

CITY OF OGDEN

222 Riley Avenue, P.O. Box C
(785) 539-0311
Ogden, Kansas 66517-0843

Special Council Meeting

June 29, 2011

A Special Council Meeting of the Governing Body for the City of Ogden was scheduled for Wednesday, June 29, 2011 at 7:00 p.m. in City Hall for the Object and Purpose of:

1. Review bids for the demolition of 227 Riley Avenue and determine whether to proceed with demolition.

The meeting was called to order at 7:03 p.m.

The meeting was called by the following members; Kenneth Carroll, David Ward, Ward Nations, Ed Burch and Brian Still. Mayor Pence and Attorney Irvine were present.

Attorney Irvine stated that the City has a Court Order that permits the City to proceed with the demolition of the structure located at 227 Riley Avenue. Attorney Irvine commented that he solicited three contractors for bids and received an estimate from Greg & Theresa LLC (Howie's Recycling).

Attorney Irvine commented that he had a meeting with a KDHE inspector who stated that any demolition of the 227 Riley Avenue structure would have to comply with their asbestos regulations. Since the structure cannot be inspected because of its unsafe condition, there is no way to know if asbestos is present and therefore the assumption has to be that asbestos is present which has significantly increased the cost of demolition. Attorney Irvine stated that the estimate includes the following; Demolition of the structure \$27,310.00, Certified asbestos technician on site from Associated Insulation (7 days) \$7,350.00, Wrapping of debris in 6 mil plastic (383 tons @ \$60/ton) \$22,980.00 and Trucking to Perry, KS Landfill (43 loads @ \$350 each) \$15,050.00. Attorney Irvine stated that the debris tonnage and loads are estimated and therefore the final billing could increase or decrease depending on the actual tonnage and number of loads. Attorney Irvine commented that the debris from the footings and concrete floor would be disposed of locally because there is no concern of asbestos contamination.

Attorney Irvine stated that the contractor has the proper insurance, and if the Council proceeds with awarding the contract there will be a demolition agreement.

Nations inquired why the footings and concrete floor would need to be removed considering the object of the demolition is to remove an unsafe structure. Attorney Irvine agreed that the duty of the City is to remove the hazardous condition and removing the structure but leaving the footing and concrete floor is accomplishing the objective. Attorney Irvine inquired of Greg Wilson-Greg & Theresa LLC whether there would be a decrease in the estimate should the footings and concrete floor remain. Greg Wilson, present, estimated a reduction of \$6,000-\$7,000. Nations inquired whether the estimate includes the capping of the sanitary sewer service line. Wilson replied in the affirmative and the sanitary sewer line would be capped at the foundation wall of the structure.

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Burch opined that the concrete floor should be removed in order to clear the entire property. Ward commented that leaving the concrete floor could be unattractive and deter someone from purchasing the property.

Attorney Irvine stated that Associated Insulation has to apply for a permit from KDHE. KDHE has 10 days in which to approve or disapprove the permit but the permit can be expedited in cases of emergency situations.

Wilson agreed that any hazardous protrusion in the concrete floor would be cut flush with the floor surface averting any liability possibilities. Wilson commented that the trucks will be located on the west side of the structure for loading. Council agreed that the water used for compliance with the demolition requirements can be supplied from a fire hydrant.

Wayne Henson-227 Riley Avenue property owner, present, commented that the Council is considering spending a lot of money on the demolition and the City doesn't have the funds. Henson commented that the City should be conserving its financial resources instead of considering to spend money on the demolition.

Henson commented that he considered a repair of a small hole on the roof and was told by Marvin Rodriguez -Building Inspector that an architect plan would be needed. Attorney Irvine commented that Henson's engineer presented a detailed report to the Council as to what was needed to repair the roof and the Building Inspector was asking for the details on how the roof would be, which was consistent with what Henson's engineer presented. Attorney Irvine stated that the permit was not for the repair of a small hole rather, the Building Inspector solicited a permit and engineer's report to fix the whole roof because the engineer said the whole roof was ultimately going to be the downfall of the building, which is presently taking place.

Henson commented that as a taxpayer he doesn't want the Council to spend the City's money on the demolition of the structure.

Henson proposed that he could take off one board at a time from the roof and replace one board at a time. Henson suggested that the City doesn't have to demolish the structure because he is capable of replacing the masonry and repairing the roof.

Attorney Irvine commented that the City doesn't want to demolish the structure and as the property owner Henson has the right to demolish the structure and inquired whether Henson wanted to hire the contractor himself to demolish the structure. Henson declined. Henson commented that the structure is historically significant.

Henson commented that in the past there were three petitions identifying unsafe structures submitted to the Council and were ignored. Attorney Irvine stated that the petitions were forwarded to the Building Inspector and the structures were reviewed and determined not to meet the standards to be declared unsafe structures.

Still commented that this process has been going on for quite a long time and if Henson knew of the structure problems why hasn't he attempted to remedy the structural issues during that time span.

Carroll commented that Henson's track record has proven that he has no intent to repair the structure.

Wilson stated that if the Council decides tonight he would reduce his estimate to \$65,000.00.

Burch moved to accept the estimate from Greg & Theresa LLC to demolish the structure at 227 Riley Avenue, leaving the footings and concrete floor, for \$65,000.00. Seconded by Still.

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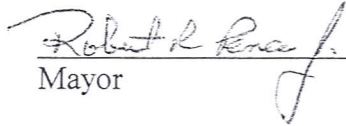
Attorney Irvine stated that scale tickets would be used to verify the tonnage to be used to determine the final cost of the project. Wilson commented that the project cost would not exceed \$65, 000.00.

Motion carried.

Carroll moved to adjourn the meeting. Seconded by Nations. Motion carried.

Time: 8:02 p.m.

Vincent L. Kramer II
City Clerk



Mayor