**B4** 

#### PROBATE: **DELORES LEWIS**

THE IOWA DISTRICT COURT FOR IDA COUNTY IN THE MATTER OF THE ESTATE OF **DELORES LEWIS, Deceased** CASE NO. ESPR009733 NOTICE OF PROBATE OF WILL, OF APPOINTMENT OF **EXECUTORS. AND NOTICE** TO CREDITORS

To All Persons Interested in the Estate of Delores Lewis, Deceased, who died on or about April 22, 2024 You are hereby notified that on May 13. 2024, the Last Will and Testa ment of Delores Lewis, deceased, bearing date of Feb. 1, 2012, was admitted to probate in the above named court and that Tina Schrunk and Michael Lewis have been appointed Co-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.

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 5-16-24 Tina Schrunk. Executor of Estate

Michael Lewis, Executor of Estate Thaddeus E. Cosgrove ICIS#: AT0001750 Attorney for Executors Cosgrove Law Firm 607 W. Second Street Ida Grove, IA 51445 Date of second publication: May 29, 2024 Published in Ida County Courier on

May 22, and 29, 2024

## **PROCEEDINGS: IDA GROVE CITY COUNCIL • MAY 20 MINUTES**

City of Ida Grove Council Meeting Minutes City Hall, 403 3rd Street

Monday, May 20, 2024 • 5:30 p.m. 1. Call to Order: Mayor Nathan Weitl called the meeting to order at 5:30 p.m. 2. Roll Call: Present: Gregor Ernst, Jeff Miesner, Jason Schable, Reynold McLead & Jared Boque. Ethan Joy (JEO) & Mary Morgan (Ida County Courier) were present. Keith Wilken, Ruth Hummel & Ben Weepie (IDNR) and Ross Lawrence (JEO) were present electronically. 3. Approval of Agenda: Motion by Bogue, second by McLead to approve. Motion carried 5-0. 4. Consent Agenda: Motion by Ernst, second by McLead to approve the consent agenda consisting of the following: clerk's report, claims in the amount of \$76,904.39, financial reports, minutes of the 5/6/2024 meeting, permits & correspondence. Motion carried 5-0. 5. Water Tower Logo Revision: Maguire Iron suggested reducing the logo size to avoid obstruction from antennas. Interior and exterior paint will be completed tomorrow and staff will begin filling the tower. Motion by Ernst, second by McLead to approve the logo size revision. Motion carried 5-0. 6. Levee Pipe Rehab Engineering Contract: Motion by Bogue, second by McLead to approve the levee pipe rehab engineering contract with JEO Consulting not to exceed \$31,700 to be paid with ARPA funds. Motion carried 5-0. 7. Structural Analysis for 402-408 Second Street: The following quotes were submitted for completion of a structural analysis of 402-408 Second Street: McClure Engineering \$4,000 and JEO Consulting \$3,500 to \$4,500. Motion by Miesner, second by Schable to approve the agreement with JEO not to exceed \$4,500. Motion carried 5-0. 8. Direction 402 - 408 Second Street: Motion by Ernst, second by Schable to allow the previous owner of 402-408 Second Street four days from June 3 to June 6, 2024 to remove belongings from

the buildings. Ayes: Ernst, Miesner, Schable, Bogue. Nay: McLead. Motion carried 4-1. 9. Composite Sampler: The influent sampler at the waste water treatment plant is not repairable and a new one is required. Quotes for replacement were received as follows: gpm \$4,248 & Hach \$5,916,42, Motion by Ernst, second by Boque to approve the quote from gpm. Motion carried 5-0. 10. IA DOT Natural Gas Service Permit Application for 700 W Hwy 175: Motion by McLead, second by Bogue to approve the application and agreement for use of highway rightof-way for utilities as submitted. Motion carried 5-0. 11. City Hall Water Softener: Council reviewed the following water softener rental options: Culligan \$60/month, salt included and Mumm's Soft Water \$23/month with additional charge of \$48 when salt is needed. Council instructed Sweeden to determine if the City can supply their own salt while renting from Mumm's. Motion by Ernst, second by Bogue to approve renting from Mumm's, with the additional salt charges not to exceed \$200 annually if the City is not able to purchase and add their own salt. Motion carried 5-0. 12. Street Closure Request Process: Council reviewed and discussed sample permitting processes from other cities & directed Sweeden to draft a permit application for review at a future meeting. 13. 602 Hwy 175, IDNR Access Agreement: The City recently acquired ownership of 602 W Hwy 175, otherwise known as Robin Hill Trust or Wunschel Oil. Acquiring title of the property provides funding eligibility for contamination testing through the Leaking Underground Storage Tank (LUST) program. Keith Wilken, Ruth Hummel and Ben Weepie provided information and explained the process to assess the current conditions of the property. Wilken explained they would like to put the site on their state closure contract which means a consultant hired by

