

# PROCEEDINGS

## MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JUNE 9, 2020.

With limited access to the courthouse due to COVID-19, this meeting was held telephonically with the public able to participate and attend on a limited basis. This complies with Iowa Code section 21.8 that outlines the guidelines to hold an electronic meeting when there are valid concerns that an in-person meeting is "impossible or impractical".

Meeting called to order at 9 a.m., by Chairman Tom Heidenwirth with members Greg Barnett and Rusty Eddy present.

Minutes of the previous meeting were read. Moved by Barnett, second by Heidenwirth to approve. All ayes. Motion carried.

Public comment: Fern Feldman was curious when we decide to put out a date for a public hearing, why is it such a short time? Auditor reported that if we don't proceed quickly on the hearing, sometimes they begin building before the public has a chance to intervene. Supervisor Barnett said we only do these public hearings as a courtesy, and they fall under the 4/20 day publication requirement. Fern asked about the MMP reports. Are they single pages? Environmental Health Specialist Misty Kroeze explained that if there are no changes it is a one page submission. If they have made any changes they have to submit the full copy.

Director of Public Health Jennifer Becker reported the State of Iowa has had between 4 and 20 deaths and 60 and 694 new cases. Butler County has no new cases in the last 10 days. One case remains in isolation, and we have our second death, and received our first positive serology test. They didn't have any symptoms, but tested positive for the antibodies.

Chris Showalter recommends that to eliminate confusion have the public to call to Auditor's Office for an appointment. The public will meet at the front ADA accessible north doors before the meeting to be escorted in and back out.

Time and place for a public hearing on a Construction Permit Application by Allison Site, owner Gold Standard Farms, LLC for a new open lot swine facility. Location of proposed facility is in the N½ of the NW¼ of Section 32 Tier 92N Range 17W of West Point Township. Present were Chairman Tom Heidenwirth and members Greg Barnett and Rusty Eddy. Auditor reported no written or oral comments received. Fern Feldman commented that this is not really a new plan and they have been running the facility for three years without papers, and got caught. Water runs off to the west into

that creek and down the ditches and into the river. There have been dead cows seen floating there. She has also seen dead pigs laying out along the hillside above the creek. In 2001 there were 722 hog barns in Iowa. We now have 13,000. They are growing at an average of 500 new barns a year. We are running out of space out here. Barns are growing unrestrained. Why are they building more barns when they are depopulating and using hogs as fertilizer? It is ruining the countryside. Some believe there should be a moratorium on barns. The State Regulatory System is failing to protect the environment and Public Health for the sake of profit of the politically powerful livestock industry. The DNRs hands are tied. If all the right boxes are marked on the plan, they approve it. We have no control over our own land or our own farms. There is nothing the Supervisors can do either. The Matrix laws need to change or be done away with. Supervisor Eddy is investigating initiating a moratorium on confinements. Fern believes we need to have a moratorium on them until the Matrix laws can be changed. Our voices need to be heard. At the close of the public hearing it was moved by Barnett, second by Heidenwirth to approve. Eddy voted nay. Motion carried.

Moved by Barnett, second by Heidenwirth to accept the recommendation of Engineer Riherd and approve a Utility Permit to Butler County REC for new underground service to 23923 290<sup>th</sup> Street. All ayes. Motion carried.

Nick Norton, Clarksville, Iowa was present to discuss his request to vacate Pearl Lane, a Level B service road. People are dumping garbage and mudding down there. He is asking that it be vacated so he can gate it off. Engineer Riherd offered there would need to be public notifications. Supervisor Heidenwirth commented that he would like seeing it become a Level C road. Similar concerns were noted in the 2004 minutes regarding Pearl Lane. The process starts with a petition signed by the adjoining landowners and set a public hearing to discuss. The County would wash its hands of it if vacated. Changing it to a Level C road, Secondary Roads would put up a gate and keep a key for access, although they would not maintain it. Engineer Riherd would be fine with either option and would accept a petition. A petition form will be provided to Mr. Norton for his neighbors to sign and return. County Attorney Greg Lievens will provide options to the Board. No action taken.

