

# CS Legals

## PUBLIC NOTICE

### MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON AUGUST 30, 2022.

Meeting called to order at 8:59 A.M. by Chairman Rusty Eddy with members Tom Heidenwirth and Greg Barnett present. Moved by Heidenwirth, second by Eddy to approve the agenda. All ayes. Motion carried.

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

Roger Kregel, Dumont Telephone, inquired about a location in the New Hartford area for putting up a building. He is looking for options that cover a 40 X 60 feet area with a standby generator. County Engineer, John Riherd, mentioned that he would look into the county-owned land and Kregel asked to be placed on the September 13<sup>th</sup> agenda to revisit the request.

Board discussed the McDivitt junkyard. County Zoning, Misty Day, explained the situation and inspected the area yesterday. She stated that he has cleaned much of the area and is working on compliance. She indicated that McDivitt has vehicles on the property that are not registered and he has some that are waiting to be taken off the property. McDivitt was in attendance and discussed his intentions with the vehicles and the property. Day outlined a process to stay in compliance and avoid a fine. McDivitt mentioned that the neighbor that filed the complaint lives in California and is only in Iowa for 30 days per year. He stated that he does not want to come to the courthouse again. He had 150 vehicles and is down to 45 vehicles at this point. Day mentioned that there is a fully fenced-in area that he can move the remaining vehicles into. She needs to see the registrations for all vehicles and to have the rest of the vehicles moved indoors or in

the fenced area. Eddy stated that the board appreciates the effort he has made so far and that the issue will be revisited down the road. McDivitt said he did not need an extension to get the vehicles taken care of. Day reiterated that any unlicensed vehicles need to be moved into a shed or within the fenced-in area.

Board discussed the farm lease bids. There are two leases that will be up for bid. The board set the bids for September 20, 2022, during the regular supervisors meeting. It will be published in the newspapers for the two weeks leading up to the meeting. Eddy motioned to accept bids on September 20<sup>th</sup>, second by Barnett. All ayes. Motion carried.

Board discussed the IT survey software. IT Director, Sara Trepp, commented that the software for the survey is \$384 per year and can be used for any surveys and statistics that are included. Barnett mentioned that it had received over 400 responses since it has been online.

Trepp is going to cover the cost through her budget.

A utility permit was considered for Butler County REC – underground service to Longhorn Acres (C55 and Spring Ave). Riherd explained that service is being brought in and recommends approval. Eddy motioned to approve, second by Heidenwirth. All ayes. Motion carried.

Iowa DOT federal aid funding agreement was considered for bridge replacement on Cedar Ave – Sec 28 Washington Township. Riherd mentioned that this is west of Austinville and plan on using federal and/or state funds for the replacement of the bridge. Barnett moved to approve, second by Eddy. All ayes. Motion carried.

County Engineer, John Riherd discussed West Fork Cedar River overflow on T55, Sinclair Ave resurfacing funding, and Title VI updates. Riherd explained that there will be some expenses associated with these projects including a wetland credit as they will need to

utilize a section of designated wetlands. Riherd is looking for approval to use funds from capital projects which would be around \$12,000 for the credits. The Sinclair Ave project, with a budgeted \$3.9 Million, is complete and set to cost \$80,000 less than the original plan. Riherd is looking for a way to complete the funding of the project. In 2012, the Title VI program was initiated in Butler County which calls for the assurance of spending the aid in the correct way. They are transitioning into using more federal funds which have more strings attached than the state funds.

Board discussed County property sale of easements. Conservation Director, Mike Miner, was present to explain an easement that would go through a portion of the rolling prairie bike trail. Barnett noted that he is 100% against signing an easement with the pipeline. The pipeline offered a \$1,740 price to bore through that area. Miner mentioned that he wanted to be on the

same page as the board and it is ultimately the decision of the conservation board whether or not to sign and accept the sale. This will be revisited in the future.

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

Motioned by Eddy, second by Heidenwirth to adjourn the regular meeting at 9:55 A.M. to September 6, 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 August 30, 2022.

