

PROCEEDINGS

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 23, 2019.

Meeting called to order at 9 a.m., by Chairman Rusty Eddy with members Greg Barnett and Tom Heidenwirth present. Also present were Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Environmental Health Specialist Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa.

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

Board held a public hearing on a Construction Permit Application for a new swine facility for Maximus Decimus Meridius, LLC, owner Jim Luebbers. Location of proposed facility is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7-90-18 in Washington Township. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Environmental Health Specialist Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Environmental Health Specialist reported no written or oral comments received. Hearing no comments in the room, Chairman Eddy closed the public hearing.

Board held a public hearing on an application by Frank Reints to rezone approximately 75 acres located at 30047 – 220th St. in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, Township 92N, Range 15W from "A-1" Agriculture to "M" Manufacturing. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Zoning Administrator Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Keith Lovrien, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Zoning Administrator reported no written or oral comments received. At the close of the public hearing it was moved by Barnett, second by Heidenwirth to accept the recommendation of the Planning and Zoning Commission and approve said zoning change. All ayes. Motion carried.

Board held a public hearing on the first reading of a proposed amendment to the Butler County Zoning Ordinance Title VI,

No. 7. This Ordinance, Title VI, No. 17 will rezone approximately 75 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33 from "A-1" Agriculture to "M" Manufacturing. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Zoning Administrator Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Keith Lovrien, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Zoning Administrator reported no written or oral comments received. At the close of the public hearing it was moved by Heidenwirth, second by Barnett to approve said change to the Zoning Ordinance. All ayes. Motion carried.

It was further moved by Barnett, second by Heidenwirth to waive the second and third readings of said ordinance. All ayes. Motion carried. Amended Ordinance is as follows:

ORDINANCE TITLE VI, No. 17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 8, ADOPTED ON MAY 25, 2004)

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

The South half of the Southwest quarter in Section 33, Township 92 North, Range 15 West of the 5th P.M. in Butler County, Iowa. All subject to easements of record and public highways, on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation "M", Manufacturing, 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 8, adopted on May 25, 2004) 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 unconstitu-

tional, 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 April 23, 2019.

SECOND PASSAGE (READING) on WAIVED.

THIRD AND FINAL PASSAGE (READING) AND ADOPTION on April 23, 2019.

Board met with Treasurer Vicki Schonenman to review the Tax Suspension List. Moved by Eddy, second by Barnett to approve said Tax Suspension List for Fiscal Year 2020. All ayes. Motion carried.

Public comments received were centered on the conditions of secondary roads. Larry Backer, Clarksville, Iowa questioned the Board on what their plan was for repairing the damaged roads, why frost boils are not being pushed down and why more rock is not being applied. Chris Backer, Clarksville, Iowa stated that the frost boils are as bad as he's ever seen and the condition of the roads is crippling the agricultural business. Sam Barnett, Clarksville, Iowa stated that he has driven 10 to 12 miles into Floyd County and did not see one pot hole or frost boil in that County. Engineer Riherd reported that 1.1 million dollars is spent on rock, and with fuel and equipment costs added, there is a lot that goes into it. Generally, moisture and drainage issues are the cause. He stated further that the roads department's heavy equipment would only serve to make matters worse if they would try to repair or rock some of the roads at this point. Supervisor Heidenwirth stated that all counties are having the same moratorium on roads, and as the frost goes out, repair will continue. Supervisor Eddy questioned whether or not the increased size of the farm equipment driven on the roads compared to 30 to 40 years ago has anything to do with the level of damage the roads are seeing. Approximately 106,000 tons of rock is applied annually. Last year 128,000 tons were applied.

Board approved claims as submitted.

Moved by Barnett, second by Heidenwirth to adjourn the meeting at 9:45 a.m. to Tuesday, April 30, 2019 at 9:00 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 April 23, 2019.

PROCEEDINGS

OFFICIAL PROCEEDINGS CLARKSVILLE COMMUNITY SCHOOL BOARD OF EDUCATION SPECIAL SESSION MINUTES APRIL 29, 2019

A special meeting was called to order by Superintendent Joel Foster at 4 p.m. in Room #109. Board members present: Chris Backer, Shelley Maiers, Tim Backer, Phil Barnett and Justin Clark.