Board met with Shawna Lebeck, Together 4 Families for review of FY21 Decat Coordination Contract for \$54,994.16. Following review, it was moved by Eddy,

second by Heidenwirth to approve. All ayes. Motion carried.

Board met with Treasurer Vicki Schonehan to review the Tax Suspension List for FY21. Following review, it was moved by Barnett, second by Heidenwirth to approve. All ayes. Motion carried.

Board met telephonically with County Attorney Greg Lievens to review Employment Contract for Collections Specialist Julian West. Following review, it was moved by Barnett, second by Heidenwirth to approve said Employment Contract with a salary of \$15,000 for FY21. All ayes. Motion carried.

Emergency Management Coordinator Chris Showalter offered recommendations earlier in the meeting. Following discussion, it was moved by Eddy, second by Barnett for the public to call the Auditor's Office for a reservation for the meeting on a first come, first served basis. Department heads should not attend the board meeting unless they have something that pertains to business on the agenda. Accommodations will be made for public attendance. All Ayes. Motion carried.

Board canvassed the votes of the Primary Election held on June 2, 2020. Returns for the Federal and State races are available for review at [www.butlercoiowa.org](http://www.butlercoiowa.org) or in the office of the County Auditor. Moved by Heidenwirth, second Eddy to approve the results of the canvass. All ayes. Motion carried. Following are the nominations for the county offices:

..... Republican, Democrat  
**Board of Supervisors, District 1**  
..... Greg Barnett, No candidate  
**County Auditor**  
..... Leslie Groen, \*Lizabeth Williams  
**County Sheriff**

..... Jason S. Johnson, No candidate  
\*if an affidavit of candidacy is filed, the nomination will be placed on the ballot.

Board reviewed claims. Moved by Barnett, second by Heidenwirth to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Annual Updates for DCI Bennezette; RIG 2 West; RIG East; Snow Rock Dairies LLC; Aspen Finisher Farm; Angus Finisher Farm; McCandless III Finisher Farm; Reeser Finisher Farm; Little A Site; Johnson Swine and Cutshall Finisher Farm.

Moved by Eddy, second by Barnett to adjourn the meeting at 11:18 a.m. to Tuesday, June 16, 2020 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 June 9, 2020.

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# PUBLIC NOTICE

## NOTICE OF PUBLIC HEARING

The Butler County Board of Supervisors will hold a telephonic meeting on July 7, 2020, at 9:15 a.m., in the EOC, in the basement of the Butler County Courthouse, Allison, Iowa. At this meeting the Board will:

Hold a Public Hearing on the Preliminary Plat for Honeytree Hills Subdivision located in the Wfrl $\frac{1}{2}$  NWfrl $\frac{1}{4}$  of Section 30, Township 90 North, Range 15 West of the 5<sup>th</sup> P.M.

Written comments may be sent to Lizbeth Williams, Butler County Auditor, P.O. Box 325, Allison, Iowa 50602 or emailed to [lwilliams@butlercoiowa.org](mailto:lwilliams@butlercoiowa.org). To participate telephonically for oral comment, the Dial-in number is: 701-802-5372 Access code: 7872998#.

CS-26

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TJ-26

# PROCEEDINGS

## OFFICIAL PROCEEDINGS CLARKSVILLE COMMUNITY SCHOOL BOARD OF EDUCATION UNAPPROVED MINUTES

**JUNE 15, 2020**

The regular board meeting was called to order by President Justin Clark at 5:30 p.m., in the community room. Board members present were Tim Backer, Phil Barnett, Justin Clark, Brandon Kampman and Shelley Maiers; others present were Superintendent Joel Foster, Business Manager/Board Secretary Shellee Bartlett, Bob Bartlett, Heather Foster, Barb Brunisma, Trent Poppe, Jessica Lovrien, Tammie Garretson, Tonya Freerks, Lisa Trees, Laura Wallin and Bethany Carson.

