

# PROCEEDINGS

## MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON OCTOBER 30, 2018.

Meeting called to order at 9 a.m., by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Also present were Emergency Management Coordinator Chris Showalter, Zoning Administrator Misty Kroeze, Treasurer Vicki Schoneman, Assessor Michele Shultz and Kyle Helland, Cedar Falls, Iowa.

Minutes of the previous meeting were read and approved as read.

Board held a Public Hearing to consider an application for "Gates Minor Plat" in Butler Township. Present were Emergency Management Coordinator Chris Showalter, Zoning Administrator Misty Kroeze, Treasurer Vicki Schoneman, Assessor Michele Shultz and Kyle Helland, Cedar Falls, Iowa. Auditor reported no written or oral comments were received. Zoning Administrator Misty Kroeze reported that Planning and Zoning Commission had approved and recommends that it be approved under the condition that owner needs to follow zoning and building permits in the future. Treasurer Vicki Schoneman reported that the second half of taxes have not been paid on the property and that she will hold the Treasurer's Certificate until they are paid. Kyle Helland will contact landowner regarding taxes. At the close of the Public Hearing, it was moved by Eddy, second by Heidenwirth to approve the following:

### RESOLUTION NO. 911

RESOLUTION APPROVING THE  
"GATES MINOR PLAT,"  
BY BUTLER COUNTY, IOWA

WHEREAS, Gates Minor Plat to Butler County, Iowa, containing two (2) parcels, has been submitted for approval to the Butler County Board of Supervisors consisting of the following described real estate:

"GATES MINOR PLAT" DESCRIPTION  
(Part of Warranty Deed recorded in Document #2016-1297, being Parcel "A" Except Parcel "B")

THIS PLAT REPRESENTS A SURVEY  
OF PARCEL "Q"

That part of Parcel "A" per Plat of Survey recorded in Book K Page 50 dated 05/30/1999 in the Office of the Butler County Recorder in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of Section No. 33, Township No. 92 North, Range No. 15 West of the Fifth Principal Meridian, Butler County Iowa, described as follows:

Commencing at the Northwest corner of said South Half of the Northwest Quarter, point being a found 1/2"Ø smooth iron pin; thence along the North line of said South Half of the Northwest Quarter North 89°59'4" East a distance of 1,044.0 to the Northwest corner of said Parcel "A", point being a set 1/2" rebar with license #23212, also being the point of beginning; thence along the North line of said Parcel "A" North 89°59'4" East a distance of 387.3 feet to a set 1/2" rebar with license #23212; thence South 02°36'4" West a distance of 174.25 feet to a set 1/2" rebar with license #23212; thence South 22°05'1/4" East a distance of 57.1 feet to a set 1/2" rebar with license #23212; thence South 00°10'1/2" West a distance of 215.0 feet to the South line of said Parcel "A", point being a set 1/2" rebar with license #23212; thence along said South line South 89°58'3/4" West a distance of 400.05 feet to the Southwest corner of said Parcel "A", point being a found 1/2" rebar with license #9018; thence along the West line of said Parcel "A" North 00°01'1/4" West a distance of 442.0 feet to the point of beginning.

Containing 3.98 acres including 0.29 acres right-of-way.

THIS PLAT REPRESENTS A SURVEY  
OF PARCEL "R"

That part of Parcel "A" per Plat of Survey recorded in Book K Page 50 dated 05/30/1999 in the Office of the Butler County Recorder in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of Section No. 33, Township No. 92 North, Range No. 15 West of the Fifth Principal Meridian, Butler County Iowa, described as follows:

Commencing at the Northwest corner of said South Half of the Northwest Quarter, point being a found 1/2"Ø smooth iron pin; thence along the North line of said South Half of the Northwest Quarter North 89°59'4" East a distance of 1,431.3 to a set 1/2" rebar with license #23212, also being the point of beginning; thence continuing along said North line North 89°59'4" East a distance of 172.8 feet to the Northwest corner of Parcel "B" per Plat of Survey recorded in Book K Page 139 dated 02/20/2000 in the Office of the Butler County Recorder, point being a set 1/2" rebar with license #23212; thence along the West line of said Parcel "B" South 00°00'4" West a distance of 441.95 feet to the Southwest corner of said Parcel "B" also being the South line of said Parcel "A", point being a found 1/2" rebar; thence along said South line South 89°58'3/4" West distance of 159.85 feet

to a set 1/2" rebar with license #23212; thence North 00°10'1/2" East a distance of 215.0 feet to a set 1/2" rebar with license #23212; thence North 22°05'1/4" West a distance of 57.1 feet to a set 1/2" rebar with license #23212; thence North 02°36'4" East a distance of 174.25 feet to the point of beginning.

Containing 1.70 acres including 0.13 acres right-of-way.

Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.

Note: The North line of said South Half of the Northwest Quarter is assumed to bear North 89°59'4" East for this description.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Butler County, Iowa, and

WHEREAS, the Butler County Board of Supervisors find that the Gates Minor Plat would be advantageous to Butler County, Iowa, and

NOW, THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that said Gates Minor Plat to Butler County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Butler County, Iowa,

The Butler County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Butler County, Iowa, and affix the same to said Minor Plat as provided as law.

The vote thereon was as follows:

AYES: Tom Heidenwirth  
Rusty Eddy  
Greg Barnett

NAYS: None  
PASSED AND PASSED this 30<sup>th</sup> day of October, 2018.

ATTEST: Lizbeth Williams, County Auditor

No public comment received.

Board approved claims as submitted. Board acknowledged receipt of Manure Management Plan Annual Updates for JLH Finisher; Beninga Finisher; Steere West Finisher and Wessels Finisher.

Moved by Eddy, second by Barnett to adjourn the meeting at 9:34 a.m., to Tuesday, Nov. 6, 2018, 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. 30, 2018.

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The vote thereon was as follows:

AYES: Tom Heidenwirth  
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Greg Barnett

NAYS: None  
PASSED AND PASSED this 30<sup>th</sup> day of October, 2018.

ATTEST: Lizbeth Williams, County Auditor

No public comment received.

Board approved claims as submitted. Board acknowledged receipt of Manure Management Plan Annual Updates for JLH Finisher; Beninga Finisher; Steere West Finisher and Wessels Finisher.

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# PUBLIC NOTICE

## CITY OF CLARKSVILLE

### OCTOBER 2018 EXPENDITURES

EFTPS, Fed/Fica Tax ..... \$7,563.94  
 Collection Service Center, Child Support ..... \$363.86  
 Mackey, Barry, Supplies Reimbursement ..... \$50.00  
 Clarksville Ambulance, Calls & Fees ..... \$921.00  
 Clarksville Lumber Co, Inc, Supplies ..... \$20.21  
 Kenny Bloker Masonry, Cement Work ... \$8,224.00  
 Norton Tree Service, Tree Removal ..... \$700.00  
 Mike Molstead Motors, Inc, Truck Parts. .... \$14.14  
 Cedar Valley Portables, C.H. Tank Cleaning ..... \$100.00  
 Barnett Excavating, 2017 Buyout Demo-Derner ..... \$30,050.00  
 Nationwide, Surety Bond ..... \$821.00  
 Boy Scout Troop 53, Recycling Station.. ..... \$220.00  
 Brown Supply Co, Inc., Fire Replacement Items ..... \$3,076.53  
 Butler Co Ems, Association Dues ..... \$1,000.00  
 Butler Co Solid Waste, Landfill..... \$5,036.50  
 Butler-Bremer Comm., Phones... \$464.16  
 Casey's General Store, Gasoline ..... \$2,295.59  
 Central Iowa Distributing, Sidewalk Salt ..... \$288.25  
 Don's Truck Sales, Dumptruck/Firetruck Repairs ..... \$7,100.78  
 Edje Technologies, Inc, Website ..... \$205.00  
 Emergency Medical Product, Medical Supplies ..... \$507.03  
 Fehr Graham Engineering, Engineering Services ..... \$6,989.25  
 Heartland Asphalt, Inc, Asphalt Services/Street Proj ..... \$134,659.41  
 Hoppy's Auto Parts, Truck Battery ..... \$183.79  
 IMFOA, Clerk Certification Fee ..... \$125.00  
 IMWCA, Audit Premium Adjustment ..... \$2,941.00  
 Ingram Library Services, Books ..... \$410.40  
 INRCOG, Dues/Rehab/Buyouts ..... \$10,534.93  
 Iowa - DNR, Annual Water Use Fee ..... \$134.00  
 Iowa Depart. Of Revenue, Water Excise Tax ..... \$3,879.00  
 IPERS, IPERS ..... \$4,705.00  
 Jendro Sanitation Service, Garbage Pickup ..... \$5,947.89  
 Mid-America Publishing, Publications ... \$279.38  
 MidAmerican Energy, Utilities \$3,298.55  
 Municipal Supply, Inc, Fire Replacement Items ..... \$15,625.75  
 Professional Claims Group, Ambulance Billing ..... \$629.05  
 Roberts, Stevens &, Attorney Fees ..... \$781.25  
 US Cellular, Cell Phones ..... \$289.79  
 Visa, Postage, Supplies ..... \$1,341.66  
 Waverly Health Center, Mutual Aid ..... \$350.00  
 Wellmark Bcbs, Group Insurance ..... \$7,488.61  
 P & K Midwest, Mower Parts ..... \$35.10  
 Iowa Law Enforcement, Evaluation.....

