

**PUBLIC NOTICE**

**Board Minutes Monday March 29, 2021**

**BOARD MINUTES MONDAY MARCH 29, 2021**

The Board of Supervisors met at 9:30am March 29, 2021 with Vick, Ashbacher, Vermace, and Langreck in person, and Beard present electronically.

Neil Schraeder and Amanda Webb, Hacker Nelson & Co, met with the Board to present the FY20 County Audit. Moved by Vermace and seconded by Vick to approve the audit. Motion carried unanimously.

Moved by Langreck and seconded by Vermace to adopt resolution 21-70, rescinding previous COVID-19 related resolutions and establishing new policies effective April 1. Motion carried unanimously by roll call vote.

Moved by Beard and seconded by Vick to approve the quotes by Darold Berger Masonry, \$19,500, and Allen Roofing Construction, \$2,650, for repairs at the Smith Building. Motion carried unanimously.

Moved by Vermace and seconded by Vick to approve the minutes from the last meeting. Motion carried unanimously.

Moved by Vick and seconded by Langreck to open the public hearing on the proposed rezoning requested by Lennon. Motion carried unanimously by roll call vote. Tony Phillips, Planning and Zoning (P&Z) Administrator, reviewed the actions taken on the request so far: P&Z held a public hearing recommending denial on January 12, 2021 because of the placement of the building in the Bluffland Protection Zone and the fact the living quarters were constructed before the rezoning request. The Board of Supervisors held a public hearing February 1, 2021 and tabled the action to get additional information from P&Z. P&Z approved the site plan for construction in the Bluffland Protection Zone on March 9, 2021. Comments were received from the owner. No other written or verbal comments were received. Vermace pointed out that even though the Bluffland Protection Zone issue was resolved, it was

done in the wrong order. The owner should have asked for site plan approval before construction. Moved by Langreck and seconded by Vick to close the public hearing. Motion carried unanimously by roll call vote. Moved by Beard and seconded by Vick to hold the first reading of the proposed ordinance. Motion carried unanimously, and the reading was held. Moved by Beard and seconded by Vick to waive the additional readings. Motion carried unanimously. Moved by Langreck and seconded by Vick to adopt the ordinance amending the Zoning of the property to R-2 as requested by the owner. Motion carried unanimously by roll call vote. The ordinance will be on file in the county Recorders and Auditors offices and be published as required by law.

Lee Bjerke, County Engineer, met with the Board to discuss road matters.

Moved by Beard and seconded by Vermace to approve the contracts for projects BROS-SWAP-CO96(150)-SE-96 (Bridge 354) and STBG-SWAP-CO96(153)-SG-96 (Bluffton Road) and adopt resolutions 21-71 and 21-72 authorizing Bjerke to execute the contracts on the County's behalf. Motion carried unanimously by roll call vote.

Bjerke discussed the advantages of shifting to four ten-hour work days per week during the summer for road crew employees. The Board's consensus was to allow him to have the authority to make scheduling decisions like that in whatever way works best for his department.

Sean Snyder, Emergency Management Coordinator, and Krista Vandenberg, Public Health Director, met with the Board to give COVID-19 updates.

Moved by Langreck and seconded by Vick to adjourn to 9:30am Monday, April 5, 2021. Motion carried unanimously.

ATTEST

Benjamin D. Steines  
County Auditor  
Floyd Ashbacher, Chair  
Board of Supervisors

Published in the Calmar Courier on Tuesday, April 13, 2021

**PUBLIC NOTICE**

**Winneshiek County Board of Supervisors**

**PUBLIC NOTICE**

The Winneshiek County Board of Supervisors has received a construction permit application for a confinement feeding operation, more specifically described as follows:

Name of Applicant: Todd Bushman and Duane Bushman. Location of the proposed construction: Section 14 of Washington Township.

Type of confinement feeding operation structure proposed: One new 47,000 head chicken broiler confinement building at an existing poultry/dairy cattle confinement facility.

