

HELP WANTED NOTICE

Help Wanted - Iowa State University Extension & Outreach Marketing Coordinator/Program Assistant ISU Extension and Outreach in Hancock County has an exciting opening for a part-time Marketing Coordinator/Program Assistant. If you are an individual with a passion for creating and designing flyers/brochures/social media postings and working with youth, this is the perfect opportunity for you to join our team. This is a part time position working a up to 15 hours per week. Hours will be spent remotely and in the office. Position Summary:

This position will have the ability to use their creativity to design our workshop flyers, brochures, and social media postings. This person will also be responsible to keep our website up to date along with our social media pages. A portion of their time will be spent helping with our Clover Kid program during the months of Oct/Nov/Jan/Feb/Mar/Apr. This position upholds the ISU Extension Service mission, maintaining office operations by adhering to policies and procedures as established and approved by the Hancock County Extension Council. This position is under supervision of the Hancock County Extension and Outreach County Director. Hancock County Extension and Outreach offers a competitive wage. To apply, submit cover letter, resume, three references, and completed application to Kristy Brunsvold, Hancock County Extension and Outreach, 327 West 8th Street, Garner, IA 50438 or email kristyb@iastate.edu. This position will remain open until filled; however, for full consideration please submit application materials by Friday, September 20, 2024. A complete job description and application can be found at extension.iastate.edu/Hancock/jobs.

Hancock County Extension and Outreach is an EEO/AA Employer

Published in The Leader on Wednesday, Sept. 11, 2024

BRITT CITY COUNCIL MINUTES 8.28.24

SPECIAL CITY COUNCIL MEETING MINUTES IN BRITT COUNCIL CHAMBERS, 170 MAIN AVE S BRITT, IA WEDNESDAY, AUGUST 28 TH , 2024, 6:00 P.M.

1) OPENING BUSINESS

a. Call meeting to order.

Minutes: The meeting was called to order by Mayor Jim Nelson

b. Roll call.

Present was Ashley Weiss, Curt Gast, Todd Hildman, Angela Nelson, and Jeffrey Moore

c. Pledge of Allegiance

d. Conflict of Interest (state if applicable)

e. Approval of Agenda

Minutes: It was motioned by Nelson and seconded by Hildman to approve the agenda as set. Motion carried unanimously.

2) DISCUSS TERMS FOR SALE OF GOLF COURSE

Minutes: It was motioned by Weiss and seconded by Hildman to approve the terms for the RFP process be:

Minimum bid of \$100,000

Business Plan

Proof of Financial Capacity-(Letter from the Bank)

Letters of Reference

Statement of Qualifications

Presentation to the Council

The motion was carried unanimously.

3) PUBLIC COMMENT

Minutes: Ibarra informed the council of the financial stress the Golf Course Board is under. The Board has a negative balance in their bank account. The current president of the Board expressed that there are no incoming revenues and roughly \$16,000 in expenses. After further research, we are estimating an additional \$44,000 in expenses to get us through 2024. Invoices for the Golf Course will be on the agenda at the next regular council meeting to discuss and vote on. Ibarra also brought up concerns regarding the alcohol sales revenue. Starting September 1 st., the new Golf Course Board members are Skip Miller, Doug Cox, Taylor Sanger, Sam Patterson, Ashley Weiss, and Todd Hildman.

4) ADJOURN

Minutes: It was motioned by Gast and seconded by Hildman to adjourn the meeting. Motion carried unanimously.

Elizabeth Ibarra, City Clerk

Jim Nelson, Mayor

Published in The Leader on Wednesday, Sept. 11, 2024

ORIGINAL NOTICE | CDDM002235

THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

SKY MARIE FRIDAY, Petitioner

vs. SISCO ELKINS FRIDAY, Respondent.