Moved by Barnett, seconded by Backer, to approve the agenda. Carried unanimously.

Moved by Kampman, seconded by Maiers, to approve the May 4, 2020 and May 18, 2020 minutes. Carried unanimously.

Moved by Maiers, seconded by Kampman, to approve the May 2020 financial reports and June 2020 bill listing. Carried unanimously.

Moved by Barnett, seconded by Backer, to approve the following personnel recommendations: Mallory Hoodjer, junior high basketball coach (pending coaching authorization) at \$1,393 (step 0, 5 percent); Christina Cortez, Spanish teacher at \$43,656 (BA, step 9) & play/musical director t \$1,393 (step 0, 5 percent); Amanda Lopez, associate at \$12 per hour; Brenda Whiteside, associate at \$12 per hour; Heather Foster, large group speech at \$1,393 (step 0, 5 percent) and individual speech at \$1,393 (step 0, 5 percent); the following TLC recommendations: Tina Halverson, Barb Brunisma, Heather Foster, Ashten Henningsen, Jessica Mraz, Sharon Ragsdale, Anna Shaull; the following resignations: Wendy Brooks, associate; Tonya Poppe, cheer

sponsor; Taylor Ahrenholz, head volleyball; the following termination: Jeremiah McBroom, custodian. Carried unanimously.

Tammie Garretson and Jessica Lovrien addressed the board regarding DC/NYC trip that was canceled in March regarding the fundraiser portion of the money used to fund the trip. Also Trent Poppe addressed the board regarding safety of the diesel fuel tank in the parking lot.

Item 7a Concession stand was tabled.

Moved by Kampman, seconded by Barnett, to approve the purchase of 32 Chromebooks with cases from BlueAlly for \$8,170. Carried unanimously.

Moved by Maiers, seconded by Barnett, to approve student handbook as presented. Carried unanimously.

Moved by Barnett, seconded by Maiers, to approve payment of fiscal year-end bills and claims. Carried unanimously.

Moved by Backer, seconded by Barnett, to approve fund transfer from activity account to balance negative activity account balances. Carried unanimously.

Moved by Barnett, seconded by Maiers, to adjourn at 6:23 p.m. Carried unanimously.

The tentative date for the July board meeting is July 20, 2020 at 5:30 p.m.

### Clarksville Community School June 2020 Vendor Report

Ahlers & Cooney PC, Legal.....	780.00
Allison Floral, Graduation Supplies.....	148.00
Butler-Bremer Communications, Telephone.....	275.90
Casey's Business MasterCard, Fuel.....	83.41
Cedar Falls Laser Engraving, LLC, Supplies.....	35.00
Central Rivers AEA, Work Experience.....	4,750.00
CenturyLink, Telephone.....	11.28
City Of Clarksville, Water/Sewer.....	705.79

Clarksville CSD - General, Payroll.....	6,345.75
Clarksville Lumber, Supplies.....	21.33
Decker Sporting Goods, Baseball Supplies.....	731.15
Ecolab Pest Elimination Svcs, Pest Control.....	84.58
Greene Recorder, The, Publications.....	23.38
Hudl, Subscription.....	450.00
HyVee - Waverly, Prom Supplies.....	714.35
Iowa HS Speech Assoc., Registration.....	56.00
Iowa Sports Supply Company, Softball Supplies.....	553.00
Iowa Water Management, Corp., System Check.....	150.00
Jendro, Waste Removal.....	32.00
Josten's, Inc, Graduation Supplies.....	56.88
Keck Foods, Food.....	938.68
Marco Inc, Copier Lease.....	1,017.42
Mid-America Publishing Co, Publications.....	272.34
MidAmerican Energy Co, Electric.....	1,159.27
Midwest Alarm Services, Inspection.....	592.32
North Butler CSD, Open Enrollment.....	45,649.40
Premier Events, Prom DJ.....	200.00
Smushballs LLC, Supplies.....	55.00
TC Networks Inc, IT Support.....	1,087.50
U.S. Cellular, Cell Phone.....	59.62
Vogel Irrigation Company, Repairs.....	254.21
Waste Management, Waste Removal.....	35.06
Waverly Newspaper, The, Publications.....	88.56
Wix Water Works, Softner Salt.....	31.00
<b>REPORT TOTAL.....</b>	<b>\$67,448.18</b>
Approved by Board of Education Board President Board Secretary	

