

# Legals

## BUTLER CO BOS • PUBLIC HEARING

### NOTICE OF PUBLIC HEARING BUTLER COUNTY

The Butler County Board of Supervisors will meet on May 16, 2023, at 9:00 a.m. in the EOC Conference Room, basement of the Butler County Courthouse, Allison, Iowa. At this meeting the Board will: Hold a Public Hearing to consider recommendation for approval of the proposed Hazardous Liquid Pipeline Ordinance. The ordinance can be found on the Butler County

website at the following link: <https://butlercounty.iowa.gov/latest-news/public-notice/2331-butler-county-zoning-proposed-hazardous-liquid-pipeline-ordinance> All interested parties are encouraged to attend the meeting. Written or oral comments may be submitted to the Butler County Auditor, Leslie Groen, at the Courthouse, P.O. Box 325, Allison, Iowa, by calling 319-267-2670 or via email to [lgroen@butlercounty.iowa.gov](mailto:lgroen@butlercounty.iowa.gov)

Published in the Butler County Star Tribune on Thursday, May 11, 2023

## RALPH C. ACKERMAN ESPR017421

### THE IOWA DISTRICT COURT FOR BUTLER COUNTY IN THE MATTER OF THE ESTATE OF RALPH C. ACKERMAN, Deceased CASE NO. ESPR017421 NOTICE OF APPOINTMENT OF ADMINISTRATOR AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of RALPH C. ACKERMAN, Deceased, who died on or about March 31, 2023:

You are hereby notified that on May 4, 2023, 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 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 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 May 4, 2023  
Hazel Ann Ackerman, Administrator of the Estate  
318 W Prospect Street  
PO Box 758  
Shell Rock, IA 50670  
Lance Michael Gritters, ICIS#: AT0003068  
Attorney for the Administrator  
Stumme, Collins, Gritters & Epley, PLLC  
303 1<sup>st</sup> Ave NE  
PO Box 836  
Waverly, IA 50677  
Date of second publication  
May 17, 2023  
Probate Code Section 230

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## SHIRLEY M PATRO ESPR017415

### THE IOWA DISTRICT COURT FOR BUTLER COUNTY IN THE MATTER OF THE ESTATE OF SHIRLEY M PATRO, Deceased CASE NO. ESPR017415 NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTORS, AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of Shirley M. Patro, Deceased, who died on or about March 19, 2023:

You are hereby notified that on April 26, 2023, the Last Will and Testament of SHIRLEY M PATRO, deceased, bearing date of November 29, 2011 was admitted to probate in the above named court and that Sandra K Johnson and Debbra L. Dunham have been 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 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 April 27, 2023.  
Sandra K Johnson, Executor of Estate  
201 5<sup>th</sup> Street, Box 129  
Gladbrook, IA 50635  
Debbra L. Dunham, Executor of Estate  
629 Walnut Street  
Webster City, IA 50595  
Ethan David Epley, ICIS#: AT0010211  
Attorney for Executors  
Stumme, Collins, Gritters & Epley, PLLC  
303 1<sup>st</sup> Ave NE, PO Box 836  
Waverly, IA 50677  
Date of second publication  
May 11, 2023  
Probate Code Section 304

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## 2023 CITY OF CLARKSVILLE CITY COUNCIL BUSINESS MEETING

The Clarksville City Council met in regular session on May 1, 2023 in the City Council Chambers at 6:30 p.m. with Mayor Michael Grantham presiding and Council Members Jennifer Kielman, Taran Sherburne, Wendy Brooks, Roger Doty and Brock Lodge present. Other city employees present were: Molly Bohlen, City Clerk, Matt Behrends, Maintenance, and Police Chief Mackey. Members of the public present: Rhonda Landrum, and Nicholas Vassios, Clarksville Star.

Mayor Topics: Discussion on Violations and Fines pertaining to not following Code of Ordinances.