the UST Program would assess the existing conditions by taking samples from current monitoring wells and possibly re-install monitoring wells. Wilken stated that in April the Governor signed a bill to eliminate this funding program effective July 1st. Wilken believes the DNR will take authority of any remaining UST funds and they would be able to continue to provide services using the funds through October 2024. After samples are taken, the data is inputted into an online application that generates a risk assessment of the site. All proposed sampling and testing is 100% covered by the UST funds. Motion by Ernst, second by Miesner to execute the IDNR Right of Entry & Indemnity Agreement as presented for property located at 602 W Hwy 175. Motion carried 5-0. 14. Rec Center & Library Board Meeting Minutes: No action taken. 15. Move into Closed Session: Motion by Bogue, second by Schable to move into closed session at 7:07 p.m. as per lowa Code Section 21.5 (1) (c) & (h): 1. A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons: (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation & (h) to avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law. Ayes: Boque, McLead, Schable, Miesner, Ernst. Motion carried 5- 0. 16. Move into Open Session: Motion by Ernst, second by Schable to move into open

session at 7:43 p.m. Ayes: Bogue, McLead, Schable, Miesner, Ernst. Motion carried 5-0. 17. Action for 106 Jacob Avenue: Council directed legal counsel to proceed with civil trespass and research alternative options if needed. 18. Move into Closed Session: Motion by Ernst, second by Bogue to move into closed session at 7:49 p.m. as per Iowa Code Section 21.5 (1) (c) & (h): 1. A governmental body may hold a closed session only by affirmative public vote of either twothirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons: (c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation & (h) to avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases. which if disclosed would facilitate disregard of requirements imposed by law. Ayes: Bogue, McLead, Schable, Miesner, Ernst. Motion carried 5-0. **19. Move into Open Session:** Motion by Ernst, second by McLead to move into open session at 8:01 p.m. Ayes: Bogue, McLead, Schable, Miesner, Ernst. Motion carried 5-0. 20. Action for 109 Jacob Avenue: Council instructed legal counsel to contact the tax certificate holder to see if an agreement or understanding can be reached. 21. City Council Member News & Notes: None. 22. Adjournment: Motion by Bogue, second by Miesner to adjourn. Motion carried 5-0. Meeting adjourned at 8:05 p.m. Heather Sweeden, City Clerk Nathan Weitl, Mayor

Published in Ida County Courier on May 29, 2024

Ida County Courier Wednesday, May 29, 2024 **B5** 

# PUBLIC NOTICE: IDA COUNTY FY24 BUDGET AMENDMENT

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET
Board of Supervisors of IDA COUNTY
Fiscal Year July 1, 2023 - June 30, 2024

The Board of Supervisors of IDA COUNTY will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2024

Meeting Date/Time: 5/31/2024 09:00 AM
Contact: Charlys Folk
Phone: (712) 364-2626

Meeting Location: Ida County Courthouse Auditors office
401 Moorehead St.
Ida Grove, IA 51445

There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing. Budget amendments are subject to protest. If protest petition requirements are met, the State Appeal Board will hold a local hearing. For more information, consult https://dom.iowa.gov/local-gov-appeals.

