

**CITY OF HARPER  
SPECIAL  
COUNCIL MEETING  
THURSDAY, MARCH 5, 2015 6:30 P.M.  
Mayor Scott Blubaugh**

Council met in special session with Mayor Scott Blubaugh in chair. Present were Eric Barker, David Earls, Don Evans, Greg Stierwalt, Jan Graves and Brande Vogele.

Council met in special session for the purpose of discussing the demolition of 121 W. Main. City Attorney Phil Unruh was in attendance to advise council on discussions between himself and the Balmer Fund's attorney Linda Webb. He explained that Ms. Webb was attempting to help Ms. Hostetler save the structure at 121 W. Main from being demolished. They had requested a meeting with the governing body to provide another proposal.

Ms. Webb informed the governing body that Ms. Hostetler had been working on raising funds to pay for the repairs of the structure and that there was a signed contract between the Balmer Fund and Farha Construction to make the structure safe. Ted Farha, Farha Construction, was also in attendance. He informed council that Ms. Hostetler had secured enough funds for him to shore the floors and that he would begin removing the dangerous walls and rebuilding them as funds became available. Ms. Webb informed council that Ms. Hostetler had raised \$21,000.00 that was in the bank and there were commitments for the remaining balance. Ms. Hostetler informed council on the historical significance of the building and that BNSF Railway and Orsheln's out of Wellington, Kansas, were both companies she had been working on getting funding from.

Council discussed the proposal, and the lack of it being any different from the proposal given in January. There were also comments from Hugh Barker and his employees who were in attendance regarding the deterioration of the inside and the hazards that existed and that were only getting worse.

Motion by Don Evans second by Jan Graves to recess into executive session pursuant to the K.S.A. 75-4319(b)(2) exception in order to discuss matters that are deemed privileged in the attorney-client relationship, the open meeting to resume in the city council chambers at 7:20 p.m. Motion carried 6-0.

Motion by Don Evans second by Jan Graves to recess into executive session pursuant to the K.S.A. 75-4319(b)(2) exception in order to discuss matters that are deemed privileged in the attorney-client relationship, the open meeting to resume in the city council chambers at 7:28 p.m. Motion carried 6-0.

**7:28 p.m.** Mayor Blubaugh announced no official action was taken.

It was asked if Mr. Farha would be willing to get a performance bond for \$250,000.00 so in the event the work was not completed the money would be forfeited to the city to pay for what it would cost to breach the contract with Barker Sand and Gravel, then pay for the actual demolition. He said that would not be possible because that was more than what the contract amount was and the contract was between Farha Construction and the Balmer Fund, not the city. When asked if he would be willing to start the work and continue until complete and assume the risk of funds not becoming available. He would not.

Ms. Webb asked council to consider giving Ms. Hostetler until July 1, 2015 to finish raising funds. If funds were not obtained then there would be no further opposition to the demolition of the structure. Mayor Blubaugh said that was what was supposed to happen with the journal entry from September 16, 2014, that she had until January 15, 2015 to secure funds and if not there would be no further opposition, but there still was.

Motion by Brande Vogele to terminate the demolition contract with Hugh Barker (Barker Sand & Gravel) for the demolition of 121 W. Main. Motion died for lack of a second.

Motion by Don Evans to adjourn. Motion died for lack of a second.

Mayor Blubaugh asked Ms. Webb and Ms. Hostetler what the plans were to remove any further personal items from the structure before demolition. Ms. Webb informed him that there was no plan. Mayor Blubaugh asked council if they had

any thoughts regarding the remaining personal belongings in the structure. Councilmember Evans said that without them presenting a plan there was nothing to consider. Mayor Blubaugh confirmed that it was council's desire to move forward with demolition as early as the next day without removal of any further belongings. Councilmember Vogele expressed her opposition to that idea. No further action was taken.

Motion by Eric Barker second by David Earls to adjourn. Motion carried 5-1 with Councilmember Vogele voting no.

Tiffany M. Hartson, CMC  
City Clerk