Animal Unit Capacity of the Confinement Operation after Construction: 1,360 animal units. (96,000 chickens averaging 3 pounds or more, 100 head of mature dairy cattle and 260 head of immature dairy cattle).

Examination: The application is one file at the County Sanitarian's Office and is available for public inspection during the following days: Monday through Fridays from 8 a.m. to 4 p.m.

Comments: Written comments may be filed at the County Sanitarian's Office until Monday, May 3.

Published in the Calmar Courier on Tuesday, April 13, 2021

**PUBLIC NOTICE**

**Winneshiek County Noxious Weeds**

**RESOLUTION 21-74 FOR THE DESTRUCTION OF CONTROL OF NOXIOUS WEEDS**

BE IT RESOLVED, by the Board of Supervisors of Winneshiek County, Iowa

That pursuant to the provisions of Chapter 317 of the 2021 Code of Iowa, it is hereby ordered:

That each owner and each person in the possession or control of any lands in Winneshiek County shall properly spray, cut, burn or otherwise destroy or control all noxious weeds thereon, as defined in this chapter, at such time in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe from public travel. Noxious weeds shall be cut or otherwise destroyed or controlled on or before the following dates and as often thereafter as it is necessary to prevent seed production:

**PRIMARY NOXIOUS WEEDS:** June 15, 2021 for musk thistle, quack grass, perennial sow thistle, Canada thistle, bull thistle, field bindweed, horse nettle, leafy spurge, perennial pepper-grass, Russian knap-weed and buckhorn.

**SECONDARY NOXIOUS WEEDS:** June 15, 2021 for butter-punct, cocklebur, wild mustard, wild carrot, buckhorn, sheep sorrel, sour dock, smooth dock, poison hemlock, multiflora rose, wild sunflower, puncture vine, teasel and shattercane.

That each owner and each person in the possession or control of land in Winneshiek County infested with any noxious weeds including perennial pepper-grass, Russian knapweed, poison hemlock, wild sunflower and teasel, shall adopt a program of weed destruction, described by the Weed Commissioner which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.

That if the owners or persons in possession or control of any land in Winneshiek County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, be assessed against the land and the owners thereof.

Quack grass, when acting as soil binder, may be eliminated from eh above regulation, per section 317.13.

The multiflora rose won't be considered a noxious weed when cultivated for use understock for cultivated roses or as ornamental shrubs in gardens, per section 317.1(2).

That the County Auditor be and is hereby directed to cause notice of the making and entering of the foregoing by one publication in each of the official newspapers of the county.

Dated this 5th of April 2021. Winneshiek County Board of Supervisors  
Floyd Ashbacher, Chairman

Published in the Calmar Courier on Tuesday, April 13, 2021

**PUBLIC NOTICE**

**Calmar Ordinance NO. 435**

**ORDINANCE #435 AN ORDINANCE TO AMEND THE CALMAR CITY ZONING ORDINANCE BY REZONING AND CHANGING CERTAIN PROPERTY FROM A R-2 RESIDENTIAL DISTRICT TO INDUSTRIAL (I-1) DISTRICT.**

Part of Jefferson Street between Block 25 and 48 of the Town of Calmar, Winneshiek County, Iowa further described as follows: A tract beginning at the Northwest Corner of Lot 5 in Block 25; thence South on the West line of Lot 5 in Block 25 to the Southwest Corner of Lot 5 in Block 25; thence Northwest to the North line of Lewis Street to the Southeast Corner of Lot 8 of Block 48; thence North on the east line of Lot 8 of Block 48 to the Northeast corner of Lot 8 of Block 48; thence Southeasterly to the point of beginning.

AND  
Lots 1, 2, 3, and 4, all in Block 24 of the Town of Calmar, Winneshiek County, Iowa

AND  
Lots 5 and 6 in Block 25 of the Town of Calmar, Winneshiek County, Iowa.

