

PROBATE ESPR502616

THE IOWA DISTRICT COURT FOR CALHOUN COUNTY NOTICE OF APPOINTMENT OF EXECUTORS AND NOTICE TO CREDITORS IN THE MATTER OF THE ESTATE OF RICHARD HIGGINS Deceased.

CASE NO. ESPR502616
To All Persons Interested in the Estate of Richard Higgins, Deceased, who died on or about April 11, 2023: You are hereby notified that on April 24, 2023, the undersigned were appointed executors of the estate. Notice is hereby given that all persons indebted to the estate are

requested to make immediate payment to the undersigned, 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 four months from the date of the second publication

of this notice or one month from the date of the mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred. Dated on May 15, 2023. Scott Higgins, Executor of the Estate 206 Sisson Dr Fairmont, MN 56031

Raymond Higgins, Executor of the Estate 603 Main St Guthrie Center, IA 50115
Barbara Hayes, Executor of the Estate PO Box 175 Jackson, NE 68743
Charles A Schulte, ICIS#:

AT0007137
Attorney for the Administrator Schulte Law Firm, LC 421 Main Street PO Box 392 Sac City, IA 50583
Date of second publication: 6/7 Probate Code Section 230

Published in The Graphic Advocate on Wednesday, May 31 & June 7, 2023

LAKE CITY COUNCIL MINUTES & CLAIMS 5.15.23

LAKE CITY COUNCIL PROCEEDINGS MAY 15, 2023

These minutes are as recorded by the City Administrator/Clerk and are subject to council approval at the next regular council meeting. The City Council of Lake City, Iowa met in regular session at 6:04pm with Mayor Holm presiding and the following councilmembers were present: Gorden, Daniel, Wilson, Bellinghausen, and Bruns. CA Jacob Matthews, Interim Public Works Director Zach Janssen, Community Building Manager Nicholle Winter, Public Works Employee Dustin Smith, Chief of Police Dan Schaffer, and Officer Steven Hale were also in attendance. Stacey Lentsch from MIDAS was also in attendance. Consent Agenda: Motion by Bruns to amend the agenda and add "Approve the Waiver of First Refusal for the Carnegie" and approve the amended agenda consisting of the following: May 1, 2023 minutes, the Summary List of Claims, and the Treasurer's April 2023 Report" Seconded by Wilson. All Ayes. Nays-none. MC. Public Hearing: None. Citizens to Address the Council: None. Guest Business: Stacey presented information explaining the CDBG and the need for the city to organize volunteers to help gather all the LMI survey data needed in order to qualify for funding for Lake City's well projects. Council directed CA Matthews to arrange for volunteers with local churches, the FAA, or with the School. The City will provide a \$500 donation to the organization that is able to provide volunteers to help with this project. Community Building Manager Nicholle Winter addressed Council and presented/explained the expanded easement agreement. Council requested additional schematics and information before construction work could be authorized. Winter will arrange for a day for all signing parties to be present and before a notary for the signing of the expanded easement agreement. A progress update on the construction of the second floor of the community building was also shared with Council at this time. Council Agenda: Bruns motioned to Approve the Waiver of First Refusal

for the Carnegie. Wilson seconded. All Ayes. Nays-None. MC. Bellinghausen motioned to approve the 4th Saturday of July as the Permanent Clean-Up Day for Lake City. Daniel seconded. All Ayes. Nays-None. MC. Wilson motioned to approve the Firework Display for the Top Rail Saddle Club for June 2023 in line with Municipal Code 3-1-5 9. Fireworks. Daniel seconded. All Ayes. Nays-None. MC. Bruns motioned to approve Resolution 2023-33: Resolution to Appoint an Interim Director of the Public Works Department. Wilson seconded. Roll Call Vote: Daniel: Aye. Gorden: Aye. Bruns: Aye. Bellinghausen: Aye. Wilson: Aye. All Ayes. Nays-None. MC. Zach Janssen was appointed the Interim Director of Public Works. Bruns motioned to amend and approve the amended Resolution 2023-34: Resolution to Approve the FY2024 Wages, Public Works Incentive Plan, and Bonus. Bellinghausen seconded. Roll Call Vote: Gorden: Aye. Bruns: Aye. Bellinghausen: Aye. Wilson: Aye. Daniel: Aye. All Ayes. Nays-None. MC. The amended Resolution included changes to police wages for the FY2024 budget as follows: "Steinborn \$26.94 per hour, \$24.67 for Gray and Hale." The Public Works Incentive Plan was modified to a 50 cent raise per hour per Grade I and 75 cent raise per hour per Grade II. CA Matthews announced that the hiring committee unanimously recommended Kyle Bellinghausen to Council for their consideration of hiring for the open position in Public Works. Daniel motioned to approve Resolution 2023-35: Resolution to Approve the Hiring of the Candidate Recommended by the Hiring Committee for the Third Public Works Employee Position. Gorden seconded the motion. Roll Call Vote: Bruns: Aye. Bellinghausen: Abstain. Wilson: Aye. Daniel: Aye. Gorden: Aye. 4 Ayes. 1 Abstain. Nays-None. MC. Kyle Bellinghausen was hired as a Public Works Employee for the City of Lake City. Gorden motioned to approve Resolution 2023-36: Resolution to Approve Transfer of Funds from Iowa Savings Bank to United Bank of Iowa and Improve Cash management and Performance. Bruns seconded.