Attest: Leslie Groen  
Butler County Auditor  
Rusty Eddy  
Chairman of the Board of Supervisors

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## PUBLIC NOTICE

### AGENDA FOR CITY COUNCIL MEETING SEPTEMBER 8, 2022 THURSDAY 6:30 P.M.

Business Meeting  
CALL TO ORDER:  
ROLL CALL:

A time set-aside for comments from the public on topics of

City business other than those listed on this agenda.

Five Minutes per topic  
CORRESPONDENCE: MAYOR -

topics:  
1- Swear in Fire Chief

CONSENT AGENDA: 2- Approve consent agenda & minutes 08/15/2022

OLD BUSINESS:  
NEW BUSINESS: 3- City Rec-Phil Barnett regarding adding fence to field

4- Building Permits-Matt Behrends

5- Stump Grinding-\$2/inch diameter of tree

6- Approve Larry Pump to complete Annual Exam-Sept 28<sup>th</sup>

7- Jendro will be increasing rates 3% per our contract effective 10/1/2022

8- Recommendation of Library and Nursing Home to set

Trick or Treating at October 31 from 5-7 due to hosting event from 4-5

Discuss and Set Halloween Date and Time October 31 from 5-7?

9- Butler County Visions of Well-being donation-past it has been \$100

10- Approve Res 22-21 Resignation of Ann Moon from the Library

11- Approve Res 22-22 Appointing Bruce Toenjes City Attorney

12- Approve Hiring Dorsey Whitney for assistance of loans

13- Approve expenditures for End Loader balloon purchase \$78533.07

14- Res 22-23 John Deere End Loader Lease Payment

15- Approve Doc's Liquor License CLERK REPORTS: 16- Approve expenditures for month of August 2022

17- 90 day Employee Reviews

18- ARPA disbursement-\$100,000 received in August 2022

19- Discussion of Church Street Project/Approval Fehr Graham for proposal and agreement

Fehr Graham cost ~\$45000

(a) Using ARPA fund for engineering cost

(b) ARPA funds discussed previously water/sewer, broadband

20- Approval of expenditures for fall clerk classes

ADJOURNMENT:

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## PUBLIC NOTICE

### PUBLIC NOTICE NOTICE OF FARM TO LEASE

Bids will be taken on the leases of the two Butler County farms for a 3-year term, beginning with the 2023-2024 crop year.

1. A farm which consists of approximately 281 acres in Sections 27 & 33 of T92-R16, Jackson Township, Butler County, Iowa.

2. A farm which consists of approximately 19 acres in NW ¼ NE ¼ of Section 1, Township 92N, Range 16W of the 5<sup>th</sup> PM.

TERMS: Cash rent. Paid in full, in advance, on March 1<sup>st</sup> of each term year. Tenant will be responsible to maintain soil fertility. Sealed bids shall state the dollar amount per

acre. Bids must be received by 9:00 A.M. on September 20, 2022. Bids will be opened at 9:05 A.M. Anyone submitting a bid by the deadline shall have the option to raise their bid in increments not less than \$5 if present at the time of the opening.

The Board of Supervisors reserve the right to reject any and all offers. A copy of the proposed lease is available for review at the Butler County Auditor's Office or online at [www.butlercounty.iowa.gov](http://www.butlercounty.iowa.gov)

Sealed bids and inquiries should be directed to: Leslie Groen, Butler County Auditor, ATTN: Farm Lease, P.O. Box 325, Allison, IA 50602

CS - 36,37

## PUBLIC NOTICE

### NOTICE OF PUBLIC HEARING BUTLER COUNTY BOARD OF SUPERVISORS

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Board of Supervisors of Butler County, Iowa have received a petition to reclassify and improve a portion of the following described roads from Level B Service to Level A Service:

• 140<sup>th</sup> Street from a point 895 feet

west of the NE Corner of Section 30, T93N, R18W (Bennezette Twp) westerly at least 250 feet

You are notified a hearing on such reclassification will be held in the Boardroom of the Butler County Courthouse in Allison, Iowa, at 9:00 AM on the 4<sup>th</sup> day of October, 2022 and at said hearing any interested person may appear to comment on said reclassification request.

