

## Proceedings

### MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 29, 2018.

Meeting called to order at 9:00 a.m. by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Also present was Director of Public Health Jennifer Becker.

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

Board met with Public Health Director Jennifer Becker to review Agreement Regarding Public Health Annual Sub-Fund. Moved by Barnett, second by Heidenwirth to approve said agreement. All ayes. Motion carried.

Moved by Barnett, second by Eddy to approve the following:

#### RESOLUTION #494-FY19

WHEREAS, the Butler County Board of Supervisors and the Butler County Board of Health have reached an agreement regarding the Public Health Annual Sub-Fund, and

WHEREAS, such agreement establishes an annual allocation of funds to be transferred from the General Basic Fund to the Public Health Sub-Fund, and

WHEREAS, that the amount of said annual allocation shall be determined annually,

IT IS THEREFORE RESOLVED that the Butler County Board of Supervisors hereby authorizes the Auditor to transfer \$157,113.00 from the General Basic Fund into the Public Health Sub-Fund. Said transfer shall be for Fiscal Year 2019 and shall be made as soon after the beginning of the new fiscal year as possible.

Upon roll call the vote thereon was as follows: AYES: Greg Barnett, Rusty Eddy, Tom Heidenwirth; NAYS: None. DATED this 29th day of May, 2018.

WHEREUPON the resolution was adopted.

ATTEST: *Lizbeth Williams,*  
*County Auditor*

Bids were opened for County Auction. Also present were Engineer John Riherd and Assessor Michele Shultz.

Board approved claims as submitted. Moved by Barnett, second by Heidenwirth to adjourn the meeting at 9:42 A.M. to Tuesday, June 5, 2018 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 May 29, 2018.

TJ/CS 24-1

## PUBLIC NOTICE

ORIGINAL NOTICE FOR PUBLICATION IN THE IOWA DISTRICT COURT FOR BUTLER COUNTY PENNYMAC LOAN SERVICES, LLC, Plaintiff, vs. ALBERT R. LAMBERT; MALISSA R. LAMBERT; AQUA FINANCE, INC.; STATE OF IOWA; HAUGE ASSOCIATES, INC.; and PARTIES IN POSSESSION, Defendants. EQUITY NO. EQCV021456

To the above-named Defendants: Malissa R. Lambert and Parties in Possession

You are notified there was on April 16, 2018 filed in the Office of the Clerk of the above-named Court a Foreclosure Petition, which prays for foreclosure of a mortgage in favor of the Plaintiff on the property described herein and judgment in rem in the amount of \$160,115.21 plus interest at the rate of 3.75% per annum from October 1, 2017, such amount equaling \$16.45 per day, the costs of the action including title costs of \$225.00, and reasonable attorney fees and that said sums be declared a lien upon the following-described premises from February 19, 2016, located in Butler County, Iowa, to-wit:

A tract beginning at the Northwest corner of the Northeast Quarter of Section 12, Township 90 North, Range 16 West of the Fifth P.M., thence South on the West boundary of said Northeast Quarter 1,433.09 feet, thence East 151.98 feet, thence North 1,433.09 feet, thence West 151.98 feet on the North boundary line of said Northeast Quarter to point of beginning.

that the mortgage on the above-described real estate be foreclosed, that a special execution issue for the sale of as much of the mortgaged premises as is necessary to satisfy the judgment and for other relief as the Court may deem just and equitable. The attorney for the Plaintiff is Matthew E. Laughlin, whose address is The Davis Brown Tower, 215 10th Street, Suite 1300, Des Moines, Iowa 50309-3993, Phone: (515) 288-2500, Facsimile: (515) 243-0654.

NOTICE THE PLAINTIFF HAS ELECTED FORECLOSURE WITHOUT REDEMPTION. THIS MEANS THAT THE SALE OF THE MORTGAGED PROPERTY WILL OCCUR PROMPTLY AFTER ENTRY OF JUDGMENT UNLESS YOU FILE WITH THE COURT A WRITTEN DEMAND TO DELAY THE SALE. IF YOU FILE A WRITTEN DEMAND, THE SALE WILL BE DELAYED UNTIL SIX MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS YOUR RESIDENCE AND IS A ONE-FAMILY OR TWO-FAMILY DWELLING OR UNTIL TWO MONTHS FROM ENTRY OF JUDGMENT IF THE MORTGAGED PROPERTY IS NOT YOUR RESIDENCE OR IS YOUR RESIDENCE BUT NOT A ONE-FAMILY OR TWO-FAMILY DWELLING. YOU WILL HAVE NO RIGHT OF REDEMPTION AFTER THE SALE. THE PURCHASER AT THE SALE WILL BE ENTITLED TO IMMEDIATE POSSESSION OF THE MORTGAGED PROPERTY. YOU MAY PURCHASE AT THE SALE.

