

PROCEEDINGS

OFFICIAL PROCEEDINGS CITY OF ALLISON COUNCIL MINUTES OCTOBER 26, 2020

Public Hearing:

Mayor Henrichs opened the public hearing at 7 p.m., at the EMS Building at 1002 Seventh Street. Council members present: Bangasser, Carlson, Davis, Henning, Heuer. Also present were: Bethany Carson – Tribune-Journal, Emily Pittenger – City Attorney, Mike Lammers – Deputy Sheriff, Brett Stirling – Deputy Sheriff, Mark Rolinger – Attorney for Angie Fishel and Randy and Joan Moad, Steve Thompson – representing Dollar General, Trent Stirling, Jeff Williams, Mitch Williams, Harlan Kruse, Regina DeVries, Mark Bangasser, Coby Bangasser, Sara Sparks Henrichs, Sherida Davis, Chris Graser, Cindi Johnson, Bailey Johnson, Randy and Joan Moad, Ryan Lindeman, Deb McWhirter, Chris Luhning, Daleth Pothast. The Mayor stated that this was the place and time for the public hearing to consider adoption of the Special Permit for Dollar General to construct a 9100 square foot retail store at the NW corner of Highway 3 and Lakeview Drive since this is a non-conforming use in the Restricted Residence District. Glenda reported that the comments received prior to the meeting were the petition signed by 139 homeowners from the City of Allison against allowing the building of Dollar General at the location requested on Highway 3 and Lakeview Drive and a letter that was received from Mark Rolinger. 335 signatures were needed from homeowners in order for City Council to not consider the Special Permit Application. Several comments were received from the audience for and against Dollar General building a new store at the location on Highway 3. Emily Pittenger spoke on behalf of the City Council and stated that nothing in the Code of Ordinances for the City of Allison stated a time limit before Dollar General could re-apply for a Special Permit Application. Mark Rolinger gave his view points on behalf of Randy and Joan Moad and Angie Fishel against letting Dollar General re-apply for that permit. Motion by Davis with a second by Bangasser to close the public hearing. Ayes: All. Nays: None. Motion carried.

Regular Meeting:

Mayor Henrichs opened the regular meeting at 7:47 p.m. Council members present: Bangasser, Carlson, Davis, Henning, Heuer. Also present were: Bethany Carson – Tribune-Journal, Emily Pittenger – City Attorney, Mike Lammers – Deputy Sheriff, Brett Stirling – Deputy Sheriff, Mark Rolinger – Attorney for Angie Fishel and Randy and Joan Moad, Steve Thompson – representing Dollar General, Trent Stirling, Jeff Williams, Mitch Williams, Harlan Kruse, Regina DeVries, Mark Bangasser, Coby Bangasser, Sara Sparks Henrichs, Sherida Davis, Chris Graser, Cin-

di Johnson, Bailey Johnson, Randy and Joan Moad, Ryan Lindeman, Deb McWhirter, Chris Luhning, Daleth Pothast. Motion by Bangasser with a second by Henning to approve the agenda. Ayes: All. Nays: None. Motion carried.

Open Forum: No open forum items discussed.

Consent Agenda:

Davis made a motion to approve the consent agenda with a second by Carlson. Those items approved were:

Approve Minutes from Meeting on Oct. 12, 2020

Approve Variance and Building Permit for Mike Kampman – 208 Fifth St. – Build a 9 X 10 deck onto south side of home and be closer to front property line than allowed by Code of Ordinances as

Mike obtained signature from the resident at 202 Fifth St. agreeing to variance request

Ayes: All. Nays: None. Motion carried.

New Business:

Motion by Davis with a second by Bangasser to approve the Special Permit Application for Dollar General to build a 9,100 square foot retail store at the NW corner of Highway 3 and Lakeview Drive. Ayes: All. Nays: None. Motion carried.

Motion by Carlson with a second by Henning to approve the bid of Affordable Tree Service to cut down two Cottonwood and eight Ash trees and grinding of the stumps at Wilder Park for \$1,000. Ayes: All. Nays: None. Motion carried.

Motion by Bangasser with a second by Davis to approve the bid of \$3,994.99 from Affordable Tree Service to cut down eight dead or diseased trees in the City right of way which includes removal of wood, brush chipped up and taken to Wilder Park. Ayes: All. Nays: None. Motion carried. Other bids received were \$4,000 from JBL Tree Service and \$6,000 from Finished Tree Removal.

