

Whereupon, Council member Vandewater motioned that the following Resolution be approved.

**RESOLUTION 2024-120**  
**A RESOLUTION TO APPROVE INFORMAL RESOLUTION WITH THE IOWA**  
**PUBLIC INFORMATION BOARD**

**WHEREAS**, the City Council of the City of Eagle Grove feel that it is in the best interest of the City and its residents to pursue an informal resolution with the Iowa Public Information Board, and


**NOW THEREFORE BE IT RESOLVED** that the City Council of Eagle Grove, Iowa hereby approve and authorize the Mayor to execute this Informal Resolution with the Iowa Public Information Board on this 4<sup>TH</sup> day of November, 2024.

The motion was seconded by Council member Weland and after due consideration thereof, the roll was called and the following Council members voted:

AYES: Pamperin, Axtell, Lorenzen, Vandewater, Weland, and Limerick

NAYS:

Whereupon, the Mayor declared said Resolution duly passed and approved on this 4<sup>th</sup> day of November, 2024.

  
\_\_\_\_\_  
Michael Boyd  
Mayor

ATTEST:

  
\_\_\_\_\_  
Bryce Davis  
City Administrator/Clerk

## The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0056
Steven Asche, Complainant	<b>Informal Resolution</b>
And Concerning:	
City of Eagle Grove, Respondent	

Complaint 24FC:0056 was opened on June 25, 2024, and accepted by the IPIB on September 19, 2024. This Informal Resolution is adopted in response to the IPIB acceptance of the complaint.

Before and throughout the life cycle of this complaint, numerous correspondence and documents have moved between Asche and the City of Eagle Grove (City). Asche paid for access to records and maintains he has not received numerous records. The City continues to provide access to records after the filing of the Complaint. Because of the complexity of the communications between the parties and the continuing disclosures from the City, it is not possible to determine whether all of Mr. Asche's requests have been fulfilled.

IPIB accepted this case on September 19, 2024, to allow the IPIB staff to focus the parties on a resolution of this matter and to ensure all requested records are provided. In addition, the IPIB has requested a review of the fees charged to Asche to access the public records.

### Applicable Law

"Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record." Iowa Code § 22.2(1).

"In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request." Iowa Code § 22.3(1).

### Informal Resolution

Pursuant to Iowa Code § 23.9, IPIB presents the following terms for an informal resolution of this matter:

1. The City will review all documents provided to Asche and determine whether all documents responsive to the public records request have been provided. The City will promptly provide any records due and owing to Asche.


2. If the City refuses to release any public records responsive to the public records request, the City will provide a justification for each record withheld. IPIB staff will review each justification to determine whether it is a legally acceptable justification.
3. Upon disclosing all public records responsive to the request or providing a justification for withholding the public records, Asche will provide a clear and concise list of public records he believes have not been provided by the City pursuant to his public records request. IPIB staff will review the final list of public records and determine whether the requested items are public records and whether the requested items should be released. The City will disclose any items the IPIB deems should be released.
4. The City will provide a detailed invoice for fees charged to Asche. IPIB staff will review the invoice of fees and make a recommendation regarding the reasonableness of the fees. The City will abide by the determination of the IPIB and will refund any payments, if any refund is ordered by the IPIB.

The terms of the Informal Resolution will be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon showing of proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING PARTIES:

\_\_\_\_\_  
Steven Asche, Complainant

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City of Eagle Grove

11/4/2024  
\_\_\_\_\_  
Date

Title: Mayor