

**BOARD OF PUBLIC WORKS AND SAFETY**  
**MINUTES**  
**July 17, 2018**

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, July 17, 2018 at 9:00 a.m. in the Common Council Chambers. Members present were: Cindy Murray, Amy Moulton and Norm Childress. Absent: Gary Henriott and Ron Shriner

Jacque Chosnek, 1<sup>st</sup> Deputy City Attorney, was also present.

Mrs. Murray called the meeting to order.

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

**MINUTES**

Mr. Childress moved for approval of the minutes from the July 3, 2018 regular meeting. Mrs. Moulton seconded. Passed.

**BID OPENING**

*2018 Curb and Ramp Replacement Project-4<sup>th</sup> Street*

This being the time set to open bids for the 2018 Curb and Ramp Replacement Project-4th Street, the following bids were received and opened:

Dixon Construction  
Lafayette, Indiana

Base Bid: \$178,123.00

Mr. Childress moved to take the bids under advisement for further review. Mrs. Moulton seconded. Passed.

**BIDS UNDER ADVISEMENT**

*Manufacturer's Court-New Road Construction*

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

**NEW BUSINESS**

**Engineering**

*Recommendation for Award-2018 Curb and Ramp Replacement Project-Elliott Street*

Jeromy Grenard, Public Works Director, presented to the Board and recommended approval of a Recommendation for Award for the 2018 Curb and Ramp Replacement Project-Elliott Street with Heartland Excavating in the amount of \$94,445.50. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

*Contract-2018 Curb and Ramp Replacement Project-Elliott Street*

Mr. Grenard presented to the Board and recommended approval of a Contract for the 2018 Curb and Ramp Replacement Project-Elliott Street with Heartland Excavating in the amount of \$94,445.50. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

*Notice to Proceed-2018 Curb and Ramp Replacement Project-Elliott Street*

Mr. Grenard presented to the Board and recommended approval of a Notice to Proceed for the 2018 Curb and Ramp Replacement Project-Elliott Street to start today. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

*Contract with INDOT for Twyckenham Blvd from Poland Hill to S. 9<sup>th</sup> Street with Butler, Fairman & Seufert*

Mrs. Murray recommended tabling this item due to not enough voting members. Mr. Childress moved to table this item. Mrs. Moulton seconded. Tabled

**Lafayette Housing Authority**

*Amendment #1-Agreement between City of Lafayette and Bauer Family Resources for Romney Meadows Preschool Building Renovations*

Patrick Ringwald, Project Manager, presented to the Board and recommended approval of Amendment #1 for the Agreement between City of Lafayette and Bauer Family Resource for Romney Meadows Preschool Building Renovations. This amendment will provide a two-month extension of the contract to September 30, 2018. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

*Amendment #1-CDBG Agreement between City of Lafayette and Habitat for Humanity of Lafayette for Home Affordable Program (HARP)*

Mr. Ringwald presented to the Board and recommended approval of Amendment #1 for the Agreement between City of Lafayette and Habitat for Humanity of Lafayette for Home Affordable Program (HARP). This amendment will provide a five-month extension of the contract to November 30, 2018. Mrs. Moulton moved for approval. Mr. Childress seconded. Passed.

**Purchasing**

*Vehicle Trade-In Authorization-Police Department*

Dave Payne, Purchasing Manager, presented to the Board and recommended approval of a Vehicle Trade-In Authorization for the Police Department for 13 vehicles on a new purchase. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

**CLAIMS**

Mike Jones, Controller, presented for Board approval, Claims in the amount of \$5,061,737.43. Mrs. Murray asked if there were any further questions and there were none. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

**MISCELLANEOUS**

*Special Event Request-Neighborhood Block Party-Central Presbyterian Church*

Sue Graham, Event Representative, presented to the Board and recommended approval of Special Event Request for the Neighborhood Block Party for Central Presbyterian Church to be held on July 29, 2018 from 12:00pm-3:00pm on 8<sup>th</sup> Street between Columbian and South Streets. Mr. Childress moved for approval. Mrs. Moulton seconded. Passed.

*Special Event Request-Zoo Run Run*

Kecia Beltz, Columbian Park Zoo Director, presented to the Board and recommended approval of Special Event Request for the Zoo Run Run to be held on July 21, 2018 from 7:30am-9:30am at Columbian Park and surrounding neighborhood. Mrs. Moulton moved for approval. Mr. Childress seconded. Passed.

Time: 9:09 a.m.

Mrs. Murray stated that the Board will reconvene in five (5) minutes for the Animal Control Appeal Hearing.

**BOARD OF PUBLIC WORKS AND SAFETY  
ANIMAL APPEAL MINUTES  
July 17, 2018**

Appeal Hearing:

The Board of Public Works and Safety met on Tuesday, July 17, 2018 at 9:15 a.m. in the Common Council Chambers. Members present were: Cindy Murray, Amy Moulton and Norm Childress. Absent: Gary Henriott and Ron Shriner

Jacque Chosnek, 1<sup>st</sup> Deputy City Attorney, was also present.

Mrs. Murray called the meeting to order.

**Animal Control Appeal for Susan Lintner**

Jacque Chosnek, Deputy City Attorney, presented to the Board an Animal Control Appeal for Susan Lintner who is the owner of Princess and Roxy. The Board has copies of the very incidence reports, dangerous animal agreements, photographs and appeal letter submitted by Ms. Lintner. Mrs. Chosnek stated that the summary includes:

April 16, 2016 a Dangerous Animal Agreements (DAA) were entered into for Princess and Roxy stemming from an incident involving the animals running at large and biting a neighbor and charging aggressively at responding LPD officers. The DAA were executed by the owner, Susan Lintner. Mrs. Chosnek gave a brief description of what the DAA agreement entails.

