

PROCEEDINGS

OFFICIAL PROCEEDINGS CITY OF ALLISON COUNCIL MINUTES JULY 27, 2020

Regular Meeting:

Mayor Henrichs opened the regular meeting at 5:45 p.m. Council members present: Bangasser, Carlson, Davis, Henning, Heuer. Also present were Randy Moad, Kim Miller, Mark Jacobs. Others present due to restrictions of the pandemic via freeconferencecall.com by dialing in with the number 701-802-5348 and when prompted to enter the code of 3896207# was Deb WcWhirter. Motion by Carlson with a second by Davis to approve the agenda. Ayes: All. Nays: None. Motion carried.

Open Forum: Randy Moad informed Council that there has been a petition at J&C and at the Hardware and Variety Store to vote NO to rezone property along Highway 3 from residential to commercial for Dollar General to build a new store on and that many people have signed it but that some of the people that have signed the petition live outside of Allison. What Randy would like to see is that Dollar General would be offered ground to build on in the Main Street area. The Mayor stated that he has spoken with Dollar General representatives and that they are looking to build along Highway 3 and not on Main Street. Randy said he is prepared to canvas the City to get signatures on a petition to not allow them to build along Highway 3 with hopes of getting sixty percent of the real estate owners in the restricted residence area to sign it and thus no special permit for Dollar General to build along Highway 3 could be issued per Code or Ordinances of Allison. Bangasser encouraged Randy to proceed with the petition to get the citizens view on the project.

Mayor Henrichs also mentioned that he would like to see the flags and banners on Main Street replaced and would like to see the flags on the light poles left up from spring through September. He would also like to see many of the street signs and traffic signs replaced as they are in rough shape and also the fire hydrants repainted. Public Works will look into the cost of the street signs and traffic signs.

Consent Agenda:

Bangasser made a motion approve the consent agenda with a second by Henning with the exception that the variance and building permit of Joey & Alyssa Endelman was tabled as further information needs to be obtained before that can be approved. Those items approved were:

Approve Minutes from Meeting on July 13, 2020

Approve Building Permit for Dalton Poppen – 620 Elm Street – To put up a non-privacy fence on his east lot line

Approve Building Permit for Brenda Heuer – 508 Maple – Build a 10' X 12' deck on NW corner of house

Ayes: All. Nays: None. Motion carried.

Tabled until the next meeting:

Approve Variance Request and building permit for Joey and Alyssa Endelman – 217 Fourth Street – Replace existing garage and breezeway with a 24 X 30 garage and use 4-foot more of the alley to do so.

New Business:

Bangasser made a motion to rescind Resolution #20-06.1 adopted on July 13, 2020 as the Resolution # was used. Second by Davis. Ayes: All. Nays: None. Motion carried.

Motion by Bangasser with a second by Davis to approve Resolution #20-07.1 – Resolution approving the wages for FY 2021. Ayes: All. Nays: None. Motion carried.

Councilman Henning was approached by an individual if TIF funds would be available to help someone in purchasing a local business. Council decided it would be best if that person attended a Council meeting to further discuss this situation.

The original area designated for TIF has been in existence for 20 years and therefore according to Iowa law will need to be sunsetted. A public hearing will be held at the meeting on Aug. 10, 2020 to adopt the Ordinance to do so.

Motion by Bangasser with a second by Davis to approve Clapsaddle Garber to oversee the Cherry Street road resurfacing project for a fee in the range from \$7,000 to \$12,000 depending on the length of the project. Ayes: All. Nays: None. Motion carried.

The Insurance Audit information and

Statement of Action Form was tabled until the next meeting so Council has time to review the items.

FY 2020 budgets were reviewed and no function showed a negative balance and that is what an auditor likes to see that no budget function was overspent.

Clean up days cost for 2020 was \$2,162.28.

A letter will be sent to the property owner of 407 S. Railroad for needed junk removal.

Two bids were received for the roof repair on the old restroom at Wilder Park. Those bids were as follows:

Crawford Miller Lumber of Allison	\$2,476.00
Cedar River Construction of Waverly.....	\$2,486.00

Motion by Heuer with a second by Carlson to approve the Crawford Miller bid of \$2,476.00 for the roof repair on the old restroom at Wilder Park. Ayes: All. Nays: None. Motion carried.

The possible ground work for a retention pond and a BMX track at Wilder Park was sent back to the Park Board for further discussion.

Motion by Henning with a second by Bangasser to allow the park to have dust control in the amount of \$1,000 done on the entrance road to the park. Ayes: All. Nays: None. Motion carried.