You must serve a motion or answer on or before the 4th day of July, 2018, and within a reasonable time thereafter, file your motion or answer, in the Iowa District Court for Butler County, Iowa. You are notified that Butler County District Court utilizes the Electronic Document Management System. You are directed to the Iowa Court Rules Chapter 16 for general rules and information on electronic filing and, in particular, Division VI regarding the protection of personal information in court filings. If you do not, judgment by default may be rendered against you for the relief demanded in the Petition.

If you need assistance to participate in court due to a disability, call the disability coordinator at 641-494-3611. Persons who are hearing or speech impaired may call Relay Iowa TTY (1 800 735 2942.) Disability coordinators cannot provide legal advice.

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

Date of Third Publication: June 14, 2018

TJ22-3

## SHERIFF'S LEVY AND SALE

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 #: EQCV021398 Civil #: 18-000123 Special Execution BAYVIEW LOAN SERVICING, LLC vs. ROBERT IZER AND SANDRA IZER, HUSBAND AND WIFE; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR HSBA MORTGAGE CORPORATION; WHEATON FRANCISCAN HEALTHCARE-IOWA, DBA COVENANT MEDICAL CENTER, MERCY HOSPITAL AND SARTORI MEMORIAL

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 Real Estate, Described Below

To satisfy the judgment. The Property to be sold is:

THE FOLLOWING DESCRIBED REAL ESTATE IN BUTLER COUNTY, IOWA: PARCEL B, EXCEPT THE EAST 387.85 FEET; AND ALSO, THE EAST 51.53 FEET OF PARCEL, ALL IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETY-ONE (91) NORTH, RANGE THE FOLLOWING DESCRIBED REAL ESTATE IN BUTLER COUNTY, IOWA: PARCEL B, EXCEPT THE EAST 387.85 FEET AND ALSO, THE EAST 51.53 FEET OF PARCEL A ALL IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SE1/4 SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP NINETY-ONE (91) NORTH, RANGE

SEVENTEEN (17) WEST OF THE FIFTH P.M., AS SHOWN IN PLAT OF SURVEY FILED APRIL 11, 1988, IN BOOK G PAGE 62 IN THE RECORDERS OFFICE OF BUTLER COUNTY, IOWA, TAX ID: 1028300044, BEING THE SAME FEE SIMPLE PROPERTY CONVEYED BY WARRANTY DEED FROM DAVID A. DODGEN AND DEBORAH L. DODGEN HUSBAND AND WIFE TO ROBERT IZER AND SANDRA IZER HUSBAND AND WIFE JOINT TENANTS, DATED 10/21/2005 RECORDED ON 10/26/2005 IN INSTRUMENT NO. 20054555 IN BUTLER COUNTY RECORDS, OF IA. JUDGEMENT IN REM Property Address: 18395-270TH STREET, APLINGTON, IA 50604

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

Sale Date: June 28, 2018  
Sale Time: 10:00 a.m.  
Place of Sale: BUTLER COUNTY SHERIFF'S OFFICE, 428 6TH ST., ALLISON, IA 50602

This sale not 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: \$78,303.62  
Costs: \$26,259.36  
Accruing Costs PLUS  
Interest: \$3,533.83  
Sheriff's Fees: Pending  
Attorney  
MICHAEL J. CUNNINGHAM  
2830-100TH ST., STE. 106  
URBANDALE, IA 50322  
Date: May 31, 2018  
JASON S. JOHNSON  
BUTLER COUNTY SHERIFF

TJ-23-2

## Public Notice

**PUBLIC NOTICE**  
**Notice of Public Hearing**  
**Jurisdiction of City of Clarksville**  
**Sale of City-Owned Properties**  
**On Main Street to**

**The Overland Group (Dollar General)**  
 A Public Hearing will be held by the City Council of Clarksville, Iowa, on the proposed sale of City-owned properties on South Main Street to The Overland Group (Dollar General). The meeting will be held at 7:00 p.m. on June 18, 2018 at the Clarksville Public Library, 103 W Green Street, Clarksville, Iowa.

This notice is given by authority of the City of Clarksville.  
*Val Swinton, Mayor*  
*Attest: Lori Peterson, City Clerk*  
 Published in the Clarksville Star.  
 CS24-1

## Proceedings

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WHEREUPON the resolution was adopted.