ended. Roll Call Vote. Bellinghausen: Aye. Wilson: Aye. Daniel: Aye. Gorden: Aye. Bruns: Aye. All Ayes. Nays-None. MC. Bellinghausen motioned to approve Resolution 2023-37: Resolution to Approve an Agreement for Codification Services. Gorden seconded. Roll Call Vote. Wilson Aye. Daniel: Aye. Gorden: Aye. Bruns: Aye. Bellinghausen: Aye. All Ayes. Nays-None. MC. Bellinghausen motioned to approve Resolution 2023-38: Resolution to Approve an Easement Agreement between the City of Lake City and Wayne Dowling. Daniel seconded. Roll Call Vote. Brun: Aye. Bellinghausen: Aye. Wilson: Aye. Daniel: Aye. Gorden: Aye. All Ayes. Nays-None. MC. CA Matthews mentioned that State law required the City to contact two CPA firms that specialize in municipal government audits. He said he contacted four and they have an opportunity to send sealed bids by June 13th for review by Council at the June 19th meeting. CA Matthews stated that lifeguard orientation will take place on May 17 at 5pm and that the pool is slated to open on June 3. He mentioned that season passes are available at City Hall and will be available at the pool once we open. CA Matthews praised Zach Janssen for quickly responding to a recent renewal letter from the DNR. By completing the renewal request from the DNR, Zach helped the City retain authorization to discharge our lagoon upon expiration of our current permit. CA Matthews reminded everyone that the Friends of the Community Building Gala 2023 is set for May 27 2023 and that tickets are available at City Hall. CA Matthews gave a friendly reminder on several aspects of property within Lake City. The first friendly reminder was concerning a resident's recent inquiry about gardening on someone's property if the City is maintaining that property. CA Matthews reminded everyone that if the City is mowing someone's property, because they are refusing to maintain it, that the City is billing them for it. But the City cannot give anyone permission to garden on property belonging to someone. He said "It is still their property and they have le-

gal rights that must be respected." If any members of our community desire to garden, CA Matthews invited them to come to City Hall and sign up for the Lake City Community Garden. The next friendly reminder CA Matthews gave was on grass. He mentioned that long grass needs to be mowed in order to stay in compliance with Municipal Code 3-2-1 K and O and Municipal Code 6-10-2. He mentioned he would be doing an annual inspection of properties within the City in the near future. He also informed everyone that he intended to take appropriate action in line with Municipal Code 3-2-6 and 6-10-2 and 6-10-3. He invited all residents to do their part in keeping Lake City beautiful and safe by properly maintaining their properties. CA Matthews mentioned that trash service would be changing starting on June 5 and that the details would be posted on Facebook. And lastly relating to property CA Matthews said "Now, as the grass has started to green up and people are outside more often, I have seen a substantial increase of residents coming to me with concerns about their neighbor's property. I wish to speak for a moment with a friendly reminder to all – please reach out to your neighbors first when you have concerns. It is in everyone's best interest that we practice neighborliness. When Carolyn and I lived in Colorado a rambunctious neighbor above our apartment thought it was okay to vacuum, run the dishwasher, and the washer and dryer at 2AM. I remember lying in bed, exhausted and feeling angry that I couldn't sleep with such a racket. I spoke with Carolyn and decided we would bake a plate of cookies and talk with our neighbors. You know what happened after we gave them some cookies? We had a conversation and the noise stopped and I finally was able to get some sleep. Neighborliness, kindness, understanding, open communication and maybe even a plate of cookies are the best tools, available to us to resolve our differences and challenges with our neighbors. If you have a complaint about your neighbor's property, you can stop by City Hall and sign a city ordinance complaint form and I will

