

City of Elk Run Heights  
Special Council Meeting  
Eddis Winstead Council Chambers  
June 13, 2019 – 6:00 p.m.

Amy Reasner, Attorney representing the City and its insurer, called the meeting to order at 6:00 pm. she stated that she was presiding over this Iowa Code section 372.15 removal hearing being held pursuant to public notice and the May 21, 2019 written request by Ms. Kristi Lundy and her attorney Mr. Tom Frerichs both of whom are present here. Ms. Lundy was removed from her position as city clerk by the council pursuant to an April 29, 2019 written order for the reasons stated therein. Ratchford/Bass motion to open public hearing. Ayes–4. Motion carried. All present recited the pledge of Allegiance. Roll call of Council Members present: Ratchford, Wilson, Bass, and Schellhorn. Smock absent. Quorum present.

Attorney Reasner presiding over the hearing and present as well is City Attorney Heather Prendergast. Ms. Reasner read the Iowa Code section 372.15 as follows: Removal of appointees. Except as otherwise provided by state or city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the city clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the clerk within thirty days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date. [C77, 79, 81, §372.15]

Ms. Reasner stated, “Mr. Frerichs and I have spoken about ground rules and procedures of this hearing. Ms. Lundy and Mr. Frerichs may speak, call witnesses and provide any evidence regarding issues on Ms. Lundy’s removal. There is no time limit on the length of any statements presented it was expressly discussed that statements and evidence should be succinct and should not be cumulative or unnecessarily time consuming. The decision to allow testimony is in my sound discretion as the attorney for the city presiding over this hearing and may if needed request clarification from those who are speaking. This is Ms. Lundy’s hearing and is her opportunity to speak and provide evidence on all issues connected with her removal. That means the council is not engaging in conversation with Ms. Lundy or her witnesses and there should be no questions and answer and it is not open to public comment.”

Mr. Tom Frerichs, Lundy’s Attorney, stated that on January 7, 2019 Ms. Lundy resigned as city clerk from the city of Elk Run Heights and as a basis for her resignation, she complained that she was being harassed by another city employee. The city refused to accept her resignation and hired outside attorneys to conduct an investigation into her complaint. After that attorney completed his investigation and I use that term rather loosely as the assistant city clerk was not interviewed as a part of the investigation. After the investigation was completed, they placed Ms. Lundy on leave than fired her without allowing her to come back to work. She offered to resign but her offer was rejected and since then the city has paid thousands of dollars investigating the claim. Now you fired her and libeled her. It is more than a coincidence that after she complained about another employee, she was the one fired. Ms. Lundy complained that a city employee was improperly using the city credit card and was running a side scrapping business using discarded city materials. That employee was not disciplined, and Ms. Lundy was fired. The city attorneys stated that Ms. Lundy had received a due process hearing but she had not received any evidence that the city had against her and the city refused to provide the evidence to her. She still hasn’t been provided with the evidence used against her. For seventeen years Ms. Lundy had been a loyal employee for the city. She worked extra hours, utilized her vehicle for many city related errands and chose not to be reimbursed for her time or expenses. She was a seventeen-year employee and wasn’t even given the respect to have a conversation before her dismissal. Yet the city filed and publicly posted a statement of misconduct and incompetency. One of the

complaints toward Ms. Lundy was refusing to file and provide the FY17 and FY18 audit reports with the mayor and council when the audit reports are online and clearly available to the council and anyone else that wanted to read the audits reports. She wasn't made aware of all the reasons she was being fired. It was clear that she made a complaint about another city employee, she then investigated and fired. The city also publicly posted on May 17, 2019 in response to citizen concerns the reasoning for her removal. Kristi learned the hard way that once you complained about another employee the city will retaliate. She has been accused of improperly paying people and enabling other employees for being paid for work not done, these are accusations of dishonesty. She claims she was bullied by a city employee due to a receipt being discussed from Staples and it was caught on a camera that was sitting on the mayor's desk. The employee that was accusing her was so intimidating that she was shaken by the employee's accusations toward her. Lundy watched while Councilor Tim Ratchford watched the video, but nothing was done about it. She was told a month before the due process hearing that she would get a hearing and be able to review the violations held against her, but she was denied the review of the information and violations that was held against her. She was told she violated state and federal law but wasn't given the proof that it had happened. The city approved the timesheets she had processed but she was accused of keeping inaccurate payroll records. She was not the only one processing payroll but was the only one fired for keeping inaccurate records. Frerichs also stated that Lundy was accused of not having the audits approved by council, but the audit was approved by the council. It is simply dishonest that the city is claiming she was keeping inaccurate payroll records. She was able to review her own payroll records and did find errors from 2016 but she claimed that the software was new and was uncertain how to process the payroll she was confused then she developed a new timecard. He stated shame to the city for accusing her of such dishonesty without giving her a chance to defend herself. After spending thousands of dollars to fire her instead of allowing her to resign you will spend thousands of dollars as she protects her good name.

Ms. Reasner confirmed with interim city clerk that no public comments were received. Interim city clerk Kobliska responded no comments were received.

Wilson/Ratchford motion to adjourn at 6:16 p.m. Ayes-4. Motion carried.

Attest:

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Tim Swope, Sr., Mayor

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DeAnne Kobliska, Interim City Clerk