Total Budget as Certified Current Total Budget After Current Amendment REVENUES & OTHER FINANCING SOURCES Amendment or Last Amended Taxes Levied on Property 4,012,628 4,012,628 Less: Uncollected Delinquent Taxes - Levy Year 103,500 Less: Credits to Taxpayers 103,500 3,909,128 4 3,909,128 Net Current Property Tax Delinquent Property Tax Revenue 5 75 75 Penalties, Interest & Costs on Taxes 6 7,000 7,000 3,145,954 Other County Taxes/TIF Tax Revenues 3,145,954 8 3,190,804 3,190,804 Intergovernmental 9 Licenses & Permits 12,000 12,000 10 Charges for Service 249,250 0 249,250 Use of Money & Property 11 235,765 235,765 Miscellaneous 12 301.189 301,189 13 Subtotal Revenue 11,051,165 11,051,165 Other Financing Sources: 14 General Long-Term Debt Proceeds Operating Transfers In 15 3,616,322 275,000 3,891,322 16 Proceeds of Fixed Asset Sales Total Revenues & Other Sources 17 14,667,487 275,000 14,942,487 **EXPENDITURES & OTHER FINANCING USES** Operating: 18 1,706,989 1,706,989 Public Safety and Legal Services 19 Physical Health and Social Services 450,300 450,300 Mental Health, ID & DD 20 1,098,951 5,000 County Environment & Education 21 1,103,951 22 Roads & Transportation 5,136,045 5,136,045 Government Services to Residents 23 412,690 0 412,690 24 Administration 1,120,003 1,120,003 25 Nonprogram Current Debt Service 26 2,155,505 2,155,505 27 Capital Projects 9,221,498 9,221,498 Subtotal Expenditures 28 21,301,981 5,000 21,306,981 Other Financing Uses: 29 3,616,322 275,000 3,891,322 Operating Transfers Out Refunded Debt/Payments to Escrow 30 31 24,918,303 280,000 25,198,303 Total Expenditures & Other Uses Excess of Revenues & Other Sources 32 -10.250.816 -5,000 -10,255,816 over (under) Expenditures & Other Uses 33 17,844,295 Beginning Fund Balance - July 1, 2023 17,844,295 Increase (Decrease) in Reserves (GAAP Budgeting) 34 0 Fund Balance - Nonspendable 35 0 Fund Balance - Restricted 36 6,765,802 6,760,802 -5,000 Fund Balance - Committed 37 336,866 336,866 38 Fund Balance - Assigned Fund Balance - Unassigned 39 490,811 490,811 Total Ending Fund Balance - June 30, 2024 40 7,593,479 -5,000 7,588,479

Published in Ida County Courier on May 29, 2024

Explanation of Changes: Transfers necessary to meet debt service

# PUBLIC NOTICE

## PROCEEDINGS: **IDA COUNTY PUBLIC SAFETY & COMMUNICATIONS COMMISSION APRIL 16 MINUTES**

#### MINUTES **IDA COUNTY PUBLIC SAFETY** AND COMMUNICATIONS COMMISSION **APRIL 16, 2024**

**BATTLE CREEK CITY HALL** Mayor Gary Chase called the April 2024 meeting of the Ida County Public Safety and Communications Commission to order at 7:08 p.m. The following members were present: Supervisors Creston Schubert and Ray Drey. Mayor Nathan Weitl; Mayor Gary Wanberg; Mayor Gary Chase and Mayor Charlie Pierce. Also, Sheriff Wade Harriman.

Mayor Charlie Pierce made a motion to approve the agenda. Second by Mayor Nathan Weitl. Motion car-

Mayor Gary Wanberg made a motion to approve the minutes from the February 2024 meeting. Second by Supervisor Ray Drey. Motion car-

Sheriff Wade Harriman gave a review of activity occurring in the Sheriff's Office during February and March 2024.

Sheriff Harriman told the commission that in February his office logged a total of 608-hours on patrol in the county and made 20-ar-

He briefly spoke specifically about a few of the February arrests. They included a Feb. 18 arrest of a Battle Creek, lowa man on charges of possession with the intent to deliver methamphetamine; possession of marijuana and failure to affix a drug tax stamp. That arrest took place following a traffic stop in rural Ida

Sheriff Harriman also spoked about a Feb. 24 arrest of a Galva, Iowa man on charges of sexual abuse in the 2nd degree following a short investigation.

There were 22-individuals booked into the county jail in February, and deputies issued a total of 98-citations. Deputies also served a total of 66-civil processes in the month of February.

In March 2024, the Sheriff's Office logged a total of 1,052.5-hours on patrol in the county. There were 17-arrests made during the month. Sheriff Harriman spoke briefly specifically about a few of the March 2024 arrests. They included a March 24 arrest of Storm Lake, lowa man on charges of burglary in the 2nd degree and criminal mischief in the 3rd degree.

There were 14-individuals booked into the county jail in March and deputies issued a total of 141-citations. Deputies also served a total of 55-civil processes in the month of March.

There was nothing to report during the communications center portion of the meeting.