certainly enforce city ordinances, but I invite all of us to remember to be neighborly and speak with our neighbors first before coming to the City. A quick 5-minute conversation with your neighbor is the best route for everyone. Mayor Pro Tem Bellinghausen then issued an order to reconstruct the Sidewalk for the Property of 620 W Main Street as permitted by Municipal Code and read the following statement: "I, Gary Bellinghausen - acting in the role of Mayor Pro Tem- hereby order that the sidewalk abutting 620 W Main Street shall be reconstructed and this is in accordance with Municipal Code 6-7-7. The property owner has been given more than 30 days' notice from the City to reconstruct the sidewalk and the required work has not been done and is not in the process of completion. Upon completion of the work, I will submit to Council an itemized and verified statement of expenditures for material and labor and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Administrator shall certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa." With no further business to be brought before the Council, Bruns made a motion to adjourn. Daniel seconded. All Ayes. Nays-None. MC. The meeting adjourned at 7:10pm. Next Meeting: The next council meeting is scheduled for June 5, 2023 at 6:00pm in the City Hall Chambers. Tyler Holm, Mayor Jacob Matthews, City Administrator/Clerk

Mar 2023 Recycling Fees	\$57.40
Cengage Learning - Gale	.....
Library Materials	.....\$246.24
Center Point Large Print	.....
Library Materials	.....\$314.93
Collection Services Center	.....
Child Support	.....\$200.00
Daisy Hauling	.....
Apr 2023 - 671	.....\$11,572.00
Demco	.....
Library Materials	.....\$80.18
Don's Pest Control	.....
Community Building	.....\$48.00
Eftps Fed/Fica Tax	.....\$3,997.17
I & S Group, Inc.	.....
Project 22-27063	.....\$3,718.55
Iowa League Of Cities	.....
Subscription	.....\$75.00
la Small Engine	.....
Pruner Repair	.....\$163.15
Ice Technologies, Inc.	.....
Tech Services	.....\$759.61
Illinois Library Association	.....
Library Program	.....\$567.78
Ingram Library Services	.....
Library Materials	.....\$173.50
Kelly Lumber Co	.....
Street Supplies	.....\$10.50
Lake City Hardware, Inc.	.....
Supplies	.....\$379.00
L.c. Public Library	.....
Library Postage	.....\$12.60
Mid-America Publishing Corp	.....
Legals	.....\$190.09
Midamerican Energy Company	.....
Utilities	.....\$6,042.09
Mohr Sand & Gravel - Concrete	.....
Street Concrete	.....\$323.00
Morrow's Standard Service Police	.....
Vehicle Repair	.....\$708.24
Municipal Supply	.....
Water Supplies	.....\$1,036.60
Napa Auto Parts	.....
Supplies	.....\$411.69
Office Of Auditor Of State	.....
Fy 2020 Filing Fees	.....\$500.00
Garret Ortner	.....
Cemetery/Park	.....
Mowing	.....\$1,733.34
Postmaster Postage	.....\$325.31
Quill Corporation	.....
Library Misc	.....\$36.89
State Hygienic Laboratory	.....
Water Test	.....\$203.50
Webster-Calhoun Coop	.....
Telephone / Internet	.....\$555.26
Accounts Payable Total
\$39,647.03
Payroll Checks\$16,095.13
**** Report Total *\$55,742.16

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CALHOUN COUNTY BOS 5.16.23

BOARD OF SUPERVISORS CALHOUN COUNTY COURTHOUSE ROCKWELL CITY, IOWA TUESDAY, MAY 16, 2023

The Board of Supervisors of Calhoun County met with the following members present: Jacobs, Becker and Legore. Tina Meth Farrington, Calhoun County Attorney was present. Everyone present stood and said the Pledge of Allegiance. Agenda additions: None. Motion by Legore and seconded by Becker to approve the agenda as is with no changes. Ayes all. Motion carried. The minutes of the last meeting were read. It was moved by Becker and seconded by Legore to approve the minutes. Ayes all. Motion carried. Public comments: No one from the public was present for comments. Motion by Becker seconded by Legore to approve Drainage work order on JT DD Calhoun 1-54 Pocahontas. Full minutes are available for review upon request in the Auditor's office. Ayes all. Motion carried. Motion by Legore seconded by Becker to approve Pay Request #1 to Reutzel Excavating, Inc. in the amount of \$17,730.95 for cleaning/repair JT DD 20 Sac 119 Calhoun. Ayes all. Motion carried. Nick Buse, Calhoun/Sac County Engineer presented department updates. Secondary Roads has received a proposal to remove the wells at the County Landfill. Mike Moeller, Assistant to the Engineer, Safety Officer/Zoning and Flood Plain Administrator and BJ Musselman, Maintenance Superintendent were also present. Motion by Legore seconded by Becker to approve the Secondary Roads Payroll Increase Sheet for