CASE NO. CDDM002235

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 a Respondent in this action, which petition prays for the dissolution of your marriage. The name and address of the attorney for the Petitioner is Carrie J. Rodriguez of Garland & Rodriguez Law Firm. The attorney's phone number is: 641-923-3792

You must serve a motion or answer within 20 days after service of this notice and 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 712-279-6035. (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, Aug. 28, Sept. 4, and Sept. 11, 2024

PROBATE Grace E. Hartzell

THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

IN THE MATTER OF THE ESTATE OF GRACE E. HARTZELL , Deceased

CASE NO. ESPR012238

NOTICE OF PROBATE OF WILL, OF

APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of Grace E. Hartzell , Deceased, who died on or about June 3, 2024:

You are hereby notified that on July 10, 2024, the Last Will and Testament of Grace E. Hartzell , deceased, bearing date of October 26, 2011 , was admitted to probate in the above named court and that Jody East was appointed Executor of the estate. 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 publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Notice is further 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 of four months from the date of the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred. Dated September 5, 2024.

Jody East, Executor of Estate
302 Fairway Circle
Garner, IA 50438

Ted Hovda, ICIS#: _____

Attorney for Executor

Ted Hovda Law Office

P. O. Box 9

180 East 5th Street

Garner, IA 50438

Date of second publication:

Wednesday, Sept. 18, 2024

Probate Code Section 304

* Designate Codicil(s) if any, with date(s).

Published in The Leader on Wednesday, Sept. 11th & 18th, 2024

PROBATE | Marylou Engstler

IN THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

IN THE MATTER OF THE ESTATE OF

Marylou Engstler, Deceased

Probate No. ESPR012236

NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF EXECUTOR, AND NOTICE TO CREDITORS

To All Persons Interested in the Estate of **Marylou Engstler**, Deceased, who died on or about **May 12, 2024**.

You are hereby notified that on the 27th day of June, 2024, the Last Will and Testament of Marylou Engstler, deceased, bearing date of the **18th day of August, 2021**, was admitted to probate in the above named court and that Jean M. Jennings and James D. Engstler were appointed Executors of the estate. 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 publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Published in The Leader on Wednesday, Sept. 4th and 11th, 2024

ORIGINAL NOTICE Case No. JGJV001314

IN THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

IN THE MATTER OF THE GUARDIANSHIP OF

J.A.F. Ward,

CASE NO. JGJV001314 ORIGINAL NOTICE

TO: Devyn Belseth, 1601 6th PL SE, Apt 2D, Mason City, IA 50401

You and each of you are hereby notified that there is now on file in the office of the clerk for Hancock County, a petition in case number JGJV001314, which prays for the appointment of a Guardian for the minor child herein. For further details, contact the clerk's office. The name and address of Petitioner's attorney is Philip L. Garland, 200 State St., PO Box 134, Garner, Iowa 50438. The telephone and facsimile numbers for the Petitioner's attorney are 641-923-3792 and 641-923-2693.

YOU ARE FURTHER NOTIFIED that there will be a hearing on the Petition for Guardianship before the Iowa District Court for Hancock County, at the courthouse in Garner, Iowa, at 10:30 o'clock A.M. on the 11th day of October, 2024.

YOU ARE FURTHER NOTIFIED that unless, on or before the 11th day of October, 2024, you serve, and within a reasonable time thereafter file, a motion or answer in the Iowa District Court for Hancock County, at the courthouse in Garner, Iowa, 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) 421-0990. Persons who are hearing or speech impaired may call Relay Iowa TTY at 1-800-735-2942. Disability coordinators cannot provide legal assistance.

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

Published in The Leader on Wednesday, Sept. 11th & 18th, 2024

TRUST NOTICE Sandra K. Smith

TRUST NOTICE

IN THE MATTER OF THE TRUST: Sandra K. Smith Trust Agreement

To all persons regarding Sandra Kay Smith, deceased, who died on or about May 15, 2024. You are hereby notified that the trustee listed below is the trustee of the Sandra K. Smith Trust Agreement dated on February 28, 2024. 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 the spouse of the decedent settlor, and 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 August 13, 2024.

