

TOWN OF DAYTON, INDIANA
Town Council Meeting

Minutes of
May 20, 2025
7PM

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL:
Marc Burhmester
Leah Copas
Rocky Richards
Carla Snodgrass
Steve Schuhle

CLERK TREASURER:
Bridget Cadwallader

Marc Burhmester called the meeting to order. Present were Carla Snodgrass, Marc Burhmester, Rocky Richards and Steve Schuhle. Leah Copas and Bridget Cadwallader were absent. Others present, Eric Burns, town attorney, Vickie Beavers (as temporary clerk treasurer) and Robert Taylor.

Marc opened the meeting by clarifying that public comments and conduct will be addressed if need be. There is to be no personal attacks against any town official. Any hostile comments/behavior will be addressed as follows. There is to be an initial warning. If conduct continues, person (s) will be asked to leave town hall. And to please maintain a high level of civility. People commenting need to address the council at the podium stating name and address.

Next order of business per Marc is a resolution (2025-8) to appoint a temporary clerk treasurer (for this meeting only). Bridget Cadwallader was not present. The second matter to attend to is the 2nd reading for the annexation of Jan, Inc. property into the town of Dayton.

Any public comments with either the resolution and/or ordinance will be heard after the resolution and ordinance are seconded. Marc also reminded the public this will not be a public forum for debate and comments will be limited to the resolution and ordinance only.

Questions from the council pertaining to the resolution for temporary clerk treasurer were as follows. Steve needed clarification that the appointment would be for this meeting only. Per Marc that is correct. Carla stated in the past when a clerk treasurer was not present, a temporary clerk treasurer was not appointed. Why is it different this time. Per our attorney (Eric Burns) this is the proper procedure.

Marc made a motion to read resolution 2025-8 by title only to appoint Vickie Beavers as temporary clerk treasurer (for this meeting only) to suspend the rules and read by title only. Steve seconded. Roll call vote. Carla-no, Marc-yes, Rocky-yes and Steve-yes. Motion carries.

Next up is the matter of the 2nd reading for annexation. (2025-9). The ordinance is to annex approximately 53 acres on the south side of Dayton Road. Per our attorney, Eric Burns, rules do not need to be suspended since the ordinance is in front of the council members. Motion was made by

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Marc to accept 2025-9 for the Jan, Inc. annexation into the town of Dayton. Motion was seconded by Rocky.

PUBLIC COMMENTS (2025-9):

Ron Koehler of Shady Lane questioned whether this public hearing had been advertised. He along with others had not seen anything. Per Marc yes it was advertised in the JC Courier. Koehler also wanted to know if it was advertised anyplace else. Per attorney, in Tippecanoe area resources for advertising are limited. Koehler also asked if it could be posted on the town website or something you know. Advertise so the town people can at least know about it.

Ron Koehler also wanted clarification of the area to be annexed. Per Marc, it borders county road 375 and the south side of Dayton Road across from Baker Farms. There are approximately 53 acres. Koehler stated that's approximately 110 houses. Marc specified it's actually 109. Koehler stated he knows the ordinance will pass; however, this is the same field that several years ago at the church (Methodist) in front of 167 people, you stated (speaking to Ryan Mundane, attorney for Jan, Inc.), Jan, Inc. would not go across the road from Baker Farms. Koehler also asked if there was a plan to purchase or, at least first right of purchase and you said (Mundane) you were not worried about that. Koehler went on to state it (2025-9) will pass anyway and it's going to be behind the scenes. He feels the next step will be to go south of 375 where an additional 198-200 acres will be annexed. At that time, we will have an additional 550 houses and Dayton proper has 526. It will be like another town of Dayton. And that's what you want to do. Marc advised Ron to address the council not Jan, Inc. attorney. Marc stated Koehler does not need to be harassing their attorney. Koehler said he is not harassing Ryan Mundane, he was just asking a simple question. He then stated we live here and it would be nice to know when a builder comes into the town to have the facts if you are going to vote on it. He feels not every one realizes there is going to be a humongous number of houses out there. And it would be nice to have better information with regard to the total number of houses. Per Marc all information has been advertised in the Journal Courier and all information is there if you care to look for it.

