





# PROCEEDINGS

## MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JUNE 30, 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 2 p.m. telephonically by Chairman Tom Heidenwirth with members Greg Barnett and Rusty Eddy present telephonically.

Sheriff Jason Johnson has been given an opportunity to purchase the communication tower the County's emergency equipment is currently attached to. The E911 Board wants the County to own the tower. Hawkeye College currently owns, but the County can purchase the tower for \$1 before it is to be torn down. Sheriff Johnson received a bill of sale for \$1 from Hawkeye Community College. County Attorney Lievens has reviewed. Following discussion, it was moved by Eddy, second by Heidenwirth to approve the purchase. All ayes. Motion carried.

Moved by Heidenwirth, second by Barnett to adjourn the meeting at 2:11 p.m., to Tuesday, July 7, 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 June 30, 2020.

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# PROBATE

**NOTICE OF PROBATE OF WILL,  
OF APPOINTMENT OF EXECUTOR,  
AND NOTICE TO CREDITORS  
CASE NO. ESPR017072**

THE IOWA DISTRICT COURT BUTLER  
COUNTY

IN THE MATTER OF THE ESTATE OF  
BERNARD H. HORN, Deceased.

To All Persons Interested in the Estate  
of Bernard H. Horn, Deceased, who died  
on or about May 11, 2020:

You are hereby notified that on the 22<sup>nd</sup>  
day of May, 2020, the last will and tes-  
tament of Bernard H. Horn, deceased,  
bearing the date of the 16<sup>th</sup> day of July,  
2018, was admitted to probate in the  
above named court and that Loren Horn  
was appointed executor of the estate.  
Any action to set aside the will must be  
brought in the district court of said coun-  
ty 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 ascer-  
tainable, or thereafter be forever barred.

Notice is further given that all persons  
indebted to the estate are requested  
to make immediate payment to the un-  
dersigned, 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 no-  
tice (unless otherwise allowed or paid) a  
claim is thereafter forever barred.

Dated this 22<sup>nd</sup> day of May, 2020

Loren Horn

3355 Floyd Line St.

Nashua, IA 50658

Executor of Estate

Beau D. Buchholz, ICIS#: AT0009650

Attorney for the Executor

Engelbrecht and Buchholz, PLLC

123 First St. SE, P.O. Box 59

Waverly, IA 50677

Date of second publication 23<sup>rd</sup> day of  
July, 2020.

CS-29, 30

# PROBATE

**NOTICE OF PROBATE OF WILL,  
OF APPOINTMENT OF EXECUTORS,  
AND NOTICE TO CREDITORS  
CASE NO. ESPR017083**

THE IOWA DISTRICT COURT BUTLER  
COUNTY

IN THE MATTER OF THE ESTATE OF  
RONALD J. WESTENDORF, Deceased.

To All Persons Interested in the Estate  
of Ronald J. Westendorf, Deceased, who  
died on or about June 14, 2020:

You are hereby notified that on the 24<sup>th</sup>  
day of June, 2020, the last will and tes-  
tament of Ronald J. Westendorf, de-  
ceased, bearing the date of the 3<sup>rd</sup> day  
of August, 2009, was admitted to probate  
in the above named court and that Re-  
becca J. Coffin and Robert J. Westendorf  
were appointed executors of the estate.  
Any action to set aside the will must be  
brought in the district court of said coun-  
ty 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 ascer-  
tainable, or thereafter be forever barred.

Notice is further given that all persons  
indebted to the estate are requested  
to make immediate payment to the un-  
dersigned, 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 no-  
tice (unless otherwise allowed or paid) a  
claim is thereafter forever barred.

Dated this 24<sup>th</sup> day of June, 2020

Rebecca Coffin  
4615 Merced St.  
Des Moines, IA 50310

Robert J. Westendorf  
607 E Minnie St.  
Radcliffe, IA 50230  
Executors of Estate

Karl A. Nelson, #AT0005659  
Attorney for the Executors  
Nelson & Toenjes  
P.O. Box 230  
Shell Rock, IA 50670

Date of second publication 16<sup>th</sup> day of  
July, 2020.

# **PUBLIC NOTICE**

## **SHELL ROCK BOARD OF ADJUSTMENT PUBLIC NOTICE**

The Shell Rock Board of Adjustment will hold a public hearing on July 28, 2020, at 7:10 p.m., in the City Hall at 802 N. Public Road to solicit citizen input on a request for a variance for the property legally described as:

Lot One (1) in Block Three (3), in Williams Second Addition to Shell Rock, Iowa

The applicant requests a variance from the required rear yard set-back as required in the Shell Rock Zoning Ordinance. This is for the property located at 606 E. Mark Street.

Any persons wishing to be heard on this matter will be afforded the opportunity to be heard. Written comments will be accepted through the day of the public hearing at the Shell Rock City Hall, P.O. Box 522, Shell Rock, Iowa 50670. Oral questions or comments can be directed to 319-885-6555.