# PROCEEDINGS

## OFFICIAL PROCEEDINGS CITY OF CLARKSVILLE UNAPPROVED MINUTES JUNE 16, 2020

The Clarksville City Council met in closed session June 16, 2020, in the City Hall, Clarksville, Iowa, at 5:30 p.m. with Mayor Kenneth Smith in the Chair and Council Members Roger Doty, Todd Fails, Brock Lodge, and Diane Renning. Larry Voigts was absent. Attending was Lori Peterson and Kayla Hinders, Financial Administration.

Motion Fails, Renning, to approve amended agenda to "Set public hearing for disposal of city-owned property."

RCV - Ayes: Doty, Fails, Lodge, and Renning. Nays: None. Absent: Voigts. MC.

Motion Fails, Renning, to go into closed session pursuant to Iowa Code 21.5(1)(j).

RCV - Ayes: Doty, Fails, Lodge, and Renning. Nays: None. Absent: Voigts. MC.

Attending: Kenneth Smith, Mayor; Roger Doty, Todd Fails, Brock Lodge, and Diane Renning, City Council Members.

Motion Renning, Doty, to end closed session.

Motion Fails, Renning, to adopt Resolution 20-721: A RESOLUTION OF THE CITY OF CLARKSVILLE, IOWA TO SET A PUBLIC HEARING REGARDING DISPOSAL OF CITY-OWNED PROPERTY

WHEREAS, the City of Clarksville, Iowa (the "City") wishes to dispose of property owned by the City and legally described as:

The South One-half (S1/2) of Lot Four (4), and all of Lot Five (5), in Block Six (6) of the Original Town of Clarksville, Butler County, Iowa.

WHEREAS, the City has received an Offer to Sell the described property to Myrna J. Beechey.

WHEREAS, the City Council has determined that it is in the best interest of the City to convey said property to Myrna J. Beechey 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 the property legally described as indicated above. Said hearing to be held at 6:30 p.m. at Clarksville City Hall, 115 West Superior Street, Clarksville, Iowa on the 6 day of July, 2020.

RCV - Ayes: Doty, Fails, Lodge, and Renning. Nays: None. Absent: Voigts. MC.

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

Motion Fails, to adjourn the City Council Special Meeting at 5:44 p.m.

ATTEST:

Kenneth A. Smith, Mayor

Lori A. Peterson, City Clerk/Treasurer

# PROCEEDINGS

## OFFICIAL PROCEEDINGS CITY OF CLARKSVILLE UNAPPROVED MINUTES JUNE 17, 2020

The Clarksville City Council met in special session June 17, 2020, in the City Hall, Clarksville, Iowa, at 5:30 p.m., with Mayor Kenneth Smith in the Chair and Council Members Roger Doty, Todd Fails, Brock Lodge, Diane Renning, and Larry Voigts present. Attending was Kayla Hinders, Financial Administration.

Motion Fails, Lodge, to adopt Resolution 20-722: A RESOLUTION AUTHORIZING MAYOR TO ENTER INTO CONTRACT FOR CEMETERY MAINTENANCE

WHEREAS, the City Council has determined that it is in the best interest of the City to hire an individual for the purposes of cemetery maintenance for the City Cemetery;

WHEREAS, the City has drafted a contract for Bruce Hoodjer to enter into regarding his work as an independent contractor to provide maintenance on city cemeteries;

WHEREAS, the City Council has approved entry into the contract attached and incorporated by reference herein as Exhibit A;

BE IT HEREBY RESOLVED, that the City of Clarksville hereby enters into a contract for the purposes of cemetery maintenance with Bruce Hoodjer pursuant to the terms and conditions set forth therein.