RYAN MUNDANE, ATTORNEY (RTS) FOR JAN, INC.:

Ryan stated this was the fourth (4th) consecutive town meeting for the purpose of the annexation of 53 acres into Dayton. You are not approving zoning, or houses, you are approving annexation only. Once the annexation is approved, Greg Milakis (builder) will be filing a petition for rezoning. This will result in two (2) more public meetings. This makes a total of six (6) meetings. At that time there will be two more meetings for a subdivision. That would make it a total of eight meetings. Any suggestion that we are bullying and not being transparent is simply not true and I hope you understand that. Carla questioned why the annexation is asked to be approved without knowing what the rezone will be. Ryan stated that if the annexation was not approved by the town, the rezone would go directly to the county. Dayton would be out of the picture and all proceedings will be with Tippecanoe County. He went on to say the process consists of three (3) phases, annexation, rezone and subdivision, and the annexation should be the least controversial. Carla stated she misunderstood what the ordinance was for and thought it was for re zoning. Carla then asked what the zoning is now. Per Mundane, it is now A. It will be rezoned to R1. Carla asked to refresh her memory on R1 zoning. Ryan believes R1 zoning is single family, 75 feet lots. It will be the same as Baker Farms.

TYRONE TAYLOR – 734 WALNUT STREET.

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Tyrone stated Baker Farms went above and beyond the 10,000 square foot lots and also farther setbacks. Will this also be the same for the annexation. Per Mundane, acreage is about the same. This information will be shown in the rezoning meeting. Tyrone stated homes in Dayton are R1 and has been since he believes the Deerfield subdivision. The only way it could be changed is by a variance. Ryan again confirmed the lot sizes will be approximately to that of Baker Farms.

RON KOEHLER:

Wanted to speak again. Was denied. He asked if meetings were being recorded and was advised yes.

Vote was then taken. Carla-yes, Marc-yes, Rocky-yes, Steve-yes. Motion carries. Ordinance 2025-9 passes.

BRIAN AND RACHAEL WENZEL:

They would like the board to approve four (4) music events at the gazebo along with food trucks beginning in June. They have other musicians as well. Passed around a flyer and their plan is to advertise more. In the past they have funded themselves but bringing on other musicians, they will incur more costs. They estimated costs this summer of \$340.00. Per Marc will look into donations as in the past. However, in the future please approach the council sooner if funds will be needed. Marc made a motion for approval, seconded by Steve. Roll call vote: Carla-yes, Marc-yes, Rocky-yes and Steve-yes. Motion carries.

NO ATTORNEY COMMENTS.

REPORT APPROVALS:

April Allowance Docket - \$33,322.48. Marc made a motion to approve. Seconded by Steve. Roll call vote: Carla - yes, Marc - yes, Rocky-yes, Steve-yes. Motion carries.

May Claims Docket - \$194,746.52. Marc verified that all work has been completed by Atlas. Per Steve, the cement is poured, leveled dirt and seeded. Work appears complete. Marc would like to hold #1671 for C.B.Burke in the amount of \$660.00. He has asked for an itemized statement to know what portion to bill the school (parking lot). He has not received it. Marc made motion to approve; however, to hold 1671 for C.B. Burke. Seconded by Steve. Roll call vote: Carla-yes, Marc-yes, Rocky-yes, Steve-yes. Motion carries.

Marc made a motion to approve the following: April Appropriations, April Bank Reconciliation and Revenue Report. Seconded by Steve. Roll call vote. Carla-yes, Marc-yes, Rocky-yes, Steve-yes. Motion carries.

Meeting Minutes. Marc made a motion to approve April 2025 Utility Board Minutes, April Public Hearing and April Town Meeting Minutes. Seconded by Rocky. Roll call vote. Carla-yes, Marc-yes, Rocky-yes, Steve-yes. Motion carries.

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AREA PLAN REPRESENTATIVE REPORT:

Per Steve, no updates.