WHEREAS, after notice and public hearing, the Planning & Zoning Commission of the City of Calmar, Iowa, has recommended to the Council of the City of Calmar the requested property be rezoned from

R-2 Residential to Industrial (I-1). NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS by the Council of the City of Calmar, Iowa: "That the zoning map of the City of Calmar, Iowa be amended pursuant to sections 165.06 and 165.44 of Calmar Municipal Code to reflect the change in zoning and the City Engineer is directed to make the necessary changes to the Official Zoning Map to reflect those changes."

Effective Date. This ordinance shall be in effect after its final passage, approval and publication as required by Law.

Passed by the Council of the City of Calmar, Iowa, the 5th day of April, 2021

Keith Frana, Mayor  
ATTEST:  
Sheila Bullerman, City Clerk  
1<sup>st</sup>. Reading March 1, 2021  
2<sup>nd</sup>. Reading April 5, 2021  
3<sup>rd</sup>. Reading Waived

CLERK'S CERTIFICATE

I hereby certify that the foregoing Ordinance No. 435 was published as required by law on the   day of  , 2021.

S I G N E D :  
Sheila Bullerman, City Clerk

Published in the Calmar Courier on Tuesday, April 13, 2021

**PUBLIC NOTICE**

**Calmar City Council Minutes April 6, 2021**

**MINUTES CALMAR CITY COUNCIL APRIL 5, 2021**

Mayor Frana called the meeting to order at 5:30 P.M. on April 5, 2021 at the Calmar Fire Station. The meeting was opened with the Pledge of Allegiance. Present were: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Also present were: Mayor Frana, Don Wurtzel, Sheila Bullerman, Mike Hohenbrink, Pete Weiland, Judy Lensing, Jan Pfiffner, Stanley Maroushek, Al Severson, Libbie Case, Craig Schoenfeld and Neil Jones.

Motion by Schissel, second by Kirkeberg to approve the consent agenda (agenda, minutes of March 1, 2021 (Revised-added Resolution #634 only) and minutes of March 10, 2021, clerk/treasurer reports, claims for March 2021). Aye: Sabelka, Schissel, Kieve, Kirkeberg and Gerlich. Motion carried.

**CLAIMS REPORT**

VENDOR.....	REFERENCE AMOUNT
Acentek.....	sewer internet 34.90
All Flags LLC.....	(12) flags 296.61
Alliant.....	monthly utility 6,678.75
BH.....	monthly utility bill 1,621.85
Decorah Implement.....	low vly-gard-broom tractor ..... 49.38
Book Look.....	books 281.83
Brueling.....	3/4 class a rock-yard waste ..... 312.41
Calmar Development Cor.....	1st qtr 1-1-21 to 3-31-21 ..... 1,750.00
Center Point Large.....	books 88.68
Centurylink sewer phone-alarms-2 month	165.32
City Laundry.....	uniforms 215.06
City of Calmar.....	reim postage 21.31
Copy Systems.....	2-8-21 to 3-7-21 41.62
Culligan.....	fd-seasonal service 59.85
Decorah Electric.....	fuses for fire siren 87.86
Decorah Tech LLC.....	new email conf-setuo off/on ..... 210.00
Dollar General.....	face masks ..... 42.00
Fisk Farm and Home.....	mat safety toe boots ..... 189.99
Hawkins.....	lpc-am.azone 125x3.53 ..... 1,751.03
Heying Manufacturing.....	snow plow, lib, shop ..... 31.82
HRS LLC.....	water easement-by city shop ..... 1,750.00
IAMU.....	jan-mar 2021 nisa ..... 388.93
Ingram.....	books 453.00
IRS.....	fed/fica tax ..... 5,113.14
Iowa Workforce Dev.....	quarterly unemployment ..... 70.70
Ipers.....	ipers ..... 3,710.40
John Deere Financial.....	lib sump pump,shop ..... 152.25
Keystone Labs.....	monthly testing ..... 51.20
Kirkeby Welding.....	steel for flower trailer ..... 156.80
Klimesh Motorsfd-1989 f250 circuit breaker	83.98
Kwik Star.....	fuel ..... 1,220.84