Superintendent Foster presented the initial proposal from the Board of Education to the Clarksville Education Association for the 2019-20 Master Contract, total package of 0.39 percent.

The meeting was adjourned at 4:15 p.m.

CS-19

PROCEEDINGS

OFFICIAL PROCEEDINGS CITY OF CLARKSVILLE UNAPPROVED MINUTES MAY 6, 2019

The Clarksville City Council met in regular session May 6, 2019, in the Temporary Council Chambers at 7 p.m., with Mayor Val Swinton in the chair and Council Members Roger Doty, Todd Fails, Jeff Kolb, and Diane Renning. Kenny Smith absent.

Mayor Swinton opened the public hearing at 7 p.m., for the purpose of amending the current city budget for the fiscal year ending June 30, 2019. There being no oral or written comments for or against the proposed budget amendment, the Mayor declared the hearing closed.

Motion Fails, Doty, to adopt Resolution 19-694: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, IOWA, AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2019, AS AMENDED LAST ON MAY 7, 2018.

BE IT RESOLVED, by the City Council of the City of Clarksville, Iowa:

Following notice published April 18, 2019, and the public hearing held May 6, 2019, the current budget (as previously amended) is amended as set out and in the detail by fund type and activity that supports this resolution which was considered at the hearing.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Resolution adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Renning, Doty, to approve and adopt the items contained in the Consent Agenda: Motion to approve minutes (April 1, 2019 and April 15, 2019).

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Renning, Fails, to approve abatement proceedings for Craig Garthoff, 402 S. Church St. Expiration for compliance May 20, 2019 with abatement date on May 21, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Fails, Doty, to approve beer permit for the Fire Department Pioneer Days.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Fails, Renning, to approve Superior Street Dike Improvements Project Change Order No. 2; increase in cost changing pavement thickness from

6-inch to 8-inch.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Renning, Kolb, to approve Superior Street Dike Improvements Project Partial Pay Estimate Number Six to Cole Excavating, LLC for \$27,161.53.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve cement patio building permit for Chris Cramer, 420 W. Weare St.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve fence building permit for Mitch Humphrey, 314 W. Poisal St.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve storage shed and concrete pad building permit for Mark McMullen, 1015 S. Main St.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve covered porch building permit for Richard Price, 528 W. Wamsley Ave.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve covered porch building permit for Stacy Ragsdale, 421 W. Superior St.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve storage shed building permit for Marvin Schmadeke, 313 S. Church St.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve chain link fence building permit for Bryon Wordes, 721 S. Mather St.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Kolb, Fails, to approve one-time contracted service with D. W. Huisman for City street sweeping.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Renning, Doty, to approve Deputy City Clerk attending Iowa Municipal Professionals Institute July 15, 2019 – July 19, 2019.

RCV – Ayes: Doty, Fails, Kolb, Renning. Nays: None. Absent: Smith. MC.

Motion Fails, to adjourn the regular City Council meeting at 8:12 p.m.

ATTEST:

Val F. Swinton, Mayor

Lori A. Peterson, City Clerk/Treasurer

PROCEEDINGS

OFFICIAL PROCEEDINGS CITY OF CLARKSVILLE SPECIAL SESSION MINUTES MAY 6, 2019

The Clarksville City Council met in special work session May 6, 2019, in the temporary City Hall, Clarksville, Iowa, at 6 p.m., with Mayor Val Swinton in the Chair and Council Members Todd Fails, Jeff Kolb, and Diane Renning. Roger Doty and Kenny Smith absent. Attending was Barry Mackey, Police Chief; Matt Kampman, Maintenance Superintendent; Lori Peterson, Financial Administration.

The Council met in special work session to update the current City of Clarksville Ordinance Code Book.

Motion Kolb, to adjourn the City Council Special Work Session Meeting at 6:58 p.m.

ATTEST:

Val F Swinton, Mayor

Lori A Peterson, City Clerk/Treasurer

CS-19

PROBATE

**NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS
CASE NO. ESPR016920**

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE OF
Mary R. Groen, Deceased.