CS - 37,38

# TJ Legals

## NOTICE OF PROOF OF WILL

**THE IOWA DISTRICT COURT  
BUTLER COUNTY  
IN THE MATTER OF THE  
ESTATE OF SHIRLEY L.  
WINKEY, Deceased  
CASE NO.: ESPR017344  
NOTICE OF PROOF OF WILL  
WITHOUT ADMINISTRATION**

To All Persons Interested in the Estate of Shirley L. Winkey, Deceased, who died on or about July 14, 2022:

You are hereby notified that on the August 25, 2022, the Last Will and Testament of Shirley L. Winkey, deceased, bearing the date of June 1, 2017, was admitted to probate in the above-named court and there will be no present administration of the estate. Any action to set aside the Will must be brought in the district court of the 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.

Dated on September 1, 2022.  
ENGELBRECHT AND BUCHHOLZ, PLLC  
123 First Street SE  
P.O. Box 59  
Waverly, IA 50677  
Phone: (319) 352-1148  
Fax: (319) 352-5603  
EMAIL: beau@waverlylaw.com  
By: Beau D. Buchholz AT0009650  
Date of second publication  
22<sup>nd</sup> day of September, 2022  
\*Designate Codicil(s) if any, with date(s).  
Probate Code Section 305  
TJ - 37,38

## NOTICE OF APPOINTMENT

**THE IOWA DISTRICT COURT  
BUTLER COUNTY  
IN THE MATTER OF THE  
ESTATE OF ARLENE  
KALKWARF, Deceased  
CASE NO.: ESPR017348  
NOTICE OF APPOINTMENT OF  
CO-EXECUTORS AND NOTICE  
TO CREDITORS**

To All Persons Interested in the Estate of Arlene Kalkwarf, Deceased, who died on or about July 27, 2022:

You are hereby notified that on the 23<sup>rd</sup> day of August, 2022, the Last Will and Testament of Arlene Kalkwarf, Deceased, bearing the date of April 21, 2011, was admitted to probate in the above-named court and that Kristi Cleary and Kelli Dix were appointed co-executors of the estate.

Any claim 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 second publication 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 persons 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 the mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated on August 23, 2022.  
Kristi Cleary  
Kelli Dix  
Co-Executors of the Arlene Kalkwarf Estate  
Abby S. Wessel, ICIS PIN No: AT0010361  
Attorney for the Executor  
Firm Name: Rickert, Wessel & Alen.  
Address: 115 Broad, P.O. Box 193, Reinbeck, IA 50669  
Date of second publication  
15<sup>th</sup> day of September, 2022  
TJ - 36,37

## PROBATE

**IN THE IOWA DISTRICT COURT  
IN AND FOR BUTLER COUNTY  
IN THE MATTER OF  
THE ESTATE OF CLAUDIA  
SQUIRES, DECEASED.  
Probate Case No. 017349  
NOTICE OF PROBATE OF  
WILL, APPOINTMENT OF EXECUTOR AND NOTICE TO CREDITORS**

To All Persons Interested in the Estate of Claudia Squires, Deceased, who died on or about April 24, 2021:

You are hereby notified that on the 26<sup>th</sup> day of August, 2022, the Last Will and Testament of Claudia Squires, deceased, bearing date of the 11<sup>th</sup> day of February, 2021, was admitted to probate in the above named court and that Jennifer Targos, Marianne Nielsen, Karen Brown and Rebecca Reimers were appointed Executors 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 persons 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 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 this 24<sup>th</sup> day of August, 2022.  
/s/  
Jennifer Targos, Fiduciary  
431 W Thousand Oaks Dr.  
Peoria, IL 61615  
/s/  
Marianne Nielsen, Fiduciary  
19594 110<sup>th</sup> St.  
Greene, IA 50636  
/s/  
Karen Brown, Fiduciary  
8 Mulberry Ct  
Rockwell, IA 50469  
/s/  
Rebecca Reimers, Fiduciary  
20 Arthur St  
Rockwell, IA 50469  
Brian C. Eddy  
Stephanie A. Sailer  
Attorneys for Executor  
Roberts & Eddy, P.C.  
2349 Jamestown Avenue, Suite 4  
Independence, IA 50644  
Date of second publication  
15<sup>th</sup> day of September, 2022.  
TJ - 36,37

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BUTLER COUNTY  
BOARD OF SUPERVISORS  
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TJ - 37,38

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NOTICE OF FARM TO LEASE**

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2. A farm which consists of approximately 19 acres in NW ¼ NE ¼ of Section 1, Township 92N, Range 16W of the 5<sup>th</sup> PM.