During the jail discussion, the Sheriff advised the commission members that his office transported one inmate to the Oakdale prison facility on March 20.

Under personnel, Sheriff Harriman told the commission that Deputy Blake Beller was slated to return to his official duties on May 1, 2024. He has been deployed with the United States military since September 2023.

Deputy Brandon Bollmeyer will attend the Iowa Law Enforcement Academy beginning April 29. He will graduate from the 16-week course on Aug. 16, 2024.

Dana Goodman has returned to full-time status with the Sheriff's Office after resigning her position with the State of Iowa. She will be in the communications center and the iail. There was no unfinished business

Under new business. Sheriff Harriman stated that the 3-member committee selected by the commission to review costs for each taxing entity in the public safety commission has met and endorsed a proposal that would equalize the usefulness of the \$1.50 levy.

Any change to the funding of the commission would take effect July

DARE graduations will be taking place at both school districts in the near future and two (2) new Ford Explorers have been ordered for the Sheriff's Office

Next meeting was scheduled for June 18, 2024 at 7 p.m. at the Ida County Courthouse.

Mayor Gary Wanberg made a motion to adjourn the meeting. Second by Mayor Charlie Pierce. Motion carried. Meeting adjourned at 7:50

Published in Ida County Courier

## **PUBLIC NOTICE: CITY OF BATTLE CREEK • ZONING REGULATIONS**

## **CHAPTER 165**

# **ZONING REGULATIONS**

- 165.01 Title
- 165.02 Purpose
- 165.03 Definitions 165.04 Establishment of Districts 165.05 Official Zoning Map 165.06 Amending Official Zoning
- 165.07 Replacing Official Zoning
- 165.08 Application of Regulations 165.09 Residential Districts 165.10 Height of Buildings in Residential Districts
- 165.11 Density of Population 165.12 Percentage of Lot Covered
- by Buildings, Dwellings, and Other Structures 165.13 Yards, Courts and Open
- 165.14 Possession of Horses
- 165.15 Mobile Homes 165.16 Agricultural Districts 165.17 Mobile Home Parks or
- 165.18 Business Districts
- 165.19 Required Lot Dimensions in **Business Districts** 165.20 Industrial Districts
- 165.21 Uses Prohibited 165.22 Review by Board of Adjust-
- 165.23 Administration and Enforce-
- 165.24 Permits and Certificates of
- Occupancy 165.25 Board of Adjustment Cre-
- ated 165.26 Nonconforming Buildings
- 165.27 Abandonment 165.28 Amendments to This
- 165.29 Use of New Building Materials
- 165.30 Drainage 165.01 TITLE. This chapter shall

be known and may be cited as the City of Battle Creek, Iowa, Zoning 165.02 PURPOSE. The purpose

of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety, and general welfare in the City.

165.03 DEFINITIONS. For use in this chapter the following terms or words are defined:

- 1. "Dwelling" means a building used as the living quarters for one or more families, not including motel, motor homes, or tourist homes. A. A private dwelling is a dwelling
- occupied by one family alone B. A two-family dwelling is a dwelling occupied by two families.
- C. A multiple dwelling is a dwelling occupied by more than two families. 2. The word "lot" includes the words
- 3. "Structure" means a combination of material other than a dwelling to form a construction and includes, among other things garages, platforms, T.V. and radio towers, sheds, storage bins, fences, signs, chicken coops, dog kennels, and all similar
- 4. "Building" means a dwelling or structure.
- 5. The words "used" and "occupied" as applied to any land or buildings include the words "intended, arranged, or designed to be used or

165.04 ESTABLISHMENT OF DIS-TRICTS. The City is hereby divided into the following types of districts: 1. Residential Districts: one-, twoand multiple-family districts.

