

BOARD OF PUBLIC WORKS AND SAFETY
MINUTES
April 25, 2023

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, April 25, 2023 at 9:00 a.m. in the Common Council Chambers. Members present were Gary Henriott, Cindy Murray, Amy Moulton, Ron Shriner, and Norm Childress.

Jacque Chosnek, City Attorney, was also present.

President Henriott called the meeting to order.

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

MINUTES

Mrs. Moulton moved for approval of the minutes from the April 18, 2023 regular meeting. Mrs. Murray seconded. Passed.

NEW BUSINESS

Engineering

Permission to Advertise-Vinton Woods Concrete Replacement Project

Jeromy Grenard, Public Works Director, presented to the Board and recommended approval of a Permission to Advertise the Vinton Woods Concrete Replacement Project. The publications are set to run on April 28 and May 5, 2023 with the bid opening on May 16, 2023. Mr. Grenard stated that will be for just some of the areas in that neighborhood. Mr. Shriner moved for approval. Mr. Childress seconded. Passed.

Change Order #1-Kossuth Street Resurface from 4th Street to Earl Avenue

Mr. Grenard presented to the Board and recommended approval of Change Order #1 for Kossuth Street from 4th Street to Earl Avenue. The change order includes additional sidewalk and restoration for nearly 500 square yards of work. The change order is an increase in the amount of \$58,730.96 which brings the revised contract amount to \$1,644,362.71. Mrs. Murray moved for approval. Mr. Childress seconded. Passed.

Parks Department

Recommendation for Award-Armstrong Park Baseball Bleacher Pads

Jon Miner, Parks Department, presented to the Board and recommended approval of a Recommendation for Award for the Armstrong Park Baseball Bleacher Pads with Dixon Construction. The Parks Department will be adding 7 new sets of bleachers to Armstrong Park. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

Contract- Armstrong Park Baseball Bleacher Pads

Mr. Miner presented to the Board and recommended approval of a Contract for the Armstrong Park Baseball Bleacher Pads with Dixon Construction in the amount of \$22,005.00 for 2,445 square feet of concrete. Mr. Childress moved for approval. Mr. Shriner seconded. Passed.

Notice to Proceed- Armstrong Park Baseball Bleacher Pads

Mr. Miner presented to the Board and recommended approval of a Notice to Proceed for the Armstrong Park Baseball Bleacher Pads with Dixon Construction. The project is set to start today with an expected completion date of June 15, 2023. Mrs. Murray moved for approval. Mr. Shriner seconded. Passed.

Contract-Zoo Commissary Geotechnical Investigation

Mr. Miner presented to the Board and recommended approval of a Contract for the Zoo Commissary Geotechnical Investigation with Alt & Witzig Engineering, Inc. This contract includes determination of subsurface soil and groundwater conditions to depths that would be significantly affected by the anticipated construction, determination of the engineering characteristics of the subsurface materials encountered, providing data required for the evaluation of suitable foundation types; and providing recommendations regarding management of possible groundwater, earthwork including grading and excavation, and the treatment of in-place soils for support of floor slabs. The contract is a lump sum in the amount of \$5,850.00. Mrs. Moulton moved for approval. Mr. Childress seconded. Passed.

Notice to Proceed- Zoo Commissary Geotechnical Investigation

Mr. Miner presented to the Board and recommended approval of a Notice to Proceed for the Zoo Commissary Geotechnical Investigation. The project is set to start today with the anticipated completion date is May 16, 2023. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

Contract-Civil Engineering Columbian Park Zoo Primates, North American River Otter, Bald Eagle Exhibit, Zoo Commissary Building

Mr. Miner presented to the Board and recommended approval of a Contract for the Civil Engineering for Columbian Park Zoo Primates, North American River Otter, Bald Eagle Exhibit, and Zoo Commissary Building with TBird Designs Services Corporation. The contract includes design development, construction documents, permitting and bidding assistance, and construction phase assistance. The contract is a lump sum in the amount of \$104,000.00. Mr. Shriner moved for approval. Mrs. Murray seconded. Passed.

Notice to Proceed- Civil Engineering Columbian Park Zoo Primates, North American River Otter, Bald Eagle Exhibit, Zoo Commissary Building

Mr. Miner presented to the Board and recommended approval of a Notice to Proceed for the Civil Engineering for Columbian Park Zoo Primates, North American River Otter, Bald Eagle Exhibit and Zoo Commissary Building. The project is set to start today. Mrs. Moulton moved for approval. Mr. Shriner seconded. Passed.

