

City of Martensdale
Special Council Meeting and Workshop
May 23, 2019, 6:00 p.m.

Meeting called to order by Mayor Prichard.

Members present: Jeri Jo Dudney, Scott Henson and Ryan Baker.

Members absent: Robert Wetzler and Nathan Wheeldon.

Attorney John Judisch was present.

J. Dudney made a motion to approve the agenda; seconded by R. Baker. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

Kyle O'Mara and Kris Weaver, were present to discuss the concrete work at 435 Iowa Ave. Kyle O'Mara presented a bill to complete the work at Kris Weaver residence (435 Iowa Ave.), the total bill was \$6,425.00. He stated that he did not intend to remove the existing culvert when the project was started, however, Robert Seymour told him he had to remove the culvert. Once the new culvert was purchased and cut, the building inspector for the City, Jason VanArsdell told Mr. O'Mara that he did not need to remove the culvert unless it was damaged. Since the culvert had already been removed, new State of Iowa laws had to be implemented which ended up costing much more on the complete project. Mr. O'Mara stated that the new culvert and wings for the new driveway were \$1,800.00, there were cost to removed the existing culvert, \$475.00; rock, \$400.00; and \$3,700.00 for machine time and his labor of 25 hours at \$150.00 per hour. He stated that the original bid to the owner for the project was \$7,500.00. He stated that he should not have to pay the extra money for the project since none of the work would have had to be done if he wasn't told the wrong thing. He also stated that someone had contacted OSHA and made a complaint against him when he was cutting concrete.

S. Henson made a motion to go into a closed session to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session, pursuant to Iowa Code Section: 21.5(1) (i); seconded by S. Henson. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

S. Henson made a motion to go out of the closed session; seconded by J. Dudney. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

S. Henson made a motion to go into a closed session to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, pursuant to Iowa Code Section 21.5(c); seconded by J. Dudney. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

J. Dudney made a motion to go out of the closed session; seconded by R. Baker. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

Resolution 5-23-2019-1 – Resolution Approving Offer of Compromise and Settlement of Dispute Between the City of Martensdale and Kyle O'Mara was presented. J. Dudney made a motion to approved the amount of \$3,300.00 as a full settlement to Kyle O'Mara; seconded by R. Baker. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

The city council had asked Mr. O'Mara to either come back when the closed session was over or he will be contacted regarding the settlement amount.

S. Henson made a motion to adjourn the special meeting; seconded by R. Baker. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

Work Session

Members present: R. Baker, S. Henson, and J. Dudney.

Members absent: Rob Wetzler, Nathan Wheeldon.

There was discussion regarding the assistant maintenance position, the hiring process, salary and benefits. The council stated that that position will not have 100% of health insurance. The council asked the city clerk to contact the League of Iowa to samples of newspaper ads, an application, and salary comparison for the maintenance position. The clerk was also asked to contact other cities on salary and health insurance options. This will be presented at the June city council meeting.

Mr. Kyle O'Mara called into the open meeting to discuss the city council decision on his settlement. Mayor Prichard told him the council approves a payment of \$3,300.00. Mr. O'Mara stated he would not accept that amount. He said he would take \$4,750.00 instead of the full payment of \$6,250.00. The city council stated they would address it at the June meeting.

S. Henson made a motion to adjourn; seconded by J. Dudney. On a roll call vote: Henson, Aye; Dudney, Aye; Baker, Aye. Mayor Prichard declared the motion carried unanimously.

Mayor Brad Prichard

Donna Bahun, City Clerk