

**BOARD OF PUBLIC WORKS AND SAFETY  
MINUTES  
November 2, 2021**

Regular Session:

The Board of Public Works and Safety met in regular session on Tuesday, November 2, 2021 at 9:00 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Amy Moulton and Ron Shriner.

Absent: Norm Childress and Cindy Murray

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 October 26, 2021 regular meeting. Mr. Shriner seconded. Passed.

**QUOTES UNDER ADVISEMENT**

*Rome Drive Lift Station Upgrades Project*

President Henriott stated this will remain under advisement.

**NEW BUSINESS**

**Engineering**

*Change Order #11-Loeb Stadium Bid Package 1 (General Trades)*

Jeromy Grenard, Public Works Director, presented to the Board and recommended approval of Change Order #11 Loeb Stadium Bid Package 1 (General Trades) with J.R. Kelly Company. The change order includes the addition of bollards at the intersection of Main and Wallace Streets. The change order is an increase in the amount of \$8,846.00 which brings the revised contract amount to \$10,776,396.00. Mr. Shriner moved for approval.

Mrs. Moulton seconded. Passed.

**Parks Department**

*Permission to Advertise-CAT Park All-Inclusive Sports Field*

Jon Miner, Assistant Parks Superintendent, presented to the Board and recommended approval of a Permission to Advertise for the CAT Park All-Inclusive Sports Field. The publications are set to run on November 5 & 12, 2021 with a bid opening on November 23, 2021. Mr. Miner stated that this facility will encompass all levels of physical capabilities. This project will be paid for by CDBG funds. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

## **Lafayette Renew**

### *Contract with HWC for Service Area 11B Utility Master Planning*

Brad Talley, Renew Superintendent, presented to the Board and recommended approval of a Contract with HWC Engineering for Service Area 11B Utility Master Planning. The contract is in the amount not-to-exceed \$69,000.00. The contract will include providing water and wastewater services to southeast of the City limits which is currently unserved. Discussion ensued. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

### *Contract with Butler, Fairman & Seufert for Ortman Lane Drainage Project*

Mr. Talley presented to the Board and recommended approval of a Contract with Butler, Fairman & Seufert (BFS) for the Ortman Lane Drainage Project. The contract is in the amount not-to-exceed \$28,400.00. BFS will provide assistance with drainage improvements along portions of Ortman Lane between Poland Hill Road and S. 9<sup>th</sup> Street. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

## **CLAIMS**

Jeremy Diehl, Controller, presented for Board approval, Claims in the amount of \$2,964,940.31. President Henriott asked a question on Page 18 regarding the invoices for John Sanders relating to Winterize IRR's. Mr. Diehl stated that Mr. Sanders is a vendor that supplies irrigation services for the City. President Henriott asked a question on Page 20 for invoices for Lafayette/West Lafayette Development Corporation relating to Protect Greater Lafayette Pledge. Mr. Diehl stated that this is an annual contribution from the City. This is part of a 5-year pledge. President Henriott asked a question on Page 20 regarding invoices for CentralSquare Technologies relating to the Police Licensing/Software. Mr. Diehl stated that the City has used this vendor for several years. This integrates the CAD/RMS systems that police dispatch and records management use. Mr. Shriner moved for approval. Mrs. Moulton seconded. Passed.

Time: 9:12 a.m.

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

## **Animal Control Appeal Hearing**

### **BOARD OF PUBLIC WORKS AND SAFETY ANIMAL APPEAL MINUTES November 2, 2021**

Appeal Hearing:

The Board of Public Works and Safety met on Tuesday, November 2, 2021 at 9:20 a.m. in the Common Council Chambers. Members present were: Gary Henriott, Ron Shriner and Amy Moulton. Absent: Cindy Murray and Norm Childress

Jacque Chosnek, City Attorney, was also present.

President Henriott called the meeting to order.

### **Animal Control Appeal Hearing-Viviana Bernable**

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 the Cielo is the dog in question and is owned by Viviana Bernable.