CLAIMS

Jeremy Diehl, Controller, presented for Board approval, Claims in the amount of \$4,953,992.56. Mr. Childress asked a question on Page 16 regarding the Bowen Engineering Contract for the WWTP Misc Improvements Project. Mr. Diehl stated that the project is currently 53.6% complete. President Henriott asked a question on Page 11 regarding the Carrico Thriftway Furniture Inc Invoice for Recliners. Mr. Diehl stated that is for 50 recliners for the Lafayette Fire Department. President Henriott asked a question on Page 12 regarding the St. Vincent Health Wellness and Preventative Care Invoices for Med Exams for Possible New Hires. Mr. Diehl stated that he would need to get back to the Board on that. President Henriott asked a question on Page 14 regarding the Long Center Invoice for Downtown Activation Project 2023. Mr. Diehl stated that is an incentive from EDIT Funds to encourage the Long Center to bring more higher-profile entertainment acts to the city. Mr. Childress asked a question on Page 14 regarding the Young Women's Christian Association invoice for Racial Justice Director Contribution. Mr. Diehl stated that is the contribution for Floyd Keith and a partnership with the YWCA. Mrs. Moulton moved for approval. Mr. Childress seconded. Passed.

MISCELLANEOUS

Special Event Request-Block Party (Brian Lowe)

Brian Lowe, Event Representative, presented to the Board and recommended approval of Special Event Request for the Block Party to be held on June 3, 2023 from 5:00pm-11:00pm located on Corinthian Street from King Fisher Drive to Abbotsbury Drive. Mrs. Murray moved for approval. Mrs. Moulton seconded. Passed.

Special Event Request-Mosey Down Main Street

Ken McCammon, Event Representative, presented to the Board and recommended approval of Special Event Request for Mosey Down Main Street to be held on May 20, June 10, July 8, August 12, and September 2, 2023 from 3:00pm-1:00am located on Main Street from 6th to 11th Street, 9th Street from Ferry Street to Columbia Street. Mr. Shriner moved for approval. Mr. Childress seconded. Passed.

Special Event Request-Beers Across the Wabash

Mr. McCammon presented to the Board and recommended approval of Special Event Request for Beers Across the Wabash to be held on August 26, 2023 from 8:00am-8:00pm on the John T. Myers Bridge. Mrs. Moulton moved for approval. Mr. Childress seconded. Passed.

Special Event Request-Downtown Jazz & Blues Festival

Mr. McCammon presented to the Board and recommended approval of Special Event Request for Downtown Jazz & Blues Festival to be held on July 22, 2023 from 2:00pm-1:00am located on 5th Street from Columbia Street to Ferry Street. Mr. Shriner moved for approval. Mr. Childress seconded. Passed.

Time: 9:17 a.m.

President Henriott recessed the meeting and stated that the meeting would reconvene in 5 minutes for the Animal Control Appeal Hearings.

BOARD OF PUBLIC WORKS AND SAFETY
ANIMAL APPEAL MINUTES
April 25, 2023

Appeal Hearing:

The Board of Public Works and Safety met on Tuesday, April 25, 2023 at 9:25 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Cindy Murray, Amy Moulton, Norm Childress, and Ron Shriner

Jacque Chosnek, City Attorney, was also present.

President Henriott reconvened the meeting.

Animal Control Appeal-April Walker

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 Animal Control Officer (ACO)'s and the appeal letter from Bubba's owner. Ms. Chosnek stated that the owner of Bubba is April Walker, 2205 N. 21st Street Lafayette Indiana.

Sarah Goans, Animal Control Officer (ACO), stated that she was called out on April 16, 2023 regarding Bubba. ACO Goans stated that Mary Faulkner was taking her dog "Bonita" for a walk, when the neighbor that lives behind her through the alley, dog when out underneath it's fence and attacked Bonita. ACO Goans stated that Ms. Faulkner was also bit while trying to get the two dogs separated. Bonita sustained severe injuries from the attack and subsequently was put down last Friday due to the injuries. ACO Goans stated that Ms. Walker was not outside at the time of the attack but heard it happen. At that time Ms. Walker came out to try and separate the dogs. Ms. Faulkner and Ms. Walker were unable to separate the dogs, but Ms. Walker's son was able to get the dogs apart. ACO Goans stated that after she photographed the injuries, she ceased Bubba on the spot because this is not the first time that this has happened with Bubba. ACO Goans stated that she has had previous encounters with Bubba when Bubba was owned by a different person prior to Ms. Walker. Ms. Chosnek stated that Bubba has been before the Board of Works due to him being deemed a Dangerous Animal from a similar incident with another dog. The Board of Works did terminate the ownership of Bubba at that time. President Henriott clarified that the Board denied the appeal for Bubba/deemed a dangerous animal and subsequently Bubba was adopted out by the Almost Home Humane Society (AHHS). Ms. Chosnek confirm that was correct. ACO Goans recommended denying the appeal because if returned to Ms. Walker, Bubba will still violate city ordinances and also that he is a dangerous animal. ACO Goans stated that when Bubba's first appeal was denied the ACO's suggested euthanasia for Bubba because he is dog-aggressive and dog reactive. Ms. Walker did sign an addendum when she adopted Bubba from AHHS where the AHHS advised that Bubba was dog reactive. Ms. Walker stated that she is the owner of Bubba and adopted him in September 2022 from the AHHS. Ms. Walker stated that she doesn't know why Bubba did what he did and has never shown aggression towards other dogs or people.