*ATTEST: Lizbeth Williams, County Auditor*  
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TJ/CS 24-1

## PROCEEDINGS: Clarksville

**CITY OF CLARKSVILLE**  
**EXPENDITURES: May 2018**

Cash-Imprest Funds-Refund .....	\$50.00
EFTPS-Fed/FICA Tax .....	\$7,561.39
Collection Service Center	
-Child Support .....	\$363.86
Clarksville Ambulance	
-Calls & Fees .....	\$530.00
Clarksville Lumber Co, Inc	
-Supplies .....	\$115.20
Clarksville Post Office-Postage ..	\$207.90
Iowa State Bank-Loans .....	\$36,722.00
Kampman Electric-Training .....	\$125.00
Clarksville Comm Club-Dues.....	\$50.00
Peterson, Lori A	
-Mileage Reimbursement.....	\$158.49
French Construction-2016 Housing	
Rehab Project 2 .....	\$16,908.00
Cedar Valley Portables	
-Holding Tank Cleanings .....	\$100.00
Blank Park Zoo-Summer	
Reading Program .....	\$183.96
Boy Scout Troop 53	
-Recycling Station .....	\$220.00
Butler Co Ems-Annual Fees .....	\$312.00
Butler County Recorder-2016 Housing	
Rehab Project 2 .....	\$7.00
Butler Co Solid Waste-Landfill....	\$5,036.50
Butler-Bremer Comm.-Phones ...	\$451.30
Casey's General Store	
-Gasoline.....	\$1,237.24
Central Iowa Distributing	
-Ambulance Building .....	\$233.35
Emergency Medical Product	
-Medical Supplies.....	\$322.15
Fehr Graham Engineering	
-Engineering Services .....	\$1,405.75
Hoppy's Auto Parts	
-Vehicle Maintenance.....	\$362.69
Ingram Library Services-Books....	\$1,099.11
INRCOG-2017 Buyouts .....	\$868.78
Iowa Depart. Of Revenue	
-State Tax .....	\$1,442.00
Iowa Prison Industries-Signs .....	\$433.24
IPERS-IPERS .....	\$4,643.21
Jendro Sanitation Service	
-Garbage Pickup .....	\$5,827.87
Marco Technologies LLC	
-Copier Maintenance.....	\$231.03
Mid-America Publishing	
-Publications .....	\$517.49
Midamerican Energy-Utilities....	\$3,778.54
Professional Claims Group	
-Ambulance Billing .....	\$512.81
Schumacher Elevator Co	
-Elevator Repairs .....	\$266.70
Roberts, Stevens &	
-Attorney Fees .....	\$156.25
Testamerica Laboratories	
-Lab Test .....	\$112.50
The Library Store, Inc-Supplies ...	\$439.28
US Cellular-Cell Phones .....	\$254.50
Visa-Postage, Supplies .....	\$5,374.53
Wellmark BCBS	
-Group Insurance .....	\$7,488.61
USA Bluebook-Supplies .....	\$313.17
Redline Auto	
-Truck Repairs 12-67 .....	\$556.40
Hawkeye Alarm & Signal	
-Inspection .....	\$250.00
Graham Tire Mason City-Tires....	\$1,269.44
Croell Inc-Sand	
-IFlood Mitigation.....	\$2,240.80
Midamerica Books-Books.....	\$71.80

IA State Bank-Ach Fee .....	\$15.00
Hometown Grocery-Flowers	
-Amber's Salon .....	\$21.99
Grout Museum District	
-Summer Reading Program ....	\$216.50
Hinders, Kayla	
-Mileage Reimbursement.....	\$15.70
Campbell Supply Waterloo	
-Shop Equipment .....	\$22.20
A-1 Storage-2017	
City Hall Fire/Pod Rental.....	\$260.00
Satellite Shelters, Inc	
-2017 Ch Fire/Trailer Rental ...	\$495.00
Hawkeye Communication	
-Camera Repair .....	\$270.00
Iowa Attorney General	
-Cash Forfeiture Percentage...	\$222.40
Main Street Auto Repair	
-Decals/New Car Repair .....	\$1,515.48
Xpressions-Shirts .....	\$64.00
Nathan Sahr-Security	
-Maddie Poppe Day .....	\$150.00
Chase Hollinrake Security	
-Security-Maddie Poppe Day....	\$450.00
Deposit Refunds	
-Refund Date 05/21/2018.....	\$330.67
Payroll Checks	
-Total Payroll Checks .....	\$23,429.80
Total Expenditures For: May....	\$138,290.58
<b>EXPENDITURES BY FUNDS: May</b>	
General Fund Fund .....	\$37,652.50
Road Use Tax Fund .....	\$8,545.33
Employee Benefits Fund .....	\$4,666.00
Lost (35%) Property	
Impro Fund.....	\$3,101.80
Lost (30%) Recreation-Tax Fund...	\$30.46
2016-Housing Rehab Fund ...	\$16,915.00
2017-Buyout Program Fund .....	\$868.78
Water Utility Fund .....	\$4,153.42
Debt Service Fund .....	\$36,722.00
Water Utility Fund .....	\$7,608.31
Customer Deposit Fund Fund ...	\$330.67
General Utility Fund .....	\$6,404.04
Garbage Utility Fund.....	\$11,292.27
Total By Funds: May .....	\$138,290.58
<b>RECEIPTS: May</b>	
General Fund Fund .....	\$21,848.39
Road Use Tax Fund .....	\$17,284.53
Employee Benefits Fund .....	\$2,367.41
Emergency Levy Fund .....	\$304.07
Lost (35%) Property Impr	
-Tax Fund .....	\$2,449.97
Lost (30%) Recreation	
-Tax Fund .....	\$2,057.12
Lost (35%) Tax Relief	
-Tax Fund .....	\$2,399.97
Economic Development Fund ....	\$190.00
2016 Flood	
2016 Housing Rehab	
2017 Buyout Program	
2017 City Hall Fire.....	\$6,114.53
Debt Service Fund .....	\$3,375.83
Building Projects Fund	
Equipment Projects Fund	
Perpetual Care Fund	
Water Utility Fund .....	\$12,430.84
Customer Deposit Fund.....	\$1,200.00
Water (Tower Lease) Fund .....	\$275.00
Sewer Utility Fund .....	\$9,244.13
Garbage Utility Fund.....	\$12,969.79
Storm Water Drainage	
Util Fund.....	\$4,407.77
Total Revenue For: May .....	\$98,919.35