2. Agricultural Districts: outlying property within the corporate City boundaries.

#### CODE OF ORDINANCES, BATTLE CREEK, IOWA

- 751 -3. Mobile Home Parks 4. Business Districts: main street
- retail business districts. 5. Industrial Districts: an)'. type of
- manufacturing, processing, or other

similar plant. 165.05 OFFICIAL ZONING MAP. As shown by the official zoning map, the City is divided into five districts. The boundaries of these districts are hereby established as shown on the official zoning map of the City, and said boundaries and all notations, references, and other information shown thereon are hereby made a part of this chapter by reference. The official zoning map, signed by the Mayor and properly attested by the signature of the Clerk and the date of adoption shall be and remain on file in the of-

fice of the Clerk 165.06 AMENDING OFFICIAL ZONING MAP. Amendments, supplements or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending the zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the areas affected by legal description and identify the zoning districts as the same exist and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the Clerk as other ordinances and a certified copy thereof shall be attached to the official zoning map. Such amendatory ordinances shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending ordinances shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.t

REPLACING OFFICIAL ZONING MAP. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of use, the Council may by resolution adopt a new official zoning map, which shall supersede the prior map. The new official zoning map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by date and the signature of the Mayor, attested by the City Clerk, under the following words: This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption) as part of the zoning ordinance of the City of Battle Creek Jowa

165.08 APPLICATION OF REGU-LATIONS. Except as hereinafter

- 1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- 2. No building shall hereafter be erected or altered: (i) to exceed the height; (ii) o accommodate or house a greater number of families; (iii) to occupy a greater percentage of lot area; or (iv) to have narrower or smaller rear yards, side yards, inner or outer courts than specified herein for the district in which such building
- 3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building. t (See EDITOR'S NOTE at the
- end of this chapter for ordinances amending the zoning map.)
  CODE OF ORDINANCES,

#### **BATTLE CREEK, IOWA** - 752 -

- 165.09 RESIDENTIAL DISTRICTS. The following uses of land are permitted m Residential Districts.
- 1. Private and two-family and multiple-family dwelling units.
- 2. Churches and places of worship and schools and funeral homes.
- 3. Public libraries, parks, and play-4. Hospitals, nursing homes, cem-
- eteries, and the necessary structures with the approval of the Board of Adjustment, and subject to such conditions as are deemed appropriate by such Board. 5. Small home occupations, pro-
- vided that there shall be no signs or other evidence of such other use than a small announcement or professional sign not over four (4) square feet in size.
- 6. Other customary uses and buildings provided such uses are incidental to the principal use and do not include any activities conducted as a business.
- 165.10 HEIGHT OF BUILDINGS IN RESIDENTIAL DISTRICTS. No dwelling or other structure, exclusive of television and radio towers, shall be erected to a height in ex-

165.11 DENSITY OF POPULA-TION. All subdivisions shall not be less than 9,000 square feet and subdivision lot width and depth each not less than 60 feet. There shall be no more than one dwelling on each lot.

165.12 BUILDING PERMIT. A building permit from Battle Creek City Hall must be obtained before beginning construction of any building. There is no fee to obtain a building permit but the building permit must be requested by completing the building permit application that may requested from the City Clerk. All owners of the property and contractors working at the property are reguired to make sure that a building permit is obtained prior to beginning construction. Failure to obtain the building permit makes the owners and contractors liable for municipal infractions citations, criminal misdemeanor charges, equitable relief (injunction), and the cost to remove any construction performed prior to obtaining a building permit.

165.13 YARDS, COURTS, AND OPEN SPACES. Each lot shall have front, side, and rear yards not less than the following depths and

1. Front Yard Depth. The front line of a structure shall be set back at least 66 feet from the middle of the street or 26 feet from the front lot line, whichever is less except that the setback for fences shall be only 4 feet from the front lot line. In addition, if the structures on one or both adjoining lots are set back more than the minimum amount, then the front of any new structure must be set back at least as far from the street as the front of the structures on the adjoining lots. This means, for example, if the front of the structure on one adjoining lot is set back from the middle of the street 70 feet and the other adjoining lot is set back 72 feet on one corner and 74 on another corner, than any new structure on the lot in the middle must be set back at least 72 feet from the middle of the street. A corner lot shall be considered as having two front yards and two side

2. Side Yard Depth. The depth of each side yard shall be 5 feet for all structures.

3. Rear Yard Depth. A 10-foot setback from the rear lot line is required for all structures, except that the setback for fences shall be only

#### 5 feet from the rear lot line. CODE OF ORDINANCES, **BATTLE CREEK, IOWA** - 753 -

- 4. Definition of Structure. As used in this section, the term "structure" includes improvements such as decks, fences, garages, porches, steps, and out buildings. Driveways, patios, or other constructions flush with the ground, including concrete, asphalt, and gravel, are not included as structures, and may be built in the setback area. For example, if a lot has a residence built on the lot with a deck on the front of the residence, the adjoining structure setback or the 66-foot or 26-foot setback would be measured from the street or lot line to the por-
- 5. No Fences in Setback Areas. Fences may not be constructed in any of the setback areas, except as provided in subsections 1 and 3 of this section.

tion of the deck nearest to the street

or lot line.

