

City of Martensdale
Special City Council Meeting
February 1, 2018

Meeting called to order by Mayor Prichard

Members present: Ryan Baker, Scott Henson, Nathan Wheeldon, Robert Wetzler and Jeri Dudney.

Members absent: None

Attorney Robert Stuyvesant was present.

The Freedom Act Information Request that the City of Martensdale received for fire dept. records was discussed. The city attorney did contact the city clerk and Fire Chief Scott Henson and also sent an e-mail message to the recipient of the request stating they needed to contact the city attorney in regards to the items that was requested.

The city attorney stated that his job is to protect the City and that there is a chain of command for the City. He stated that the request should have been delivered to the city clerk and not the fire chief. The city attorney also had other concerns. R. Wetzler stated that the city clerk does not have access to the information that is being requested.

The city attorney said he felt R. Wetzler did not believe him half of the time and that he would resign as city attorney if that is what the city council wanted. R. Wetzler made a motion to fire Mr. Stuyvesant as the city's attorney; seconded by N. Wheeldon. On a roll call vote: Henson, Nye; Baker, Nye; Dudney, Nye; Wheeldon, Nye; Wetzler, Aye. The mayor stated that the motion has failed.

Councilman R. Wetzler did not respond to concerns raised by the City Attorney and by other Council members.

The recipient of the Freedom of Information request was not happy with the time frame to gather the information. A complaint was then filed to the Iowa Public Information Board, the Attorney General, the Warren County Attorney and the Iowa Bar Association, Martensdale City Attorney and the City of Martensdale.

Mr. Stuyvesant has spoken with Travis Starr from the Iowa Public Information Board and was told that they did not believe that there were any violations right now. He told Mr. Starr about the special meeting tonight and told him that some of the materials would be available, there are 2 boxes ready to be viewed. Mr. Starr said as long as records are given his office would be done with the complaint.

The City attorney said no more than two city council members plus the mayor could be present when the records were reviewed unless a Special Council Meeting was held. The records must be viewed during the City Hall working hours and if any copies of the information is requested, the cost would be .25 per page. R. Wetzler asked if the recipient of the request came to the city to review the records if he had to have an audience.

The city clerk will contact the recipient of the request and let them know they are ready to be reviewed.

There was discussion about Robert Seymour's restricted work schedule. Mayor Prichard said he has told Mr. Seymour that he cannot be doing any city business as this time to protection the City and Mr. Seymour. Mayor Prichard will contact Randy Crow and tell him not to call Mr. Seymour for city business.

The city clerk asked the city attorney about the swimming pool ordinance that was suppose to be prepared. She stated Mr. Benton had all the information. The attorney will check into the ordinance.

The city clerk has received the new city ordinance book. She will give it to the council to review.

Mr. Stuyvesant stated that McClure Engineering is having a problem with an easement on the sewer project.

Ty Herrick was present and stated that some of the fire dept. records would be confidential due to HIPA laws. He stated any of that information was blocked out of the records. He stated that the city clerk would have to take a HIPA class.

Mr. Rich Wheeldon, 385 Hoover St., made some comments regarding the problems with the fire dept. over the last 2 years and state it's time to start working for the community.

R. Wetzler stated that there were problems with the last audit, he said some of the problems have been fixed and said that the City needs to be in compliance with the law.

Mayor Prichard stated that he inherited this mess and he wants to get it solved and over. He stated that he never heard of a perfect review or audit and that we should take the auditor recommendations when we can and move on.

The City Attorney stated that the previous Mayor John Ralls was correct about the \$25,000.00 that went to the Fire Association and that has been fixed now according to the auditor's recommendation

N. Wheeldon made a motion to adjourn; seconded by J. Dudney. On a voice vote Mayor Prichard declared the motion carried unanimously.

Mayor Brad Prichard

Donna Bahun, City Clerk