Steven R. Bakke #0000660,
Attorney for Trustee
Siegrist, Jones, Lipps & Bakke
150 N Clark St.,
Forest City, Iowa 50436
Telephone: 641-585-2530;
FAX: 641-585-2023
steve@sjlawoffice.com
Date of second publication:
Wednesday, Sept. 11, 2024

/s/ John R. Smith _____
John Smith
2005 River Road
Forest City, IA 50436

John Smith, Proponent

Attorney for estate:

Steven R. Bakke, ICIS#: 0000660

150 N Clark St.

Forest City, IA 50436

Telephone: 641-585-2530;

FAX: 641-585-2023

steve@sjlawoffice.com

Date of second publication:

Wednesday, Sept. 11, 2024

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PROBATE Sandra K. Smith

THE IOWA DISTRICT COURT FOR HANCOCK COUNTY

IN THE MATTER OF THE ESTATE OF

SANDRA KAY SMITH, Deceased

CASE NO. ESPR012244

NOTICE OF PROOF OF WILL WITHOUT ADMINISTRATION

To All Persons Interested in the Estate of Sandra Kay Smith, Deceased, who died on or about on May 15, 2024:

You are hereby notified that on August 20, 2024, the last will and testament of Sandra Kay Smith, deceased, bearing date of February 14, 2022 and the First Codicil to the last will and testament dated June 19, 2023, was admitted to probate in the above named court and there will be no present administration of the estate. Any action to set aside the will must be brought in the district court of the county within the later to occur of four months from the date of the second publication of this notice or one month from the date of mailing of this notice to all heirs of the decedent and devisees under the will whose identities are reasonably ascertainable, or thereafter be forever barred.

Dated August 13, 2024.

/s/ John R. Smith _____
John Smith, Proponent

Attorney for estate:

Steven R. Bakke, ICIS#: 0000660

150 N Clark St.

Forest City, IA 50436

steve@sjlawoffice.com

Date of second publication:

Wednesday, Sept. 11, 2024

*Designate Codicil(s)if any, with date(s).

Probate Code Section 305

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HANCOCK COUNTY BOARD OF SUPERVISORS 8.26.24

August 26, 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, Gary Rayhons, and Jerry J. Tlach present. Absent: none.

The minutes of August 19, 2024 meeting were read and approved.

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

Signed Certificate of completion and final acceptance of agreement work with Iowa Department of Transportation for Flashing Beacon Traffic Safety Improvement Project Grant. Signed supplemental agreement for additional services with Snyder & Associates, Inc. for county inspector services for the Summit Carbon IUC Docket HLP-2024-010.

Signed revised 28E agreements between Hancock County, Iowa and the following cities: Corwith, Crystal Lake, Goodell, Klemme, and Woden for provision of law enforcement services.

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

Signed Designation of County Inspector designating Snyder & Associates, Inc. for county representation and inspection services for the Summit Carbon Solutions Carbon Transport Pipeline project.

A public hearing was held at 10:00 a.m. on the consideration of implementing a local county property tax exemption under Iowa Code Chapter 427B. Those present for the hearing were Supervisors Greiman, Rayhons, and Tlach, Auditor Michelle K. Eisenman, County Attorney Rachel Martínez, and Deputy Auditor, Jolene Leerar. Present from the public Ben Hassebroek-The Leader, Jim Collins, Glen Alden, Beth Bilyeu, Jill Kramer, Brenda A Barr, Jim Nelson, Laura Zwiemel, Osmond Jermeland, and Bob Kern; present via Go to Meeting was Rob Hillesland-Summit-Tribune, County Recorder-Tracy Marshall, KLOW, KS, and Caller 01. Hancock County Economic Development Director, Jill Kramer explained the exemption

and how it would work. Glen Alden asked how the exemption would affect township levies with County Attorney, Rachel Martinez responding that it wouldn't affect levies. Supervisor Greiman spoke about the Board of Supervisors responsibilities with the tax exemption. Osmond Jermeland and Laura Zwiemel, both spoke in favor of the exemption. Jill Kramer clarified it was only for properties outside the city limits. Jim Collins from City of Garner stated many of the Garner businesses have used this, with it helping the businesses in the beginning of projects, then will have the taxes after five years. Jim Nelson from City of Britt stated county needs it as it is important to have businesses come to build manufacturing. On motion by Supervisor Tlach, seconded by Supervisor Greiman and carried unanimously, the Board motioned to close the public hearing.