- 6. Fence construction. All fences must be at least 30% see through. No non-traditional fencing material including panels, hog fence, or
- barbed wire are allowed. 165.14 POSSESSION OF HORS-ES. Possession of horses shall be restricted in Residential Districts as
- 1. There shall be allowed no more than one horse per 10,000 square feet of land space
- 2. Any parcel of land used to keep or harbor horses that adjoins property with a dwelling occupied by humans shall have a 100-foot buffer zone fenced off separating the animals from the property line adjoining the property with the dwelling occupied by humans.
- 3. No parcel in a Residential District shall be used to keep or harbor more than four (4) horses, regardless of land size
- 165.15 MOBILE HOMES. All mobile, modular and prefabricated

housing units moved upon lots in the Residential Districts shall conform as follows: 1. Each such unit placed shall be

constructed so as to have conventional appearing exterior side walls. 2. Each such unit placed shall be no older than two years from manufacture or construction.

3. Each such unit placed shall be set on a permanent foundation of poured concrete or other similar substance, and shall have the space between said foundation and the unit bottom or under carriage completely enclosed with weather resistant material.

4. The tongue or draw bar on such units shall be removed, and all other modifications required to convert said unit from personal property to real property as provided in the Code of Iowa.

5. All such units shall be so attached or tied down to the ground so as to prevent wind damage. 6. All such units shall comply with all other restrictions and regulations

for Residential Districts. 7. All such units existing at the time of passage of the zoning ordinance may be replaced by a newer unit being no older than two years from

manufacture or construction 8. All lots existing in the Residential Districts with trailer water and gas connection facilities in place at the time of passage of the zoning ordinance may be used in the future as trailer lots subject to the following restrictions and specifications:

#### CODE OF ORDINANCES. **BATTLE CREEK, IOWA**

A. Each trailer place which is not converted to real property, as the Code of lowa specifies, shall be subject to a \$25.00 permit fee payable upon placement of the unit

upon the lot. 165.16 AGRICULTURAL DIS-TRICTS. The following uses of land are permitted in Agricultural Districts, subject to all of the restrictions specified in Residential

1. All presently existing agricultural uses in operation at the date of enactment of the zoning ordinance. 2. The growing of all customary

grains and crops 3. The pasturing of livestock 165.17 MOBILE HOME PARKS OR COURTS. The following uses of land are permitted in all mobile

home parks or courts: 1. All uses permitted in Residential Districts, subject to all of its respective restrictions, except the restric-

tions set forth in Section 165.15(1), (2), (4) and (6). 2. Mobile home parks or courts, provided the mobile home parks or courts (two or more mobile home units on the same lot with dimensions of not less than 40 feet in width and 100 feet in length shall be considered a mobile home park

State and County regulations. 3. No mobile home unit or attached accessory structure shall cover more than 30 percent of the square

or court) are in compliance with all

- feet of the lot. 4. Each mobile home lot or site shall have front, side, and rear yards not less than the following depths and widths:
- A. Front yard depth 10 feet. B. Side yard depth- 10 feet. C. Rear yard depth - 10 feet.
- 5. Each mobile home lot or site shall have off-street parking facilities providing for the motor vehicle to be parked no closer than 10 feet to the curb line of said lot. 6. All mobile homes shall be an-
- chored down to prevent unnecessary damage from wind.
  CODE OF ORDINANCES,

### **BATTLE CREEK, IOWA** - 755 -

- 7. Mobile home parks or courts shall have a buffer zone around the perimeter of the park or court of no less than the following dimensions: A. Front buffer of no less than 10
- B. Side buffer of no less than 10 C. Rear buffer of no less than 10
- feet. 8. Accessory or accommodation buildings, such as utility buildings and recreation centers, shall be no closer than 25 feet to any other
- structure. 9. All interior drives, lanes, or roads

park or court shall have a surface of gravel or hard surface, and adequate drainage shall be provided throughout said park or court.