**ORDINANCE NO. 434 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CALMAR, IOWA, BY AMENDING PROVISIONS PERTAINING TO SUBDIVISION REGULATIONS.**

BE IT ORDAINED by the City Council of the City of Calmar, Iowa, as follows:

1. That the Municipal Code of the City of Calmar is hereby amended by changing 166.06 and 166.18 of Chapter 166 as follows:

**166.06 MINIMUM STANDARD OF DESIGN AND DEVELOPMENT.**

8. Dead-end Streets. Dead-end streets are prohibited except where a street is planned to continue past the subdivider's property. A dead-end street shall terminate in a temporary circular right-of-way with a minimum diameter of ninety (90) feet, unless the Commission approves an equally safe and convenient space. No dead-end street shall be longer than six hundred (600) feet. Cul-de-sacs shall not exceed six hundred (600) feet in length and shall be provided with a turn-around with a minimum right-of-way diameter of one hundred twenty (120) feet. The length of the cul-de-sac shall be measured along

Malcom.....	gb and gf ..... 6,514.57
Micromarketing.....	books 261.64
Mid-America Publishing.....	jan min,rezoning,budget,mar ... 418.26
Mienergy.....	lighting 175th ..... 57.29
Napa.....	dump tk wiper,butt connect ..... 157.44
New Hampton Red Power.....	mirror case tracto ..... 84.00
Northeast Iowa Metalwor.....	snow blower on back of tracto ..... 129.00
Olsgard Auto Saleswestern cutting edges-plow tk.....	935.88
Postmaster.....	546 x .293 waterbills ..... 159.98
Sheila Bullerman.....	reim 1/29/20-12/30/20 ..... 2,500.00
South Winn Trap Shot Tea.....	sponsorship ..... 300.00
Storey Kenworthy.....	lib ..... 316.77
Sunsel Law Enforcement.....	amno ..... 516.66
Testamerica Lab.....	sewer testing ..... 693.00
The Warrior Wash.....	jr ..... 13.00
Total Tree Care.....	remove trees-kirkeberg,timp,k ..... 3,200.00
Treasurer State of Iowa.....	state tax ..... 874.00
Verizon.....	cell phones and offices-2 mon ..... 657.98
Vernelle Holthaus.....	reim binders, copier cart ..... 49.68
Visa.....	jr-matt dnr,microsoft monthly ..... 78.25
Wellmark.....	monthly premium ..... 6,940.38
Payroll March.....	16,940.80
Total.....	68,880.09
Claims by Fund.....	General ..... 33,334.76
Road Use.....	4,494.06
Benefits.....	8,744.14
Water.....	11,881.78
Sewer.....	10,425.35
Total.....	68,880.09
Revenue by Fund.....	General ..... 34,953.51
Road Use.....	4,233.39
Benefits.....	3,466.43
Emergency.....	500.46
Lost.....	19,300.16
Debt Service.....	4,251.11
Water.....	23,159.77
Sewer.....	39,812.31
Total.....	129,677.14

Soo Green provided a project update (Craig Schoenfeld and Neil Jones); Underground power line running 350 miles from Mason City, Iowa to Yorkville, Illinois. The route will primarily utilize existing railroad right-of-way. A franchise agreement will be coming soon.

Jan Pfiffner was present to discuss the fundraiser/4-H County Council Leadership Project being done by her grandsons Chance and Chase Adams (Saturday, June 12, 2021). The event "Pave the Way 5K" starts at the Calmar Lutheran Church in Calmar, Iowa. The proceeds go towards the paving of the Calmar Lutheran Church's parking lot.