Randy Moad stated they would be getting quotes for the upgrade of electrical for sites G & H that they had previously mentioned to Council as the quotes for the roof repair were under \$5,000.

Old Business:

Glenda informed Council that the city attorney is beginning the next phase needed in getting the dilapidated homes condemned.

Dollar General has not sent the City a new sets of plans showing an access directly off of Highway 3 for entrance to the facility.

Adjournment: Motion by Henning to adjourn at 7:32 p.m. with a second by Davis. Ayes: All. Nays: None. Motion carried.

ATTTEST:

Scot Henrichs – Mayor
Glenda Miller – City Clerk

PROCEEDINGS

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JULY 21, 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 Tom Heidenwirth with members Greg Barnett and Rusty Eddy present.

Minutes of the previous meeting were read. Moved by Barnett, second by Heidenwirth to approve. All ayes. Motion carried.

No public comment received.

Director of Public Health Jennifer Becker reported 15 new cases of COVID-19 since last Tuesday for a total of 85 cases in Butler County. Director Becker introduced policy and procedure if a courthouse employee were to test positive with COVID-19. Following review, it was moved by Barnett, second by Heidenwirth to approve said policy. All ayes. Motion carried.

Board set July 28, 2020 at 9:15 a.m., as the date and time for a public hearing on the Final Plat for Honeytree Hills Subdivision located in the Wfrl $\frac{1}{2}$ NWfrl $\frac{1}{4}$ of Section 30, Township 90 North, Range 15 West of the 5th P.M.

Board set July 28, 2020 at 9:15 a.m., as the date and time for a public hearing on the first reading of a proposed amendment to the Butler County Zoning Ordinance. Title VI, No. 22 will rezone approximately 6.19 acres in Section 30, Township 90N, Range 15W from "A-1" Agriculture to "C" Commercial. This description was found to be incorrect and this public hearing will not be held. However, the Board will set date and time for the corrected first reading of a proposed amendment to the Butler County Zoning Ordinance. Title VI, No. 22 will rezone a

parcel located at 29472 Hwy 3 in Section 32, Township 92 North, Range 15 West of the 5th P.M. from "A-1" Agriculture to "C" Commercial at the July 28, 2020 meeting.

Board met with Chad Campbell, Campbell-Mellema Insurance for an update on Iowa Communities Assurance Pool policy. Following discussion, it was moved Eddy, second by Heidenwirth to approve. All ayes. Motion carried.

Board met with New Hartford City Officials and landowners, affected by the T55/Westbrook flood gate SE of New Hartford. Agreements have been executed in the past. In the 1972 agreement the landowners and city were supposed to share the flow of water. The City states that the dike now pushes 90 percent of the water into the city and the agreement is not fulfilling what it was supposed to. Landowners believe it should be a County decision, as they own the structure. Landowners also feel that the City is not abiding by the 1993 Agreement. Landowners state that they have operated according to the agreement, but the plan was not followed. The City put the gate down and left it down. The Supervisors believe that the landowners and City need an agreement they can both abide by. The landowners and the City agreed to draft an agreement and bring it back to the Board for review and approval at a future meeting. No action taken.

Moved by, Barnett second by Heidenwirth to approve the claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Updates for Harken Finisher Farm.

Moved by Heidenwirth, second by Eddy to adjourn the meeting at 10:47 a.m. to Tuesday, July 28, 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 July 21, 2020.

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PROCEEDINGS

OFFICIAL PROCEEDINGS CLARKSVILLE COMMUNITY SCHOOL BOARD OF EDUCATION SPECIAL SESSION MINUTES JULY 27, 2020

A special meeting was called to order by Board President Justin Clark at 5 p.m., in room #109. Members present were Tim Backer, Phil Barnett, Justin Clark, Shelley Maiers and Brandon Kampman (via telephone); other present were Superintendent Joel Foster, Business Manager/Board Secretary Shellee Bartlett and Heather Foster.

Moved by Maiers, seconded by Barnett, to approve the agenda. Carried unanimously.

