

## PUBLIC HEARING NOTICE

### NOTICE OF PUBLIC HEARING

DATE: July 10, 2024  
TO: Surrounding Property Owners  
FROM: Jim Collins, City Administrator  
SUBJECT: Datema front yard setback variance to build a porch

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the Garner Zoning Board of Adjustment (BoA) will hold a public hearing Monday, July 25, 2024 at 5:30 PM at the Garner City Hall, 135 W. 5th Street on a request for a variance, per Section 165.39 subsection 5 paragraph A of the Garner Zoning Ordinance, to construct a porch at 145 E Sesame Street that extends into the front yard setback in the R-1 Zoning District. At the above time and place, the public will be given opportunity to speak for or against the variance request.  
Attest: Jim Collins, Zoning Administrator  
BY: Terry Cook, Chairman

Published in The Leader on Wednesday, July 10, 2024

## HANCOCK COUNTY BOARD OF SUPERVISORS 6.24.24

### June 24, 2024 Garner, Iowa

The Hancock County, Iowa, Board of Supervisors met in adjourned session on the above captioned date pursuant to adjournment with Supervisors Florence (Sis) Greiman and Gary Rayhons present. Absent: none. Supervisor Tlach arrived at 10:35 a.m.

The minutes of June 17, 2024 meeting were read and approved by Supervisors Greiman and Rayhons.

On motion by Supervisor Greiman, seconded by Supervisor Rayhons, and carried unanimously, the Board gave approval to the following: Re-appointment of Veronica Maas, Crystal Lake, to Hancock County Veteran Affairs Commission for a three-year term ending June 30, 2027 and re-appointment of Paul Brozik, Garner, to the Hancock County Board of Adjustment for a five-year term to end June 30, 2029. Tabled the consideration of quote for Collection, Transportation, and Disposal of Rural Recycling for Hancock County, IA until Monday, July 1, 2024 meeting. Signed the independent contractor agreement with Elizabeth Powers for cleaning services at the Hancock County Public Health Building (545 State Street Building) with the approval of Jeff Powers assisting Elizabeth Powers as needed, effective July 1, 2024. Pay estimate no. 16 for the HVAC System Upgrade project in the amount of \$1,911.40 with Mechanical Air Systems Co. Absent: Supervisor Tlach.

On a joint teleconference with Cerro Gordo County Board of Supervisors, Casey Callanan, Lori Ginapp and Chris Watts, Absent: none; Franklin County Board of Supervisors, Gary McVicker, Richard Lukensmeyer, and Chris Vanness, Absent: none; and Hancock County Board of Supervisors, Florence (Sis) Greiman and Gary Rayhons Absent: Jerry Tlach; motion by Supervisor Greiman, seconded by Supervisor Watts, and carried unanimously, the Joint Board gave approval to set the date and time for hearing with landowners of Joint Drainage District no. 86-1-31 Main Open Ditch Repairs for August 19, 2024 at 1:00 p.m. at the Franklin County Law Enforcement Center. The Joint Board was adjourned by Supervisor Vanness, seconded by Supervisor Watts. All ayes.  
Supervisor Tlach arrived at 10:35 a.m.

On motion by Supervisor Tlach, seconded by Supervisor Greiman, and carried unanimously, the Board gave approval to the following: Hiring of Andrew Hook, Conservation Aide, effective June 25, 2024,

at \$14.00 per hour. Increased the hourly rate of pay for Medical Examiner Investigators to \$35 per hour, effective July 1, 2024.

On motion by Supervisor Greiman, seconded by Supervisor Tlach, and carried unanimously, the Board gave approval to the following: Payroll change for Connor Bailey, Conservation Director with no change to salary amount of \$65,000/year effective July 1, 2024. Approved 2024 monthly licensing agreement with Next Generation Technologies for monthly licensing subscriptions. Increased the hourly rate of pay for Precinct Election Officials to \$14.00 per hour, effective July 1, 2024.

On motion by Supervisor Tlach, seconded by Supervisor Greiman and carried unanimously, the Board gave approval to the following Resolution:

RESOLUTION No. 2024-027  
BUDGET APPROPRIATIONS  
AMENDMENT  
July 1, 2023-June 30, 2024

Supervisor Tlach offered the following resolution and moved its adoption. Supervisor Greiman offered a second to the resolution.