FY 23/24 as presented. Ayes all. Motion carried. Motion by Legore seconded by Becker to approve Underground Construction Permit 4-2023 to Landus Coop in Elm Grove Township Section 29/30 .32 miles North from 330th Street, Yetter, Iowa. Ayes all. Motion carried. Motion by Legore seconded by Becker to approve Underground Construction Permit 5-2023 to Xenia Rural Water District for PVC watermain at 3509 340th Street Cedar Township Section 35. Ayes all. Motion carried. Tina Meth Farrington, Calhoun County Attorney left the meeting. The 2ND reading to the amendment to Zoning Ordinance was read. Motion by Becker seconded by Legore to pass the 2nd reading of the amendment to Zoning Ordinance. Ayes all. Motion carried. Motion by Legore seconded by Becker to waive the 3RD reading and approve the amendment to Zoning Ordinance. Ayes all. Motion carried. The Planning and Zoning Commission met on March 13, 2023, to consider changes to the Calhoun County Comprehensive Plan. The Commission approved the following amendment to the Comprehensive Plan and asks the Board of Supervisors to adopt this amendment: Proposed change to the Comprehensive Plan. Page 64, 5:7 – C-1 Commercial District The intent of the (C-1) Commercial District is to provide for a limited number of establishments in size and scope which cater to agricultural needs and commercial businesses as outlined in the Zoning Rules and Regulations. Also included are uses located at major highway intersections that cater to a passing traffic. A paragraph numbered C-1 on

page 64 of the Comprehensive Plan shall be amended to add the following line "and commercial businesses as outlined in the Zoning Rules and Regulations." This sentence shall be added into the first sentence of this paragraph. The Planning and Zoning Commission met on February 22, 2023, to consider changes to Article 8, Section 4 of the Calhoun County Zoning Ordinance. The Commission approved the following amendment to the Zoning Ordinance and asks the Board of Supervisors to adopt this amendment. 4.1. This section only applies to existing Mobile Home Parks. 4.1.1 Multiple single-family dwellings, excluding mobile homes, are permitted in lots zoned C-1, where the dwellings are subject to ground lease agreements. The following minimum requirements shall be observed for a C-1 lot, subject to this section: 4.1.2. Lot Area: The minimum lot area shall be two (2) acres, and the maximum lot area shall be five (5); The following minimum requirements shall be observed for each dwelling and its surrounding yard subject to a ground lease agreement pursuant to section 4.1. 4.1.3. Lot Width: The minimum width shall be thirty (30) feet; 4.1.4. Front Yard: The minimum front yard shall be twenty-five (25) feet; 4.1.5. Side Yard: The minimum side yard shall be five (5) feet; 4.1.6. Rear Yard: The minimum rear yard shall be twenty-five (25) feet; 4.1.7. Maximum Height: No building shall exceed a height of two and a half (2 1/2) stories or thirty Motion by Becker seconded by Legore to go into Public Hearing for FY 23/24 Calhoun County Budget. Ayes all. Motion carried. No one from the public was present for any

Treasurer	.....\$64,462
	..... 7.5%
	.....\$69,297
THEREFORE, BE IT RESOLVED that the Calhoun County Board of Supervisors adopts the salary recommendations for elected officials for the fiscal year beginning July 1, 2023.	
Approved this 16 th day of May, 2023.	
Motion by Becker seconded by Legore to approve Resolution 2023-18. Ayes all. Motion carried.	
RESOLUTION 2023-18 ADOPTION OF BUDGET: July 1, 2023- June 30, 2024	
WHEREAS, Calhoun County held a public hearing on May 16, 2023 for the input for the 2023/2024 Fiscal Year Budget and County Levies;	
WHEREAS, deadline for submission was delayed due to Senate File 181, the state laws require said hearing to be held prior to adoption of the annual budget and said budget to be certified by April 30, 2023;	
WHEREAS, Iowa Code Section 331.434 authorizes the board of each county to certify property taxes annually at its March session;	
THEREFORE on May 16, 2023, the Calhoun County Board of Supervisors approved the following levies and property tax asking:	
THEREFORE the proposed Calhoun County Budget for FY 2023-2024 as published in the county's official newspapers on May 3, 2023 be approved and adopted as published.	
LEVIES	
3.50000 General Basic Levy	
2.48387 General Supplemental Levy	
3.81597 Rural Service Levy	
9.79984 Total Levies	
PROPERTY TAX LEVIED DOLLARS	
3,275,972 General Basic	