The asbestos report for 409 Pine Street was reviewed. There were 14 items found that contained asbestos in the dwelling.

Motion by Bangasser with a second by Carlson to approve the bid of Advanced Environmental in the amount of \$8,380 to remove the asbestos at 409 Pine Street. Ayes: All. Nays: None. Motion carried.

Motion by Carlson with a second by Henning to now go out for bids again since the asbestos removal will be paid for by the City and not by the contractors who bid the tear down project. Ayes: All. Nays: None. Motion carried.

Old Business:

There was no old business discussed.

Adjournment: Motion by Davis to adjourn at 8 p.m. with a second by Bangasser. Ayes: All. Nays: None. Motion carried.

ATTEST:

Scot Henrichs - Mayor

Glenda Miller – City Clerk

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

The Butler County Board of Supervisors will hold a telephonic meeting on Nov. 10, 2020, at 9:35 a.m. in the EOC, basement of the Butler County Courthouse, Allison, Iowa. At this meeting the Board will:

Hold a public hearing on the first reading of a proposed amendment to the Butler County Flood Plain Management Ordinance. Title V, No. 7.

There is a copy in the Auditor's Office for review. Comments may be emailed to Lizbeth Williams, Butler County Auditor lwilliams@butlercoiowa.org. For oral comment: 319-267-2670. To participate telephonically call: 312-626-6799 Meeting ID: 958 0086 8991 Passcode: 927327 or <https://zoom.us/j/95800868991?pwd=N0s4NmNhZytEVINqNk8xYStVWWWhYUT09>

There is limited public access the BOS meeting. A reservation must be made on a first come, first served basis by calling the Auditor's Office at 319-267-2670. Anyone pertinent to an agenda item(s) will be guaranteed a seat. Number of seats will be determined the day of the meeting with a total capacity of 12. Attendees from the public should be at the north entrance door before 9.

PROCEEDINGS

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 20, 2020.

With limited public access to the courthouse due to COVID-19, this meeting was held telephonically with the public able to participate on a limited basis. This complies with Iowa Code section 21.8 that outlines the guidelines to hold an electronic meeting when there are valid concerns that an in-person meeting is "impossible or impractical."

Meeting called to order at 9 a.m. by Chairman Pro-tem Greg Barnett with member Rusty Eddy present. Chairman Tom Heidenwirth was absent.

Minutes of the previous meeting were read. Moved by Barnett, second by Eddy to approve. Heidenwirth was absent. Motion carried.

No public comment received.

Director of Public Health Jennifer Becker reported 20 new cases of COVID-19 with 26 recovered, 1 hospitalization and a 5.9 percent positivity rate.

Moved by Eddy, second by Barnett to set Oct. 27, 2020 at 9:30 a.m., as the date and time for the first reading of Title VI, No. 23, a proposed amendment to Ordinance Title VI, No. 7 to rezone 237 acres +/- located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NW $\frac{1}{4}$, the Nfr $\frac{1}{2}$ NEfr $\frac{1}{4}$, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 4, Township 91N, Range 15W from "A-1" Agriculture to "M" Manufacturing. Heidenwirth was absent. Motion carried.

Moved by Barnett, second by Eddy to approve claims. Heidenwirth was absent. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Updates for Woodford Creek Farms; Steere East Finisher Farm; Luebbers Finisher Farm and JLH Finisher Farm.

Moved by Eddy, second by Barnett to adjourn the meeting at 9:23 a.m. to Tuesday, Oct. 27, 2020, at 9 a.m. 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 Oct. 20, 2020.

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PUBLIC NOTICE

**ASSOCIATION OF IOWA FAIRS
FISCAL YEAR FINANCIAL
SUMMARY OF MEMBER FAIRS:
Butler County Fair Association
Financial Report for Fiscal Year
Sept. 1, 2019 to Aug. 31, 2020**

Estimated Attendance:2,000
Carnival: None
Ground Admissions:Free
Grandstand Admissions: N/A

**SUMMARY OF
RECEIPTS AND EXPENSES**

RECEIPTS

Fair Income\$42,573.48
Non-Fair Income+\$132,940.93
County Funding..... +\$20,000.00
Grants+\$0.00
State Funding..... +\$10,134.74
Money Borrowed.....+\$52,907.48
TOTAL RECEIPTS
..... = **\$258,556.63**