Be It Resolved, the Hancock County Board of Supervisors hereby approves the amendment and appropriation of funds for the 2023-2024 fiscal year.

Appropriations –  
Allow \$300.00 to General Basic-Communications (0001-37) from General Basic –Sheriff (0001-05), both in Service Area 1.  
On motion by Supervisor Greiman, seconded by Supervisor Tlach and

carried unanimously, the Board gave approval to the following Resolution:

RESOLUTION No. 2024-028  
WHEREAS, IT IS DESIRED TO MAKE APPROPRIATIONS FOR EACH OF THE DIFFERENT OFFICERS AND DEPARTMENTS FOR THE FISCAL YEAR BEGINNING JULY 2024, IN ACCORDANCE WITH SECTION 331.434, SUBSECTION 6, CODE OF IOWA, NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Hancock County, Iowa, as follows:

SECTION 1. The amounts itemized by fund and by department or office are hereby appropriated from the resources of each fund as follows: Board of Supervisors - \$305,571; County Auditor - \$709,074; County Treasurer - \$561,988; County Attorney - \$336,418; County Sheriff - \$2,089,098; County Recorder - \$249,851; Township Officers - \$14,053; Sanitary Disposal Services - \$98,000; Secondary Road - \$10,167,112; Veterans Affairs - \$73,230; Conservation Board - \$618,937; Health Services/Sanitation - \$353,702; Social Services - \$47,375; Medical Examiner - \$48,000; District Court - \$1,750; Communications - \$542,589; Fairgrounds - \$34,500; Libraries - \$140,000; General Services - \$548,202; Data Processing - \$317,000; Zoning Commission - \$8,820; Home Care Health Services - \$21,500; Law Enforcement Center - \$15,000; Mental Health Administration - \$2,000; Juvenile

Probation - \$13,500; Emergency Management - \$66,487; Capital Projects - \$3,266,376; Non-departmental - \$2,930,114; Total = \$23,580,247.

SECTION 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or obligations from the itemized department effective July 1, 2024.

SECTION 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

SECTION 4. If at any time during the 2024-2025 budget year the auditor shall ascertain that the available resources of a department for that year will be less than said department's total appropriations, she shall immediately so inform the board and recommend appropriate corrective actions.

SECTION 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable

departments and officers quarterly during the 2024-2025 budget year. SECTION 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2025.

### Resolution no. 2024-029 Resolution for Interfund Operational Transfers

Authorizing periodic transfers from the General Basic Fund to the Conservation Fund; from General Basic Fund to Secondary Road Fund; from Rural Services Fund to the Secondary Road Fund; from Mokry Trust Fund to the General Basic Fund

Resolution to authorize the Hancock County Auditor to periodically transfer sums in accordance with Section 331.432 Code of Iowa from the General Basic Fund to the Conservation Fund not to exceed \$453,900, from the General Basic Fund to the Secondary Road Fund not to exceed \$92,196, from the Rural Services Fund to the Secondary Road Fund not to exceed \$2,253,593, and from the Mokry Trust Fund to General Basic Fund not to exceed \$30,500 all in Fiscal Year 2024-2025.

No further business to come before the Board, motion made to adjourn at 10:55 a.m. by Supervisor Greiman and carried. All Supervisors present voting, "Aye," session to adjourn and will meet again on July 1, 2024.

ATTEST:  
Michelle K. Eisenman, Auditor  
Gary Rayhons, Chair

Published in The Leader on Wednesday, July 10, 2024

## NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

### NOTICE OF FORFEITURE OF REAL ESTATE CONTRACT

TO: Luis Casto Davila  
P.O. Box 677, 404 6th Ave N.W.  
Clarion, Iowa 50525  
Contract Purchaser  
Dionicio Hilario  
P.O. Box 154  
Kanawha, Iowa 50447  
Party in Possession

You and each of you are hereby notified:

1. The written contract dated May 22, 2017, and executed by Kanawha Capital, LLC as vendor, and Luis Casto Davila as vendee, recorded on May 23, 2017; in the office of the Hancock County Recorder, and recorded as document reference number 17-0845 for the sale of the following described real estate:

Lot Six (6), Block Fifteen (15),  
Town of Kanawha, Iowa  
has not been complied with in the following particulars:

a) Failure to Pay Scheduled payments for January and June \$436.00  
b) Failure to provide real estate insurance when due \$116.00  
**Total \$552.00**

2. And failure to keep the improvements on the Real Estate insured against loss by fire, tornado, and extended coverage for a sum not less than 80 percent of full insurable value payable to the Sellers and Buyers as their interests may appear.

