

# Legals

## CITY OF CLARKSVILLE • MINUTES 10.3.2022

### 2022 CITY OF CLARKSVILLE CITY COUNCIL BUSINESS MEETING October 3, 2022

The Clarksville City Council met in regular session on October 3, 2022 in the City Council Chambers at 6:30 p.m. with Mayor Michael Grantham presiding and Council Members Roger Doty, Brock Lodge, Jennifer Kielman, and Taran Sherburne (by phone), and Wendy Brooks absent. Other city employees present were: Molly Bohlen, City Clerk, Chief Mackey, Kristin Clark, librarian and Matt Behrends, maintenance. Members of the public present: Jerry Voss, Rhonda Landrum and Myrna Beechey.

In the first 5 minutes of the meeting Jerry Voss had brought up his concern regarding kids coming from the school and not crossing at the designated crossing. He states that he stopped into the DOT office in Mason City to ask about the process and all that is needed is a letter from the city to have a study done in that area.

Mayor called for Public Hearing to be opened at 6:33 pm.

Motion Doty, Kielman to open Public Hearing regarding the General Obligation Equipment Acquisition Loan Agreement in principal amount not to exceed \$150,000. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Mayor asked if there was any comments from the public. There were

no written comments given to City Clerk. There were some general questions from Myrna Beechey and Rhonda Landrum which were answered by the Mayor and Maintenance.

Mayor then called for the Public Hearing to be closed at 6:34 pm.

Motion Lodge, Doty to close Public Hearing. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Kielman, Sherburne to approve and adopt Resolution 22-26. RCV/Ayes: Sherburne, Lodge, Doty and Kielman. Absent: Brooks, MC.

Mayor Topics included discussions on adding a Dog Park and Archery Range to City owned properties. Council discussed each of these and will possibly put together committees to research. Matt Behrends reminded council that on the buyouts due to flooding we would not be able to put fencing in. Additional Mayor Topic was Employee review of Matt Behrends. Behrends requested a closed session meeting to discuss.

Motion Kielman, Sherburne to enter into closed session per Iowa Code Chapter 21.5 at 6:49 pm to discuss employee review. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Doty, Kielman to go back to open session at 7:10 pm. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Lodge, Sherburne to ap-

prove a \$1/hour pay increase for Matt Behrends, Maintenance Supt. and Molly Bohlen, City Clerk and to waive having either of them having to use comp time prior to increase. Comp time accrued will be paid at old hourly rate. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Kielman, Doty to approve consent agenda and minutes for 09-19-2022. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Lodge, Doty to table until October 17<sup>th</sup> meeting estimated cost of maintenance completing Stump Grinding. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Lodge, Kielman to table decision on ball field fencing. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Council did discuss wanting to talk with the School and City Rec about collaborating together on this project.

Flag Pole updates were presented by Brock Lodge and the Mayor. Lodge will be working with maintenance to get flag poles up within the next couple of weeks.

Motion Lodge, Kielman to approve Res-22-25 Hiring Lisa Fokkena for Library Aide position. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Motion Lodge, Doty to approve building permit as presented by Brian Wordes 721 S Mather to build

shed. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

City Clerk was contacted by Butler County Conservation who received a grant to add concrete and kiosk at Volunteer Park next to the bike repair station. They are going to do all the work for it needs council approval.

Motion Sherburne, Kielman to approve Butler County Conservation adding kiosk at Volunteer park. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

Discussion surrounding water/sewer rates. Maintenance provided report from Iowa Pump Works who recently inspected lift stations that will be needing repairs soon as well. More research will be done prior to proceeding with further discussion.

Motion Kielman, Sherburne to approve September monthly expenses as presented by City Clerk. Ayes: Doty, Lodge, Kielman, and Sherburne. Nays: None. Absent: Brooks, MC.

City Clerk will be attending virtual Municipal Professional Institute from October 3-5 cost is \$249.00.

Motion Lodge, Doty adjourn the regular City Council meeting 7:54 pm.

*Michael Grantham*  
Mayor  
Attest: *Molly Bohlen*  
City Clerk

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## NOTICE OF PUBLIC HEARING

### NOTICE OF PUBLIC HEARING BUTLER COUNTY

Notice is hereby given that a public hearing will be held by the Butler County Board of Supervisors in the Butler County Courthouse, Basement EOC, located at 428 6<sup>th</sup> Street in Allison, Iowa, at 9:00 AM on October 18, 2022. At this meeting the Board of Supervisors will:

Hold a Public Hearing to consider recommendation for approval of the updated Butler County Zoning Ordinance Title VI, Number 7. A copy of the Ordinance can be found

on the Butler County website.