Mrs. Chosnek stated that the second incident occurred on June 28, 2018 where Animal Control (ACO) responded to a call involving two pit-bull mix dogs that had attacked a smaller Pomeranian dog. According to the incident report, the dogs had been on leash in their yard but had taken off while pulling the owner to the ground and then attacking the Pomeranian. The ACO was able to speak to the owner of the Pomeranian dog and Susan Lintner at VCA Animal Hospital. The report did indicate that Ms. Lintner was apologetic at the time. At the time, the ACO on call was unaware that there was a DAA for Princess and Roxy. However it was subsequently discovered the animals were already subject to the DAA and the next day the ACO contacted the owner of the dogs and explained that Princess and Roxy would need to be removed from the home because the June 28, 2018 incident was a violation of the existing DAA. The two dogs were released to ACO without incident after several minutes of discussion. The appeal process was explained to Ms. Lintner and then she filed her timely appeal to the Clerk's Office.

ACO Jenna Manuel confirmed that the information that was explained by Mrs. Chosnek was accurate to the best of her knowledge.

Kurt Freeman, Representative for Susan Lintner, stated that firstly, the animals were restrained and on a leash who then pulled Ms. Lintner down a hill and made her trip. The animals then got away from her. Secondly, the April 16, 2016 DAA that Ms. Lintner signed maybe in question because there was a misunderstanding about what she was agreeing to. Mr. Freeman stated that regardless, Ms. Lintner is in a position to both pay for and coordinate an evaluation of the dogs by Dr. Ogata at Purdue University. Mr. Freeman stated that both City Attorney Ed Chosnek and Mrs. Chosnek both have a less than favorable view of her moving the dogs from the city. And lastly, Mr. Freeman stated that Ms. Lintner is very sorry and this was a completely unintentional act. Mr. Freeman stated that Ms. Lintner would like the opportunity to visit the dogs regardless of the decision by the Board.

Ms. Lintner stated that when she signed the DAA on April 16, 2016 she thought it was because she has an upstairs neighbor who won't put his dog on a leash. His dog attacked her and Princess and she has photographs. She thought that was the agreement she was signing that day. Ms. Lintner stated that she has never heard that her dog bit someone or even tried to bite someone. Ms. Lintner stated they sent pictures in the discovery that are clearly not dog bites and she has never seen the pictures of the puncture wounds to someone's legs before. Ms. Lintner stated that if your dog bites someone they are quarantined for 10 days and her dogs have never been quarantined. Ms. Lintner stated that she thought her dogs received a 4-year rabies shot but they only received a 3-year rabies shot. She has recently called and scheduled an appointment for both dogs to receive a rabies shot but the dogs removed from the home before the appointment. Ms. Lintner gave the Board a brief history of the events that occurred on June 28, 2018. Ms. Lintner stated that she just got home from work and took the dogs out on leashes in their yard. The dogs pulled her down the hill and then got ahold of the Pomeranian dog. Ms. Lintner stated that once her dogs starting attacking the other dog she got her dogs off. She stated that she took the Pomeranian dog and the little girl walking her straight to the vet. Ms. Lintner paid the vet bill while she was there. She gave the little girl her name and phone and offered to pay for additional vet bills that were needed for this accident. Ms. Lintner stated that she is willing to remove the dogs from the city limits in order to keep them. Mr. Freeman stated that because of the issues with the underlying DAA and given the facts of the incident with the Pomeranian dog and Ms. Lintner's willingness to reimburse & make whole the owner along with being amendable to any other restrictions that the City of Lafayette wants to subject the animals to, Mr. Freeman asked that the appeal be upheld.

Mrs. Chosnek stated that they have talked about the animals being evaluated and believe that situations where an owner is willing to have them evaluated by a professional and if the professional makes recommendations regarding the animals being dangerous etc. Mrs. Chosnek advised the Board that they

would be able to give considerations there. This evaluation would be at the owner's expense. Mr. Freeman asked for confirmation that when the ACO responded to the incident the animals got right in the car and were cooperative. ACO Manuel confirmed that the animals were easy to place inside the truck.

ACO Josh Klumpe stated the animals are at the shelter and are fine with people which hasn't been the issue. The dogs have high prey-drive and attacked two animals to date. ACO Klumpe stated that when an ACO issues a DAA they read the agreement in its entirety to the owner, explains what is needed and expected. After the DAA is issued it is copied and sent in the mail to the pet owner for their records.

Mr. Childress stated that he could not understand how the DAA could be misconstrued and it clearly identifies the dog, color and the circumstances the dogs are to be held under after the issue. Mr. Childress asked if this suggested owner paid evaluation is an addition to the evaluation that the shelter administers after the owner loses their ownership right. Discussion ensued.

Mrs. Murray stated that she would be open to allowing the evaluation of the dogs paid for by the owner. Mr. Childress stated that in other appeals there have been promises made after the fact and this is after the fact. Mr. Childress stated that any private assessment of the dogs would be to advise the Almost Home Humane Society (AHHS) to whether or not the dogs were adoptable. Mr. Childress stated that he is not in favor of returning the dogs to the owner and if the assessment is allowed, the application is to determine whether or not the dogs are adoptable. Mrs. Moulton stated that she was in favor of the evaluation to determine if the dogs are adoptable.

Mr. Childress moved to deny the appeal with the proviso that if an assessment is made and the dogs are adoptable, that opinion can be sent back to AHHS and ACO where a decision can be made. Mrs. Moulton seconded. Appeal Denied.

Time: 9:31 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

Cindy Murray s/s

President Pro-Tem

ATTEST: Mindy Miller s/s

Mindy Miller, 1<sup>st</sup> Deputy Clerk

Minutes written by Mindy Miller, 1<sup>st</sup> 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>