

Legals

BUTLER CO BOS • MINUTES 5.28.2024

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 28, 2024.

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

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

During public comment Eddy commended John Riherd, Engineer, on meeting him in New Hartford to discuss potential flooding and ideas to improve the situation there.

Motioned by Eddy, second by Barnett to open a Public Hearing on an FY24 Budget Amendment. Leslie Groen, Auditor, stated that she has not received any oral or written comments. Groen detailed the amendment line items and read the explanation provided in the publication. Hearing no additional comments, motioned by Barnett, second by Eddy to close the Budget Amendment Public Hearing. All ayes. Motion carried.

RECORD OF HEARING AND DETERMINATION ON THE AMENDMENT TO THE FY24 COUNTY BUDGET

The County Board of Supervisors met on May 28, 2024, to adopt an amendment to the current County budget as summarized below. The amendment was adopted after public hearing and public meeting provisions as required by law.

| EXPENDITURES | |
|-------------------------------------|-----------|
| Public Safety & Legal Services, | \$41,500 |
|New Car, School of Instruction | |
| Roads and Transportation, | \$520,000 |
|Project wage changes, culvert | |
| materials, slurry patching, piling | |
| TOTAL EXPENDITURES | \$561,500 |

WHEREUPON, it was moved by Eddy, seconded by Barnett to adopt

the Amendment and Resolution 2005-2024. Upon roll call the Chairperson declared the motion carried, Amendment and Resolution 2005-2024 duly adopted as follows:

RESOLUTION #2005-2024
WHEREAS, it was moved by Eddy, seconded by Barnett to approve increasing appropriations for the following:
Service Area/Department

.. Additional Appropriation FY2024
05 Sheriff \$40,000
28 Medical Examiner \$1,500
20 Secondary Roads \$520,000

The roll was called and the vote thereon was:
AYES: Rusty Eddy, Wayne Dralle, Greg Barnett
NAYS: None
ABSENT: N/A

THEREFORE, be it resolved that the motion was carried.

WHEREUPON the Resolution was declared duly adopted this 28th day of May 2024

Wayne Dralle, Chair, Board of Supervisors
ATTEST: Leslie Groen, County Auditor

Motioned by Barnett, second by Eddy to open a Public Hearing on a request from BMC Aggregates to rezone 72 acres from A-1 to A-2 for a sandpit dredging operation on a parcel located in the W1/2 NW1/4 S

& W of RR of Section 34, Township 92 North, Range 15 West of the 5th P.M. Misty Day-Kofron, Planning & Zoning, detailed the request and explained any concerns regarding the rezoning. The Planning & Zoning Commission recommended approval of the rezoning. Sherman Lundy, BMC Aggregates, was present and explained that it was a dredging operation and that there should not be any concerns with wells. It was also stated that this area is in a flood plain and is a good fit for the land.

Motioned by Eddy, second by Barnett to close the Public Hearing.

Board considered Ordinance Title VI, Number 35 – An Ordinance Amending the Official Zoning Map. Motioned by Barnett, second by Eddy to approve the first reading of the Ordinance Amending the Official

Zoning Map. Roll call was taken: Ayes – Eddy, Dralle, Barnett. Nays – None. Motioned by Eddy, second by Barnett to waive a second and third reading. All ayes. Motion carried and the ordinance was adopted as follows:

ORDINANCE TITLE VI, NUMBER 35
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 28, ADOPTED ON NOVEMBER 1, 2022)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, "A-1" Agriculture, on a parcel legally described as follows:

All that part of the Northwest Quarter (NW¼) of Section Thirty-four (34), Township (92) North, Range Fifteen (15) West of the 5th P.M. in Butler County, Iowa, lying southwest of Highway #3 and consisting of 73 acres, more or less.

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation "A-2" Limited Agricultural for the property legally described above, on the Official Zoning Map.

Section 3. INTEGRATION WITH CODE. Each section, provision or part of this Ordinance which is followed by a section number shall be inserted in the Butler County Zoning Ordinance (Ordinance No. Title VI, Number 28, adopted on November 1, 2022) as indicated by said section number and hereafter shall be cited by reference to said section number.

Section 4. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

Section 6. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of the Ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its final passage and publication as provided by law.

PUBLIC HEARING AND FIRST PASSAGE (READING) on MAY 28, 2024.

SECOND PASSAGE (READING) waived on MAY 28, 2024.

THIRD AND FINAL PASSAGE (READING) waived on May 28, 2024, AND ADOPTION waived on MAY 28, 2024.

BUTLER COUNTY BOARD OF SUPERVISORS

Wayne Dralle, Chair
Leslie Groen, County Auditor

Riherd provided an Engineer's update and stated that there is some damage from the flooding that needs repairing. Work is progressing on C13 with a cold in place, and bridge work is continuing. He commented that he had a concern from a farmer who stated that his neighbor has made changes that are causing soil loss on his land. Riherd mentioned that there is an ordinance and he will be investigating the situation more to see what can be done.