Ms. Faulkner stated that she is the owner of Bonita (victim dog). Ms. Faulkner stated that Bubba was contained in a fence but lifted the fence up and ran towards her dog. There was no way to get Bubba off of Bonita during the attack. Ms. Faulkner stated that she is concerned with how many other dogs from the AHHS have been adopted out when they are not fit for adoption and released back into the community. Ms. Chosnek stated that she and the ACO's have spoken and there will be a conversation with AHHS regarding what should happen with animals that are deemed dangerous by the Board and ownership terminated.

Mr. Shriner moved to deny the appeal. Mr. Childress seconded. Denied. Discussion ensued regarding the AHHS and the new animal shelter that will be servicing the City and County soon.

Animal Control Appeal-Elizabeth Springs

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 both LPD and Animal Control Officer (ACO)'s and the appeal letter from Jango's owner. Ms. Chosnek stated that the owner of Jango is T. Elizabeth Springs, 50 Bridgewater Court, Apt 9. Lafayette Indiana.

ACO Josh Klumpe stated that Jango is a treeing walker/coonhound dog that is around 80-100lbs that has a high instinctual drive with hunting and prey. ACO Klumpe stated that Jango shouldn't have been adopted out into the city limits, he needs a place to exercise, run and hunt. ACO Klumpe stated that Ms. Springs adopted Jango from the AHHS December 2022. After the adoption ACO's have had problems with Jango getting loose from Ms. Springs. ACO Klumpe stated that on January 4, 2023 Jango freed himself from Ms. Springs and in doing so ripped the wheel off of her motorized wheelchair. ACO Klumpe stated that there have been multiple situations with Jango and decided to cease Jango on April 13, 2023 due to the Nuisance Animal Agreement violation and repeated calls about Jango. The April 14, 2023 call to ACO's was about Jango being found under a sewer grate in a storm drain near Claybrook Drive when he had gotten away from Ms. Springs. ACO Klumpe reiterated that Jango is a very powerful, driven and instinctual dog. ACO Klumpe mentioned that Jango had a squirrel treeed for over 6 hours howling and barking at it back in January 2023. ACO Klumpe stated that Jango shouldn't have been adopted out in the city limits and will not adhere to the rules. ACO Klumpe recommended denying the appeal and not returning the dog to Ms. Springs because of the Nuisance Animal Agreement and safety of the dog.

ACO Goans stated that on January 23, 2023 there was a call after hours for a dog/Jango that had been in a yard for 6 hours barking at a groundhog underneath the shed. Jango had started to dig holes in the yard and rip the siding off the shed. The owner of this property called the police about the dog and eventually threatened to shoot the dog if he wasn't removed immediately. Jango is a very friendly dog but has too much instinctual drive. ACO Goans stated that if Jango is returned to Ms. Springs the violations will continue to occur. ACO Klumpe stated that AHHS has offered Ms. Springs multiple times to exchange Jango for a smaller more manageable dog for her lifestyle.

Ms. Springs stated that Jango is not a dangerous dog and that he is food driven. Jango is not trained to hunt. Ms. Springs stated that she was in the hospital when Jango was found under the sewer grate in the storm drain. Ms. Springs stated that she installed a RFID fence for Jango at her apartment along with a RFID training collar. Ms. Springs stated that Jango is currently being trained to be a service dog and when the training is complete Jango will be able to identify Ms. Springs' vitals, medication needs and physical needs. Ms. Springs stated that she adopted Jango in December 2022 but did not have possession of him on the January 23, 2023 ACO call. Ms. Springs stated that Jango did not damage her wheelchair on the January 4, 2023 incident, the chair was old to begin with and needed replaced. Ms. Springs stated that she has spoken with Officer French from the Lafayette Police Department and was told that "the reason that they took Jango was because of her previous dog had not liked police officers and the beeping their equipment made". Ms. Springs stated that she needs Jango for her health and stated that she is concerned with the current condition of Jango at the AHHS regarding Jango not getting his meds or personal items. Ms. Springs stated that Jango spends about 20 minutes a day running and jumping and then spends the rest of the day sleeping.

Ms. Chosnek asked Ms. Springs if she has lost control of Jango on several instances where Jango has had to be picked up by the ACO's. Ms. Springs stated that there were two instances, yes. Ms. Chosnek briefly went over the ordinances regarding the habitual offender, nuisance animals, and rules of impoundment. Ms. Chosnek clarified the ADA rules for service animals for Federal, State and Local laws. The ADA does not supersede the local animal control laws for service animals.

President Henriott stated that Ms. Springs is not taking much responsibility for the situation, but it is her responsibility to take care of the animal-the animal cannot get away. President Henriott stated that he is concerned

with returning Jango back to Ms. Springs. Mr. Shriner moved to deny the appeal. Mrs. Moulton seconded. Denied.

Time: 9:54 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

Gary Henriott s/s

President

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>