

Special City Council Meeting Minutes  
City of Larned  
August 14, 2023  
5:00 PM

Mayor William Nusser called the special session to order with the following Councilmembers present: Councilmember Kim Barnes (via telephone) Councilmember Terry Clark, Councilmember Jason Murray, Councilmember Carroll Bennett, Councilmember Jacques Molleker, Councilmember Josh Riedel, and Councilmember Sharon McGinness.

Councilmember Gary Rainbolt was absent.

City Manager Bradley Eilts, City Inspector Will Tice and City Clerk Kara Rath were also present.

**Titan Building**

Mayor Nusser addressed the Council regarding the bids awarded to Titan Building in November of 2022 for demolition at 540 W 7<sup>th</sup>, 301 Toles, and 101 W Alberta. 101 W Alberta was demolished per order of the owner by Eakin Construction. 540 W 7<sup>th</sup> and 301 Toles have not been demolished.

At the August 7<sup>th</sup> Council meeting, the council voted unanimously to void the contract with Titan and award the demolitions to the next lowest bidder, Eakin Construction. Since that time Titan has contacted a lawyer and is pursuing legal action against the City, they argue that the contract did not contain a start date, and the City never demanded them to start on a specific date.

Lucas Giles and Jamie Giles, owners of Titan Building, were present at the meeting and spoke regarding the bids that were awarded to them. Giles apologized that the demolitions had not been done, and indicated that they did not prioritize them, were overbooked and short staffed. They were upset that 101 W Alberta was demolished by Eakin and nothing was done about it by the City. Inspector Tice spoke and said that he has made changes to the codes about this specific issue and how to prevent it from happening in the future.

Councilmember Murray motioned that the Council recess into executive session for 15 minutes for consultation with the City Attorney about matters that would be deemed privileged in an Attorney-Client relationship and that the City Manager and City Attorney attend. Councilmember Riedel seconded the motion.

Motion passed.

Mayor Nusser indicated that the Council would reconvene in the Council chambers at 6 P.M.

At 6 P.M. the Mayor announced the purpose for the executive session was to discuss matters with the City Attorney that are privileged in an Attorney-Client relationship.

The Mayor asked for a motion by the council.

Discussion took place. Councilmember Murray asked Giles if any work had been done at the properties in question to prepare for demolition. Jamie stated that a request for disconnecting the electricity had been made. Inspector Tice stated that Kansas one-call had been contacted by Eakin Construction.

Councilmember McGinness suggested that the Council move forward with Eakin Construction as voted on in the August 7<sup>th</sup> meeting.

Councilmember Murray asked about contacting Chad Eakin regarding the bid that was awarded to him on Monday August 7<sup>th</sup>.

Councilmember Riedel asked Giles if Council were to move forward with Eakin Construction, would Giles bid on City work again. He said if they move forward with Eakin, he would not bid at this time.

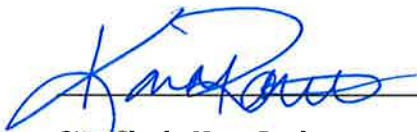
Councilmember McGinness motioned to award the bids back to Titan building and that the work be completed by August 25<sup>th</sup>, 2023 at 5 P.M. if work is not complete at both locations (540 W 7<sup>th</sup> and 301 Toles) the bids will go back to Eakin Construction and Titan Building will pay the extra costs to Eakin Construction to complete the jobs. Inspector Tice will oversee the work and confirm the jobs are complete.

Councilmember Molleker seconded.

Motion passed.

Titan Building will get with their attorney to make the addendum to the contract and return to City Attorney Smith who will execute the contract and obtain signatures by both parties.

Meeting adjourned.



City Clerk, Kara Rath



Mayor, William Nusser