Moved by Barnett, seconded by Maiers, to approve the Return to Learn Plan as follows: students will start the first two weeks in a hybrid model. Students will be divided into two attendance groups; group A will attend face-to-face instruction on Monday, Tuesday and Wednesday the first week and Monday, Tuesday the second week; Thursday and Friday will be online instruction. Group B will attend face-to-face instruction Thursday, Friday the first week and Wednesday, Thursday, Friday the second week; Monday and Tuesday will be online instruction. Beginning Sept. 8, 2020 face-to-face instruction will resume with all students daily. Every Wednesday will be 12:45 p.m. dismissal from Aug. 26, 2020 through the end of the first quarter, Oct. 20, 2020. Parents will have an option for online learning model by the quarter/trimester and must be decided before school starts. Face coverings are strongly recommended but not required when social distancing is not possible for students. Face coverings are required for staff members when students are present. One face covering will be provided for each student and staff. Carried unanimously.

Moved by Backer, seconded by Maiers, to adjourn at 6:29 p.m. Carried unanimously.

PROCEEDINGS

OFFICIAL PROCEEDINGS CITY OF CLARKSVILLE UNAPPROVED MINUTES AUGUST 3, 2020

The Clarksville City Council met in regular session on Aug. 3, 2020, in the City Council Chambers at 6:30 p.m., with Mayor Pro-Tem Diane Renning in the chair and Council Members Roger Doty, Brock Lodge, and Larry Voigts present. Mayor Kenneth Smith and Council Member Todd Fails absent.

Motion Doty, Voigts, to approve and adopt the items contained in the Consent Agenda: Motion to approve minutes (July 6, 2020 and July 20, 2020).

RCV – Ayes: Doty, Lodge, Renning, and Voigts. Nays: None. Absent: Fails. MC.

Motion Voigts, Doty, to approve chain link fence building permit for St. John Lutheran Church, 209 N. Washington St. and 302 W. Poisal St.

RCV – Ayes: Doty, Lodge, Renning, and Voigts. Nays: None. Absent: Fails. MC.

Motion Doty, Lodge, to approve shed driveway building permit for Robert Kelm, 315 N. Ely St.

RCV – Ayes: Doty, Lodge, Renning, and Voigts. Nays: None. Absent: Fails. MC.

Motion Lodge, Voigts, to approve purchase of a lawn mower unit for the Maintenance Department to be used at the Lyn-Wood Cemetery and City properties, estimated at \$11,251.20 from The Sled Shed, 1626 Burton Ave., Waterloo, Iowa, 50703.

RCV – Ayes: Doty, Lodge, Renning, and Voigts. Nays: None. Absent: Fails. MC.

Motion Doty, Voigts, to approve authorizing the Mayor to sign the Iowa Economic Development Authority Iowa Downtown Resource Center Community Catalyst & Remediation Grant Program agreement for a proposed project located at 117 N. Main Street.

RCV – Ayes: Doty, Lodge, Renning, and Voigts. Nays: None. Absent: Fails. MC.

Motion Lodge, Voigts, to accept resignation from Matthew D. Kampman as Maintenance Superintendent, effective Aug. 7, 2020.

RCV – Ayes: Doty, Lodge, Renning, and Voigts. Nays: None. Absent: Fails. MC.

Motion Doty, to adjourn the regular City Council meeting at 7:22 p.m.

ATTEST:

Diane Renning, Mayor Pro-Tem

Lori A. Peterson, City Clerk/Treasurer

PUBLIC NOTICE

NOTICE OF SHERIFF'S LEVY AND SALE

STATE OF IOWA
IOWA DISTRICT COURT
BUTLER COUNTY
CASE NUMBER: EQCV021633
CIVIL NUMBER: 20-000214
SPECIAL EXECUTION
Quicken Loans, Inc.

vs.

Karen Allpress; Doug Neugebauer; Iowa Department of Revenue; and All Unknown Claimants, and All Persons Unknown Claiming Any Right, Title or Interest in and to the following described real estate situated in Butler County, Iowa, to wit: Parcel C located in the Northeast Quarter of the Southeast Quarter of Section 22, Township 92, North, Range 17 West of the 5th P.M., as per Plat of Survey Filed Sept. 6, 2011, recorded in Book 'Q' Page 168, Instr. No. 2011-3034 of the Records of the Butler County Recorder, Butler County Iowa; And All Known and Unknown Claimants and All Persons Known or Unknown Claiming Any Right, Title or Interest and all of their Heirs, Spouses, Assigns, Grantees, Legatees, Devisees and all of the Above Named Defendants

As a result of the judgment rendered in the above referenced court case, an execution was issued by the court to the Sheriff of this county. The execution ordered the sale of defendants' Real Estate to satisfy the judgment. The property to be sold is described below:

Parcel C located in the Northeast Quarter of the Southeast Quarter of Section 22, Township 92, North, Range 17 West of the 5th P.M., as per Plat of Survey Filed Sept. 6, 2011, recorded in Book 'Q' Page 168, Instr. No. 2011-3034 of the Records of the Butler County Recorder, Butler County Iowa

Judgment in REM

Property Address: 19665 Keystone Ave., Allison, IA 50602

The described property will be offered for sale at public auction for cash only as follows:

Date of Sale: Sept. 24, 2020

Time of Sale: 10 a.m.

