



**TOWN OF  
DAYTON, INDIANA**

**TOWN COUNCIL SPECIAL MEETING**

**SETTLED:**

**INCORPORATED:**

**Minutes of  
July 27, 2021**

These minutes are not intended to be a verbatim transcript.

**TOWN COUNCIL:**

Jen Manago, Town Board President  
Stan Kyger, Town Board Vice President  
Ron Koehler, Utility President  
Ashley Stevenson, Council Member  
Carla Snodgrass, Utility Vice President

**CLERK-TREASURER:**

Michelle Frewerd C/T

Ashley Stevenson, Ron Koehler, Carla Snodgrass, Jen Manago and Stan Kyger were present. Clerk-Treasurer, Michelle Frewerd, Town attorney, Reid Murtaugh and Mark Harlow were also present.

Jen Manago called the meeting to order.

Jen made a statement regarding litigation cause #79C01-2006-CT-000112

Jen made a motion to approve settlement agreement for cause #79C01-2006-CT-000112 for \$6000 toward the Clerk-Treasurer's litigation fees in exchange for a release of claims and a dismissal of the case with prejudice...Ron Koehler seconded the motion...carried roll call vote 5-0.

Ashley Stevenson-Yes

Jen Manago-Yes

Stan Kyger-Yes

Carla Snodgrass-Yes

Ron Koehler-Yes

Jen Manago made a motion to appropriate \$6000 for litigation fees...Carla Snodgrass seconded the motion...carried roll call vote 5-0.

Ashley Stevenson-Yes

Jen Manago-Yes

Stan Kyger-Yes

Carla Snodgrass-Yes

Ron Koehler-Yes

## **Community Crossing Grant Matching Bid Awards**

**Contract 1- Asphalt and Sidewalk contracts-** Original estimate was \$281,686. Low bid came in at \$335,826, \$54,140 (17%) over the engineers estimate. It was bid out as two contracts.

BF&S has a verbal agreement with the low bidder, Midwest Paving to bring that contract down to \$286,200 by lowering the quantities of materials in the contract. They will go from 2-inch-thick asphalt to 1 ½ inch asphalt. They overestimated the amount of rock as well; they are checking on the price of rock.

With the change of dollar amount it will end up being cost share 73/27, down from 60/40.

When speaking with BF&S, they let Mark know that the Town must sign the bid that Midwest Paving submitted for \$335,826 to meet INDOT requirements for bids received, although the Town knows verbally that they are going to work with the town on the \$286,200 agreement.

The town has two options: Someone from BF&S can come to the Town Council meeting on August 9 to speak with the council to make everyone feel better or the town can rebid the projects with the amounts that are more accurate.

Mark spoke with INDOT and they informed in that the town could rebid for any amount over 15% and the town is at 17% over the estimated amount.

It's \$130 to advertise the bid in the paper for 2 weeks. The town could incur some more expense from BF&S if they chose to advertise the bids again.

The town must have a signed contract in hand no later than September 4 or else the town loses the money.

Ron asked if Midwest Paving could supply a signed statement stating that they were only going to charge the town the \$286,200 per the verbal agreement.

The board discussed their options regarding rebidding or just having a verbal agreement with Midwest Paving for the lower amount.

**Contract #2-Preservation-** There was only 1 bidder as there is only one company that does that kind of work in the state of Indiana and they were within \$500 of the original estimate.

Turkey Run Ct, Quabache Ct, Shakamak Ct and another street get cracked sealed. Republican St gets fog sealed.

**Contract #1-** Mark's main concern is that even if the town has a paper in their hand with the \$286,200 agreement, the Town still must sign the contract with the bid of \$335,826.

Danny Spencer (752 Main St)- Suggested speaking with Midwest Paving to let them know that if the town must rebid that there is a chance that they might lose the contract to see if there is a chance, they would add a signed addendum for the \$286,200 amount.

Mark is going to let BF&S and Midwest Paving what the town needs to feel comfortable. If he hears anything other than Yes, then he will be sending the town council an email letting them know they need to call for a meeting.

Ashley asked if the speed bump was included in the amount bid, Mark stated that it was.

Ron stated that he thought getting the speed bump is an emergency.

The town council discussed their concerns with placing and not placing a speed bump on Dayton Road by the church.

Danny Spencer (752 Main St)- Asked if they could put a stop sign at Wesleyan Drive instead of putting in a speed bump.



Jen Manago made a motion to accept the bid for \$14,409 from Pavement Solutions for the preservation work...Stan Kyger seconded the motion...carried roll call vote 5-0.

Ashley Stevenson-Yes

Jen Manago-Yes

Stan Kyger-Yes

Carla Snodgrass-Yes

Ron Koehler-Yes

Mark is going to contact BF&S and Midwest Paving to try and get something in writing regarding the verbal agreement.

Ron stated that in the past companies would unload their millings on his property to save the town money by not having to pay the contractor to remove them from town. He would suggest Mark mentioning that to Midwest Paving and if anyone wants them, they could come to business to get them. Ashley stated that he strongly would encourage Ron not to do that. The chips need to leave the town and the contractor needs to dispose of them. He thinks it looks very poor for the town council to do that.

Jen Manago made a motion to allow whatever contractor to dispose of their millings on Ron's property and then he can disperse them to use of Dayton Residents...Ron Koehler seconded the motion...carried roll call vote 4-1.

Ashley Stevenson-No

Jen Manago-Yes

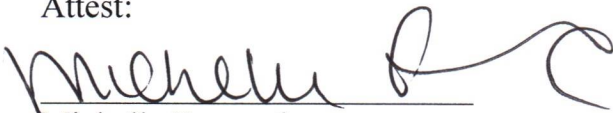
Stan Kyger-Yes

Carla Snodgrass-Yes

Ron Koehler-Yes

Jen Manago adjourned the meeting.

Attest:



Michelle Frewerd

Clerk-Treasurer