To All Persons Interested in the Estate
of Mary R. Groen, Deceased, who died
on or about March 16, 2019:

You are hereby notified that on the 19th
day of April, 2019, the last will and testa-
ment of Mary R. Groen, deceased, bear-
ing the date of the 17th day of April, 2015,
was admitted to probate in the above
named court and that Wilson Groen was
appointed executor 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 19th day of April, 2019.

Wilson Groen

3333 E Florida Ave., #119

Denver, CO 80210

Executor of Estate

Beau D. Buchholz, ICIS#: AT0009650

Attorney for Executor

Engelbrecht and Buchholz, PLLC

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

Waverly, IA 50677

Date of second publication 9th day of
May, 2019.

CS-18, 19

PUBLIC NOTICE

**NOTICE TO BIDDERS
PROJECT NUMBER:
FM-C012(111)--55-12**

Sealed bids will be accepted by the County Auditor of Butler County at their office in Allison, Iowa, until 9 a.m., on Tuesday, May 21, 2019, for the various items of construction work listed below.

A Certified check, made payable to the County, or a Cashier' check, made payable to either the County or to the contractor, drawn upon a solvent bank or a bid bond, shall be filed with each proposal in an amount as set forth in the proposal form. Cashier' check, made payable to the contractor, shall contain an unqualified endorsement to the County signed by the contractor or his authorized agent. Failure to execute a contract and file an acceptable bond and Certificate of Insurance within 30 days of the date of the approval for awarding of the contract, as herein provided, will be just and sufficient cause for the denial of the award and the forfeiture of the proposal guaranty.

Plans, specifications and proposal forms for the work may be seen and may be secured at County Engineer's Office at 428 Sixth St., Allison, IA, 50602-0305

All proposals must be filed on the forms furnished by the County, sealed and plainly marked. Proposals containing any reservations not provided for in the forms furnished may be rejected, and the County Board reserves the right to waive technicalities and to reject any or all bids.

Attention of bidders is directed to the Special Provisions covering the qualifications of bidders and subletting or assigning of the contract.

As a condition precedent to being furnished a proposal form, a prospective bidder must be on the current Iowa Department of Transportation or local county list of qualified bidders; except that this requirement will not apply when bids are received solely for materials, supplies, or equipment.

BUTLER County shall issue sales tax exemption certificates through the Iowa Department of Revenue and Finance to the successful bidder and an subcontractors to enable them to purchase qualifying materials for the project free of sales tax.

The County, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of

Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally- assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enter-

prises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Description of the Proposed Work : FM-C012(111)--55-12

Provide and place granular surfacing on various Farm to Market gravel routes

Description, Units	Quantity
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1400.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	2680.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	640.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	250.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1030.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	760.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1270.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1180.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	810.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	880.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1130.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1125.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	750.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	2980.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	2215.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1040.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	250.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1350.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1720.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	800.0

Total Proposal Guaranty is \$10,000; 25 Working Days; Late Start Date: June 10, 2019; \$1,000/Day Liquidated Damages.

STANDARD SPECIFICATIONS OF THE IDOT, SERIES 2015, AND CURRENT SUPPLEMENTAL SPECIFICATIONS SHALL APPLY.

Bidders should review plan set for route details. Each line above correlates with a route listed and shown in plan set. Each route listed is to be bid separately and awarded to lowest responsive bidder. Multiple contracts may be awarded.

Approved by the Butler County Board of Supervisors at their regular session on April 30, 2019.

By: Liz Williams, Butler County Auditor
CS-19

PROCEEDINGS

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 23, 2019.

Meeting called to order at 9 a.m., by Chairman Rusty Eddy with members Greg Barnett and Tom Heidenwirth present. Also present were Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Environmental Health Specialist Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa.

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

Board held a public hearing on a Construction Permit Application for a new swine facility for Maximus Decimus Meridius, LLC, owner Jim Luebbers. Location of proposed facility is in the NE¼ of the SE¼ of Section 7-90-18 in Washington Township. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Environmental Health Specialist Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Environmental Health Specialist reported no written or oral comments received. Hearing no comments in the room, Chairman Eddy closed the public hearing.