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

Motioned by Eddy, second by Barnett to adjourn the regular meeting at 9:33 A.M. to June 4, 2024 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 May 28, 2024.

Attest: Leslie Groen, Butler County Auditor

Wayne Dralle, Chairman of the Board of Supervisors
Published in the Butler County Star Tribune on June 13, 2024

PROBATE POTHAST ESPR017536

THE IOWA DISTRICT COURT FOR BUTLER COUNTY
IN THE MATTER OF
THE ESTATE OF
ALEXANDER M. POTHAST, Deceased.

CASE NO. ESPR017536
NOTICE OF APPOINTMENT OF ADMINISTRATOR AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of Alexander M. Pothast, Deceased, who died on or about March 9, 2024:

You are hereby notified that on May 15, 2024, 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 June 6, 2024.
Theresa Pothast, Administrator of the Estate
23053 Terrace Avenue, Clarks-ville, Iowa 50619
Ethan D. Epley, ICIS#: AT0010211
Attorney for the Administrator
Stumme, Collins, Gritters & Epley, PLLC
303 1st Avenue NE
PO Box 836
Waverly, Iowa 50677
Date of second publication
June 20, 2024
Probate Code Section 230
Published in the Butler County Star Tribune on June 13 and 20, 2024

CITY OF CLARKSVILLE • MINUTES 6.3.2024

CITY OF CLARKSVILLE CITY COUNCIL BUSINESS MEETING

June 3, 2024

The Clarksville City Council met in regular session on June 3, 2024 in the City Council Chambers at 6:30 p.m. with Mayor Jerald Heuer presiding and Council Members Roger Doty, Ruth Saulsbury, Jennifer Kielman, Jessi Reints and Taran Sherburne. Other City employees present were: Molly Bohlen, City Clerk, Jared Brunner, Maintenance, and Police Chief Mackey. Members of public present: Rhonda Landrum, Rebecca Brown, and Ted Hoodjer.

Sherburne has concern that was brought to him. There is water that

pools in places along Hwy 188 and around town. There are multiple intersections that need to be looked at and remedied. Sherburne says there are multiple solutions including drilling holes, cut curb & put tile in or French drain set up.

Mayor Topics:

1. Yield Sign at Railroad Tracks: Discussion with council regarding additional stop signs and yield signs to be placed around town. Council decided that they would drive around town and assess the intersections to see where would be most appropriate as this would require an Ordinance Change. Sherburne states we may need to contact the railroad to see if we can change the signs for liability purposes.

2. Street Improvement Discussion with Ted Hoodjer from Heartland Asphalt. Heuer states that we need to come up with a plan in order to save the roads that we have and begin the process of repairing them. Hoodjer suggested going around town and grading the roads as far as what condition they are in. Heuer states that we could look at completing the patch work this year and then plan for repairs in the next couple of years. Sherburne did ask question about asphalt curbs and how they perform. Hoodjer states that Shell Rock has asphalt curbs and they seem to work well for them.

Motion Sherburne, Saulsbury to

approve Consent Agenda including: May Claims & Financial Reports, Minutes from 05/20/2024, and Approval of Dollar General Cigarette/Tobacco License. Ayes: Saulsbury, Doty, Kielman, Reints, Sherburne. Nays: None. Absent: None.

Motion Reints, Sherburne to approve Gospel Tent being put up on July 5th at the Northeast Ball Diamond as requested by Randy Henders. Ayes: Doty, Kielman, Reints, Sherburne. Nays: Saulsbury. Absent: None.

Motion Sherburne, Doty to approve completion of street patchwork to be completed by Heartland Asphalt. Ayes: Saulsbury, Doty, Kielman, Reints, Sherburne. Nays:

None. Absent: None.
Motion Kielman, Reints to approve road closure for Pioneer Days. Ayes: Saulsbury, Doty, Kielman, Reints, Sherburne. Nays: None. Absent: None.

Building Permits presented by Maintenance

1. Stacy Ragsdale: 114 S Adams St. to replace sidewalk on south side of house.

2. Stacy Ragsdale: 1021 S Main St. Renewal of previous permit to replace sidewalk and add cement approach.

3. Chris White: 218 E Superior St. adding cement approach by garage.

Motion Sherburne, Kielman to approve building permits as pre-

sented by Maintenance. Ayes: Saulsbury, Doty, Kielman, Reints, Sherburne. Nays: None. Absent: None.

Motion Sherburne, Saulsbury to approve Clerk attending one class on June 24th for the Cost of \$64 plus mileage. Ayes: Saulsbury, Doty, Kielman, Reints, Sherburne. Nays: None. Absent: None.

Motion Doty, Sherburne to adjourn regular City Council meeting at 7:02 pm.

Jerald Heuer, Mayor
Attest: Molly Bohlen, City Clerk
Published in the Butler County Star Tribune on June 13, 2024