TERMS: Cash rent. Paid in full, in advance, on March 1<sup>st</sup> of each term year. Tenant will be responsible to maintain soil fertility. Sealed bids shall state the dollar amount per

acre. Bids must be received by 9:00 A.M. on September 20, 2022. Bids will be opened at 9:05 A.M. Anyone submitting a bid by the deadline shall have the option to raise their bid in increments not less than \$5 if present at the time of the opening. The Board of Supervisors reserve the right to reject any and all offers. A copy of the proposed lease is available for review at the Butler County Auditor's Office or online at [www.butlercounty.iowa.gov](http://www.butlercounty.iowa.gov). Sealed bids and inquiries should be directed to: Leslie Groen, Butler County Auditor, ATTN: Farm Lease, P.O. Box 325, Allison, IA 50602

TJ - 36,37

## TRUST NOTICE

**TRUST NOTICE  
IN THE MATTER OF:  
THE JOEL AND ROSEMARY  
SULT REVOCABLE TRUST DATED  
JUNE 30, 2021**

To all persons regarding Joel W. Sult and Rosemary A. Sult, deceased, who died on or about July 27, 2022.

You are hereby notified that Kelly J. Peuse is the trustee of the Joel and Rosemary Sult Revocable Trust dated June 30, 2021. Any action to contest the validity of the trust must be brought in the District Court of Butler County, Iowa, within the later to occur of four (4) months from the date of second publication of this notice or thirty (30) days from the date of mailing this notice to all heirs of the decedent whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim

against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four (4) months from the second publication of this notice or thirty (30) days from the date of mailing this notice if required or the claim shall be forever barred unless paid or otherwise satisfied.

Dated: September 1, 2022  
Joel and Rosemary Sult Revocable Trust uad 6-30-2021  
Kelly J. Peuse  
1020 Roosevelt Avenue  
Ames, IA 50010  
Abigail M. Hillers  
Attorneys for Trustee  
Bradshaw, Fowler, Proctor & Fairgrave, P.C.  
112 West Church Street  
Marshalltown, IA 50158  
Phone: 515-246-5816  
Date of second publication: September 15, 2022

TJ - 36,37

## PUBLIC NOTICE

## NOTICE OF PUBLICATION

**NOTICE OF PUBLICATION OF  
REVOCABLE TRUST**

TO ALL PERSONS regarding MARCIA A. EDEKER, Deceased, who died on or about August 27, 2022.

YOU ARE HEREBY NOTIFIED that MERVIN W. H. EDEKER is the Trustee of the MARCIA ANN EDEKER Trust Agreement dated October 14, 2014, as amended.

Any action to contest the validity of the trust must be brought in the District Court of Butler County, Iowa, within the later to occur of four months from the date of second publication of this notice, or thirty days from the date of mailing of this notice to all heirs of the decedent settlor and the spouse of the decedent settlor whose identities are reasonably ascertainable. Any claim not filed within this period shall be forever barred.

Notice if further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee(s) at the

address(es) listed below via certified mail, return receipt requested, by the later to occur of four months from the second publication of this notice or thirty days from the date of mailing this notice if required, or the claim shall be forever barred, unless otherwise allowed or satisfied.

Dated this 8<sup>th</sup> day of September, 2022.  
MARCIA A. EDEKER Trust Agreement dated October 14, 2014, as amended  
MERVIN W. H. EDEKER  
23191 170<sup>th</sup> Street  
Allison, IA 50601  
TRUSTEE  
G. A. Cady III  
CADY & ROSENBERG LAW FIRM, PLC  
PO Box 456  
Hampton, IA 50441  
Attorneys for Trustee  
Date of Second Publication:  
September 22, 2022

TJ - 37,38

**MINUTES AND PROCEEDINGS  
OF A REGULAR MEETING OF  
THE BUTLER COUNTY BOARD  
OF SUPERVISORS HELD ON  
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