..... \$200.00  
 USA Bluebook, Oxygen Stands ..... \$313.90  
 Toyne Inc, Firetruck ..... \$1,094.41  
 Keltek, Light ..... \$213.75  
 la State Bank, Deposit Books For New Acct..... \$70.00  
 Outdoor & More Inc, Cemetery Parts..... \$61.30  
 Star Equipment, Ltd, Flood Mitigation.... \$800.00  
 Satellite Shelters, Inc, C.H. Trailer Rental ..... \$495.00  
 Eggleston, Kristin, Ambulance Training . \$125.00  
 Business Radio Sales, Radio Repairs ... \$28.00  
 Hawkeye Communication, Camera Rental ..... \$300.00  
 Hawkeye Comm College-Bus, Advanced EMT Training ..... \$1,868.00  
 Nashua Family Chiro, Water Over Charge Refund ..... \$675.29  
 Gundersen Palmer, Physical-Mike Tobin ..... \$67.00  
 State Hygienic Laboratory, Water Testing ..... \$815.50  
 Iowa Association Of Munic, Water Conference..... \$480.00  
 Deposit Refunds, Refund Date 10/15/2018 ..... \$1,399.34  
 Payroll Checks, Total Payroll Checks .... \$23,118.74  
**Total Expenditures ..... \$301,776.03**

### EXPENDITURES BY FUNDS October 2018

General Fund ..... \$41,140.17  
 Road Use Tax ..... \$143,112.23  
 Employee Benefits ..... \$4,666.00  
 Economic Devel. Projects..... \$8,224.00  
 2016 Flood ..... \$6,440.00  
 2016 - Housing Rehab ..... \$1,210.03  
 2017 - Buyout Program ..... \$38,684.18  
 2017 City Hall Fire..... \$19,597.28  
 Water Utility..... \$14,608.91  
 Customer Deposit Fund..... \$1,399.34  
 Sewer Utility ..... \$11,306.50  
 Garbage Utility ..... \$11,321.39  
 Storm Water Drainage Util..... \$66.00  
**Total Funds ..... \$301,776.03**

### RECEIPTS - October 2018

General Fund ..... \$124,413.12  
 Road Use Tax ..... \$12,898.41  
 Employee Benefits ..... \$27,026.81  
 Emergency Levy ..... \$2,761.25  
 Lost (35%) Property Impr-Tax..... \$2,420.34  
 Lost (30%) Recreation-Tax ..... \$2,031.72  
 Lost (35%) Tax Relief - Tax..... \$2,370.34  
 Economic Development..... n/a  
 2016 Flood ..... n/a  
 2016 Housing Rehab ..... \$3,193.00  
 2017 Buyout Program ..... \$142,908.00  
 2017 City Hall Fire..... \$6,770.11  
 Debt Service ..... \$20,184.30  
 Building Projects ..... n/a  
 Equipment Projects..... n/a  
 Perpetual Care..... n/a  
 Water Utility..... \$13,166.47  
 Customer Deposit ..... \$925.00  
 Water (Tower Lease) ..... \$275.00  
 Sewer Utility ..... \$9,508.10  
 Garbage Utility ..... \$13,144.57  
 Storm Water Drainage Util..... \$4,487.65  
**Total Revenue..... \$388,484.19**

ATTEST:

Lori A. Peterson, City Clerk/Treasurer

# PUBLIC NOTICE

## ORIGINAL NOTICE NOTICE OF PETITION OF FORECLOSURE

STATE OF IOWA

IOWA DISTRICT COURT

EQUITY NO.: EQCV021475

BUTLER COUNTY

Carrington Mortgage Services, LLC

Plaintiff,

vs.

All Unknown Heirs, Devisees, Legatees, Creditors, and All Other Claimants with an interest in the Property of Ruth Marcia Lee, Deceased; Unknown Spouse, if any, of Ruth M. Lee; Parties in Possession; Rebecca Lee Weibel a/k/a Becky Weibel; Unknown Spouse, if any, of Rebecca Lee Weibel; State of Iowa, Iowa Department of Revenue; State of Iowa, Estate Recovery Unit, et al.

Defendants.

You are notified that a petition has been filed in the office of this court naming you as a defendant in this action. The petition was filed on June 20, 2018, and prays for foreclosure of Plaintiffs Mortgage in favor of the Plaintiff on the property described in this notice and judgment for the unpaid principal amount of \$89,766, with 5.375 percent per annum interest thereon from Dec. 1, 2017, together with late charges, advances and the costs of the action including (but not limited to) title costs and reasonable attorney's fees, as well as a request that said sums be declared a lien upon the following described premises from Sept. 8, 2009, located in Butler county, Iowa:

Lots Five and Eight (5 & 8), Block (6), Poisal's Addition to Clarksville, Iowa, and East One-Half (E½) of alley abutting said lots on the West, commonly known as 203 N Adams St., Clarksville, IA 50619 (the "Property")

The petition further prays 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 deems just and equitable. For further details, please review the petition on file in the clerk's office. The Plaintiffs attorney is James Larson, of SouthLaw, P.C.; whose address is 1401 50<sup>th</sup> St., Suite 100, West Des Moines, IA 50266.