Stanley Maroushek was present to discuss his situation about looking for a home for his woodcarving museum. Slim collected carvings from all over the world to show the different styles and different woods that each country does. A committee was formed consisting of council members Sam Sabelka and Keith Gerlich.

Judy Lensing was present to discuss her neighbor's dogs. Al Severson at 408 S Washing-

ton Street was present to discuss his addition to the house. He will need to stake it out, so Junior can look at. We will put on the agenda for the next board meeting (May 3<sup>rd</sup>).

Libbie Case at 208 W Clark Street was present to discuss the fence she wants around the front of her yard. She will need to stake it out, so Junior can look at. We will put on the agenda for the next board meeting (May 3<sup>rd</sup>).

Motion by Schissel, second by Sabelka to set the date for the public hearing for 2020-2021 budget amendment (May 3, 2021). Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Mayor Frana announced this was the time and place set for a public hearing on the proposal to enter into a General Obligation Equipment Acquisition Loan Agreement. There were no comments written or oral received. The Mayor declared the hearing closed.

Motion by Schissel, second by Kirkeberg to approve Resolution #635 authorizing and approving a Loan Agreement, providing for the sale and issuance of a General Obligation Equipment Acquisition Note and providing for the levy of taxes to pay the same. Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Mayor Frana announced this was the time and place set for a public hearing to rezone Parcel 142536000900, 143610300100, 143610300200, 143610300300, 143610300400 from R-2 to I-1 (Industrial). Pete Weiland discussed the idea to take up the gravel, reseed and maybe barricade the north end of vacated street. The Mayor declared the hearing closed (Public Hearing actually took place at the March 1<sup>st</sup> meeting - April 5<sup>th</sup> agenda item 8 wrong, just need 2<sup>nd</sup> and 3<sup>rd</sup> reading).

Motion by Schissel, second by Sabelka to approve Ordinance #435 an ordinance to amend the Calmar City Zoning Ordinance by Rezoning and Changing Certain Property from R-2 Residential District to Industrial I-1 District. (2<sup>nd</sup> reading and waive 3<sup>rd</sup> reading). Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Motion by Schissel, second by Gerlich to approve Resolution #634 authorizing the submission of a Community Catalyst Building Remediation Program grant application to the Iowa Economic Development Authority. Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Motion by Sabelka to approve Development Agreement Between the City of Calmar, Iowa and Calmar Development Corporation (IEDA Community Catalyst Building Remediation Grant). Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Motion by Kieve, second by Kirkeberg to approve Ordinance #434 amending provisions pertaining to Subdivision Regulations and waive 2<sup>nd</sup> reading. Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Motion by Sabelka, second by Gerlich to approve purchase of a new police vehicle pending the USDA grant award. Aye: Schissel, Kirkeberg, Sabelka and Gerlich. Nay: Kieve. Motion carried.

Motion by Schissel, second by

Kieve to approve sale of city owned land (portion of Jefferson Street). Aye: Kieve, Kirkeberg, Sabelka, Schissel and Gerlich. Motion carried.

Mayor Frana announced this was the time and place set for a public hearing to vacate a portion of Jefferson Street and sell to adjoining landowner. There were no comments written or oral received. The Mayor declared the hearing closed.

Motion by Sabelka, second by Schissel to approve Resolution #636 approving the vacation of a portion of a street in the City of Calmar, Iowa. Aye: Kieve, Kirkeberg, Schissel, Sabelka and Gerlich. Motion carried.

Motion by Schissel, second by Gerlich to approve Resolution #637 approving the conveyance of certain property owned by the City of Calmar, Iowa. Aye: Kieve, Kirkeberg, Sabelka, Schissel and Gerlich. Motion carried.

Motion by Kieve, second by Kirkeberg to approve Dale and Melanie Kleiner at 105 W Hancock Street building permit to redo their east porch. Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Motion by Sabelka to approve Craig Neuzil at 101 Huber Drive building permit for drive-in beer cooler. Aye: Kieve, Schissel, Sabelka, Kirkeberg and Gerlich. Motion carried.

