

Proceedings

**CITY OF CLARKSVILLE
CITY COUNCIL
SPECIAL WORK SESSION
September 4, 2018**

The Clarksville City Council met in special work session September 4, 2018, in the temporary City Hall at 6:00 p.m. with Mayor Val Swinton in the Chair and Council Members Roger Doty, Todd Fails, Jeff Kolb, Diane Renning, and Kenneth Smith. Attending was Lori Peterson and Kayla Hinders, Financial Administration.

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

Motion Fails, to adjourn the City Council Special Work Session Meeting at 6:54 p.m.

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

CS37-1

Public Notice

**NOTICE OF PUBLIC HEARING
BUTLER COUNTY**

Planning and Zoning Commission

The Butler County Planning and Zoning Commission will met on September 21, 2018, at 1:00 p.m., in the Meeting Room in the Basement of the Butler County Courthouse, Allison, Iowa. At this meeting the Commission will:

Hold a Public Hearing on an application for a special use permit by Zach and Ashtyn Dietiker to move a mobile home on the property located at 32201 Terrace Ave in the NR1/4 NE1/4 of Section 30, Township 90, Range 15 for a temporary living quarters.

All interested parties are encouraged to attend the meeting. Written or oral comments may be submitted to the Butler County Zoning Administrator at the Courthouse, P.O. Box 325, Allison, Iowa.

Misty Kroeze
Butler County Zoning Administrator

TJ/CS37-1

Trust Notice

**TRUST NOTICE
IN THE MATTER OF THE TRUST:
DORIS J. LEEPER**

To all persons regarding Doris J. Leeper deceased, who died on or about July 30, 2018. You are hereby notified that Lyle Leeper is the trustee of the Doris J. Leeper Trust under agreement dated on July 16, 2001. 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 on August 27, 2018

Doris J. Leeper Trust
Lyle Leeper
120 Highlands Circle,
Zlunbrota, MN 55992

Name and address of Trustee

Beau D. Buchholz, #AT0009650

Attorney for Trustee

Engelbrecht and Buchholz, PLLC

123 1st St. SE, P.O. Box 59

Waverly, IA 50677

Date of second publication

September 19, 2018

CS37-2

PROCEEDINGS: Clarksville

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

The Clarksville City Council met in regular session September 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 Keny Smith present.

Motion Smith, Doty, to approve and adopt the items contained in the Consent Agenda: Motion to approve minutes (August 6, 2018, August 11, 2018, and August 20, 2018).

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

Motion Kolb, Smith, to deny fence and increase shop size for Robert Skillen, 802 S Main St.

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

Motion Renning, Fails, to approve driveway permit for Charles Bittner, 514 N Elizabeth St.

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

Motion Renning, Fails, to approve lean-to building permit for Dave Koop, 403 W Jefferson St.

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

Motion Kolb, Renning, to deny fence building permit for Kim Miller, 309 E Poissal St.

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

Motion Kolb, Renning, to set October 1, 2018 at 7:00 p.m. as the date and time for a public hearing and bid letting for the Superior Street Flood Wall Project.

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

Motion Fails, Doty, to accept resignation from ambulance crew member Molly Hall.

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

Motion Smith, Fails, to accept resignation of Ambulance Crew Secretary position from Kim Sterken and approve Tiffany Landrum as new Ambulance Crew Secretary.

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

Motion Smith, Fails, to approve Mayor Val Swinton's appointment of Council Members Kolb and Renning to the Nuisance Property Committee.

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

Motion Renning, Kolb, to approve asbestos removal advance for Barnett Excavating & Trucking for four buyout properties.

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

Motion Renning, Fails, to adopt the first reading of Ordinance No. 282: AN ORDINANCE AMENDING CHAPTER 92 WATER RATES.

Section I. Section 92.09 CUSTOMER DEPOSITS, is deleted in its entirety.

The following is inserted in its place:

"There shall be required from every customer a one hundred fifty dollar (\$150.00) deposit intended to guarantee the payment of bills for service. Said deposit shall be paid in full before the initiation of any service under this chapter. Said water service shall not be turned on or supplied unless and until the full security deposit is paid prior to service. In the event of a delinquency pursuant to Section 92.05, said security deposit shall be applied to any outstanding and delinquent bills for service."

Section II. This ordinance shall become effective upon passage of the City Council and after publication.

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

First reading passed.

Motion Kolb, Smith, to waive second and third readings of Ordinance No. 282: AN ORDINANCE AMENDING CHAPTER 92 WATER RATES.

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

Passed by the Council the 4 day of September, 2018, and approved this 4 day of September, 2018.

Motion Fails, to adjourn the regular City Council meeting at 7:50 p.m.

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

CS37-1

PROCEEDINGS: Butler Co.

