

**BOARD OF PUBLIC WORKS AND SAFETY**  
**MINUTES**  
**August 16, 2022**

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, August 16, 2022 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 August 9, 2022 regular meeting. Mrs. Murray seconded. Passed.

**NEW BUSINESS**

**Engineering**

*Utility Service Agreement-Concord Crossing, LLC (Subdivision)*

Dave Griffie, Engineering, presented to the Board and recommended approval of a Utility Service Agreement for Concord Crossing, LLC Concord Crossing Subdivision. This is a new agreement for a proposed 32.01 +/- acre residential development site located in Service Area 9A along the east side of S CR 250 E/Concord Road between the Upper Kirkpatrick Ditch to the north and Benjamin Crossing Subdivision to the south. This is a single lot, multi-family subdivision, and will consist solely of duplexes. This agreement will provide sanitary sewer and water services. The necessary fee payment has been provided. Mr. Griffie answered questions from the Board. Mr. Childress moved for approval. Mrs. Murray seconded. Passed.

*Change Order #1-2022-1 Ramp Replacement Project*

Jeromy Grenard, Public Works Director, presented to the Board and recommended approval of Change Order #1 for the 2022-1 Ramp Replacement Project with Milestone Contractors. The change order includes the removal and replacement of a ramp and sidewalk. The change order is an increase in the amount of \$4,387.50 which brings the revised contract to \$176,962.50. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

*Change Order #1-Community Crossings Street Resurface Project*

Mr. Grenard presented to the Board and recommended approval of Change Order #1 for the Community Crossings Street Resurface Project with Midwest Paving. The change order includes time and materials to re-pave at the intersection of Elston Road and Beck Lane due to water main break that damaged the pavement. The change order is an increase in the amount of \$2,234.71 which brings the revised contract to \$472,490.34. Mrs. Moulton moved for approval. Mrs. Murray seconded. Passed.

*Change Order #2-Community Crossings Street Resurface Project*

Mr. Grenard presented to the Board and recommended approval of Change Order #2 for the Community Crossings Street Resurface Project with Midwest Paving. The change order includes the escalation in costs from 2021 to 2022 due to owner delay. The City requested that the contractor wait to pave Elston Road, Beck Lane, and Old Romney Road until the sewer lining project was complete along with additional mobilization for a utility conflict. The change order is an increase in the amount of \$17,224.29 which brings the revised contract to \$489,714.63. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

*Contract with HAWK Enterprises for 9<sup>th</sup> Street and 18<sup>th</sup> Street Traffic Signal Loops*

Mr. Grenard presented to the Board and recommended approval of a Contract with HAWK Enterprises for 9<sup>th</sup> Street and 18<sup>th</sup> Street Traffic Signal Loops. The installation of these loops will follow the paving schedule this summer. The City solicited four (4) quotes and only received a quote from HAWK Enterprises. The engineering office stated that the quote received is reasonable. The contract is in the amount of \$25,000.00. Mrs. Moulton moved for approval. Mrs. Murray seconded. Passed.

**CLAIMS**

Jeremy Diehl, Controller, presented for Board approval, Claims in the amount of \$3,789,179.78. Mr. Childress asked a question on Page 11 regarding the Don R. Scheidt invoice for Appraisal of Holiday Inn City Centre Ground Lease. Mr. Diehl stated that the building sits on city owned land. The 40-year ground lease was established in 2001. Mrs. Chosnek stated that there is an option for the building owner to buy out the underlying land from the ground lease. President Henriott asked a question on Page 10 regarding the Motorola Solutions invoice for Portable Radios. Mr. Diehl stated these are for the Police Department. Chief Scott Galloway stated that the handheld radios need replaced and upgraded. Mr. Childress moved for approval. Mr. Shriner seconded. Passed.

**MISCELLANEOUS**

*Special Event Request-German Fest*

Michelle Ford, Event Representative, presented to the Board and recommended approval of a Special Event Request for the German Fest to be held on September 10, 2022 at 4:00pm-10:00pm. The closure includes Ferry Street, 8<sup>th</sup> Street, 9<sup>th</sup> Street, and North Street. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

Time: 9:11 a.m. The Board took a brief break and will reconvene at 9:15 a.m..

**Animal Control Appeal Hearing-Aaron Thompson**

Time: 9:15 a.m.

Mrs. Chosnek gave a brief description of the procedure for this hearing. Mrs. Chosnek stated that the Board has received copies of incident reports by both LPD and Animal Control Officer (ACO)'s. Mrs. Chosnek stated that this appeal is for the seizure of Hank Thompson which is owned by Aaron Thompson. The animal was seized on August 9, 2022 and Mr. Thompson submitted is appeal letter on that day as well.

