TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
October 20, 2014

The Tippecanoe County Commissioners met on Monday, October 20, 2014 at 10:00 a.m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, Vice President Thomas P. Murtaugh, and Commissioner David S. Byers. Also present were Attorney Dave Luhman, Auditor Jennifer Weston, Commissioners' Assistant Frank Cederquist, and Recording Secretary Tillie Hennigar.

President Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve the minutes of the regular meeting held October 6, 2014, second by Commissioner Byers; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS and PAYROLL CLAIMS

- Commissioner Murtaugh moved to approve the accounts payable vouchers for October 6, 9, 10, 15, 16, 17, and 20 with exception to a charge from the Coroner's Office for an early bird flight option in the amount $150.00. The charge is an exception to the travel policy. Commissioner Murtaugh also moved to approve payroll vouchers for October 10, 2014 as submitted without exception, second by Commissioner Byers; motion carried 2-1. President Knochel opposed the exception to the charge from the Coroner's Office.

ORDINANCE 2014-17-CM – 2nd Reading – AMENDING COUNTY CODE CHAPTER 90 ANIMAL CONTROL

- Commissioner Murtaugh moved to hear Ordinance 2014-17-CM on 2nd reading, second by Commissioner Byers.

President Knochel said the Ordinance has been controversial since Commissioner Murtaugh invited opinions via email. He invited the public to comment in favor of or opposed to the Ordinance saying speaking time will be limited to three to four minutes, speakers should not repeat what others have already said, and each speaker should sign in.

Sandra Dukes – 3304 S 12th, Lafayette – Ms. Dukes said she is member of the kennel club and a local attorney. She has been a board member of one of the National Breeding Clubs for 24 years, acted as legal advisor and dealt with the issue in 40 states and several foreign countries. We are trying to do the right thing for this community. There is a problem with stray dogs; trying to enforce the pick-up of the dogs creates another problem. She objects to section 90-10 of the Ordinance dealing with spay/neuter. When puppies are spayed or neutered early, it presents a health problem. The breeders in this community are very careful about the health of a puppy and where the puppy is placed. Several Kennel Club members and other dog people in attendance pledge their efforts in every way to help the County control the problem. Part of the problem is low cost spay/neuter; part is education. There are several veterinarians who provide low cost vaccinations which help the community. The spay/neuter portion of the Ordinance which was adopted from the Hamilton County Ordinance doesn't fit our community; Tippecanoe County is an urban but also rural community. Most of the Ordinance is excellent and takes care of a lot of the problems; however, 90-10 doesn't control the over-population problem. Enforcement of 90-10 will become a nightmare for one Animal Control Officer. There are better ways to control the pet population;

we are behind all the efforts of the Commissioners. The Ordinance is excellent with the exception of 90-10; an amendment is requested.

President Knochel asked Ms. Dukes for suggestions on spay/neuter. Ms. Dukes said spay/neuter doesn't accomplish the necessary results. Most people don't want to deal with a female who comes in season so spaying is fairly easy. The Food Banks will provide a $10 certificate for spay/neuter and also pet food. Some of the veterinarians provide shot clinics. One of the big problems is unneutered males from an irresponsible owner with a loose dog.