10. Each mobile home park or court shall have off-street parking facilities providing for the motor vehicles to be parked no closer than 10 feet to interior drives, lanes, or roads and no closer than 10 feet to any adjoining street or sidewalk 11. Possession of horses shall be

restricted in mobile home parks and courts, as it is in Residential Districts 165.18 BUSINESS DISTRICTS.

The following regulations and uses are permitted in all Business Districts: 1. Stores and shops for the con-

ducting of any lawful retail or wholesale business. 2. Personal service shops and of-3. Banks, theatres, offices, and res-

4. Garages and filling stations, upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such Board of Adjustment and upon the securing of a permit therefor, subject to

the following provisions: A. Pumps and lubricating or other devices obstructing view shall be located at least 35 feet from any street or highway right-of-way.

B. All fuel, oil, or similar substances above ground shall be stored at least 25 feet distant from any street or lot line; similarly, all underground

storage shall be 15 feet distant. 5. The wholesale or bulk storage of petroleum or other explosive or toxic combustible mixtures is permitted subject to conformance with all Iowa Departmental Rules, local fire or safety ordinances and such other regulations issued by the Fire Chief pertinent to the storage of

such products. 6. Other uses permitted: A. Advertising signs and billboards subject to approval of the Board of

B. Amusement places. C. Apartment houses.

#### D. Auction houses F Bakeries CODE OF ORDINANCES, **BATTLE CREEK, IOWA**

- 756 -F. Electric repair shops.
- G. Freight stations. H. Hotel, motel.
- I. Laundries. J. Painting and decorating shops.
- K. Plumbing shops.L. Police and fire departments. M. Post offices.
- N. Printing shops. O. Recreation buildings and struc-
- P. Roofing and plastering shops. Q. Sales and or showrooms and related accommodations. R. Shoe repair shops.
  S. Other uses which in the opin-

ion of the Board of Adjustment are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.

165.19 REQUIRED LOT DIMEN-

SIONS IN BUSINESS DISTRICTS.

Lot dimensions shall be not less than 25 feet in width and 100 feet in depth. 165.20 INDUSTRIAL DISTRICTS.

The following regulations and uses shall apply in all Industrial Districts: 1. No residential uses of any sort are allowed in Industrial Districts. 2. Junk yards or automobile wreck

ing or storage yards, commercial scrap iron, scrap paper or rags storage operations, all of the above businesses deemed by the Board of Adjustment to be similar in character, shall be enclosed within solid fence or by other means concealed as approved by the Board of Adjust-

165.21 USES PROHIBITED. All uses of land, buildings, and structures or industrial processes that may be noxious, or injurious by reason of the production or emission of dust, smoke, refuse, odor, gas, fumes, noise, vibrations or similar substances or conditions are prohibited. Prohibited uses include (but are not limited to) those which have been declared a nuisance in any court or record, or which may be unreasonable, obnoxious, unhealthy, or offensive by reason of emission

of odor, dust, smoke or noise 165.22 REVIEW BY BOARD OF ADJUSTMENT. The above prohibitions are subject to review by the Board of Adjustment, and such uses may be permitted if approved by the Board of Adjustment, and subject to the securing of a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health,

of the community. 165.23 ADMINISTRATION AND ENFORCEMENT: This chapter shall be enforced by the Council. No building permit or certificate of occupancy shall be issued by the Council except where the provisions of this chapter have been

safety, morals, or general welfare

#### complied with. CODE OF ORDINANCES,

BATTLE CREEK, IOWA - 757 -165.24 PERMITS AND CERTIFI-CATES OF OCCUPANCY. No land shall be used or occupied, and no buildings hereafter erected, altered, or extended or used or changed in use, until a certificate of occupancy and a building permit shall have been issued by the Council in accordance with the provisions of this chapter. Any person requesting a building permit shall pay a fee of \$10.00, which must be paid before the building permit will

he considered 165.25 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five (5) members, one from each district. Each member is to be appointed by the Council for staggered terms of five (5) years. The Board shall elect a Chairperson from its membership

and appoint a Secretary. NONCONFORMING BUILDINGS AND USES. The lawful use of any building or land existing at the time of the enactment of the zoning ordinance may be continued although such use does not conform with the provisions of

this chapter. 165.27 ABANDONMENT. Whenever the use of a structure has been discontinued for a period of one year, such use of said structure shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of

165.28 AMENDMENTS TO THIS CHAPTER. The boundaries of districts as now established and the regulations thereof may be amended, supplemented, or changed or repealed by the Council from time to time, either upon their own motion or upon petition as provided by the laws of the State of Iowa, or upon recommendation of the Planning and Zoning Commission,

