

Mertz, Dysart deny recall charges at library meeting

By MATT ERICKSON

MERICKSON@THEWORLD.CO.INFO

At a town-hall meeting Sunday, Basehor City Council members Dennis Mertz and Iris Dysart again said they never broke open-meetings laws before they voted to fire former city administrator Mark Loughry last September.

Mertz told about 40 people at the gathering at Basehor Community Library that the council had discussed issues related to Loughry's firing during an executive session earlier that month, echoing a statement he released late last year.

Such a discussion is lawful, Mertz said, and the proper way for a governing body to discuss city employees' job performance.

That is exactly how you take care of employee-employer relationships," Mertz said. "You don't do them in the open."

The meeting Sunday afternoon was organized by Citizens for Responsible Governing, a group that supports a recall of Basehor Mayor Terry Hill and opposes the recall of Mertz and Dysart. The group has also created a website supporting the council members: dysart-mertz.com.

During the meeting, the two council members addressed several accusations and criticisms that have been made against them as the Feb. 28 recall election approaches, and they answered questions from residents about a variety of city issues.

Mertz and Dysart said lawyers for the city's liability insurance company had instructed council members not to speak specifically about Loughry's time with the city because of the former administrator's plans for a lawsuit. But both said they had not violated the Kansas Open Meetings Act by discussing plans to fire Loughry outside of a public meeting, as was alleged in the petition for their recall.

Dysart said Sunday she was stunned when Mertz made his motion to dismiss Loughry during the council's Sept. 19 meeting, and she had to think for a bit about how she would vote. She also explained her call to end discussion on the issue and take a vote — an action listed on the recall petition as evidence of a violation — saying she believed conversation between Mertz and council member David Breuer had become "argumen-

tative."

"There was no collusion with the three of us to fire Mark Loughry," Dysart said, referring also to council member Fred Box, who cast the other vote to fire Loughry in September.

A city's elected governing body is allowed under state law to discuss matters related to non-elected employees in an executive session, said Kim Winn, deputy director of the League of Kansas Municipalities.

"From a legal standpoint, it's always a good idea to have those discussions in executive session," Winn said.

Trudy Stonacek, a member of the committee seeking to recall Mertz and Dysart, told the Sentinel on Wednesday she did not believe that the council had discussed potentially firing Loughry during an executive session because of the shock expressed by other council members after the vote.

OTHER ISSUES

During the meeting Sunday, the two council members also responded to several other accusations and criticisms made against them on a website promoting their recall, basehor-recall.com, including an item blaming them for Loughry's planned lawsuit against the city seeking more than \$500,000.

Dysart emphasized that Loughry has not yet filed a lawsuit, but has sent the city a claim notice informing the city of plans for a lawsuit if it does not respond within 120 days, giving the city until mid-May. Mertz said it was not a rare occurrence for a city to receive claims against it, and they often do not lead to actual lawsuits; Basehor has recently received claims from two other people, he said.

(Interim city administrator Lloyd Martley said Tuesday that one of those claims is from a former police officer alleging wrongful termination, and the other is from a resident regarding a sewer backup.)

"They come and they go," Mertz said of claim notices.

Mertz and Dysart also shared explanations for their votes in September to choose a site at 155th Street and Basehor Boulevard as the spot of a future Basehor City Hall building. An item on the basehor-recall.com site said that their decision to go with that spot would cost the city \$70,000 or more compared with

other available sites.

The council voted on the matter because of a deal between the city and CrossFirst Holdings, which owns land surrounding Basehor Boulevard. The firm had offered for the city to choose a spot of up to 5 acres to use for a future city hall at an uncertain point in the future. In September, the council voted to select the spot at 155th and Basehor Boulevard over four other possible sites, 3-2, with Fred Box voting for the choice along with Dysart and Mertz.

At the meeting Sunday, Mertz said he had voted for that site because he want-

ed city hall to remain on the city's "main street," because it would allow for quicker departures for emergency vehicles and because it would just be appropriate.

"City Hall has always been on 155th Street, and I think that's the proper place for it to be," Mertz said.


In September, Martley told council members the site on 155th would come with an additional cost ranging from \$70,000 to \$100,000 to demolish various structures. In a memo to the council, the city staff recommended a different site farther east because of a lower cost; how-

SEE COUNCIL MEMBERS, PAGE 8

LETTER TO RESIDENTS

Basehor City Council member Dennis Mertz told the Sentinel this week he plans to submit a letter addressed to Basehor residents in advance of the recall election. Go to basehorinfo.com to read it when its available.

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