PASSED AND APPROVED by the City Council on this 17<sup>th</sup> day of June, 2020.

Roll Call Vote: Ayes, 4; Nays, 1  
EXHIBIT "A"

EMPLOYMENT FOR SERVICES

CITY: CITY OF CLARKSVILLE

INDEPENDENT CONTRACTOR:  
BRUCE HOODJER

This agreement made and entered into this 18<sup>th</sup> day of June, 2020, by and between the City of Clarksville, Iowa, an Iowa Municipal Corporation, hereinafter referred to as "City," and Bruce Hoodjer, hereinafter referred to as, "Independent Contractor," both of whom understand and state as follows:

WHEREAS, the City desires to employ the services of Bruce Hoodjer for maintenance of the City of Clarksville Lynwood Cemetery headstones; and

WHEREAS, it is the desire of the City Council of the City of Clarksville, Iowa to provide certain parameters, direction,

and specifications regarding the Independent Contractor's conditions of work; and

WHEREAS, the parties seek to have a written Services Agreement specifying the terms and conditions of said services; and

WHEREAS, the parties acknowledge that Bruce Hoodjer is an Independent Contractor of the City of Clarksville and is not appointed to any position and, therefore, not governed under Iowa Code Chapter 372 and shall not be considered a City employee subject to any benefits, or other rights and privileges afforded City employees;

NOW, THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

I. DUTIES.

A. City hereby agrees to utilize the services of Bruce Hoodjer as a part-time independent contractor to maintain cemetery headstones at the City of Clarksville Lynwood Cemetery only.

II. TERM. The provision of services by Independent Contractor shall commence immediately and shall conclude on Sept. 7, 2020. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City to terminate the services of Independent Contractor at any time, subject only to the provisions set forth in this agreement.

III. TERMINATION. The services of the Independent Contractor may be terminated by the City at any time, with or without cause. In the event the Independent Contractor is terminated because of an illegal act involving personal gain to the Independent Contractor, the City shall have no obligation to make any further contributions or pay for said work.

IV. PAY. City agrees to pay Independent Contractor for his services rendered pursuant to this Agreement with a rate of pay of \$20/hour and said total pay for said services shall not exceed \$1,500. If the Independent Contractor becomes temporarily or permanently disabled or is otherwise unable to perform his duties without reasonable accommodation, the City shall have the option to terminate this agreement effective immediately.

V. INDEMNIFICATION. Independent Contractor agrees to obtain and continue in full force and effect commercial general liability insurance policy through Lodge Electric as a subcontractor insuring the City and listing the City as an additional

insured on said policy. Independent Contractor shall provide proof of said coverage on a commercial general liability insurance policy to the City prior to any commencement of any work. Unless and until said policy is provided to the City, no work shall commence. The Independent Contractor shall hold harmless and indemnify the City against any tort, professional liability claim, demand, or other action, whether groundless or otherwise arising out of Independent Contractor's services occurring in the performance of Independent Contractor's duties on behalf of the City.

VI. GENERAL PROVISIONS. This Agreement shall constitute the entire agreement between the parties and shall not be modified except in writing. This agreement is conditioned upon proof of insurance referenced in Paragraph 5 being provided to the City Clerk prior to any services being performed. This Agreement provides no supervisory capacity or authority to the Independent Contractor and the Independent Contractor shall not supervise, or otherwise coordinate any other City employees. The Independent Contractor may use any of the equipment owned by the City needed for cemetery headstones repair upon consultation and request with the Public Works Department. Independent Contractor shall receive direction from the City Cemetery Committee to determine top priority for maintenance and repair of headstones and payment for any work shall be provided upon completion of work each month. Hours of work shall be turned in by the Independent Contractor on a document indicating the hours worked each day and signed and attested to by the Independent Contractor upon submission to City Hall.