Josh Klumpe, Chief Animal Control Officer (ACO), stated that Cielo has gotten out twice unrestrained and has bitten or attacked both times resulting in injuries. The first incident was on July 9, 2021 where a citizen was walking by Ms. Bernabe's' residence at 2404 Brady Lane when Cielo came out of the garage. Cielo attacked and bit him in the extremities. ACO Klumpe stated that a Dangerous Animal Agreement (DAA) was issued at that time for Cielo. Mrs. Chosnek noted that under the DAA the owners are to keep the animal restrained when off their property and the DAA states that the animal is not restrained, the animal will be impounded and ownership rights could be terminated.

ACO Klumpe stated that second incident occurred on October 23, 2021 where a man and his son were fishing at local park pond when Cielo jumped out of the window of the vehicle and ran down to the pond and bit the man and his son. The father sustained injuries on his hand and the son sustained multiple puncture wounds on his back. ACO Klumpe stated that ACO Vance Julian was called to the incident and then ceased the dog due to the DAA not being followed by the owner. ACO Klumpe noted that there has not been a history of the dog running loose but the dog continues to bit and attacked non-family members. ACO stated that he believes that if the dog is returned to the owner it will continue to bite and attack people if it got loose again. The dog is approximately 1-2 years old and Ms. Bernable has owned the dog for about a year. Discussion ensued regarding the notes at the bottom of the DAA and the temperment of dogs.

Jorge Dorado del Real, 2404 Brady Lane, stated that he lives with Cielo for about a year and has no problems with the dog and the family. Mr. Dorado del Real confirmed the events that happened on July 9, 2021 and October 23, 2021 as correct with 3 bites and 2 attacks. Mr. Dorado del Real stated that Ms. Bernable would like to have Cielo back. Mr. Dorado del Real stated that they have owned Cielo about a year. Cielo has a cage in their house, a muzzle and leash to help keep him confined at home. Mr. Shriner asked if there have been any medical bills that they have to pay due to the bites and attacks. Mr. Dorado del Real confirmed that there were medical bills to pay from the July 9, 2021 incident. Mr. Shriner explained that there are city ordinances put in place to help protect the citizens, the safety of others and the liability the City has with not taking action with aggressive animals. President Henriott explained that this is a safety issue for the City and the reason that the City has to cease aggressive animals.

Isaac Sanchez, City Interpreter, joined the meeting to help facilitate communication between Mr. Dorado del Real, Ms. Bernable and the Board members. The following communication is through the Spanish to English/English to Spanish interpreter. Mr. Shriner again explained the Board of Works and Safety and their role in making decisions for the safety of all citizens and the liability with not addressing aggressive animals. Mr. Sanchez translated to both owners. Mr. Dorado del Real (through translation) asked the Board to give them another opportunity to allow Cielo to come home. President Henriott asked if they live in an apartment or house. Mr. Sanchez translated to both owners. Mr. Dorado del Real (through translation) stated that they live in a house. Mrs. Moulton stated her concern about how strong the dog is and the ability of the owners to have control over the dog. Mr. Sanchez translated to both owners. Ms. Bernable (through translation) offered to send the animal to obedience/training school. Mr. Shriner stated that this is a tough situation for everybody but recommended denying the appeal and terminating ownership of Cielo. Mrs. Moulton seconded. Appeal Denied. Mr. Sanchez translated to both owners. Ms. Bernable (through translation) asked if they could have one more chance to bring Cielo home. President Henriott told the owners that they did have one last chance after they signed the DAA to protect ownership of Cielo. Mr. Sanchez translated to both owners. Ms. Bernable (through translation) asked what

is going to happen to the dog. Mrs. Chosnek stated that the dog will be evaluated at the Almost Home Humane Society (AHHS) on whether the it is fit for adoption. AHHS will make that determination. Mr. Sanchez translated to both owners. Ms. Bernable (through translation) asked the Board if she could see Cielo one last time. ACO Klumpe stated that the owners to could ask AHHS for permission but in most cases that is not permitted. Mr. Sanchez translated to both owners. President Henriott again restated that the appeal was denied. Mr. Sanchez translated to both owners.

Time: 9:41 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>