Board held a public hearing on an application by Frank Reints to rezone approximately 75 acres located at 30047 – 220th St. in the S½ SW¼ of Section 33, Township 92N, Range 15W from "A-1" Agriculture to "M" Manufacturing. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Zoning Administrator Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Keith Lovrien, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Zoning Administrator reported no written or oral comments received. At the close of the public hearing it was moved by Barnett, second by Heidenwirth to accept the recommendation of the Planning and Zoning Commission and approve said zoning change. All ayes. Motion carried.

Board held a public hearing on the first reading of a proposed amendment to the Butler County Zoning Ordinance Title VI,

No. 7. This Ordinance, Title VI, No. 17 will rezone approximately 75 acres in the S½ SW¼ of Section 33 from "A-1" Agriculture to "M" Manufacturing. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Zoning Administrator Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Keith Lovrien, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Zoning Administrator reported no written or oral comments received. At the close of the public hearing it was moved by Heidenwirth, second by Barnett to approve said change to the Zoning Ordinance. All ayes. Motion carried.

It was further moved by Barnett, second by Heidenwirth to waive the second and third readings of said ordinance. All ayes. Motion carried. Amended Ordinance is as follows:

ORDINANCE TITLE VI, No. 17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 8, ADOPTED ON MAY 25, 2004)

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

The South half of the Southwest quarter in Section 33, Township 92 North, Range 15 West of the 5th P.M. in Butler County, Iowa. All subject to easements of record and public highways, on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation "M", Manufacturing, 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 8, adopted on May 25, 2004) 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 unconstitu-

tional, 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 April 23, 2019.

SECOND PASSAGE (READING) on WAIVED.

THIRD AND FINAL PASSAGE (READING) AND ADOPTION on April 23, 2019.

Board met with Treasurer Vicki Schoneeman to review the Tax Suspension List. Moved by Eddy, second by Barnett to approve said Tax Suspension List for Fiscal Year 2020. All ayes. Motion carried.

Public comments received were centered on the conditions of secondary roads. Larry Backer, Clarksville, Iowa questioned the Board on what their plan was for repairing the damaged roads, why frost boils are not being pushed down and why more rock is not being applied. Chris Backer, Clarksville, Iowa stated that the frost boils are as bad as he's ever seen and the condition of the roads is crippling the agricultural business. Sam Barnett, Clarksville, Iowa stated that he has driven 10 to 12 miles into Floyd County and did not see one pot hole or frost boil in that County. Engineer Riherd reported that 1.1 million dollars is spent on rock, and with fuel and equipment costs added, there is a lot that goes into it. Generally, moisture and drainage issues are the cause. He stated further that the roads department's heavy equipment would only serve to make matters worse if they would try to repair or rock some of the roads at this point. Supervisor Heidenwirth stated that all counties are having the same moratorium on roads, and as the frost goes out, repair will continue. Supervisor Eddy questioned whether or not the increased size of the farm equipment driven on the roads compared to 30 to 40 years ago has anything to do with the level of damage the roads are seeing. Approximately 106,000 tons of rock is applied annually. Last year 128,000 tons were applied.

Board approved claims as submitted. Moved by Barnett, second by Heidenwirth to adjourn the meeting at 9:45 a.m. to Tuesday, April 30, 2019 at 9:00 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 April 23, 2019.

PROBATE

NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS

CASE NO. ESPR016918

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE
OF ROBERT DOUGLAS THARPE, De-
ceased.

To All Persons Interested in the Estate
of Robert Douglas Tharpe, Deceased,
who died on or about March 30, 2019:

You are hereby notified that on the 19th
day of April, 2019, the last will and tes-
tament of Robert Douglas Tharpe, de-
ceased, bearing date of the 9th day of
February, 2009, was admitted to probate
in the above-named court and that Kar-
la Joy Shea was appointed Executor of
the estate. Any action to set aside the will
must be brought in the District Court of
such 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 rea-
sonably 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 22nd day of April, 2019.

Karla Joy Shea

Executor of the Estate

P.O. Box 1200

Waterloo, IA 50704-1200

Natalie Williams Burris, AT0001261

Attorney for Executor

Swisher & Cohrt, PLC

528 W. Fourth St., P.O. Box 1200

Waterloo, IA 50704

Date of second publication 9th day of
May, 2019

TJ-18, 19

PROBATE

**NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS
PROBATE NO. ESPR016919**

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE OF
ROLIN LESTER EBERLINE, Deceased.