3. The contract shall stand forfeited unless the parties in default, within 30 days after the completed service of this notice, shall perform the terms and conditions in default, and in addition pay the reasonable costs of serving this notice.

4. The amount of attorney fees claimed by the Vendors pursuant to Section 656.7 of the Code of Iowa is \$50.00 (not to exceed \$50.00). Payment of the attorney fees is not required to comply with this notice in order to prevent forfeiture.

Kanawha Capital, LLC  
Vendor(s)  
By Earl W Hill, Attorney  
ICIS PIN: AT0003537  
Law Office of Earl W. Hill  
35 Main Ave. S.  
P.O. Box 301  
Britt, IA 50423

## ORIGINAL NOTICE

### THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

Upon the Petition of  
PEDRO ZACHARIAS MATEO,  
Petitioner  
vs.  
ESTELA AMEZCUA CAMILO,  
Respondent.

CASE NO. CDDM002217  
**ORIGINAL NOTICE**  
TO THE ABOVE-NAMED RESPONDENT:

You are notified that a petition has been filed in the office of the clerk of this court naming you as the Respondent in this action, which petition prays that the Court enter its order granting equitable division of the parties' property, dissolve the marriage relationship herein restoring the parties to the status of single persons, and for such other just and equitable relief the Court deems appropriate. The name and address of the attorney for the Petitioner is Megan R. Rosenberg, 9 First Street SW, PO Box 456, Hampton, Iowa 50441. The attorney's phone number is 641-456-2555; facsimile number is 641-456-3315.

You must serve a motion or answer on or before August 1, 2024, and within a reasonable time, thereafter, file your motion or answer with the Clerk of Court for Hancock County, at the courthouse in Garner, Iowa. If you do not, judgment by default may be rendered against you for the relief demanded in the petition.

You are further notified that the above case has been filed in a county that utilizes electronic filing. Please see Iowa Court Rules Chapter 16 for information on electronic filing and Iowa Court Rules Chapter 16, division VI regarding the protection of personal information in court filings.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at 641-421-0990. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.)

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

Published in The Leader on Wednesday, July 3, 10, and 17, 2024

## TRUST NOTICE

### TRUST NOTICE

IN THE MATTER OF THE TRUST:  
Amended and Restated Revocable Trust Agreement of Donald and Marvel Smidt,

To all persons regarding Donald Ray Smidt, deceased, who died on or about May 26, 2024.

You are hereby notified that the trustees listed below are the trustees of the Amended and Restated Revocable Trust Agreement of Donald and Marvel Smidt dated on August 3, 1995, and as amended as the First Amendment to the Amended and Restated Revocable Trust Agreement of Donald and Marvel Smidt, said amendment dated August 11, 2005; and as amended as the Second Amendment to the Amended and Restated Revocable Trust Agreement of Donald and Marvel Smidt, said amendment dated February 25, 2008; and as amended as the Third Amendment to the Amended and Restated Revocable Trust Agreement of Donald and Marvel Smidt, said amendment dated June 12, 2014.

Any action to contest the validity of the trust must be brought in the District Court of Hancock 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 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 June 21, 2024.  
Dale Smidt  
1855 300th St,  
Forest City, IA 50436  
Doyle Smidt  
19654 Crestwood Lane,  
Galesville, WI 54630  
Patrick Bernard Byrne #AT001396  
Attorney for Trustees  
Patrick B. Byrne, PLC  
12 S. 4th Street,  
Clear Lake, Iowa 50428

Published in The Leader on Wednesday, July 10, and 17, 2024

Published in The Leader on Wednesday, June 26, July 3, & July 10, 2024