Any persons wishing to be heard on this matter will be afforded the opportunity to be heard. Written comments will be accepted through 1:00 PM the day before the public hearing. Comments may be sent to Butler County Courthouse; 428 6<sup>th</sup> Street; Allison, Iowa 50602. Oral questions or comments can be directed to Butler County Planning and Zoning at (319) 267-2992 or via email to mday@butlercounty.iowa.gov.

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## PUBLIC MEETING 10.25.2022

### LEGAL NOTICE NOTICE OF PROPOSED ACTION FOR LONG-TERM LEASE AGREEMENT OF PROPERTY OWNED BY BUTLER COUNTY, IA

The Board of Supervisors of Butler County, Iowa, will hold a public meeting at 9:00 A.M. on October 25<sup>th</sup>, 2022, at the Butler County Courthouse, Allison, IA for the purpose of considering a proposal of a long-term lease agreement for the following real property:

The West 40 feet of the North 130 feet of a tract of land located in Section 28, Township 90N, Range

15W of the 5<sup>th</sup> P.M described in Book 108 Page 460, Butler County Recorder's office, excluding presently established road right of way.

At that time and place, oral or written objections may be filed or made to the proposal of a long-term lease agreement. After receiving objections, the County may determine to enter into a long-term lease agreement.

By order of the Board of Supervisors of Butler County, Iowa.

*Leslie Groen, Butler County Auditor*

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## PROBATE - HYERS

### THE IOWA DISTRICT FOR BUTLER COUNTY IN THE MATTER OF THE ES- TATE OF ALBERT D. HYERS, Deceased.

**CASE NO. ESPR017360  
NOTICE OF PROBATE OF  
WILL, OF APPOINTMENT OF  
EXECUTOR, AND NOTICE TO  
CREDITORS**

To All Persons Interested in the Estate of Albert D. Hyers, Deceased, who died on or about June 15, 2022:

You are hereby notified that on September 29, 2022, the Last Will and Testament of Albert D. Hyers, deceased, bearing date of June 27, 2008, was admitted to probate in the above named court and that Peggy Ann Winslow has been appointed Executor of the estate. Any action to set aside the will must be brought in the district court of said county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all per-

sons indebted to the estate are requested to make immediate payment to the undersigned, and creditors having claims against the estate shall file them with the clerk of the above named district court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated September 29, 2022.  
Peggy Ann Winslow, Executor of Estate

9 Briggs St.  
North Adams, MA 01247

Richard J. Gaumer, ICIS#: AT0002763

Attorney for Executor GAUMER, EMANUEL, CARPENTER & GOLDSMITH, P.C.

111 W. Second St.  
Ottumwa, Iowa 52501

Date of second publication October 12, 2022

Probate Code Section 304

\* Designate Codicil(s) if any, with date(s).

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## BUTLER CO BOS • MINUTES 9.27.2022

### MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON SEPTEMBER 27, 2022.

**MEETING CALLED TO ORDER  
AT 8:59 A.M. BY CHAIRMAN  
RUSTY EDDY WITH MEMBER  
GREG BARNETT PRESENT.  
BOARD MEMBER TOM  
HEIDENWIRTH WAS ABSENT.  
MOVED BY BARNETT, SECOND  
BY EDDY TO APPROVE THE  
AGENDA. ALL AYES. MOTION  
CARRIED.**

Minutes of the previous meeting were read. Motioned by Barnett, second by Eddy to approve the minutes as read. All ayes. Motion carried.

Rick Swarts, New Hartford, asked if anything was going to be done to the bridges by the motorcycle track. John Riherd, County Engineer, explained a cold patch was put in place and the bridge is scheduled to be replaced next year. Swarts was adamant that he knew how to repair it and Riherd said putting more cold patch on it would make it worse. Riherd also mentioned they once considered a hot mix, but realized that it was not the answer. Riherd said if something meaningful can be done before replacing the bridges, they will do it.

Moved by Barnett, second by Eddy to open a Public Hearing on Koop's Beaver Creek Minor Plat located in part of SW1/4 Section 29, Township 90N, Range 15W. Misty Day, Planning and Zoning Administrator, gave an overview of area and stated the Planning and Zoning Commission recommended approval with further investigation into a more permanent easement by the Surveyor. The surveyor provided comment regarding a yearly temporary easement that will be in place for access. Barnett moved to close the public hearing, second by Eddy.

Board considered Resolution 1045 – Koop's Beaver Creek Minor Plat. Barnett moved to pass Resolution 1045, second by Eddy. Roll call was taken and Resolution 1045 was approved as follows:  
RESOLUTION # 1045

### BUTLER COUNTY BOARD OF SUPERVISORS APPROVING "KOOP'S BEAVER CREEK MINOR PLAT" WITH THE RECOMMENDATION OF THE BUTLER COUNTY PLANNING AND ZONING COMMISSION

BE IT RESOLVED by the Butler County Board of Supervisors as follows:

Section 1. The Butler County Planning and Zoning Commission held a Public Hearing on September 15, 2022, to consider a Minor Subdivision Plat entitled "KOOP'S BEAVER CREEK MINOR PLAT".