To All Persons Interested in the Estate
of Rolin Lester Eberline, Deceased, who
died on or about March 19, 2019:

You are hereby notified that on the 19th
day of April, 2019, the last will and testa-
ment of Rolin Lester Eberline, deceased,
bearing date of July 12, 1997, *First Cod-
icil to the Last Will and Testament dated
January 26, 2002 was admitted to pro-
bate in the above named court and that
Julie Ann Eberline was appointed exec-
utor of the estate. Any action to set aside
the will must be brought in the district
court of said county within the later to oc-
cur of four months from the date of the
second publication of this notice or one
month from the date of mailing of this no-
tice to all heirs of the decedent and devi-
sees 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 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 this 19th day of April, 2019.

Julie Ann Eberline
Executor of the Estate
19352 Hickory Ave.
Bristow, IA 50611

Martin Petersen, ICIS#: AT0006109
Attorney for the Executor
Klinkenborg, Hansmann & Petersen
1201 Hwy. 57, P.O. Box 682
Parkersburg, IA 50665

Date of second publication 9th day of
May, 2019

TJ-18, 19

PROBATE

**NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTORS,
AND NOTICE TO CREDITORS
CASE NO. ESPR016925**

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE OF
LUCILLE L. ECKHOFF, Deceased.

To All Persons Interested in the Estate
of Lucille L. Eckhoff, Deceased, who died
on or about April 23, 2019:

You are hereby notified that on the 1st
day of May, 2019, the last will and tes-
tament of Lucille L. Eckhoff, deceased,
bearing date of the 18th day of Febru-
ary, 2010, was admitted to probate in the
above named court and that Richard H.
Eckhoff and Cheryl Manning were ap-
pointed executors of the estate on May
1, 2019 by Order of the Court dated April
30, 2019. 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 rea-
sonably 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 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 this 1st day of May, 2019.

Richard H. Eckhoff
25992 Newton Rd.
Allison, IA 50602
Cheryl Manning
220 W. Slimmer Ave.
Clarksville, IA 50619
Executors of Estate

DALE HANSMANN
Attorney for Executors
Klinkenborg, Hansmann & Petersen
1201 Hwy. 57, P.O. Box 682
Parkersburg, IA 50665

Date of second publication 16th day of
May, 2019.

PROBATE

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

CASE NO. ESPR016926

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE OF
MICHAEL D. MATHES, Deceased.

To All Persons Interested in the Estate
of Michael D. Mathes, Deceased, who
died on or about Dec. 10, 2018:

You are hereby notified that on the 29th
day of April, 2019, the last will and tes-
tament of Michael D. Mathes, deceased,
bearing the date of the 11th day of Janu-
ary, 2018, was admitted to probate in the
above named court and that Ann Mathes
and Michael Mathes were appointed ex-
ecutors of the estate. Any action to set
aside the will must be brought in the dis-
trict 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 de-
visees 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 1st day of May, 2019.

Ann Mathes

4130 SW Fifth Ave.

Cape Coral, FL 33914

Michael Mathes

4130 SW Fifth Ave.

Cape Coral, FL 33914

Executors of Estate

John K. Fischer,

ICIS PIN No.: AT0002470

Attorney for Executors

Fischer Law, PLLC

216 W Fourth St.

Vinton, IA 52349

Date of second publication 16th day of
May, 2019.

TJ-19, 20

PROBATE

**NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF EXECUTOR,
AND NOTICE TO CREDITORS
PROBATE NO. ESPR016927**

THE IOWA DISTRICT COURT BUTLER
COUNTY

IN THE MATTER OF THE ESTATE OF
HANS L. TERRILL, Deceased.

To All Persons Interested in the Estate
of Hans L. Terrill, Deceased, who died on
or about Sept. 18, 2018:

You are hereby notified that on the 1st
day of May, 2019, the last will and testa-
ment of Hans L. Terrill, deceased, bear-
ing the date of the 25th day of March,
1997, was admitted to probate in the
above named court and that Linda M.
Terrill was appointed executor of the es-
tate. 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 pub-
lication of this notice or one month from
the date of mailing of this notice to all
heirs of the decedent and devisees un-
der the will whose identities are reason-
ably ascertainable, or thereafter be for-
ever 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 2nd day of May, 2019.