Laura Hooser – 8128 Woolsley Ct, West Lafayette – Ms. Hooser stated she lives in District 1 and is a member of the Greater Lafayette Kennel Club. She attended an AKC conference earlier this year where all the issues were discussed. Mandatory spay and neuter ordinances are not going to solve the problems of over population and stray dogs; they only have a large impact on law-abiding dog and cat owners. The people to target need education supporting low cost spay and neuter programs. Checking other counties that have had a spay/neuter program in effect for a number of years, there is an increase in expenses for the County as they attempt to support the ordinance. Citizens have many ways of falling off the radar – they can go out of state for vaccines; they can avoid registration and vaccination all together. There are successful programs available currently to trap, spay/neuter, and then release ferrell cats. Last year in Tippecanoe County there were 14 AKC events attended by 2,300 people. The National estimate states that each person can spend $500 per event on lodging and restaurants while visiting the event. In order to show dogs for confirmation, dogs must be intact; they cannot be spayed or neutered. There are health problems that indicate spaying or neutering at six to nine months is too young. There are other ways to address the problem without increased cost to the County. Pursuing the breeder permits could create problems with infringements of amendment 14 of property ownership. There are years when breeders wouldn't utilize the option of having a litter and other years when they may want to have two litters. Ms. Hooser requests the adoption of the Ordinance without section 90-10. She said she appreciates the time that has been spent on revising the 1993 Ordinance, specifically the updates supporting prosecution of abusers and animal hoarders. Many members of the community, including attorneys, veterinarians, and other knowledgeable breeders would be happy to help form a committee and provide ideas to support animal control.

Jim Peterson – 1817 Arcadia, Lafayette – Mr. Peterson stated he is the President of Greater Lafayette Kennel Club and speaks on behalf of himself and the Kennel Club. He understands and appreciates the charges and responsibilities of the Commissioners on behalf of the County. They agree that stray dogs and cats are a problem and we need to work together to address the problem. They disagree that Section 10 solves the problem or is a step in the right direction. Personally, he has owned a dog that was not neutered at nine months for health reasons at the recommendation of his Vet and also a Purdue Vet. The breeding potential of a dog is not known until the dog reaches the age of two to four years. A breeder in New York is unsure of selling a puppy to him due to the potential Ordinance. The responsible dog owners are the people who will comply; the people that are the problem are not going to follow the rules, 1) they don't know the rules and 2) they are not going to comply. The breeder's permit asks for a lot of private information that ends up in the public database. How will the breeder permits be enforced and what does it accomplish? The article in the paper said the permit will be at no cost; there is a cost to everything. When the Sheriff returns with his proposed budget next year and requests additional money for additional staff due to the breeder permits, either taxes go up or the breeder permit becomes a charge item. One out of every two families has a dog. In Tippecanoe County with an approximate population of 100,000, the Ordinance will affect 50,000. How do we trace the stray dog back to the irresponsible breeder? Are the veterinarians going to be turned into deputies in order to report a dog that was intact? Passing the Ordinance today might feel good because it accomplished something; however, we didn't, we potentially caused harm down the road. Mr. Peterson asked the Commissioners to please not pass Section

10 and to also reach out to the Purdue Vet School, the Kennel Club, and the area Veterinarians to address the problem.

Bruce Jansen – no address given – Mr. Jansen said he sees that the Commissioners are trying to legislate responsibility; you cannot legislate someone to be responsible. It is the government trying to tell you what you can do with your dog which he didn't think would ever happen in a conservative community. There is a place for a breeder permit, but a person with one dog and telling them they have to spay or neuter that dog is not the governments business. If the dog gets bred, it's responsibility or the lack of - it is not the governments business until the dog is a problem to the community. The dog becomes a problem when it is barking nonstop and bothering the neighbors or it has been picked up three times. If someone is allowing their dog to have litters repeatedly, they should have a breeder permit.

President Knochel said several people have spoken in opposition to the Ordinance and invited public comment in favor of the Ordinance.

Bernie Wulle – Crystal Creek Boarding Kennel – Mr.Wulle said the issue is not something that just popped up; it has been a problem in the community for a number of years. He believes that people have the right to breed their animals; the Ordinance does not stop that. Like most privileges, there are also responsibilities that go with those privileges. You can't legislate responsibility but you can legislate consequences. For years, he and his wife have been members of AKC and are past members of the Lafayette Kennel Club. They are firm believers in developing safe, healthy animals. Over the years, they have received animals that owners can no longer take care of – they would arrive home to find cats in gunny sacks and animals tied to the door knob. They have been the shelter for the community for eight years. They have introduced low cost spay and neuter and pushed the identification of dogs through chips; now chips are mandated. The legislation gives a tool for the animal control people to use. Communities who have adopted the policy our county is considering have reduced their animal population control problem by 50%. Breeder's license could be obtained online if there is a concern about them being time consuming. Whatever is adopted as a final Ordinance, this community needs to get a handle on the problem. The problem of over-population and animals running loose can be solved with a good common sense approach.