Section 2. The area is located in the Southwest (SW¼) of Section 29, Township No. 90 North, Range No. 15 West of the 5<sup>th</sup> P.M.

Section 3. The Planning & Zoning Commission has made the recommendation that the Minor Subdivision Plat entitled "KOOP'S BEAVER CREEK MINOR PLAT" be approved.

Section 4. The Board of Supervisors held its own public hearing on this Minor Subdivision Plat on September 27, 2022.

Section 5. The Board of Supervisors hereby approve the Minor Subdivision Plat entitled "KOOP'S BEAVER CREEK MINOR PLAT" located in the Southwest (SW¼) of Section 29, Township 90 North, Range 15 West of the 5<sup>th</sup> P.M.

Section 6. This resolution shall take effect immediately.

The vote thereon was as follows:  
AYES: Rust Eddy  
Greg Barnett

NAYS: None

ABSENT: Tom Heidenwirth

Passed and approved this 27<sup>th</sup> day of September, 2022.

ATTEST: Leslie Groen, County Auditor

Roger Kregel, Dumont Telephone, and Isaiah Corbin, INRCOG, were present to discuss a Federal BEAD Program. Kregel provided maps presenting areas that are covered by the federal program. He indicated that this is a new process but they are working to receive additional federal money to cover more of Butler County and get fiber to as many places as possible. Kregel is preparing to have the application

ready so that the Board can submit it when the time comes.

Board considered plans for Dumont Telephone fiber building and lease. Riherd provided a visual for the building and explained that it would be a good location. As the location is too small to parcel off, the board is considering a long-term lease. A Public Hearing process would need to be held in order to move forward and complete the plans. A date and time will be set at next week's meeting. Eddy moved to approve plans, second by Barnett. All ayes. Motion carried.

Board considered pledge of support for Iowa's 2019-2023 Strategic Highway Safety Plan. Riherd gave an overview of the program and explained that a lot of the program will be grant based. An up-to-date Safety Plan is a requirement to be eligible for the program. A pledge from the county is also a requirement to moving forward. Moved by Eddy, second by Barnett to pledge support for Iowa's 2019-2023 Highway Safety Plan.

Resolution 1046 – Creation of the Local Government Opioid Abatement Fund was reviewed. Leslie Groen, County Auditor, outlined the process of how to utilize the funding provided through the program. She explained that the fund will be set in place for how to allocate the funds. Eddy made a motion to approve Resolution 1046, second by Barnett. Roll call was taken and Resolution 1046 was approved as follows:  
RESOLUTION #1046  
CREATION OF THE LOCAL GOVERNMENT OPIOID ABATEMENT FUND

WHEREAS, Butler County is eligible for receiving the National Opioid Settlement Plan funding and;

WHEREAS, a separate accounting of the revenues and expenses for this funding source is desired by local governments for tracking of revenue and expenditures to provide a detailed accounting of the use of funds.

WHEREAS, a new fund will be created called "Local Government Opioid Abatement Fund", Fund

0032, for the purpose of accounting for the revenue and expenses received from the National Opioid Settlement.

WHEREAS, Butler County will create revenue and expense accounts as needed, within Fund 0032, for tracking the use of these funds.

THEREFORE, BE IT RESOLVED; that a new fund will be created called "Local Government Opioid Abatement Fund", Fund 0032, for the purpose of accounting for the revenue and expenses received from the National Opioid Settlement. The budgetary fund shall be subject to standard county accounting practices and policies.

Upon Roll Call the vote thereon was as follows:

AYES: Rusty Eddy  
Greg Barnett

NAYS: None

ABSENT: Tom Heidenwirth

WHEREUPON, the Resolution was declared duly adopted this 27<sup>th</sup> day of September, 2022.

ATTEST:

Rusty Eddy, Chairman, Board of Supervisors

Leslie Groen, County Auditor

Motioned by Barnett, second by Eddy to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Updates for Ripley Finisher Farm #70405, Lovilia Site #66064, RIG Bennezette #70601 and Elm Site #58730.

Motioned by Barnett, second by Eddy to adjourn the regular meeting at 9:33 A.M. to October 4, 2022, at 9:00 A.M. All ayes. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on September 27, 2022.

Attest:  
*Leslie Groen, Butler County Auditor*

*Rusty Eddy, Chairman of the Board of Supervisors*

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