### 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 a written demand with the court to delay the sale. If you file a written demand, the sale will be delayed until twelve months (or six months if the petition includes a waiver of deficiency judgment) from the 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 must serve a motion or answer on or before 13<sup>th</sup> day of December, 2018, and within a reasonable time thereafter, you must file your motion or answer with the Clerk of Court for Butler County, at the county courthouse in Allison, Iowa. If you fail to respond, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in a court action because of a disability, immediately call your District ADA Coordinator at 641-494-3611. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

This case has been filed in a county that utilizes electronic filing. You may find more information and general rules governing electronic filing in Iowa Court Rules Chapter 16. You may find information concerning protection of personal information in court filings in Iowa Court Rules Chapter 16, Division VI.

By: Julie Kneip

CLERK OF THE ABOVE COURT

Butler County Courthouse

428 Sixth St., P.O. Box 307

Allison, IA 50602-0307

### IMPORTANT:

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

CS-45, 46, 47

# PROBATE

## NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTORS, AND NOTICE TO CREDITORS

**PROBATE NO. ESPR016862**

THE IOWA DISTRICT COURT BUTLER  
COUNTY

IN THE MATTER OF THE ESTATE OF  
RAYMOND R. ROSOL, Deceased.

To All Persons Interested in the Estate  
of Raymond R. Rosol, Deceased, who  
died on or about Oct. 14, 2018:

You are hereby notified that on the 26<sup>th</sup>  
day of October, 2018, the last will and  
testament of Raymond R. Rosol, de-  
ceased, bearing the date of the 16<sup>th</sup> day  
of October, 2012, was admitted to pro-  
bate in the above named court and that  
Dawn Akers and Monty Rosol were ap-  
pointed executors of the estate. Any ac-  
tion 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 no-  
tice or one month from the date of mail-  
ing of this notice to all heirs of the dece-  
dent 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 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 15<sup>th</sup> day of November, 2018.

Dawn Akers

212 Jahnke Ave.

Waverly, IA 50677

Monty Rosol

324 Cedar St., #543

Nashua, IA 50658

Executors of Estate

Lance M. Gritters, #AT0003068

Attorney for the Executors

Stumme, Collins, Gritters & Epley, PLLC

303 First Ave. NE, P.O. Box 836

Waverly, IA 50677

Date of second publication 15<sup>th</sup> day of  
November, 2018.

TJ-45, 46

# PROBATE

**NOTICE OF WILL,  
WITHOUT ADMINISTRATION  
PROBATE NO. ESPR016863**

THE IOWA DISTRICT COURT BUTLER  
COUNTY

IN THE MATTER OF THE ESTATE OF  
RICHARD EARL OTT, Deceased.

To All Persons Interested in the Estate  
of Richard Earl Ott, Deceased, who died  
on or about July 28, 2018:

You are hereby notified that on Oct. 30,  
2018, the last will and testament of Rich-  
ard Earl Ott, deceased, bearing date of  
Nov. 18, 2015, 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 district court of the 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.

Dated this 31<sup>st</sup> day of October, 2018.

Michael Ott

Kelly Ott

Proponents

Brian Ross McPhail, #AT0005344,

Attorney for Proponents

McPhail Law Firm PLC

631 Main Street

Osage, IA 50461

Date of second publication 15<sup>th</sup> day of  
November, 2018.

TJ-45, 46

# PUBLIC NOTICE

## TRUST NOTICE IN THE MATTER OF THE TRUST: RICHARD E. OTT REVOCABLE TRUST

To all persons regarding Richard Earl Ott, deceased, who died on or about July 28, 2018. You are hereby notified that Michael Ott and Kelly Ott are the trustees of the Richard E. Ott Revocable Trust dated on Nov. 18, 2015. 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 this 31<sup>st</sup> day of October, 2018.

Richard E. Ott Revocable Trust

Michael Ott

1387 60<sup>th</sup> St.,

Marble Rock, IA 50653

Kelly Ott

333 E. Commercial St.,

Mitchell, IA 50461

Brian Ross McPhail, #AT0005344,

Attorney for Trustee

McPhail Law Firm PLC

631 Main Street

Osage, IA 50461

Date of second publication 15<sup>th</sup> day of November, 2018.

TJ-45, 46