myla at his fence because he has a secure fenced-in back yard and his own German Shepard. Mr. Zhang stated that Myla is eight (8) years old, and the first bite occurred when Myla was 5 years old in 2021. That bite happened to Marcie Davis and her dog Jolene that is ten (10) pounds (Havanese Poodle Mix). Mr. Zhang asked for another chance to have Myla back.

Marcie Davis, 2817 Limestone Lane, stated that she is the neighbor whose dog Jolene was attacked in 3/2021 by Myla. Mrs. Davis stated that she and her dog were walking past Mr. Zhang's house when Myla came bolting out of the house/garage and attacked her dog Jolene. During the attack the leash come off of Jolene and she ran up to the porch where Myla picked her up with her mouth and shook her. There was \$1,300.00 worth of vet bills that included three (3) surgeries and almost died. Mrs. Davis stated that she has PTSDS and can't even walk down that side of the street anymore. Mrs. Davis stated that she saw Mr. Zhang and Myla at the dog park where Myla went after another dog that was at the park too. Luckily that dog was not injured. Mrs. Davis stated that to this day both Myla and Lawson are let of the home without a leash or restraint of any kind and allowed to pee in any of the neighbors' yards. Mrs. Davis stated that she is most concerned that more dogs and children will be attacked if this

is allowed to continue. Mrs. Davis passed out letters from the neighbors to the Board in regard to the return of Myla and the future of Lawson.

Ms. Chosnek stated that both Mr. Zhang and Mrs. Davis both submitted additional letters for the Board to consider. Ms. Chosnek stated that the Board will have some time now to read over all the letters. Mrs. Murray gave Mr. Zhang a summary of the letters that were provided by Mrs. Davis and the neighbors. Mr. Zhang read over the letters briefly.

Mr. Zhang stated that he fully understands his responsibility and is very apologetic about both situations with Myla. Mr. Zhang stated that the first contract (DAA) that he signed back in 2021 is a different version of the one now. Mr. Zhang stated that he stopped taking Myla to the dog park after she tried to attack another dog there. The fence issue at his house is an issue that he has with the landlord. The landlord won't pay for a fence for the backyard and Mr. Zhang would have to spend a lot more money to put it up himself. Mr. Zhang stated that he was so very sorry to the Board and to Mrs. Davis. Mr. Zhang reminded the Board that Myla can go live with his friend with the secure fence.

Mr. Rody asked Mr. Zhang where Myla would be living if released. Mr. Zhang stated that his friend lives in West Lafayette that has a fully fenced backyard, kennels in the house and backyard, and will be given all of Myla leashes, collars, and muzzles. Mrs. Moulton stated that it sounds like Mr. Zhang adopted a dog with some issues but there have been too many incidents and Mr. Zhang's friend will have the same issues. Mrs. Moulton moved to deny the appeal. Mr. Rody seconded. Denied.

Mrs. Moulton stated that moving the dog to another home will create issues at that home. ACO Klumpe stated that it's a liability for the City of Lafayette to release a dangerous animal back to the owner and something else happens to another animal or person. Mrs. Murray stated that the Board made its decision based on this being a public safety issue and fearful neighbors.

Time: 10:03 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

Cindy Murray s/s

President Pro-Tem

ATTEST: Mindy Miller Riehle s/s

Mindy Miller Riehle, 1st Deputy Clerk

Minutes written by Mindy Miller Riehle, 1st Deputy Clerk

*A digital audio recording of this meeting is available in the Lafayette City Clerk's Office or online at <http://www.lafayette.in.gov/agendacenter>.

**A list of all permits issued for the preceding week is available at <http://www.lafayette.in.gov/DocumentCenter/Index/375>