Place of Sale: Butler County Sheriff's Office, 428 Sixth St., Allison, IA 50602

This sale not subject to Redemption

Judgment Amount: \$89,956.27

Costs: \$4,398.89

Accruing Costs: PLUS

Interest: \$2,845.95

Sheriff's Fees: Pending

Attorney: Janelle G. Ewing

925 E Fourth St.

Waterloo, IA 50703

319-234-2530

Date: July 20, 2020

/s/Jason S. Johnson

Butler County Sheriff

PUBLIC NOTICE

ORIGINAL NOTICE NOTICE OF PETITION OF FORECLOSURE

STATE OF IOWA
IOWA DISTRICT COURT
EQUITY NO.: EQCV021699
FRANKLIN COUNTY
DATE ISSUED: July 31, 2020
Veridian Credit Union, Plaintiff

vs.

Ryan P. Stufflebeam, Unknown Spouse of Ryan P. Stufflebeam, Rachel A. Kurtz, Unknown Spouse of Rachel A. Kurtz, and Parties in Possession, Defendants

To the above-named Defendants: Ryan P. Stufflebeam and Unknown Spouse of Ryan P. Stufflebeam

You are hereby notified there was on February 20, 2020, filed in the Office of the Clerk of the above-named Court, a Foreclosure Petition, which prays for foreclosure of a Mortgage in favor of the Plaintiff on the property described herein and judgment in rem in the amount of \$156,141.04 plus interest at \$16.77 per day, and for the costs of this action including title costs and reasonable attorney fees and that said sums be declared a lien upon the following-described premises from June 1, 2018, located in Butler County, Iowa, to-wit:

Lot 22 in Schuldt Addition to Shell Rock, Iowa

AKA

Lot Twenty-Two (22) in Schuldt Addition to Shell Rock, Butler County, Iowa

That the Mortgage on the above-described real estate be foreclosed, that a special execution issue for the sale of as much of the mortgaged premises as is necessary to satisfy the judgment and for other relief as the Court may deem just and equitable. The attorney for the Plaintiff is Kenneth P. Nelson, Nelson Law Firm, PLLC, 3112 Brockway Road, P.O. Box 1020, Waterloo, IA 50704-1020, Phone: 319.291.6161, Facsimile: 319.291.6193.

NOTICE

Notice the Plaintiff has elected foreclosure without redemption. This means that the sale of the mortgaged property will occur promptly after entry of judgment unless you file with the court a written demand to delay the sale. If you file a written demand, the sale will be delayed until six months (or three months if the petition includes a waiver of deficiency judgment) from entry of judgment if the mortgaged property is your residence and is a one-family or two-family dwelling or until two months from entry of judgment if the mortgaged property is not your residence or is your residence but not a one-family or two-family dwelling. You will have no right of redemption after the sale. The purchaser at the sale will be entitled to immediate possession of the mortgaged property. You may purchase at the sale.

YOU ARE HEREBY NOTIFIED that unless you appear by completing and filing an Appearance and Answer using the Iowa Judicial Branch Electronic Filing Interface at <https://www.iowacourts.state.ia.us/EFile> on or before the 9th day of September, 2020, judgment by default may be rendered against you for the relief demanded in the Petition.

If you need assistance to participate in the court due to a disability, call the disability coordinator at (641) 421-0990. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). Disability coordinators cannot provide legal advice.

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR INTEREST.

(Seal)

/s/ Beth Eilderts,

District Clerk of Butler County

Date of third publication 20th day of August, 2020.

PROBATE

NOTICE OF APPOINTMENT OF ADMINISTRATOR, AND NOTICE TO CREDITORS CASE NO. ESPR017087

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE OF
SENA J. WIEBKE, Deceased.

To All Persons Interested in the Estate
of Sena J. Wiebke, Deceased, who died
on or about Dec. 8, 2019:

You are hereby notified that on the 24th
day of July, 2020, the undersigned was
appointed administrator of the estate.

Notice is hereby 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 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 this 29th day of July, 2020

Joan Webb

315 Sixth St. NW,

LeMars, IA 51031

Administrator of Estate

Matthew Hemphill, ATAT0003418

Attorney for the Administrator

Bergkamp, Hemphill & McClure, P.C.