1. No such amendment, supplement, or change shall be adopted until after a notice is duly published as provided by the law of the State. 2. When a proposed amendment, supplement, or change does not originate with the Planning and Zoning Commission, the same shall be submitted to said Commission 30 days in advance of the date on which action is to be taken for its

recommendation thereon. 3. This requirement shall not act as a stay upon the proposed action by the Council where the Commission fails to submit its recommendations to the Council within 30 days after receiving written notice requesting the same

165.29 USE OF NEW BUILDING MATERIALS. Any new or rebuilt structure must be built with new building materials.

165.30 DRAINAGE. Adequate drainage shall be provided for each lot, and each structure on a lot. The drainage must be configured so that standing water does not remain on a lot for more than 24 hours after the rain has ended or the snow has melted. Drainage may be configured to allow water to flow to the City streets. This section neither prohibits nor permis water flows onto adjoining property.

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# PROBATE: ROGER CHISHOLM

THE IOWA DISTRICT COURT
FOR Ida COUNTY
IN THE MATTER OF
THE ESTATE OF
Roger D. Chisholm, Deceased
CASE NO. ESPR009731
NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF
EXECUTOR, AND NOTICE
TO CREDITORS

To All Persons Interested in the Estate of Roger D. Chisholm, Deceased, who died on or about April

You are hereby notified that on May 13, 2024, the Last Will and Testament of Roger D. Chisholm, deceased, bearing date of Dec. 14, 2021, was admitted to probate in the above- named court and that Mary J. Chisholm 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 May 22, 2024.
Mary J. Chisholm
Executor of Estate
6275 A Avenue
Kiron, IA 51448
Adam Ullrich, ICIS#: AT0009716
Attorney for Executor
Lohman, Reitz, Sailer,
Ullrich & Blazek
1231 Broadway, Suite 300
PO Box 248
Denison, IA 51442
Date of second publication:
June 5, 2024
Published in Ida County Courier on

May 29, June 5, 2024

# PROBATE: LAVONNE M. MURRAY

THE IOWA DISTRICT COURT
FOR IDA COUNTY
IN THE MATTER OF
THE ESTATE OF
LaVonne M. Murray, Deceased
CASE NO. ESPR009732
NOTICE OF PROBATE OF WILL,
OF APPOINTMENT OF
EXECUTORS, AND NOTICE
TO CREDITORS

To All Persons Interested in the Estate of LaVonne M. Murray, Deceased, who died on or about April 30, 2024:

You are hereby notified that on May 13, 2024, the Last Will and Testament of LaVonne M. Murray, deceased, bearing date of Jan. 31, 2013, was admitted to probate in the above-named court and that Brad Lee Christiansen and Brian Barry Christiansen have been 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 for-

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 May 21, 2024. Brad Lee Christiansen Executor of Estate 5642 280th Street Ida Grove, IA 51445 Brian Barry Christiansen Executor of Estate 1306 W 6th Street Ida Grove, IA 51445 Adam Ullrich, ICIS#: AT0009716 Attorney for Executors Lohman, Reitz, Sailer, Ullrich & Blazek 1231 Broadway, Suite 300 PO Box 248 Denison, IA 51442 Date of second publication June 5, 2024 Published in Ida County Courier on May 29, June 5, 2024

# PROBATE: KATHY PETERSEN

THE IOWA DISTRICT COURT
FOR IDA COUNTY
IN THE MATTER OF
THE ESTATE OF
KATHY PETERSEN, Deceased
CASE NO. ESPR009735
NOTICE OF APPOINTMENT OF
ADMINISTRATOR AND NOTICE
TO CREDITORS

To All Persons Interested in the Estate of Kathy Petersen, Deceased, who died on or about Feb. 2, 2024: You are hereby notified that on May 9, 2024, the undersigned was appointed Administrator of the estate. Notice is hereby given that all

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 5-16-24 Heather King, Administrator 6320 N 131st Street

6320 N 131st Street
Omaha, NE 68164
Thaddeus E. Cosgrove
ICIS#: AT0001750
Attorney for the Administrator
Cosgrove Law Firm
607 W. Second Street
Ida Grove, IA 51445
Date of second publication:
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Published in Ida County Courier on
May 22, and 29, 2024