Marilyn Hardee,  
Co-Zoning Administrator, City of Shell Rock, Iowa

CS-29

# PUBLIC NOTICE

## SHELL ROCK BOARD OF ADJUSTMENT PUBLIC NOTICE

The Shell Rock Board of Adjustment will hold a public hearing on July 28, 2020, at 7 p.m., in the City Hall at 802 N. Public Road to solicit citizen input on a request for a variance for the property legally described as:

Lot Three (3) of the Subdivision of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) and Out Lot Thirty-five (35) of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Two (2), Township Ninety-one (91) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., Butler County, Iowa, AND

The West 330 feet of the North 528.01 feet of Out Lot Forty-nine (49) in the Subdivision of the west One-half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section Two (2), Township Ninety-one (91) North, Range Fifteen (15) West of the 5<sup>th</sup> P.M., Butler County, Iowa.

The applicant requests the proposed dimensional variances for relief from an accessory building maximum height of eighteen (18) feet and from the maximum of two (2) accessory buildings and to be able to construct an accessory building in the front yard as required in the Shell Rock Zoning Ordinance. This is for the property located at 700 W. Water Street.

Any persons wishing to be heard on this matter will be afforded the opportunity to be heard. Written comments will be accepted through the day of the public hearing at the Shell Rock City Hall, P.O. Box 522, Shell Rock, Iowa 50670. Oral questions or comments can be directed to 319-885-6555.

Marilyn Hardee,  
Co-Zoning Administrator, City of Shell Rock, Iowa



# **PUBLIC NOTICE**

## **SHELL ROCK BOARD OF ADJUSTMENT PUBLIC NOTICE**

The Shell Rock Board of Adjustment will hold a public hearing on July 28, 2020, at 7:05 p.m., in the City Hall at 802 N. Public Road to solicit citizen input on a request for a variance for the property legally described as:

Lot Eight (8), in Block Three (3), Parsons, Fulton & Albright's Addition to Shell Rock, Iowa.

The applicant requests a variance from the required front and side-yard setbacks as required in the Shell Rock Zoning Ordinance. This is for the property located at 442 W. Prospect Street.

Any persons wishing to be heard on this matter will be afforded the opportunity to be heard. Written comments will be accepted through the day of the public hearing at the Shell Rock City Hall, P.O. Box 522, Shell Rock, Iowa 50670. Oral questions or comments can be directed to 319-885-6555.

Marilyn Hardee,  
Co-Zoning Administrator, City of Shell Rock, Iowa

CS-29

# PROCEEDINGS

## OFFICIAL PROCEEDINGS CITY OF SHELL ROCK REGULAR MEETING MINUTES JULY 7, 2020

Mayor Larry Young called the regular meeting to order at 7 p.m., in the City Hall with the Pledge of Allegiance. Council members Donald Bonzer, Robyn Holden, Michael Klinefelter, Jared Krull, and Garrett Schuldt were present. There were eleven people in the audience.

Motion by Schuldt seconded by Klinefelter to approve the agenda with any additions. Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Motion by Schuldt seconded by Krull to approve the consent agenda that included the following items: The minutes of the June 2 and 23, 2020 meetings with the correction of the minutes of the June 2 meeting changing the address of the property the city purchased from 515 N. Cherry Street to 529 N. Cherry Street, the Payment of the Bills, and the Financial Reports for the month of May, 2020. Roll Call Vote: Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Barbara Dilly was present and asked the council for permission to put a custom bench in front of the Boyd Building in front of the space she rents and asked to renew the lease for one year on that space. Council agreed.

State Legislation on gun restrictions was discussed and there was a motion by Krull seconded by Schuldt to repeal the policy on weapons prohibited in city buildings. Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Adam Moris, an engineer from Fehr-Graham Engineering, Matt Mahler from IRUA, and Monte Allen and Jeff Buss from Trinity Industries were present and discussed the proposed wastewater agreements with the council.

Motion by Klinefelter seconded by Krull to accept the Wastewater Acceptance and Treatment Agreement between IRUA and the City of Shell Rock, Iowa subject to the city attorney's approval. Roll Call Vote: Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Motion by Schuldt seconded by Krull to approve the Trinity/City/IADNR Treatment Agreement. Roll Call Vote: Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Motion by Schuldt seconded by Klinefelter to approve the Supplemental User Agreement for Pretreated Industrial Wastewater Acceptance between the City of Shell Rock and Trinity Industries. Roll Call Vote: Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Motion by Schuldt seconded by Klinefelter to have Adam Moris put forward a proposal for an Economic Development Administration (EDA) grant for funding municipal Wastewater Treat-

ment Facility Improvements and forward it to Brian Schoon at INRCOG to pursue possible grant opportunities for the Sewer Lagoon Improvements. Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Adam Neal was present and asked the council about an abatement letter he received concerning his property along the Shell Rock River near the intersection of S. Williams Street and E. Main Street. Mr. Neal had questions on acceptable uses for that property.

Tim DeVilbiss discussed his property located at 205 N. Cherry Street with the council and Mr. DeVilbiss was informed that the city needs a written statement from a structural engineer stating the building at 205 N. Cherry Street is structurally safe before the 20-21 Shell Rock Elementary School season begins in August, 2020.