Motion Brooks, Kielman to approve and adopt the items contained in the Consent Agenda and Minutes for 04/17/2023. Ayes:

Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Motion Kielman, Brooks to adopt Ordinance No. 308: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA BY AMENDING THE PROVISIONS PERTAINING TO CHAPTER 75 ALL TERRAIN VEHICLES AND SNOWMOBILES. RCV/Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Motion Kielman, Doty to approve waiving 2<sup>nd</sup> & 3<sup>rd</sup> reading of Ordinance 308. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Motion Sherburne, Brooks to adopt Ordinance No. 309 with addition of requiring a flag under 77.04: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA BY

AMENDING THE PROVISIONS PERTAINING TO CHAPTER 77 GOLF CARTS. RCV/Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Motion Sherburne, Kielman to not waive 2<sup>nd</sup> & 3<sup>rd</sup> reading of Ordinance No. 309. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Building Permits presented by Matt Behrends, Maintenance:

1. Shawn Rust: 318 S Washington St.: Discussion regarding building being constructed and possible set back issues. Council discussed in detail and Lodge states that he went and looked at this himself to assess any visual obstructions and could not see any. Motion Lodge, Sherburne to approve building permit as presented. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

2. Mark Waugh: 320 S Main St.: Motion Lodge, Sherburne to ap-

## SHERIFF'S LEVY AND SALE EQCV 021967

**NOTICE OF SHERIFF'S LEVY AND SALE IN THE IOWA DISTRICT COURT IN AND FOR BUTLER COUNTY STATE OF IOWA } BUTLER COUNTY }**  
Iowa District Court Butler County  
Case #: EQCV021967  
Civil #: 23-000109  
FARMERS STATE BANK VS  
DEREK JA BRAYTON; UNKNOWN SPOUSE, IF ANY; STATE OF IOWA; AND PARTIES IN POSSESSION

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 defendant (s)  
X Real Estate  
Personal Property  
X Described Below  
On attached sheet:  
To satisfy the judgment. The Property to be sold is  
LOT NINE (9) IN BLOCK TWELVE (12) IN THE TOWN OF SHELL ROCK, IOWA  
JUDGMENT IN REM  
Property Address: 217 W. PROSPECT ST., SHELL ROCK, IA 50670  
The described property will be offered for sale at public auction for cash only as follows:  
Sale Date 06/15/2023  
Sale Time 10:00

Place of Sale BUTLER COUNTY SHERIFF'S OFFICE, 428 6TH ST, ALLISON, IA 50602

Homestead: Defendant is advised that if the described real estate includes the homestead (which must not exceed 1/2 acre if within a city or town plat, or, if rural, must not exceed 40 acres), defendant must file a homestead plat with the Sheriff within ten (10) days after service of this notice, or the sheriff will have it platted and charge the costs to this case.

Redemption: After the sale of real estate, defendant may redeem the property within  
X This sale no subject to Redemption.

Property exemption: Certain money or property may be exempt. Contact your attorney promptly to review specific provisions of the law and file appropriate notice, if acceptable.

Judgment Amount \$72,473.57  
Costs \$3,544.35  
Accruing Costs PLUS  
Interest \$1,523.47  
Sheriff's Fees Pending  
Date 04/20/2023  
JASON S. JOHNSON  
BUTLER COUNTY SHERIFF  
Attorney  
STEPHANIE A. SAILER  
2349 JAMESTOWN AVE., STE INDEPENDENCE, IA 50644

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## CITY OF ALLISON • AMENDMENT OF CURRENT BUDGET

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET			
City of ALLISON			
Fiscal Year July 1, 2022 - June 30, 2023			
The City of ALLISON will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2023			
Meeting Date/Time:	5/22/2023 05:45 PM	Contact:	Alexis M. Wiegmann
Phone:	(319) 267-2245		
Meeting Location: Allison City Hall, 410 N main St.			
There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing. Budget amendments are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult <a href="https://dom.iowa.gov/local-gov-appeals">https://dom.iowa.gov/local-gov-appeals</a> .			
REVENUES & OTHER FINANCING SOURCES	Total Budget as Certified or Last Amended	Current Amendment	Total Budget After Current Amendment
Taxes Levied on Property	493,250	0	493,250
Less: Uncollected Delinquent Taxes - Levy Year	0	0	0
Net Current Property Tax	493,250	0	493,250
Delinquent Property Tax Revenue	0	0	0
TIF Revenues	35,658	0	35,658
Other City Taxes	100,130	0	100,130
Licenses & Permits	17,225	0	17,225
Use of Money & Property	54,875	0	54,875
Intergovernmental	301,557	0	301,557
Charges for Service	611,620	0	611,620
Special Assessments	0	0	0
Miscellaneous	125,700	0	125,700
Other Financing Sources	2,500,000	0	2,500,000
Transfers In	417,259	0	417,259
Total Revenues & Other Sources	4,657,274	0	4,657,274
EXPENDITURES & OTHER FINANCING USES			
Public Safety	160,421	23,495	183,916
Public Works	106,566	2,076	108,642
Health and Social Services	6,800	0	6,800
Culture and Recreation	324,703	321,485	646,188
Community and Economic Development	5,200	8,497	13,697
General Government	141,240	28,580	169,820
Debt Service	204,167	0	204,167
Capital Projects	2,910,485	50,817	2,961,302
Total Government Activities Expenditures	3,859,582	434,950	4,294,532
Business Type/Enterprise	470,765	58,077	528,842
Total Gov Activities & Business Expenditures	4,330,347	493,027	4,823,374
Transfers Out	417,259	0	417,259
Total Expenditures/Transfers Out	4,747,606	493,027	5,240,633
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	-90,332	-493,027	-583,359
Beginning Fund Balance July 1, 2022	3,050,359	79,354	3,129,713
Ending Fund Balance June 30, 2023	2,960,027	-413,673	2,546,354