comments or objections. Motion by Becker seconded by Legore to come out of Public Hearing for FY 23/24 Calhoun County Budget. Ayes all. Motion carried. Motion by Becker seconded by Legore to approve Resolution 2023-17. Ayes all. Motion carried. RESOLUTION 2023-17 WHEREAS, the Calhoun County Compensation Board meets annually to recommend a compensation schedule for elected officials for the fiscal year immediately following, in accordance with Iowa Code Chapters 331.905 and 331.907, and WHEREAS, the Calhoun County Compensation Board met on January 5, 2023, and recommended salary increases as follows for elected officials: 7.5% for Auditor, Recorder, Sheriff, Treasurer, Attorney and Supervisors with an additional \$1500 stipend for Attorney & \$900 stipend for Supervisor Chairman. After due consideration of the Compensation Board's recommended increases, the Board of Supervisors approved the increases as recommended for the elected officials for the fiscal year beginning July 1, 2023: Elected Official Current Salary Proposed Increase Auditor.....\$64,462 7.5%\$69,297 County Attorney.....\$103,133 7.5%+1500\$112,368 Recorder.....\$64,462 7.5%\$69,297 Sheriff.....\$92,341 7.5%\$99,266 Supervisors.....\$41,517 7.5%\$44,631 Chairman.....\$42,117 7.5% + \$900\$45,531

2,324,882 General Supplemental 2,801,858 Rural Services 8,402,712 Total Property Tax Levies Passed and approved this 16th day of May, 2023 as late without an approved Extension due to not publishing on Facebook or County website. Stacey Lentsch and Emily Uhlenkamp-Ekel from MIDAS were present to discuss the Tax Abatement Urban Revitalization Project for Rands. Also present were Leah Henkelman, Drainage Clerk and Joan Wagner, County Assessor. Stacey will update the plan with the changes discussed and present to the Board for review. Kristi Johnson, HR Director presented EMS resignation from Lucas Farrington and a letter of retirement from Linda Hammen. The Board would like to thank both of them for their dedicated service to Calhoun County and wish them well in the future. The job description for the EMS Director was discussed along with advertising for the position. Compensation for Luke Winkelman the EMS Interim Director was discussed. It was determined an additional \$250.00 per pay period would be acceptable to Luke and the Board. Also present for the discussion was Linda Hammen. Motion by Becker seconded by Legore to approve the Community and Family Resources Lease for FY 23/24. Ayes all. Motion carried. Motion by Legore seconded by Becker to adjourn until Tuesday, May 23rd, at 9:00 A.M. for their next regularly scheduled meeting. Ayes all. Motion carried. Scott Jacobs, Chairman Scott Becker, Vice Chairman Carl Legore, Member Robin D. Batz, Auditor

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PHN PLANNING AND ZONING COMMISSION PUBLIC HEARING NOTICE

PUBLIC HEARING NOTICE
Notice is hereby given that there is now on file for public inspection in the office of the City Clerk of Lake City, Iowa, the proposed "ZONING CODE OF THE CITY OF LAKE CITY, IOWA." The Planning and Zoning Commission will meet at 6:00 o'clock p.m. on the 12th day of June, 2023, in the Council Chambers at which

time any citizen of Lake City, Iowa, or any other person having an interest in the proposed "ZONING CODE OF THE CITY OF LAKE CITY, IOWA," may appear and be heard for or against the adoption of the proposed Zoning Code or any part thereof. Jacob Matthews, City Clerk City Of Lake City, Iowa

INTERSTATE POWER AND LIGHT, CO.

Interstate Power and Light, Co. plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under the NPDES General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities." The storm water discharge will be from land

disturbance within road right-of-way, private property, and private easements due to utility construction activities associated with construction of a new electrical substation with new overhead and underground electric distribution system connections. The construction activities will take place in

the NE ¼ of the NE ¼ of Section 31, Township 86 North, Range 17 West in the City of Conrad, Grundy County, Iowa. Stormwater will be discharged by surface drainage to Wolf Creek. Comments may be submitted to the Storm Water Coordinator, Iowa Department of Natural Resources,

502 E 9th Street, Des Moines, IA 50319. The public may review the Notice of Intent from 8 a.m. to 4:30 p.m., Monday through Friday, at the above address after it has been received by the department.

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