**MINUTES AND PROCEEDINGS OF A
REGULAR MEETING OF THE BUTLER
COUNTY BOARD OF SUPERVISORS
HELD ON AUGUST 28, 2018.**

Meeting called to order at 9:00 a.m. by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Also present were Engineer John Riherd, Jane Close, New Hartford, Iowa and Sam Hudson and Amber Lacina, North Iowa Juvenile Detention Services, Waterloo, Iowa.

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

Moved by Eddy, second by Heidenwirth to approve the appointment of Michael Timmer, Parkersburg, Iowa to the Magistrate Nominating Commission. All ayes. Motion carried.

Board met with Sam Hudson and Amber Lacina, North Iowa Juvenile Detention Services. Sam Hudson introduced himself as the new Director and gave a program update. Also present were Assessor Michele Shultz and Treasurer Vicki Schoneman.

Board discussed Local Option Sales and Services Tax. Also present were Emergency Management Coordinator Chris Showalter and New Hartford City Clerk Shawna Hagen.

Board tabled consideration of Resolution to allow annexation of real estate into the City of New Hartford. Discussion centered around concerns on the road not being part of the annexed area and that there is only one entrance in and out of the annexed area. Also of concern was running utilities for the subdivision. Jane Close, New Hartford, Iowa was present and voiced her concerns regarding one entrance in and out of the area, as well. Board will meet with all parties involved at the September 11, 2018 Board meeting.

No public comment received.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for DCI Bennezette (new): Bacon Hill, LLC; Reinke Finisher Farm; Millertime Finisher Farm and RB Sass Finisher Farm

Moved by Eddy, second by Barnett to adjourn the meeting at 10:33 A.M. to Tuesday, September 4, 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 August 28, 2018.

TJ/CS37-1

Public Notice

IN THE IOWA DISTRICT COURT IN
AND FOR BUTLER COUNTY
EQUITY NO. EQCV021479

ORIGINAL NOTICE

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR AMER-
IQUEST MORTGAGE SECURITIES INC.,
ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2005-R5,
Plaintiff,

vs.

Galen Hoodjer; United States of Amer-
ica; Iowa Department of Revenue;
Destiny Olson; Unknown Spouse
(if any) of Galen Hoodjer; Unknown
Spouse (if any) of Patsy Hoodjer; and
Parties in Possession
Defendant(s).

TO THE ABOVE NAMED DEFENDANT
Unknown Spouse (if any) of Patsy Hood-
jer, 735 North 2nd Street, Greene, IA
50636:

You are notified that there was filed in
the office of the Clerk of the above-named
Court, a Petition, copies of which are at-
tached hereto.

The Plaintiff's attorney is Chris Irk, c/o
The Wirbicki Law Group LLC, 33 W Mon-
roe Street, Suite 1150, Chicago, IL 60603.

You must register to e-File through the
Iowa Judicial Branch website at <https://www.iowacourts.state.ia.us/Efile/> and
obtain a log in and password to file and
view documents in your case and to re-
ceive service notices from the court. For
general rules and information on elec-
tronic filing, refer to the Iowas Courts
Rules Chapter 16, pertaining to the Use
of the Electronic Document Management
System, available on the Iowa Judicial
Branch website. For Court Rules on the
Protection of Personal Privacy in court
filings, refer to Division VI of the Iowas
Court Rules, Chapter 16

You must, within 20 days after service
of this Original Notice upon you, serve,
and within a reasonable time thereafter,
file a motion or answer, in the Iowa Dis-
trict Court for Butler County, at the county
courthouse in Allison, Iowa. 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 disabili-
ty coordinator at 641-421-0990. Persons
who are hearing or speech impaired may
call Relay Iowa TTY (1-800-735-2942).
Disability coordinators cannot provide leg-
al advice.

/s/ Clerk of Court

Butler County Courthouse
Allison, IA

Acknowledged before me this August
10, 2018.

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

TJ37-3

Public Notice

NOTICE OF PUBLIC HEARING
BUTLER COUNTY

Planning and Zoning Commission

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Commission will meet on September 21,
2018, at 1:00 p.m., in the Meeting Room
in the Basement of the Butler County
Courthouse, Allison, Iowa. At this meeting
the Commission will:

Hold a Public Hearing on an applica-
tion for a special use permit by Zach and
Ashtyn Dietiker to move a mobile home
on the property located at 32201 Terrace
Ave in the NR1/4 NE1/4 of Section 30,
Township 90, Range 15 for a temporary
living quarters.

All interested parties are encouraged to
attend the meeting. Written or oral com-
ments may be submitted to the Butler
County Zoning Administrator at the Court-
house, P.O. Box 325, Allison, Iowa.

Misty Kroeze

Butler County Zoning Administrator

TJ/CS37-1

TJ-36-2

PROCEEDINGS: Butler Co.