Animal Control Officer (ACO), Josh Klumpe, stated that he and other ACO's that were dispatched to 119 S. 7<sup>th</sup> Street, Lafayette around 13:53PM on August 8, 2022. ACO Klumpe stated that he spoke to a witness, Alyssa Warren, at the residence. ACO Klumpe stated that the bite victim was already taken to the hospital by the time that ACO's arrived at the residence. ACO Klumpe stated that Ms. Warren advised that there was a domestic disturbance between the victim and herself. The dog reacted to the disturbance and the dog bite the victim inside the home. At that point in time ACO Klumpe did not seize the dog. There was no rabies vaccine reported so ACO's Klumpe advised Ms. Warren of the 10-day in-home quarantine mandated by the State of Indiana. ACO Klumpe stated that they cleared the scene with no disciplinary actions because the bite happened inside the home and was more of a very intense emotional situation type of disturbance. ACO Klumpe stated that the ACO's and Lafayette Police were dispatched again to the same residence at approximately 1:40AM on August 9, 2022 where a second bite from the dog occurred inside the home. ACO Klumpe stated that Ms. Warren stated that the second victim was doing nothing at the time of the bite and the dog just attacked him. ACO Klumpe stated that the second victim was unable to walk down the stairs due to the bite injuries. Mrs. Chosnek clarified that there were 2 separate bites on 2 separate victims. ACO Klumpe confirmed that to be true and both of the victims were transported to the hospital for treatment. ACO Klumpe stated that the dog is currently housed at the Almost Home Humane Society (AHHS) and placed on hold pending the outcome of this hearing. ACO Klumpe stated that his department has had no other prior incidences or records with this dog. The dog was brought out of the home prior to ACO Klumpe's arrival to the second call to the residence which created another possible dangerous situation because the dog was unrestrained. One of the LPD Officers had to use their Taser on the dog at that time due to the dog's aggression. ACO Klumpe stated that the dog is 3 years old. ACO Klumpe stated that LPD went to the hospital to take photos of the second victim. Mrs. Chosnek clarified that having a dog with 2 bite incidences with 2 separate victims at 2 separate times within 12 hours tells a lot about the dog's temperament. ACO Klumpe stated that it's hard to say how aggressive the dog is normally but in these 2 situations the dog was reacting to domestic disturbances and using his protective training. ACO Klumpe stated that this home is known for drug activity and drug use. People and strangers to the dog, are in and out of the home constantly. ACO Klumpe recommended that the dog is unpredictable due to the bite that have occurred and is concerned with the housing of the dog. ACO Klumpe stated that Mr. Thompson is on work release and lives at 2800 N. 9<sup>th</sup> Street, therefore Hank lives with Ms. Warren at the 119 S. 7<sup>th</sup> Street address until Mr. Thompson is through with the work release program.

Mr. Thompson stated that he lives at 2800 N. 9<sup>th</sup> Street, Lafayette and is the owner of the dog Hank. Mr. Thompson confirmed that LPD and ACO's were called to 119 N. 7<sup>th</sup> Street twice, once on August 8 and once on August 9, 2022 for Hank biting 2 separate individuals along with his appeal letter for the seizure of the dog. Mr. Thompson stated that Hank is his emotional support dog for Mr. Thompson's PTSD from serving in the military. Mr. Thompson stated that he has had Hank since he was a puppy and has had no issues with the dog until this situation. Mr. Thompson stated that Hank doesn't like aggressors and this household is full of aggressors. Mr. Thompson stated that he spoke with the second victim where he said that he got in an altercation with the neighbor and slammed the door. Hank was right there when the door was slammed. Hank then bit the second victim at that time. Mr. Thompson stated that the residents at 119 N. 7<sup>th</sup>, where Hank lives, are mistreating and neglecting him. Mr. Thompson stated that he has been gone and away from Hank for 6 months while Bradley Bean has been taking care of him. The issues with Hank started when Ms. Warren moved into the 119 N. 7<sup>th</sup> Street address with Mr. Bean. Mr. Thompson will be off work release and able to care of Hank again in 42 days. Hank is not neuter and not current on vaccinations. Mr. Thompson stated that he has a certificate for the emotional support animal status. Mr. Thompson stated that his plan if Hank is returned to him while he is still on work release is to find a boarding house or shelter for Hank to live at for the duration. Mr. Thompson stated that he does not want Hank to go back and live with Mr. Bean and Ms. Warren. Mr. Thompson also stated that he is willing to get Hank neuter if needed. Mr. Thompson stated that he has found 2 people that are willing to take Hank for the duration of his work release.

ACO Klumpe stated that the dog, while at the AHHS, has been in a kennel by himself with no contact with or handled by people. He is received food, water and clean-living area.

Mr. Childress asked ACO Klumpe what the adoptability of Hank would be. ACO Klumpe stated that there is a lot of liability for a shelter to adopt out a dog that has bit 2 people and is unpredictable.

Mr. Thompson stated that he has visited the 2 victims recently and said that both victims are understanding with what happened to them regarding the situation.

Mr. Shriner stated that the Board's responsibility to determine if the dog is a Public Safety issue along with the City's liability. Releasing the dog back to Mr. Thompson with the dog having bit 2 different people there is a cause for concern to the public.

Mr. Thompson stated that he is willing to do whatever it takes to keep people safe.

Mr. Shriner is concerned with how Mr. Thompson will be able to care of the dog with his current situation with work release and living situation.

Mr. Childress asked Mr. Thompson what his plans are after work release. Mr. Thompson stated that he will continue to work his 2 jobs, get his driver's license back and own property. The Board's concerns are if the dog would bite a child next time and the public safety issues.

Mr. Shriner moved to deny the appeal due to the public safety issue the dog creates. Mrs. Moulton seconded. Denied.

Time: 9:35 a.m.

BOARD OF PUBLIC WORKS AND SAFETY

Gary Henriott s/s  
President

ATTEST: Mindy Miller Riehle s/s  
Mindy Miller Riehle, 1<sup>st</sup> Deputy Clerk

Minutes written by Mindy Miller Riehle, 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>