Explanation of Changes: Public Safety was amended for purchase of new monitor for the ambulance and fuel increase. This was also amended for the fire department for fixes to a truck. Public Works was amended due to fuel increase along with wages. Culture and Recreation was amended due to the funds showing for the new Scout cabin at the park, mowing for the season, and fuel increase. This was also amended as the pool purchased a CD. Community Development was amended for the purchase of snow flakes for Main Street. General Government was amended due to the increase in the insurance premium and the new handicap doors that were installed at City Hall. There was also an amendment for this for the new system VC3 that is now being utilized. Capital Projects was amended due to an increase in the engineering fees for the Street projects. Enterprise funds were amended due to an increase in water charges, the water main break that needed to be fixed, and the engineering fees that came in for the lagoon project.

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## CITY OF CLARKSVILLE • MINUTES 5.1.2023

2023 CITY OF CLARKSVILLE CITY COUNCIL BUSINESS MEETING  
May 1, 2023  
The Clarksville City Council met in regular session on May 1, 2023 in the City Council Chambers at 6:30 p.m. with Mayor Michael Grantham presiding and Council Members Jennifer Kielman, Taran Sherburne, Wendy Brooks, Roger Doty and Brock Lodge present. Other city employees present were: Molly Bohlen, City Clerk, Matt Behrends, Maintenance, and Police Chief Mackey. Members of the public present: Rhonda Landrum, and Nicholas Vassios, Clarksville Star.

Mayor Topics: Discussion on Violations and Fines pertaining to not following Code of Ordinances.

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AMENDING THE PROVISIONS PERTAINING TO CHAPTER 77 GOLF CARTS. RCV/Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

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Building Permits presented by Matt Behrends, Maintenance:

1. Shawn Rust: 318 S Washington St.: Discussion regarding building being constructed and possible set back issues. Council discussed in detail and Lodge states that he went and looked at this himself to assess any visual obstructions and could not see any. Motion Lodge, Sherburne to approve building permit as presented. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

2. Mark Waugh: 320 S Main St.: Motion Lodge, Sherburne to ap-

prove building permit for Mark Waugh as presented. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

3. Wendy Brooks: 207 S Ely St.: Motion Lodge, Sherburne to approve Wendy Brooks building permit as presented. Ayes: Sherburne, Lodge, Doty, Kielman. Nays: None. Brooks abstained from vote due to conflict as it is her own property. Absent: None.

4. Gregory Johnson: 303 E Jefferson St.: Motion Lodge, Sherburne to approve building permit for Gregory Johnson as presented. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

5. Community Retirement Village 115 N Hilton St.: Motion Sherburne, Kielman to approve building permit for concrete work at Community Retirement Village as presented. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

6. Rusty Muthart: 703 S Church St.: Muthart had contacted City Hall regarding the reflective posts that he put in that were approved by council. He doesn't like the look of them and would like to put rocks in place of the markers. The rocks would be about the size of a basketball and ~20 of them. Discussion was held regarding this matter. Council members state that they approved the reflective posts and do not want the rocks put in their place. Chief Mackey states that he is willing to talk with both homeowners involved to find some resolution to the issue which may include continuing the fence that Wellman has started and continue along the property line. Motion Brooks, Sherburne to deny putting rocks on the property line in place per Muthart's request. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Motion Sherburne, Doty to approve Mobile Merchant Burritos Express to park by Will & Erica Bilington's house at 102 E Wilms St. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Discussion on Chapter 66 LOAD AND WEIGHT RESTRICTIONS. Council was in agreement of the additional road to be added in to Ordinance to restrict trucks. This will be added to the next meeting for the 1<sup>st</sup> reading.