Resolution 0020-2020 was introduced by Schuldt seconded by Bonzer: A RESOLUTION SETTING CLEAN UP DAYS. Dates for Clean Up are: August 10, 11, and 12, 2020. Roll Call Vote: Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

Resolution 0022-2020 was not acted on. Motion by Bonzer seconded by Schuldt to adjourn at 8:47 p.m. Ayes-Bonzer, Holden, Klinefelter, Krull, and Schuldt. Nays-None. Motion carried.

### DISBURSEMENTS

Amazon Capital Services – Library supplies .....	302.12
Aureon Communications – web services.....	21.98
Bank of America – Library subscriptions/postage.....	275.37
Barry Smith Grading/Excavating – sewer services.....	1,800.00
Bergan KDV – IT services.....	396.60
Bound Tree Medical – First Responder supplies .....	52.06
Butler County Solid Waste – landfill fees .....	4,536.00
Butler-Bremer Communications – phone services.....	433.90
Canon Financial Services – copier agreement .....	101.24
Carrillo, Mariana – utility refund.....	25.00
Casey Reints Consulting – website maintenance.....	50.00
Central Iowa Distribution – supplies.....	91.20
City Laundering Co. – mats & mops services.....	175.42
Dorsey & Whitney LLP – bonding fees.....	10,000.00
Gordon Flesch Co. – copier lease.....	35.44
Hanawalt & Sons Lumber – Park supplies .....	880.00
Hawkeye Communications – install alarm system .....	450.00
Hawkins Inc. – sewer supplies .....	991.80
Heaven's Best – carpet cleaning Library .....	450.00
IA Workforce Development – unemployment tax.....	42.12
Internal Revenue Service – withholdings .....	2,812.62

Iowa League of Cities – dues .....	981.00
Janesville Lumbers – supplies .....	13.98
Jendro Sanitation – garbage collection .....	5,926.44
John Deere Financial – supplies .....	13.80
Keystone Laboratories – testing .....	467.00
Kleckner, Mike – utility refund .....	180.81
Kwik Trip Inc. – gas.....	375.58
Menards – supplies.....	172.93
Meier, Sara – customer deposit refund .....	10.03
MidAmerican Publishing – publications .....	138.45
MidAmerican Energy Co. – electricity & gas .....	2,416.25
Midwest Breathing Air LLC – air testing .....	220.75
Nelson & Toenjes – legal services.....	1,438.20
Orkin – pest control .....	48.30
P & K Midwest – parts .....	36.14
Payroll – employee wages.....	8,011.68
Premier Furniture & Equip. – sanistop station Lib. ....	1,454.00
Rops, Carla – cleaning Library.....	240.00
Ryan Exterminating – pest control .....	50.00
Sage, Jeremy – utility refund.....	133.04
Security State Bank – health savings accounts .....	1,137.51
Sherwin Williams – paint .....	583.90
Storey Kenworthy – office supplies.....	640.20
U.S. Cellular - cell phone bill .....	226.90
Utility Equipment Co. – sewer supplies.....	357.13
WalMart – Park supplies.....	5.92
Wells Hollow Landscaping – landscape maint. ....	301.32
<b>TOTAL DISBURSEMENTS..</b>	<b>\$49,504.13</b>
<b>DISBURSEMENTS BY FUND</b>	
General .....	14,612.79
Road Use Tax .....	3,137.33
2018 Aquatic Center .....	10,000.00
Bicycle Shelter House .....	27.78
Water Utility.....	2,982.93
Water Deposits .....	10.03
Sewer Utility .....	7,449.47
Garbage Utility .....	11,283.80
<b>TOTAL DISBURSEMENTS BY FUND ..</b>	<b>\$49,504.13</b>
<b>REVENUES</b>	
General .....	70,852.21
Road Use Tax .....	7,756.22
Employee Benefits .....	481.14
Local Option Sales Tax.....	7,180.77
TIF III Willow .....	1,004.58
Low to Moderate Income .....	42,237.18
Debt Service .....	76,350.01
Trust & Agency Capital Improvements.....	16,703.66
Emergency Services Building .....	150.00
2018 Aquatic Center .....	33,802.59
Water Utility.....	11,477.33
Water Deposits .....	212.60
Water Depreciation .....	11.07
Sewer Utility .....	13,498.67
Sewer Depreciation .....	7.37
Garbage Utility .....	11,415.37
<b>TOTAL REVENUES .....</b>	<b>\$293,140.77</b>
ATTEST:	
Larry Young, Mayor	
Marilyn Hardee, City Clerk	

# PUBLIC NOTICE

## NOTICE OF LIEN SALE

Pursuant to Chapter 578A-Iowa Self-Storage Facility Lien.

Occupant: Zach Mennen

Storage Unit # 28 located at Sult's Mini Storage in Allison, Iowa 50602

Items stored in the above referenced unit will be sold or disposed of if not claimed by Aug. 1, 2020. Items consist of tools, furniture, small machinery parts, and misc.

Disposition of items listed will take place on or about Aug. 1, 2020.

TJ-29, 30