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

RESOLUTION NO. 2024-034 HANCOCK COUNTY BOARD OF SUPERVISORS

A RESOLUTION OBJECTING TO THE IOWA UTILITIES BOARD'S AUTHORITY TO ENACT EMINENT DOMAIN AUTHORITY WITHIN HANCOCK COUNTY FOR PRIVATELY OWNED AND OPERATED CARBON DIOXIDE PIPELINES

WHEREAS, Pursuant to Iowa Code Section 479B.7 and Iowa Administrative Code rule 199-13.5, any person, including a governmental entity, whose rights or interest may be affected by a proposed pipeline may file a written objection with the Board not less than five days prior to the hearing scheduled on the pipeline company's application for a permit.

WHEREAS, "The power of eminent domain has ancient origins... From early times to the present, property owners have argued that this power should be exercised only in limited circumstances." 1 the philosopher John Locke argued that the "great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under govern-

ment, is the preservation of their property." 2

WHEREAS, for this reason, the framers of the Constitution sought to limit the government's use of the power of eminent domain in two important ways. 3 First, they included in the Fifth Amendment a requirement for the payment of "just compensation." 4 Second, they required that any taking of private property must be for a "public use." 5

WHEREAS, the United States Supreme Court has considered the issue of eminent domain many times. In the landmark case of *Kelo v. City of New London*, the Court discussed the federal constitutional requirements for determining "public use." The Court noted that there are two opposing roles involved in making the determination. On the one hand, the Court said, it is clear that the government may not take one person's property for the "sole purpose" of transferring it to another person. On the other hand, the Court also said it is "equally clear" that the government may transfer property from one person to another if future "use by the public" is the purpose of the taking.

WHEREAS, if the "public use" requirement of the Fifth Amendment means anything, it means that the government should not arbitrarily take one person's private property and transfer it to another person simply for private economic gain. In this docket, Summit is seeking eminent domain over 1,035 parcels. Through this process, Summit is seeking private gain through a taking of private property that doesn't provide public use.

WHEREAS, the reason is that this pipeline is fundamentally different from a road or a highway project that the general public can use. It's fundamentally different from a railroad that carries the general public as passengers. And it's fundamentally different from an electric or gas line that a utility uses to serve retail or wholesale customers. Essentially, Summit is justifying the use of eminent domain because it claims the project will create economic benefits for Iowans, but whatever ancillary benefits will accrue from construction of the project, it's clear they are not the primary purpose of

the project and are in fact subjective at best. The primary purpose is clearly private economic gain.

WHEREAS, the driving force behind this project is climate change policy. Since 2008, Federal tax law has provided tax credits for the sequestration of carbon. Known as "45Q Credits" after the relevant tax provision, these tax credits were created to encourage the private sector to reduce the amount of carbon released into the atmosphere. In the recently passed Inflation Reduction Act, Congress significantly increased the value of these 45Q Credits. These credits represent a substantial public subsidy for private profit as it is. Taking yet more private property for Summit's private gain only compounds the problem.

WHEREAS, The *Kelo* case turned on the question of whether the City's economic development plan served a "public purpose." And the Court explained that is prior eminent domain cases had defined that concept broadly due to a longstanding policy of deferring to "legislative judgments" in the area of public use.

WHEREAS, "Viewed as a whole," the Court said, "our jurisprudence has recognized that the needs of society have varied between different parts of the Nation, just as they have evolved over time in response to changed circumstances. Our earliest cases in particular embodied a strong theme of federalism, emphasizing the 'great respect' that we owe to state legislatures and state courts in discerning local public needs." 6

WHEREAS, In other words, the Supreme Court was unwilling to place obstacles in front of state legislators in the form of rigid judicial interpretations of the Constitution, and it instead preferred to allow a broad range of purposes to meet the "public use" test.