Janelle Kaiser - 5444 E 450 N, Lafayette – Ms. Kaiser said she is an avid animal, agriculture, and community enthusiast. She is the second Vice President of the Greater Swiss Mountain Dog Club of America and a member of the Rescue Committee. She has participated for many years in events for pure-bred dogs. She is a huge proponent in the community for appropriate spay/neuter programs and educating those who love dogs but don't understand the consequences of not spaying or neutering pets that should be. Ordinance 10 greatly affects her way of life and others who are law abiding citizens. She breeds greater swiss mountain dogs and they do not come into their first season by nine months; the Ordinance as written would harm her animals and affect many veterinarians in the community. There are years when she has more than one litter and other years when she has none. She, as most responsible breeders, places her puppies under the strictest of standards with measurements to protect the dogs she breeds, the puppies that are produced, and the community. She is not a burden on other taxpayers and is 100% responsible for what she does with her animals. We have the tools but may need to make some of the punishments harsher. With the elimination of Ordinance 10, the Commissioners could seek people in the community for advice, promote the animal control issue, and have a broadened view of the consequences of what the Ordinance would do to law abiding responsible owners with responsible pets.

Dana Beck – West Lafayette – Ms. Beck stated she has been a volunteer for 14 years for North Central Spay/Neuter. In those 14 years, with an all-volunteer force, we have spayed or neutered over 12,000 cats and dogs. Through volunteer funds, grants, and lots of back-breaking efforts (especially by Anita and Bernie), we have managed to get it done…but we are getting tired. She moved to the country and

suddenly there were 15 cats in her garage; with four children, she couldn't afford to spay and neuter them. She started a non-profit organization and applied for grants and made it work. Basically, we need your help because we want to continue to help those who can't help themselves; in the long run, it helps all of us. Forming a committee, as suggested previously, and rewriting the Ordinance to better fit the community will help the situation.

President Knochel said the suggestion of forming a committee to take a hard look at Ordinance 90-10 is a good idea.

Sheriff Tracy Brown – Sheriff Brown said it goes without saying that we are all here for the same reason; we all want to do the right thing in regard to this issue. After Commissioner Murtaugh suggested citizens reach out and voice their opinion of the Ordinance, many emails and phone calls were received; most directed at section 90-10. After educating himself on the facts of both sides of the issue, it's clear there is an opportunity to do a better job with the specific part of the Ordinance. The rest of the Ordinance is very sound and gives us a tool to use in place of the 1993 Ordinance. We have the opportunity, with many people at the meeting saying they are going to step up and help look for alternatives, to utilize members of the community to become more involved in the pet control issue and look at 90-10 to see if parts can be modified. The issue is not going to go away. He is concerned that animal control is controlled with one person and he does not want to add staff or drive up the costs for the next Sheriff.

Commissioner Byers asked for clarification that the breeders permit protects the breeder from spaying or neutering. Sheriff Brown said yes. President Knochel said the comments regarding the breeder permit is that it is an infringement on rights. Commissioner Byers said the best thing to do at this point is to form the committee with one person in favor of, one person opposed to, an attorney, and the Animal Control Officer. Commissioner Murtaugh said he concurs; the Ordinance is well-written and well-versed in the entirety; his issues were with the same section as others addressed today. He thanked everyone for their input and said the Ordinance should be tabled and a committee should be formed to look at revamping section 90-10.

- Commissioner Murtaugh moved to table the Ordinance and put together a group to review the section regarding spay/neuter and breeder permits. The committee should consist of Sandra Dukes and Sharon Dull with Sheriff Brown as the Chairperson, second by Commissioner Byers; motion carried.