218 S. Eighth St.

Adel, Iowa 50003

Date of second publication 13th day of
August, 2020.

TJ-32, 33

PUBLIC NOTICE

LAVELLE STORAGE LLC NOTICE OF SALE OF THE CONTENTS OF STORAGE UNIT #10

Storage unit auction located at LaVelle Storage LLC, 300 Allan St., Allison, IA 50602, on Aug. 14 at 10 a.m. Units to be auctioned is Unit 10: Penning.

Auctions may be canceled without public notice upon payment.

TJ-31, 32

PROCEEDINGS

OFFICIAL PROCEEDINGS SHELL ROCK BOARD OF ADJUSTMENT JULY 28, 2020

The meeting of the Shell Rock Board of Adjustment was called to order at 7:05 p.m., by Board Chairperson Lon Peterson. Board members Lon Peterson, Ted Scheidel, and Brenda Schmidt were present. Board member Laresa Osgood was absent. There is one vacancy on the board. Zoning Administrators Mike Tellinghuisen and Marilyn Hardee were also present. John and Robyn Holden, Cheryl Chester, John Sherburne, Dorothy Knoedler, Linda Arends, Helen Boeckmann, and Ruth Pothast were in the audience.

Motion by Schmidt seconded by Scheidel to approve the agenda with any additions. Ayes-Peterson, Scheidel, and Schmidt. Nays-None. Absent-Osgood. Motion carried.

Motion by Schmidt seconded by Scheidel to approve the minutes of the July 21, 2020 board meeting. Ayes-Peterson, Scheidel, and Schmidt. Nays-None. Absent-Osgood. Motion carried.

Chairperson Lon Peterson opened the public hearing at 7:06 p.m. with eight people in the audience for the purpose of public comment on a request for 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. The applicants want to build an accessory building at 700 W. Water Street. There were a few questions and one oral complaint and no written objections and the hearing was closed at 7:31 p.m.

Motion by Schmidt to deny the variances for John and Robyn Holden to build an accessory building taller than the maximum height of 18 feet and to build it in the front yard and to allow more than two accessory buildings on the property located at 700 W. Water Street. Motion died for lack of a second.

Motion by Peterson seconded by Scheidel to approve the variances for John and Robyn Holden to build an accessory building taller than the maximum height of 18 feet and to allow more than two accessory buildings on the property and to allow an accessory building to be built in the front yard at a set-back of 25 feet at 700 W. Water Street.

The property is 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 5th 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 5th P.M., Butler County, Iowa.

Roll Call Vote: Ayes-Peterson and Scheidel. Nays-Schmidt. Absent-Osgood. Motion denied. Variance denied.

Chairperson Lon Peterson opened the public hearing at 7:46 p.m. with eight people in the audience for the purpose of public comment on a request for dimensional variances for relief from the required front and side-year set-backs to be able to build a deck onto the front of the residence at 442 W. Prospect Street. There was one written objection and no oral objections and the hearing was closed at 7:55 p.m. Motion by Schmidt seconded by Scheidel to deny the variance for relief from the front and side-yard set backs to allow a deck to be built onto the front of the residence at 442 W. Prospect Street. The property is legally described as:

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

Roll Call Vote: Ayes-Peterson, Scheidel, and Schmidt. Nays-None. Absent-Osgood. Motion carried. Variance denied.

Chairperson Lon Peterson opened the public hearing at 7:56 p.m. with six people in the audience for the purpose of public comment on a request for a dimensional variance from the required rear yard set-back of thirty (30) feet. The applicants wish to build a partial roof over the deck on the rear of the residence at 606 E. Mark Street. There were no oral or written objections and the hearing was closed at 8:10 p.m. Motion by Scheidel seconded by Peterson to table this variance request for the property located at 606 E. Mark Street legally described as: Lot One (1) in Block Three (3), in Williams Second Addition to Shell Rock, Iowa until the August 25, 2020 meeting at 7 p.m. until there is a determination on the definition of a pergola as to whether or not that would be considered a structure in replacement of a full roof, which is considered a structure. Ayes-Peterson, Scheidel, and Schmidt. Nays-None. Absent-Osgood. Motion carried. Variance tabled.

Motion by Schmidt seconded by Scheidel to adjourn at 8:25 p.m. Ayes-Peterson, Scheidel, and Schmidt. Nays-None. Absent-Osgood. Motion carried.

ATTEST:

Lon Peterson, Chairperson
Marilyn Hardee, Secretary