EXPENSES

Fair Expenses\$56,837.37
Non-Fair Expenses.....+\$18,356.43
Capitol Improvements.....
.....+\$200,782.64
Equipment Purchases.....+\$0.00
Payments To Debts.....+\$16,250.00
TOTAL EXPENSES.....
..... = **\$292,226.44**

**SIMPLE CASH
RECONCILIATION**

Beginning Cash Balance
(first day of fiscal year)
..... \$158,247.97
Plus Total Receipts
.....+\$258,556.63
Less Total Expenses.....
.....-\$292,226.44
Ending Cash Balance
(last day of fiscal year).....
.....=\$124,578.16
Less Total Indebtedness
(balance of loans payable)
.....-\$161,836.49
Net Ending Cash Standing
(as of last day of fiscal year).....
.....-\$37,258.33

PREMIUMS PAID AFFIDAVIT

FAIR: BUTLER COUNTY FAIR
We, the undersigned President, Secretary and Treasurer of the above stated Fair, being duly sworn on oath depose and say the said Association/Society, being duly incorporated under the laws of the State Of Iowa held a Fair known as the Butler County Fair on these days of June 24-28, 2020, in or near the city of Allison, Iowa and said Fair consists of a true exhibition of livestock, together with agricultural products and farm implements as contemplated by law (either Section 174.1 or 174.10).

We further depose and say that the following is a statement of the

actual amount paid in cash premiums by the Association/Society for the current year, this statement corresponds with the published offer of premiums, and that no deductions have been made for entry fees, stall or pen rent. We further depose and say that no part of the below statement was paid for speed events or to secure games or amusements. We further depose and say that state appropriated funds received were used for infrastructure purposes only.

**STATEMENT OF CASH
PREMIUMS**

4-H & FFA DEPARTMENTS
Beef.....\$533.60
Dairy.....\$22.08
Dog.....\$0.00
Goats.....\$242.88
Horse.....\$743.36
Poultry.....\$93.84
Rabbit.....\$180.32
Sheep.....\$228.16
Swine\$850.08
Other\$33.12
Static Exhibits (Building Projects) .
.....\$234.50
TOTAL..... **\$3,161.94**

OPEN CLASS DEPARTMENTS
Beef.....\$0.00
Dairy.....\$0.00
Sheep.....\$0.00
Swine\$0.00
Other Livestock.....\$0.00
Arts & Crafts, Textiles & Related...
.....\$0.00
Culinary & Related\$0.00
Flowers/Plants\$0.00
Other Non-Livestock.....\$0.00
TOTAL..... **\$0.00**

**NUMBER OF
EXHIBITORS AND EXHIBITS**
4-H & FFA
Livestock Exhibitors..... 103
4-H & FFA
Livestock Exhibits 310
4-H & FFA
Non-Livestock Exhibitors 76
4-H & FFA
Non-Livestock Exhibits.....269
OPEN CLASS
Livestock Exhibitors0
OPEN CLASS
Livestock Exhibits 0
OPEN CLASS
Non-Livestock Exhibitors 0
OPEN CLASS
Non-Livestock Exhibits..... 0

**Report verified
by following officers of the
Association/Society**

President...../s/Mike Stirling
Secretary...../s/Karen Dilger
Treasurer...../s/Kathy Meyer

PUBLIC NOTICE

PUBLIC NOTICE

Notice is hereby given that there will be a vacancy in the office of Mayor whose term was to end Dec. 31, 2021, (vacancy due to mayor resigning) which vacancy commenced on Oct. 20, 2020.

Residents are further informed that unless a petition signed by 40 electors (15 percent of those who voted at the last regular election for that office) in the City of Clarksville, Iowa, is received within fourteen (14) days of the date of this notice, the City Council proposes to appoint a person to fill the position until the next city election. The Council, in fulfillment of its legal duty, will appoint a person only temporarily to the position if such petition is received and will call an election for a date to be set by the County Commissioner of Elections.

By order of the City of Clarksville
City Council.

Lori A. Peterson
City Clerk/Treasurer

CS-45

PROBATE

NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS CASE NO. ESPR017120

THE IOWA DISTRICT COURT
BUTLER COUNTY

IN THE MATTER OF THE ES-
TATE OF STEVE A. DEMARK, De-
ceased.