***HIGHWAY** – Opal Kuhl*
Change Order #2, CR 550 S Paving Project – Milestone Contractors

Highway Director Kuhl presented Change Order #2 for the CR 550 S paving contract. The emulsion based stabilization will not be used; a different procedure of regular stone based stabilization will be used. The Change Order is in the amount of $26,993.90; the total contract is $618,707.60.

- Commissioner Murtaugh moved to approve Change Order #2 for the CR 550 S paving project in the amount of $26,993.90 as presented, second by Commissioner Byers; motion carried.

***PUBLIC DEFENDER** – Amy Hutchison*
Attorney Contract for Failure to Pay Child Support Contempt Hearings

Public Defender Hutchison requested approval of a contract. The Council approved funds for an individual to handle those charged with contempt in child support. The recent law states a person must be appointed even if incarceration is suspended. The contract is for Kimberly Wright to handle the child

support cases all day Wednesday and half of the day on Thursday, or as scheduled by the court. Attorney Luhman has reviewed the contract.

- Commissioner Murtaugh moved to approve the Professional Legal Services Agreement with Kimberly Wright as presented, second by Commissioner Byers; motion carried.

***SHERIFF** – Tracy Brown*
E911 Contract

The E911 Contract was removed from the agenda.

***VILLA** – DeAnna Sieber*
Agreement for Nutrition Management Services

Villa Director Sieber requested approval of a contract with Armstrong Nutrition Management to provide nutrition management services. They provide dietary services and recipes to assure the food being served to the residents is nutritionally balanced. Their services are billed by the hour at $54.00 per hour. Their services have been used but a contract could not be found by either party.

- Commissioner Murtaugh moved to approve the agreement with Armstrong Nutrition Management to provide nutritional management services for the Villa, second by Commissioner Byers; motion carried.

RESOLUTION 2014-24-CM – APPROVING AREA PLAN COMMISSION ORDER – TIPPECANOE COUNTY HEARTLAND ECONOMIC DEVELOPMENT AREA

Attorney Luhman said the Resolution is the next step in the process of creating the Hoosier Heartland TIF District, which would be adjacent to the one the City of Lafayette is simultaneously creating. The area is north and east of the intersection of State Road 25 and I65. The Tippecanoe County Redevelopment Commission has adopted a Declaratory Resolution to establish the district. The Area Plan Commission has reviewed, along with the economic development plan for the district. At the APC meeting last Wednesday, they adopted an order to the effect it complied with their plan and approval. The next step is for the Board of Commissioners is to *APPROVE THE ORDER OF THE TIPPECANOE COUNTY AREA PLAN COMMISSION.* If approved by the Commissioners, the next step in the process goes back to the Tippecanoe County Redevelopment Commission to hold a public hearing and gather public input on the creation of the TIF District. The final step will adopt a Confirmatory Resolution to establish the TIF District. President Knochel stated it affects his area and said the creation of the TIF captures tax monies as there is development within the area. The monies are used to create new infrastructure, similar to the SIA TIF.

- Commissioner Murtaugh moved to approve Resolution 2014-24-CM, second by Commissioner Byers; motion carried.

CONTRACT FOR INTERPRETER

- Commissioner Murtaugh moved to approve the contract with Luna Language Services for an interpreter for Tippecanoe County Courts, second by Commissioner Byers.

Attorney Luhman said the document is an invoice, not a contract. The document does not state if the services are ongoing or state the rate for future services; it appears to be a claim.

- Commissioner Murtaugh retracted his motion, second by Commissioner Byers.

UNFINISHED/NEW BUSINESS *- none*

REPORTS ON FILE *– none*

PUBLIC COMMENT

As there were no public comments, Commissioner Byers moved to adjourn.

Meeting adjourned at 10:56 a.m.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

absent
John L. Knochel, President

Thomas P. Murtaugh, Vice President

David S. Byers, Member

ATTEST:

Jennifer Weston, Auditor 11/03/2014

Minutes prepared by Tillie Hennigar, Auditor Administrative Assistant