Motion by Schissel, second by Sabelka to approve Kuhn Trucking Inc. at 112 N Maryville Street (Application for Approval of Urban Revitalization/Tax Abatement Program). Aye: Kieve, Kirkeberg, Sabelka, Schissel and Gerlich. Motion carried.

Aaron Brincks's (307 N East Street) building permit to build a garden shop on existing cement was reviewed. The council wanted some more info, so it will be on the May 3<sup>rd</sup> agenda.

T.J. Schissel presented the Fire Department Report. They held their business meeting March 9th and training March 23<sup>rd</sup> (walk thru at the Winneshiek Dispatch Center and filling air tanks on Rescue 2 at Decorah FD). There were 3 pages with 71 volunteer hours donated for the month.

The Police Department report was presented in the packet.

Mayor Frana presented the Water/Wastewater and Street Department Report; Matt and Junior will be testing this week.

Don Wurtzel, Economic Development, didn't have anything to report (busy few months).

Mayor Frana presented the FEMA requirements for elected officials. He is going to talk to Sean Snyder and set something up with him. Our basketball courts and painted yellow lines were also discussed.

There was a brief discussion regarding nuisance properties. The council decided to proceed with the previous Contempt.

Motion by Kieve, second by Gerlich to adjourn. Aye: Kieve, Sabelka, Schissel, Kirkeberg and Gerlich. Motion carried and meeting adjourned at 7:22 P.M.

Keith Frana, Mayor  
ATTEST:  
Sheila Bullerman

Published in the Calmar Courier on Tuesday, April 13, 2021

**PUBLIC NOTICE**

**Calmar Ordinance NO. 434**

Surface – 2 ½ inch Type B Asphalt Concrete Mat  
Alternate 4: Other suitable designs other than Portland Cement or Asphalt Concrete if first approved by the Council.

Arterial Streets:  
Alternate 1: Base – Prepared Earth  
Surface – 6 ½ inch Portland Cement Concrete  
Alternate 2: Sub-base – 4 inch Granular Aggregate  
Base – 6 inch Asphalt Treated Aggregate  
Surface – 2 inch Type B Asphalt Concrete Mat  
Alternate 3: Sub-base – 4 inch Granular Aggregate  
Base – 8 inch Graded & Rolled Stone  
Surface – 2 inch Type B Asphalt Concrete Mat  
Alternate 4: Other suitable designs other than Portland Cement or Asphalt Concrete if first approved by the Council

Tile Drainage. (same)  
Grading and Improving. (same)  
Sanitary Sewers. (same)  
Potable Water. (same)  
Storm Water Drainage. (same)  
Other Improvements. (same)

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Alternate 3: Sub-base – 4 inch Granular Aggregate  
Base – 8 inch Graded & Rolled Stone  
Surface – 2 inch Type B Asphalt Concrete Mat  
Alternate 4: Other suitable designs other than Portland Cement or Asphalt Concrete if first approved by the Council

Tile Drainage. (same)  
Grading and Improving. (same)  
Sanitary Sewers. (same)  
Potable Water. (same)  
Storm Water Drainage. (same)  
Other Improvements. (same)

**Repealer.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Severability Clause.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**When Effective.** This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading:  
April 5, 2021

Date of Second Reading: Waived  
Councilmen Voting Aye: Kieve, Kirkeberg, Sabelka, Schissel, Gerlich

Councilmen Voting Nay: None  
PASSED AND ADOPTED this 5th day of April, 2021.

Keith Frana, Mayor  
ATTEST:  
Sheila Bullerman, City Clerk

I hereby certify that the above Ordinance No. 434 was published on the   day of  , 2021, in the   Calmar   Courier  
Sheila Bullerman, City Clerk