MINUTES AND PROCEEDINGS OF A
REGULAR MEETING OF THE BUTLER
COUNTY BOARD OF SUPERVISORS
HELD ON AUGUST 28, 2018.

Meeting called to order at 9:00 a.m. by
Chairman Greg Barnett with members
Rusty Eddy and Tom Heidenwirth pres-
ent. Also present were Engineer John
Riherd, Jane Close, New Hartford, Iowa
and Sam Hudson and Amber Lacina,
North Iowa Juvenile Detention Services,
Waterloo, Iowa.

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

Moved by Eddy, second by Heidenwirth
to approve the appointment of Michael
Timmer, Parkersburg, Iowa to the Mag-
istrate Nominating Commission. All ayes.
Motion carried.

Board met with Sam Hudson and Am-
ber Lacina, North Iowa Juvenile Deten-
tion Services. Sam Hudson introduced
himself as the new Director and gave a
program update. Also present were As-
sessor Michele Shultz and Treasurer Vic-
ki Schoneman.

Board discussed Local Option Sales
and Services Tax. Also present were
Emergency Management Coordinator
Chris Showalter and New Hartford City
Clerk Shawna Hagen.

Sheriff's 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 #: EQCV021305

Civil #: 18-000300

Special Execution

WELLS FARAGO BANK, N.A.

VS.

RODNEY TUITJER; DONALD A.
RADLOFF AND GALE L. RADLOFF;
CANDICE RENEE RADLOFF; STATE
OF IOWA; VERIDIAN CREDIT UNION;
DISCOVER BANK; AND CAPITAL ONE
BANK (USA), N.A.

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 or-
dered the sale of defendant's Real Estate,
Described Below

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

THAT PORTION OF LOT 7 OF THE
SUBDIVISION OF THE SE ¼ NW
¼ OF SECTION 18, TOWNSHIP
92 NORTH, RANGE 15 WEST OF
THE FIFTH P.M., COMMENCING
79 FEET SOUTH OF THE NORTH-
WEST CORNER OF SAID LOT 7,
THENCE SOUTH ON THE WEST
LINE OF SAID LOT 7 111.54 FEET,
THENCE EAST 158 FEET, THENCE
NORTH 111.54 FEET, THENCE
WEST 158 FEET TO THE POINT
OF BEGINNING

JUDGEMENT IN REM

Property Address: 319 SOUTH
CHURCH ST., CLARKSVILLE, IA
50619

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

Sale Date: November 29, 2018

Sale Time: 10:00 a.m.

Place of Sale: BUTLER COUNTY
SHERIFF'S OFFICE, 428 6TH ST., ALLI-
SON, 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 no-
tice, if acceptable.

Judgment Amount: \$44,476.76

Costs: \$4,696.71

Accruing Costs PLUS

Interest: \$2,933.64

Sheriff's Fees: Pending

Attorney: MATTHEW E. LAUGHLIN
215 10TH ST., SUITE 1300
DES MOINES, IA 50309

(515)246-7806

Date: August 23, 2018

JASON S. JOHNSON

BUTLER COUNTY SHERIFF

Sheriff's 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 #: EQCV021426

Civil #: 18-000331

Special Execution

GUILD MORTGAGE COMPANY

VS.

BARRY L. FREERKS, DECEASED;
SHARON L. FREERKS; ALL OF THE
UNKNOWN CLAIMANTS, INCLUD-
ING BUT NOT LIMITED TO ALL OF
THE UNKNOWN HEIRS, SPOUSES,
ASSIGNEES, GRANTEES, LEGATEES,
DEWISEES AND BENEFICIARIES OF
BARRY L. FREERKS, DECEASED;
AND STATE OF IOWA, IOWA DEPART-
MENT OF REVENUE AND FINANCE

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 or-
dered the sale of defendant's Real Estate,
Described Below

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

LOT FIVE (5) IN BLOCK FOUR (4),
RAILROAD ADDITION TO CLARKS-
VILLE, IOWA

JUDGEMENT IN REM

Property Address: 527 WEST WIL-
MANS ST., CLARKSVILLE, IA 50619

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

Sale Date: October 25, 2018

Sale Time: 10:00 a.m.

Place of Sale: BUTLER COUNTY
SHERIFF'S OFFICE, 428 6TH ST., ALLI-
SON, 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 no-
tice, if acceptable.

Judgment Amount: \$86,381.91

Costs: \$12,340.26

Accruing Costs PLUS

Interest: \$896.36

Sheriff's Fees: Pending

Attorney: BENJAMIN W. HOPKINS
1350 NW 138TH ST., STE. 100
CLIVE, IA 50325

(515)222-9400

Date: August 20, 2018

JASON S. JOHNSON

BUTLER COUNTY SHERIFF

TJ-36-2