Linda M. Terrill
12369 230th St.
Dumont, IA 50625
Executor of Estate

G. A. Cady III, ICIS PIN No: AT0001386
Attorney for Executor
Cady & Rosenberg Law Firm, PLC
9 First St. SW, P.O. Box 456
Hampton, IA 50441
641-456-2555

Date of second publication 16th day of
May, 2019.

TJ-19, 20

PUBLIC NOTICE

NOTICE TO BIDDERS PROJECT NUMBER: FM-C012(111)--55-12

Sealed bids will be accepted by the County Auditor of Butler County at their office in Allison, Iowa, until 9 a.m., on Tuesday, May 21, 2019, for the various items of construction work listed below.

A Certified check, made payable to the County, or a Cashier' check, made payable to either the County or to the contractor, drawn upon a solvent bank or a bid bond, shall be filed with each proposal in an amount as set forth in the proposal form. Cashier' check, made payable to the contractor, shall contain an unqualified endorsement to the County signed by the contractor or his authorized agent. Failure to execute a contract and file an acceptable bond and Certificate of Insurance within 30 days of the date of the approval for awarding of the contract, as herein provided, will be just and sufficient cause for the denial of the award and the forfeiture of the proposal guaranty.

Plans, specifications and proposal forms for the work may be seen and may be secured at County Engineer's Office at 428 Sixth St., Allison, IA, 50602-0305

All proposals must be filed on the forms furnished by the County, sealed and plainly marked. Proposals containing any reservations not provided for in the forms furnished may be rejected, and the County Board reserves the right to waive technicalities and to reject any or all bids.

Attention of bidders is directed to the Special Provisions covering the qualifications of bidders and subletting or assigning of the contract.

As a condition precedent to being furnished a proposal form, a prospective bidder must be on the current Iowa Department of Transportation or local county list of qualified bidders; except that this requirement will not apply when bids are received solely for materials, supplies, or equipment.

BUTLER County shall issue sales tax exemption certificates through the Iowa Department of Revenue and Finance to the successful bidder and an subcontractors to enable them to purchase qualifying materials for the project free of sales tax.

The County, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally- assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full

opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Description of the Proposed Work : FM-C012(111)--55-12

Provide and place granular surfacing on various Farm to Market gravel routes

Description, Units	Quantity
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1400.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	2680.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	640.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	250.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1030.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	760.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1270.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1180.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	810.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	880.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1130.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1125.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	750.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	2980.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	2215.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1040.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	250.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1350.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	1720.0
Granular Surfacing On Road, Class D	
Crushed Stone, Ton	800.0

Total Proposal Guaranty is \$10,000; 25 Working Days; Late Start Date: June 10, 2019; \$1,000/Day Liquidated Damages.

STANDARD SPECIFICATIONS OF THE IDOT, SERIES 2015, AND CURRENT SUPPLEMENTAL SPECIFICATIONS SHALL APPLY.

Bidders should review plan set for route details. Each line above correlates with a route listed and shown in plan set. Each route listed is to be bid separately and awarded to lowest responsive bidder. Multiple contracts may be awarded.

Approved by the Butler County Board of Supervisors at their regular session on April 30, 2019.

By: Liz Williams, Butler County Auditor
TJ-19

PUBLIC NOTICE

PUBLIC NOTICE

The Beth E. Reinhart Charitable Trust will be accepting applications for grants during the period of July 1 to Aug. 31. Charitable purposes for the benefit of children shall include educational activities, youth programs, delivery of health care services and any other charitable purpose benefiting children and acceptable to the Trustees within a fifty (50) mile radius of Mason City, Iowa. For complete procedure details, please contact:

Beth E. Reinhart Charitable Trust
c/o Sandy Benson

P.O. Box 894

Mason City, IA 50401

Phone: 641-430-4563

Email: bethcharitabletrust@outlook.com

Applicants must be a "public charity" within the meaning of Internal Revenue Code Section 501(c)(3) or Internal Revenue Section 170(c)(1).

TJ-16, 17, 18, 19