

## PUBLIC NOTICE

### POSTVILLE BOARD OF EDUCATION MEETING REGULAR SCHEDULED MEETING AT 6:00 P.M. FINE ARTS LOBBY (BROADCAST ON THE DISTRICT FACEBOOK PAGE) AUGUST 10, 2020

President Gericke called the regular meeting of the Postville Board of Education to order at 6:01 PM, on Monday, August 10, 2020, with the following members present: Jessica Deering, Amy Loera, and Staci Malcom. Members absent: Travis Koenig. President Gericke welcomed the visitors.

Motion by Loera, second by Malcom, to approve the agenda. Carried unanimously.

Motion by Loera, second by Malcom, to approve the consent agenda. Carried unanimously.

a. Approve July 13, 2020 regular meeting and July 28, 2020 Meeting Minutes. b. Approve the monthly/annual invoices and financial reports (reviewed by Jessica Deering). c. Approve the hire Angie Lansing/FT JR SR High Paraprofessional and SPED Driver; Riley Brockway/ FT Sub Teacher/Head Boys Track Coach/ Asst. Varsity FB Coach/ Asst. Girls Basketball Coach. d. Approve the resignation of Corey Smock/Elem ELL Teacher. f. Approve the donation from Jean Lauderdale. g. Approve the district appointments: Title I Coordinator/Tim Dugger, Equity Coordinator/Tim Dugger, Title IX Coordinator/ Brendan Knudtson, 504 Coordinators/ Jenny Schutte and Brendan Knudtson, Special Education Co-Directors/Jenny Schutte and Brendan Knudtson, Bully Harassment Investigators/Jenny Schutte and Brendan Knudtson, Affirmative Action Coordinator/Tim Dugger, Level I Investigators/Jenny Schutte and Brendan Knudtson, Level I Alternate Investigator/ Tim Dugger, Level II Investigator/Postville Police Department, Homeless Liaison/ Denise Mauss, Teacher Quality Committee Administrator/Tim Dugger, School Improvement Advisory Chairperson/Time Dugger, ELL Coordinators/ Jenny Schutte and Brendan Knudtson, Food and Fitness Administrator/Tim Dugger. Mr. Dugger shared information on the federal laws regarding leave during the COVID Pandemic. He discussed the county matrix regarding community transmission rates of COVID. The district received \$34,400 from the state to aid in internet hotspots and connectivity concerns. Information was shared about upcoming lease/contract renewals for copy equipment. Principal Knudtson shared information about the beginning of the fall sports season and the required safety protocols. Registration went well. Principal Schutte shared updates regarding meet the teacher night and kindergarten roundup events and how the first day of school will look for students and parents. Motion

by Loera, second by Malcom, to approve two open-enrollment out applications for the 2020-2021 school year. Carried unanimously. Motion by Deering, second by Loera, to approve the purchase of a 2019 Ford Transit-350 XLT van from Rolling Ford in the amount of \$36,488. Carried unanimously.

Motion by Malcom, second by Deering, to approve Resolution Appointing the Paying Agent, Bond Registrar, and Transfer Agent and Authorizing the Execution of the Same. Ayes: Jessica Deering, Tony Gericke, Amy Loera, and Staci Malcom. Motion by Loera, second by Malcom, to approve the Tax Exemption Certificate Ayes: Jessica Deering, Tony Gericke, Amy Loera, and Staci Malcom. Motion by Malcom, second by Loera, to approve the resolution authorizing the terms of issuance and providing for the securing the payment of school infrastructure sales, services and use tax revenue refunding bonds. Ayes: Jessica Deering, Tony Gericke, Amy Loera, and Staci Malcom. Motion by Malcom, second by Loera, to approve the 2020-2021 return to learn plan, including mask requirements, bus/ transportation safety protocol, and the August/September/October 2020 schedule. Carried unanimously. Motion by Deering, second by Malcom, to approve the 2020-2021 four-year-old four-year old preschool program contract between the Postville CSD and the Postville Child Care Center. Carried unanimously. Motion by Loera, second by Malcom, to approve the 2020-2021 Elementary, Jr./ Sr. High School, and Alternative School Handbooks. Carried unanimously. Motion by Deering, second by Malcom, to approve the 2020-2021 Concurrent Enrollment Contract with NE IA Community College. Carried unanimously. Motion by Deering, second by Malcom, to approve the Northeast Iowa Health Occupations Academy Contract. Carried unanimously. Motion by Deering, second by Malcom, to approve the first reading board policies (106, 501.9, 501.9E1, 601.2, 604.11, 907, and 907.R1). Carried unanimously. Motion by Malcom, second by Loera, to approve the second reading of the 400 series (406.1-415.1R2) of board policies. Carried unanimously.

The next regular board meeting will be held on September 14, 2020, at 6:00 P.M. at the Postville Fine Arts Center Lobby.

Motion by Malcom, second by Loera, to adjourn the meeting at 7:00 P.M. Carried unanimously.

Anthony Gericke, President  
Melissa Fettkether, Secretary

Published in the Postville Herald on August 19, 2020.

## PUBLIC NOTICE

### IN THE IOWA DISTRICT COURT OF ALLAMAKEE COUNTY

U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for VRMTG Asset Trust Plaintiff,

vs.

Parties in Possession; United States of America, Secretary of Housing and Urban Development; All Unknown Heirs, Devisees, Legatees, Creditors, and All Other Claimants with an Interest in the Property of Marcella E Quillin, Deceased; Unknown Spouse, if any, of Mike Quillin; Pat Quillin; Unknown Spouse, if any, of Marcella E Quillin; Unknown Spouse, if any, of Pat Quillin; Kevin Quillin; Unknown Spouse, if any, of Kevin Quillin; Unknown Spouse, if any, of Tim Quillin; Terry Quillin; Mike Quillin; Tim Quillin; Unknown Spouse, if any, of Terry Quillin; Sean Quillin; Unknown Spouse, if any, of Sean Quillin; Molly Quillin; Unknown Spouse, if any, of Molly Quillin; United States of America, Internal Revenue Service; State of Iowa, Department of Revenue, et al.