To All Persons Interested in the
Estate of Steve A. DeMark, De-
ceased, who died on or about Jan.
2, 2017:

You are hereby notified that on the
28th day of October, 2020, the last
will and testament of Steve A. De-
Mark, deceased, bearing the date
of the 3rd day of October, 1995, was
admitted to probate in the above
named court and that Eric DeMark
was appointed executor of the es-
tate. Any action to set aside the will
must be brought in the district court
of said county within the later to oc-
cur of four months from the date of
the second publication of this no-
tice 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 rea-
sonably ascertainable, or thereaf-
ter be forever barred.

Notice is further given that all per-
sons indebted to the estate are re-
quested to make immediate pay-
ment 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 au-
thenticated, for allowance, and un-
less so filed by the later to occur of
four months from the second pub-
lication of this notice or one month
from the date of mailing of this no-
tice (unless otherwise allowed or
paid) a claim is thereafter forever
barred.

Dated this 28th day of October,
2020

Eric DeMark
1672 Wilton Rd.
Tacoma, WA 98465
Executor of Estate

Joseph P. Braun
ICIS#: AT0001120
Attorney for Executor
Elwood, O'Donohoe, Braun &
White, LLP
217 N Elm St., P.O. Box 377
Cresco, IA 52136

Date of second publication 12th
day of November, 2020.

CS-45, 46

PROBATE

NOTICE OF PROOF OF WILL WITHOUT ADMINISTRATION CASE NO. ESPR017111

THE IOWA DISTRICT COURT
BUTLER COUNTY

IN THE MATTER OF THE ES-
TATE OF DENNIS EDWARD MILL-
ER, Deceased.

To All Persons Interested in the
Estate of Dennis Edward Miller, De-
ceased, who died on or about Au-
gust 17, 2020:

You are hereby notified that on
the 19th day of October, 2020, the
last will and testament of Dennis
Edward Miller, deceased, bear-
ing the date of the 15th day of April,
1986, 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 dis-
trict 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 there-
after be forever barred.

Dated this 19th day of October,
2020

Brenda K Miller,
Proponent

Scott D. Brown, ICIS#: AT0001207
Brown, Kinsey, Funkhouser &
Lander, P.L.C.

214 N Adams, P.O. Box 679
Mason City, IA 50402-0679

Date of second publication 5th day
of November, 2020.

TJ-44, 45

PROBATE

NOTICE OF APPOINTMENT OF ADMINISTRATOR, AND NOTICE TO CREDITORS CASE NO. ESPR017116

THE IOWA DISTRICT COURT
BUTLER COUNTY

IN THE MATTER OF THE ES-
TATE OF SCOTT WAYNE DRAKE,
Deceased.

To All Persons Interested in the
Estate of Scott Wayne Drake, De-
ceased, who died on or about Oct.
1, 2020:

You are hereby notified that on the
22nd day of October, 2020, the un-
dersigned was appointed adminis-
trator of the estate.

Notice is further given that all per-
sons indebted to the estate are re-
quested to make immediate pay-
ment 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 au-
thenticated, for allowance, and un-
less so filed by the later to occur of
four months from the second pub-
lication of this notice or one month
from the date of mailing of this no-
tice (unless otherwise allowed or
paid) a claim is thereafter forever
barred.

Dated this 22nd day of October,
2020

Parker Dralle
325 State St.
Ackley, IA 50601
Administrator of Estate

Taylor Nederhoff,
ICIS#: AT0012340
Attorney for Administrator
Stockdale Law, PLC
412 Washington Ave.
P.O. Box 786
Iowa Falls, IA 50126

Date of second publication 12th
day of November, 2020.

CS-45, 46

TRUST NOTICE

IN THE MATTER OF THE TRUST: THE KRAMER FAMILY LIVING TRUST

DATED APRIL 16, 2003

To all persons regarding Elsenia Kramer, deceased, who died on or about Aug. 29, 2020. You are hereby notified that Diane Faye Renning is the trustee of The Kramer Family Living Trust dated on April 16, 2003. 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 settlor and the spouse of the decedent settlor 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 on October 19, 2020.

Diane Faye Renning, Trustee
647 W Greene, P.O. Box 686
Clarksville, IA 50619

Ethan D Epley, #AT0010211,
Attorney for Trustee
Stumme, Collins, Gritters & Epley, PLLC
303 First Ave. NE, P.O. Box 836
Waverly, IA 50677

Date of second publication 5th day of November, 2020.

TJ-44, 45