TOWN MANAGER:

Kurt gave the following updates. The gas meters at the community center building will be removed the last week of May, 2025. Building demo will be soon once they are removed. The ridge cap on the shed has been completed. Requested payment of \$2,250.00 for the contractor. Per Marc it will have to be added to next month Claims Docket. The street sweeping went well. The flags for Memorial Day will be put up before the holiday. 401 pits, 121 valves, and 88 hydrants will be added to GPS. Five valves have been found half open. He also found four (4) more valves that were closed. They are as follows: Harrison Street and 38, Republic and 38, Conjunction and Ohio and Jefferson and 38. There are still seven (7) valves missing and he is working on that. The hydrant hydro flushing and testing went well. Water pressure and flow is good.

POLICE:

Marshall Taylor reported the majority of the personal injuries on 65 are at the ramps (north and south – on ramp and off ramp). He sent a letter and photos to INDOT and options to improve were presented. Options include in part are designated turn signals to eliminate yielding. He is very appreciative that INDOT is looking into it.

Second issue is a parking problem on streets regarding boats, trailers (personal and business), recreational vehicles and other larger equipment. The ordinance in place is discretionary on his part with regard to the definition of the item, and the street in question. He would like to possibly add wording to the ordinance addressing these especially pertaining to cul de sacs and narrow streets. One of the issues is defining long term parking vs. short term parking such as loading, unloading. Marc suggested forming a committee to look over the current parking regulations. Ashley Stevenson had agreed to be a part of a committee along with Marshall Taylor. Steve emphasized to address safety, especially to allow fire equipment/ambulances down a street. He also suggested a time frame for a committee review. Carla questioned what would be the goal of the committee. Per Marc look over the ordinance, consider suggestions and try to figure out what the ordinance should look like. Steve verified it as a revision to our parking ordinance. Per our attorney, the ordinance is easy to write once the hard work is done. Marc asked Rocky if he would like to head up the committee. He declined and suggested Leah. Steve recommended a 60-90 day timeframe for suggestions. Carla would like an update in the July meeting. Steve suggested speaking to Leah first and not to address until August. Marc will appoint Leah as chair and try to address no later than the August meeting. Marc will shoot for July, as Carla had suggested, but no later than August. Mark appointed Ashley Stevenson (he agreed) along with Marshall Taylor. Steve also volunteered to be a part of the committee. Per Carla a July update would be nice. Marc will speak with Leah and have her set up a meeting.

NEW BUSINESS:

SHADY LANE CUL DE SAC

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Per Marc when Alicia was our town attorney, it was noticed Shady Lane cul de sac was not shown as town property on Tippecanoe County GIS. The property was to have been deeded to the town prior to the town paving (and paying), to have it done. Per our former town attorney (Alicia) she thought it had been deeded. Earlier this year our current attorney was made aware of the matter and on March 24, 2025 it was suggested (by attorney) to have a title search done to determine the legal status of the property. A title search conducted by Stallard & Schuh, Lafayette, Indiana, revealed the Shady Lane cul de sac shows Ron Koehler and Cindy Marsh as owners and according to the title search there is no deed recorded with the Tippecanoe County Recorder Office for that property to be deeded to the town. Paving was done with 100 percent of town money in the amount of \$26,700.00. No CMG funds were used. Work was approved by the council in June of 2022 and that approval was based on either misinformation or disinformation. Per Marc they are different from each other. Misinformation is false or inaccurate information. The facts are incorrect. Disinformation is a deliberate act intended to mislead. Marc went on to say there are two (2) possible ways to address. The first being accept a deed after the fact or the second, turn over to the Indiana State Board of Accounts and/or state police. Their investigation would determine if any charges are warranted that could possibly result in a felony. Neither action should be decided tonight. Instead, we should wait at least until next month's meeting so the council can further investigate the situation and the public has the opportunity to weigh in with council to determine our path. Marc also added, after more research, he discovered Indiana Code 511-1-27. It states if "a public officer who has actual knowledge of/or reasonable cause to believe that there has been a misappropriation of public funds or assets of the public office including information obtained as a result of a police report, an internal audit finding or another source indicating that a misappropriation has occurred shall immediately send written notice of the misappropriation that has occurred to the State Board of Accounts and the prosecuting attorney servicing in the area governed by the political subdivision". Marc questioned our town attorney (Eric Burns) of this Indiana statute and he advised he is not familiar and requested a copy, which Marc had. Per the attorney actual knowledge or reasonable cause to believe, are two (2) separate things. Actual knowledge, we all know what that means. Reasonable cause to believe is something less. I think that is really the key issue here. If you have that, it imposes a duty on any public official. The question is what do you have I don't know. You (Marc) have detailed the facts, so I assume that it's in the minutes and you know its verifiable. However, I don't have any of these facts myself. Marc spoke. The facts are that the funds paid for paving property that is not showing being owned by the town. Carla stated the intent was that it was to be deeded over so her guess is it was. Marc raised the question of how do we know what the intent was. Carla suggested Marc to "cut the crap, what are you trying to pull". Steve advised everyone to keep things civil and asked if the property was deeded to town. Per Marc, no. Carla reiterated it was the intent to deed to the town. Steve asked if there was any paperwork showing the intent. Per Marc the only thing deeded over was the small section on Wesleyan Drive. Steve questions the time line of the paving and Marc stated they were done at the same time. Carla thinks the paperwork was just misplaced. Marc said the property owner (Koehler) keeps a pretty close eye on what they own. And there has been a lot of activity going on in that area. Carla advised Marc he is tiptoeing around a dangerous area and he needs to be careful. Marc added the town did pay for the paving. Carla agreed but the intent was the land was to be deeded over and not an attempt to steal from the town. Steve stated before we start accusing anybody of anything there needs to be more time to see if maybe it didn't get filed for whatever reason. Per Marc a legal investigation would find this out. Carla questioned a legal investigation and stated Marc is being unbelievable. Steve wanted to confirm our lawyer's involvement and per Eric, yes. They had recommended a title search. Eric also stated ownership was confirmed by GIS, however sometimes GIS is not always accurate. Steve stated if it was the intent and it was paved, and we get it done (deed) does that solve the issue. Per Eric he is not sure a deed was done; however, it is a pretty simple deed to do. Steve said it may be a clerical error and just needs to be fixed. Per Eric, he

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is not sure what the State Board of Accounts would do; however, they are not looking for trouble in general. Carla advised to check with our previous attorney (Alicia). Per Marc, she was. Marc was trying to get clarification of who would have done a deed for that property. Robert Lewinsky (Lafayette attorney) had done the deed for the Wesleyan property transfer. It was not clear if he had done the Shady Lane deed. Steve stated if we truly think there is a wrong doing, then we have to report it. Also stated it seems a little punitive to him. He would like to see the issue/error fixed. Per Marc we need to let somebody find out. We are obligated to have someone find out and for us not to have to make assumptions. We can certainly ask Mr. Lewinsky. Rocky asked is this the only way to find out, attorney involvement. Steve repeated Rocky's statement. Is there a way to investigate this short of taking it to the state and prosecutors. Per Eric, no. Not in this kind of matter. Per Steve, he has observed/watched many meetings and that sometimes documents do not always flow through this building. He gave an example of de annexation paperwork that didn't get filed. Marc will call Mr. Lewinsky and will report back. Steve agreed.

OLD BUSINESS:

Steve gave an update on the community center. Confirmed gas meters are scheduled to be removed. Asbestos has been removed. MSC is working on obtaining demolition permits. Demolition will then proceed.

PUBLIC COMMENTS:

JOHN SWICK 746 Shady Lane. Explained past procedures on valve locations. Swick was a previous council member. He appreciated that these procedures are now done with GPS vs. then and he feels there is documentation of the Shady Lane property. Steve commented Marc has been pushing hard on getting all the valve locations documented. And also using COVID money to purchase extra valves and equipment along with newer town vehicles.