CS24-1

## PROCEEDINGS: Clarksville

**CITY OF CLARKSVILLE**  
**CITY COUNCIL BUSINESS MEETING**  
**June 4, 2018**

The Clarksville City Council met in regular session June 4, 2018, in the Temporary Council Chambers at 7:00 p.m. with Mayor Val Swinton in the chair and Council Members Roger Doty, Todd Fails, Jeff Kolb, Diane Renning, and Kenny Smith present.

Motion Smith, Renning, to approve and adopt the items contained in the Consent Agenda: Motion to approve minutes (May 7, 2018, May 21, 2018, May 23, 2018 and May 25, 2018).

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

Motion Renning, Kolb, to approve cigarette/tobacco permits for Clarksville Hometown Grocery and Casey's General Store.

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

The Mayor then invited citizens attending the meeting for public discussion and input regarding the sale of the three city-owned properties on Main Street to Dollar General. Dawson Dowden said he would like to see the City sell to Dollar General and that the town needs to grow. Dawson asked how many lots the City owned on Main Street. He also said this would be a good way to make up some of the tax revenue from the loss of the eight buyout houses. April Hoodjer mentioned that the City should not be turning businesses away that want to come to town. Anita Nutt stated that Clarksville needed something to draw new people in to town or keep them here. Dollar General would be close enough for residents to walk to if they wanted. Paul Miller wanted to know where their customers would park. He was concerned that if customers were parking in the rear of the building that possibly fifteen to twenty spots would need to be designated for fire and ambulance in the back parking lot. April Hoodjer said employees that park on Main Street now may need to find parking on side streets. Ginger Avery thought that Clarksville was in a downswing for a while and that any

new business added would be great. She also stated competition is good, a win, win for all. Lisa Jacobs mentioned that local residents wouldn't have to run to Waverly when our local grocery store was closed for the day. Other businesses may come to town as well. Ted Hoodjer like the idea that tax money would stay in town and in Butler County, not going to Bremer County.

Motion Fails, Doty, to approve Resolution 18-664: A RESOLUTION OF THE CITY OF CLARKSVILLE, IOWA, TO SET A PUBLIC HEARING REGARDING DISPOSAL OF CITY-OWNED PROPERTIES ON MAIN STREET TO DOLLAR GENERAL.

WHEREAS, the City of Clarksville, Iowa, is the owner of commercial properties on S. Main Street, Clarksville, Butler County, Iowa.

WHEREAS, the City has received an Offer to Sell the described properties to The Overland Group (Dollar General).

WHEREAS, said real estate is currently designated for the construction of a New City Hall building.

WHEREAS, the City Council has determined that it may be in the best interest of the City to convey said properties to The Overland Group, and that a public hearing should be held on the proposal to sell the property.

NOW, THEREFORE, BE IT RESOLVED that the City of Clarksville, shall conduct a Public Hearing on whether to sell to the company named above. Said hearing to be held at 7:00 p.m. at the Clarksville Public Library, 103 W Greene Street, Clarksville, Iowa, on the 18th day of June, 2018.

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

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

Motion Fails, to adjourn the regular City Council meeting at 7:32 p.m.

*Val Swinton, Mayor*  
*Attest: Lori A. Peterson,*  
*City Clerk/Treasurer*

CS24-1