Motion Lodge, Sherburne to approve April monthly expenditures and clerk reports as presented by City Clerk. Ayes: Sherburne, Lodge, Doty, Brooks, Kielman. Nays: None. Absent: None.

Motion Sherburne, Doty to adjourn regular City Council meeting at 7:36 pm.

Michael Grantham, Mayor  
Attest: Molly Bohlen, City Clerk

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## BUTLER CO BOS • MINUTES 4.25.2023

### MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 25, 2023

Meeting called to order at 9:00 A.M. by Chairman Greg Barnett with members Rusty Eddy and Wayne Dralle present. Moved by Dralle second by Eddy to approve the agenda. All ayes. Motion carried.

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

No public comment was received. Board considered Resolution 1076-2023 for Huff 2<sup>nd</sup> Minor Plat. Motioned by Dralle, second by Barnett to approve Resolution 1076-2023. Roll Call was taken: Ayes: Dralle, Barnett, Eddy. Nays: None and Resolution 1076-2023 was ad-

opted as follows:  
RESOLUTION # 1076-2023  
BUTLER COUNTY BOARD OF SUPERVISORS  
APPROVING "HUFF 2ND 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 reviewed a Minor Subdivision Plat entitled "HUFF 2ND MINOR PLAT" at its regular meeting on April 20, 2023.

Section 2. This Plat consists of one parcel legally described as Parcel H of that part of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of Section No. 24, Township No. 90 North, Range No. 15 West of the Fifth

P.M., Butler County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest Quarter of the Northwest Quarter, point being a found ½" rebar with license #23212; thence along the North line of said Southwest Quarter of the Northwest Quarter South 89° 40½' East a distance of 260.0 feet to a set ½" rebar with license #16264; thence South 00°02¼' East a distance of 288.00 feet to a set ½" rebar with license #16264; thence North 89°40½' West a distance of 260.0 feet to the West line of said Southwest Quarter of the Northwest Quarter, point being a set ½" rebar with license #16264; thence along said West line North 00°02¼' West a distance of 288.0 feet to the point of beginning. Containing 1.72 acres including 0.22 acres right-of-way.

Section 3. The Planning & Zoning

Commission has made the recommendation that the Minor Subdivision Plat entitled "HUFF 2ND MINOR PLAT" be approved.

Section 4. The Board of Supervisors hereby approve the Minor Subdivision Plat entitled "HUFF 2ND MINOR PLAT" as legally described above.

Section 5. This resolution shall take effect immediately. The vote thereon was as follows:  
AYES: Greg Barnett  
Rusty Eddy  
Wayne Dralle  
NAYS: None  
ABSENT: None  
Passed and approved this 25<sup>th</sup> day of April, 2023.

ATTEST: Leslie Groen, County Auditor  
Board considered Planning and Zoning Commission recommendation on Hazardous Liquid Pipeline Ordinance. Discussion was had on

a potential lawsuit if ordinance is put in place. Dave Kuehner, County Attorney, discussed some of the legal issues that Bremer County encountered after approving an ordinance. John Rihard, County Engineer, mentioned the possibility of a utility ordinance. The board agreed that they would like get more input. They plan on discussing this further the following week and set a First Public Hearing date of May 16, 2023.

Board considered Engineer's Contract and Agreement. Some discussion was had over the wording in the contract. Eddy motioned to evaluate and negotiate the contract at the next board meeting in a potential closed session, second by Dralle. All ayes. Motion carried.

Board reviewed Zultys Service Agreement. Moved by Eddy, second by Dralle to approve the service agreement. All ayes. Motion

carried.  
Board reviewed Iowa OCIO Memorandum of Understanding for Enhanced Security Services. Moved by Dralle, second by Barnett to approve the MOU with OCIO. All ayes. Motion carried.

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

Motioned by Dralle, second by Eddy to adjourn the regular meeting at 9:44 A.M. to May 2, 2023 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 April 25<sup>th</sup>, 2023.

Attest: Leslie Groen, Butler County Auditor  
Greg Barnett, Chairman of the Board of Supervisors

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