RON KOEHLER – did not state address. Stated this is the third time in two (2) years Marc has harassed our family and will probably continue to do so. Advised council to talk to Alicia (former attorney) regarding the deed paperwork. He reviewed the timeline of how the matter came about (donating land for \$1.00). This is also in the town minutes. The deed was recorded on January 22 (both cul de sacs). Koehler had his wife (Cindy Marsh) to review and she said that the land was being donated and we turned it over to the town. We didn't ask them (town) to do it on our private property. Koehler also mentioned their (Koehler/Marsh) land donations to the town. This included land for the water on the west side of Dayton Road. He also stated Marc is turning this into something ugly. Ron emphasized what all he has done for the town, included no salary and stated they have never tried to get anything free. Koehler also stated since Marc was on the previous board he could have checked for valves then. Koehler stated he had the deed with the county stamp with him. He held them up to show the council. Marc asked if they could have them and copies would be made. Koehler refused stating he does not trust some of the board, however he will fax to the town attorney. Steve advised Koehler to get copies to the attorney and the issue could be resolved. Marc reiterated CCMG funds were not used for paving Shady Lane. Town funds were used.

TYRONE TAYLOR – 734 Walnut Street. Taylor mentioned in the past vendors had been solicited for donations for planned events. Also suggested making events free to the public w/donations. Suggested someone being in charge of donations, possibly Bridget or Cindy.

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COUNCIL COMMENTS:

Rocky is looking forward to the community center being torn down and pursuing ideas for what to do with the property.

Marc mentioned the parking lot being added to Troy's BBQ. Advised the town ordinance states to add additional parking anywhere that it has to be done with a hard surface such as asphalt, concrete or clean crushed stone. The stone that was put down is used. The contractor (Ron Koehler) was informed what had to be done and it seems it was ignored. Eric (town attorney) wanted clarification if this is a town ordinance or APC. Marc stated he thinks the APC needed to be contacted for a permit and there is also a town ordinance. Per attorney there is possibly a fine with both the town and APC for failure to follow the town code and the zoning code. He suggested to contact APC to see if they can do it for you. However, he is not sure they will. Per Marc if there is an APC violation they can deal with it but we will deal with the town ordinance. We will enforce the town ordinance and will get with our attorney. Steve asked if the project was complete and Marc replied he wasn't sure. However, what is done is in violation of town ordinance. Marc also said maybe what has been put down (dirty stone) may be removed and clean gravel put down.

Ron Koehler asked to speak since he is the contractor. Koehler stated this is another harassment and Marc is out to get him. Kohler went on to say he could remove the stone and just leave the "stinking" mud. He stated what was put down was the subsurface and four (4) inches was all that was needed per Kurt (town manager). Four (4) inches of clean will be added on top. If it's not what you want, Koehler will remove and put nothing there. He will make it look like a "hellhole" for you. Carla asked several times if she could ask a question. She asked if this was completed and per Koehler "hell no, it's not complete". Carla then asked Marc if he had consulted with Koehler before the meeting and Marc replied no. Carla went on to say if Marc would have asked, he would have known. Marc asked Koehler if he had a permit from APC. He stated he did not understand that a permit was needed to replace gravel that was already there. However, if one is needed he will get one. Kohler stated he's got a thousand permits in twenty (20) years and he didn't have to get one because there was a parking lot there. Koehler asked Marc where was his permit for his gravel parking lot. Marc informed Koehler he does not have a parking lot. Koehler stated yes Marc does own a parking lot and there is no permit on file. And Marc is trying to get it paved (Market Street/CCMG). Marc stated it is town property. Koehler disagreed. Koehler went on pointing out utility right of ways. He stated he can park his equipment anywhere to piss everyone off or park in front of any one's house. He continued to say he is being harassed. Steve asked Koehler to get a permit and finish the parking lot. Koehler then brought up a conversation he had with Marc that he's (Marc) either going to hook (water loop) Shady Lane with Wesleyan Drive together or he would not be able to sell his land and split up into lots. Koehler stated he told Marc this is blackmail and he hung up on me. That's why he had Vickie Beavers at the last council meeting to bring up about that damn loop. He (Marc) is out to get my land. Per Marc - no I am out to do what's good for the town.

No further comments.

Meeting was adjourned.

Attest:

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