

City of Martensdale
Special City Council Meeting Minutes
June 22, 2022

Mayor Pro Tem Hutchison called the meeting to order.

Members present: Scott Henson, Travis Berger, Deb Hutchison, Eric Hughes, and Matt Gideon.

Members absent: Mayor Prichard.

City Attorney, Robert Stuyvesant and V&K Building Inspector, Rich Parker present.

The agenda was approved by Henson; seconded by Gideon. On a roll call vote: Henson, Aye; Berger, Aye; Hughes, Aye, and Gideon, Aye. Mayor Pro Tem Hutchison declared the motion carried unanimously.

Bryan Kratzer, 3817 Blue Stem Road, Norwalk, IA asked for a special city council meeting to discuss his property at Hwy. 28 in Martensdale, IA.

City Attorney, Bob Stuyvesant started the meeting stating that he is the city's attorney and present to discuss and answer all questions on all city codes. He said he is the attributor for all the city's legal business. Mr. Stuyvesant said he knows the visitors present at this meeting were here to support Byron Kratzer and said the city is not against Mr. Kratzer's building and or the idea of his building, but that Mr. Kratzer must follow the rules. He explained that he represents 8-9 cities and most of them have all adopted the same rules and codes. However, anything environmental issue must follow the State code for asbestos testing. Mr. Stuyvesant stated if Mr. Kratzer did not want to follow those codes his building would not be able to move forward, and that the city cannot bend the rules or codes that the State of Iowa enforces. Bob Stuyvesant asked if any of the visitors had any questions.

One person stated they lived in Madison County, and they have no codes, another visitor stated Warren County also has no codes It was stated that Martensdale is getting a bad name to builders. One of the visitors stated he had spoken to Forest the president of V&K was told Jason VanAusdall would no longer be the inspector in Martensdale and then he was at the last meeting. The city attorney stated that Martensdale has never received a letter from V&K that Jason VanAusdall was not longer the inspector.

Mr. Kratzer stated he didn't buy the building to take over the town of Martensdale. He said he tried to call and couldn't get an answer and that no demo permit was on the city's website. He said Jason VanAusdall stopped by his building site and told Bryan he needed certain permits to tear down a building, Bryan told Jason he wasn't aware that he needed permits. Jason also told Bryan that the concrete would need to come out, he said he fought with Jason and then the next thing that happen was Jason VanAusdall shut down his building site. Mr. Kratzer then contacted V&K and he was told Jason would not be coming back. Bryan also stated he was never informed of the regular city council meeting but did say previously he would not attend that meeting to the mayor if Jason was present, Jason did attend the regular city council meeting by Mayor Prichard's request with the city attorney. Mr. Kratzer was told that the city wanted to tear down the building and charge him. The city told Bryan that was never discussed so they were not sure where he heard that information.

Some of the visitors said that building is a danger the way it is now, and some child could get hurt. Holly Estell, Prole, IA asked who would be responsible if someone gets hurt and said she has been in contact with Matt Gideon. Matt Gideon stated that the city does not have the power to take down the building and that the city wants the proper steps to be taken to get it tested and taken down by the owner of the building. Other visitors expressed their support for Bryan and had complaints about this has been handled with him.

Rich Parker from V&K was present and said that the City of Martensdale adopted the 2015 International Codes. In Section 105, asbestos testing and a demo permit is required to take down a building with that code. There was discussion about that building has had work done over the years, but nothing has been done for at least 5-10 years with that building.

Robert Stuyvesant stated that the CEO of V&K doesn't have anything to do with the City of Martensdale or who they decide is the building inspector. He told Mr. Kratzer he may be able to apply for a variance but to date that has not been done.

Bryan stated he has not been allowed to remove any parts of the building due to the stop work order. Rich Parker stated he could have placed a fence around the building at any time.

A visitor, Don, stated he was in law enforcement for 25 years. He said Bryan was told to call city hall, but no one was around and there was no demo permit online. Mr. Kratzer started working on his building, Jason showed up and they did not get along, a shutdown order was delivered and then a demo permit was on the city's website. Rich Parked stated he could have used a regular building permit and just marked it as a demo permit.

Scott Henson told Bryan to apply for a variance. Bryan Kratzer's mother was present and asked if any city council member or city official stopped down at the building to see what was going on, she knew the building was sold and had never heard of Martensdale before her son purchased the building.

Peggy Halterman, Prole, IA was present and said she had met Bryan and liked him. She would like for someone to give him a list of what he needs to do to get the building taken down and remodel his building.

Matt Gideon stated the city has nothing to gain to stop Bryan and that none of the city council are building inspectors or attorneys, so they need to employ V&K and the attorney to help with these kinds of situations.

Matt said we have had several city council meetings since the building was bought and no one attended any of them to ask questions.

Rich Parker stated the Mr. Kratzer needs to have a licensed company (Impact 7G) do an asbestos test on the building, fill out a demo permit and sign it and place a fence around the entire building so it is secured so kids cannot get inside that building and get hurt.

Gideon made a motion to adjourn; seconded by Berger. On a roll call vote: Henson, Aye; Berger, Aye; Hutchison, Aye, and Gideon, Aye. Mayor Pro Tem Hutchison declared the motion carried unanimously. Mayor Pro Tem Hutchison declared the motion carried unanimously.

Mayor Pro Tem Deborah Hutchison

Donna Bahun, City Clerk