WHEREAS, However, after announcing that it wouldn't adopt a strict federal standard, the Court in *Kelo* went on to state that "nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power." 7

WHEREAS, even before the *Kelo* case was decided, many states had

imposed "public use" requirements that were stricter than the more flexible federal minimum standard, and many states since then have imposed additional restrictions in the wake of the *Kelo* decision. These additional restrictions on the use of eminent domain can take the form of either state constitutional requirements or state statutory requirements. Iowa has adopted additional restrictions.

WHEREAS, Like the Fifth Amendment to the United States Constitution, Article I, Section 18 of the Iowa Constitution also contains a "takings" clause, and like the Fifth Amendment, it also requires that private property not be taken "for public use" without "just compensation."

WHEREAS, The Iowa Supreme Court is the final authority on the interpretation of the Iowa Constitution, and while it generally considers Federal interpretations of the Takings Clause to be persuasive, it is not required to interpret the Iowa Takings Clause in the same flexible way as the Supreme Court interprets the Federal Takings Clause.

WHEREAS, The Iowa Supreme Court recently considered the issue of constitutional authority over eminent domain in the case of *Puntenney v. Iowa Utilities Board*, which involved an oil pipeline being built by Dakota Access, LLC. In considering the issue, the Iowa Supreme Court thoroughly reviewed the *Kelo* case and decided not to follow the majority opinion, which had found economic development to be a valid public purpose. Instead, the Iowa Court announced that Justice O'Connor's dissenting opinion, which a number of other states follow, was the better interpretation for purposes of the Iowa Constitution because it provides stronger protection against the abuse of eminent domain. 8

THEFORE, BE IT RESOLVED, that the Board of Supervisors of Hancock County, under the authority of IA Code Section 331.301(1), shall "exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county and its residents, and to preserve and improve the peace,

safety, health, welfare, comfort and convenience of its residents." Based on the findings of the Iowa Supreme Court in *Puntenney v. Iowa Utilities Board*, the Hancock County Board of Supervisors finds in fact they are not limited by Iowa Code Section 331.304(1), to be "inconsistent with the laws of the general assembly" in protecting and preserving private property takings utilizing eminent domain due to the lack of public purpose where in this case the sole purpose is private economic gain by Summit Carbon Solutions and affiliates. Therefore, the Hancock County Board of Supervisors objects to the use of eminent domain for private economic gain and urges the Iowa Utilities Board not to grant Summit the use of eminent domain for this project.

No further business to come before the Board, motion made to adjourn at 10:52 a.m. by Supervisor Tlach and carried. All Supervisors present voting. "Aye," session to adjourn and will meet again on September 3, 2024.

ATTEST:

Michelle K. Eisenman, Auditor

Jerry Tlach, Vice Chair

1 See generally Mary Massaron Ross, *The Debate Over the Meaning of "Public Use,"* Eminent Domain Use & Abuse; Kelo in Context as s 1.1

2 See U.S. CONST. Amend V ("nor shall private property be taken for public use, without just compensation").

3 See generally William Michael Treanor, "The Origins and Original Significance of the Just Compensation Clause of the Fifth Amendment," 94 Yale L.J. 694 (1985).

4 See Lauren A. Wiggins and Timothy Sandefur, *A Bibliography of Sources on Public Use in Eminent Domain*, 10 Chap. L. Rev. 235 (2006). See also David Schultz, "What's Yours Can be Mine: Are There Any Private Takings After Kelo v. City of New London?," 24 UCLA J. Envtl. L. & Pol'y 195 (2006).

5 Kelo v. City of New London, 545 U.S. 469 (2005)

6 Kelo v. City of New London, 545 U.S. 469 (2005)

7 *Puntenney v. Iowa Utilities Board*, 928 N.W.2d 829 (2019)

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