In witness whereof, the City of Clarksville, Iowa has caused this agreement to be signed and executed on behalf of its Mayor and duly attested to by its City Clerk, the Independent Contractor has signed and executed this Agreement both in duplicate the day and year first above written.

Motion Fails, to adjourn the City Council Special Meeting at 5:35 p.m.

ATTEST:

Kenneth A. Smith, Mayor  
Kayla Hinders, Deputy City Clerk

# **PUBLIC NOTICE**

## **CITY OF CLARKSVILLE NOTICE OF PUBLIC HEARING**

**TO WHOM IT MAY CONCERN:** Notice is hereby given that on July 6, 2020 at 6:30 p.m., in the Council Chambers in City Hall, 115 West Superior Street, Clarksville, Iowa, a public hearing will be conducted by the City Council of the City of Clarksville, Iowa to hear public comments concerning the sale of City Property to Myrna J. Beechey. The said property is legally described as follows:

The South One-half (S1/2) of Lot Four (4), and all of Lot Five (5), in Block Six (6) of the Original Town of Clarksville, Butler County, Iowa.

The public hearing was set by Resolution 20-721. Anyone interested may appear at the above stated time and place on July 6, 2020 for the public hearing and be heard. Written comments may be filed in person or mailed to the City Clerk, Clarksville City Hall, 115 West Superior Street, Clarksville, Iowa 50619 no later than 4 p.m. on July 2, 2020.

Clarksville City Council

CS-26



# PROBATE

## NOTICE OF APPOINTMENT OF ADMINISTRATOR, AND NOTICE TO CREDITORS CASE NO. ESPR017075

THE IOWA DISTRICT COURT BUTLER  
COUNTY

IN THE MATTER OF THE ESTATE OF  
MEINARD KOOP, JR., Deceased.

To All Persons Interested in the Estate  
of Meinard Koop, Jr., Deceased, who  
died on or about Nov. 19, 2019:

You are hereby notified that on the 4<sup>th</sup>  
day of June, 2020, the undersigned was  
appointed administrator of the estate.

Notice is hereby given that all persons  
indebted to the estate are requested  
to make immediate payment to the 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 16<sup>th</sup> day of June, 2020

Boonie M. Koop

Administrator of the Estate

31591 Vale Ave.

New Hartford, IA 50660

James E. McCarthy, ICIS#: AT0005153

Attorney for Administrator

Parker & Geadelmann, PLLC

5400 University Ave.

West Des Moines, IA 50266

Date of second publication 2<sup>nd</sup> day of  
July, 2020.

TJ-26, 27

# PROBATE

**NOTICE OF PROBATE OF WILL,  
OF APPOINTMENT OF EXECUTOR,  
AND NOTICE TO CREDITORS  
CASE NO. ESPR017077**

THE IOWA DISTRICT COURT BUTLER  
COUNTY

IN THE MATTER OF THE ESTATE OF  
JAMES S. HARRIS, Deceased.

To All Persons Interested in the Estate  
of James S. Harris, Deceased, who died  
on or about May 24, 2020:

You are hereby notified that on the 9<sup>th</sup>  
day of June, 2020, the last will and tes-  
tament of James S. Harris, deceased,  
bearing the date of the 16<sup>th</sup> day of Au-  
gust, 2018, was admitted to probate in  
the above named court and that Sheryl  
Reed 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 10<sup>th</sup> day of June, 2020

Sheryl Reed

1712 20<sup>th</sup> Ave. N

Fort Dodge, IA 50501

Executor of Estate

Karl A. Nelson, #AT0005659

Attorney for the Executor

Nelson & Toenjes

P.O. Box 230

Shell Rock, IA 50670

Date of second publication 25<sup>th</sup> day of  
June, 2020.