Defendants.  
EQUITY NO: EQCV026716  
**ORIGINAL NOTICE FOR PUBLICATION**

You are notified that a petition has been filed in the office of this court naming you as a defendant in this action. The petition was filed on December 19, 2019, and prays for foreclosure of Plaintiff's Reverse Mortgage on the property described below and judgment for all amounts secured by the Reverse Mortgage, including (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; and (b) the payment of all other sums, with interest, advanced to protect the lien of the Reverse Mortgage. These other advanced sums may include, but are not limited to, private mortgage insurance, real estate taxes, servicing fees, property preservation charges and the costs of the action, including title costs and reasonable attorney's fees. Plaintiff requests that these amounts be declared a lien upon the following described premises, located in Allamakee county, Iowa:

Parcel 1: The North 100 feet of the South 245 feet of Lot 1 in Block 1 of Northgate Addition to the City of Waukon, Iowa, according to the recorded plat thereof as recorded in Book F, of Plat Records in and for Allamakee County, Iowa, on pages 205 through 211 inclusive, subject to the provisions of said platting ALSO DESCRIBED AS: Lot 1 in Block 1 in Northgate Addition to the City of Waukon, Iowa according to the recorded Plat thereof, except the northerly 75 feet thereof and except the Southerly 145 feet thereof.

Parcel 2: The South 89.6 feet of Lot 4 of Lot 1 and Lot 5 of Lot 1 in the Southwest Quarter of the Northeast Quarter of Section 30, Township 98 North, Range 5 West of the 5th P.M., in the city of Waukon, Iowa, according to the recorded plat thereof, and the plat in Book L, pages

580-581, of the records of the Allamakee County Recorder, commonly known as 803 2nd St NW, Waukon, IA 52172 (the "Property")

The petition further prays that the Reverse Mortgage on the above described real estate be foreclosed, that a special execution issue for the sale of as much of the mortgaged premises as is necessary to satisfy the judgment and for other relief as the Court deems just and equitable. For further details, please review the petition on file in the clerk's office. The Plaintiffs attorney is Bryan Loya, of SouthLaw, P.C.; whose address is 1401 50th Street, Suite 100, West Des Moines, IA 50266.

#### NOTICE

The plaintiff has elected foreclosure without redemption. This means that the sale of the mortgaged property will occur promptly after entry of judgment unless you file a written demand with the court to delay the sale. If you file a written demand, the sale will be delayed until twelve months (or six months if the petition includes a waiver of deficiency judgment) from the entry of judgment if the mortgaged property is your residence and is a one-family or two-family dwelling or until two months from entry of judgment if the mortgaged property is not your residence or is your residence but not a one-family or two-family dwelling. You will have no right of redemption after the sale. The purchaser at the sale will be entitled to immediate possession of the mortgaged property. You may purchase at the sale.

You must serve a motion or answer on or before 9th day of September, 2020, and within a reasonable time thereafter, you must file your motion or answer with the Clerk of Court for Allamakee County, at the county courthouse in Waukon, Iowa. If you fail to respond, judgment by default may be rendered against you for the relief demanded in the petition.

If you require the assistance of auxiliary aids or services to participate in a court action because of a disability, immediately call your District ADA Coordinator at 319-833-3332. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

This case has been filed in a county that utilizes electronic filing. You may find more information and general rules governing electronic filing in Iowa Court Rules Chapter 16. You may find information concerning protection of personal information in court filings in Iowa Court Rules Chapter 16, Division VI.

By: CLERK OF THE ABOVE COURT  
Allamakee County Courthouse  
110 Allamakee Street, PO Box 248  
Waukon, IA 52172-0248

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

Published in the Postville Herald on August 5, August 12, and August 19 2020.

### REGULAR MEETING OF THE CITY COUNCIL OF POSTVILLE, IOWA AUGUST 10, 2020

1. A regular meeting of the City Council of Postville, Iowa, in the Council Chambers at 147 N. Lawler St. on August 10, 2020, beginning at 7:00 p.m. with Mayor Rekow presiding.

2. On call of the roll, the following Council Members were present: Mary Engstrom, Ross Malcom and Larry Moore. Absent: Don Miller and Zev Frierman.

3. Mayor Rekow removed Giora Bass from the agenda. Council Member Engstrom made a motion to approve the agenda as amended by the Mayor. Seconded by Moore The roll was called ayes: Engstrom, Malcom and Moore. Nays: None. Carried 3:0.

4. Anabel Vega owner of the food truck Taqueria Lia, requested permission to sell from the city street. Council Member Malcom made a motion to approve the truck to do sales from the city street. Seconded by Moore. Carried 3:0.

5. Discussion was held on an agreement to provide insurance coverage on a Police K-9 Unit. The Council reviewed an agreement which entailed Officer Fox obtaining insurance coverage and the City reimbursing the cost. Discussion on the City owning the dog and a sales agreement pertaining to the dog was discussed. Chief Ellis will discuss the options with Officer Fox to determine which agreement will be required for insurance coverage.

6. Council Member Moore made a motion to set a minimum bid in the amount of \$8,500 and adopt Resolution #1322-20 a resolution directing publication of notice of hearing on proposed disposition of public property located at 261 W. Stoneman. Seconded by Engstrom. The roll was called ayes: Engstrom, Malcom and Moore. Nays: None. Carried 3:0.

7. Council Member Moore made a motion to approve the collection system contract with CIT Sewer Solutions. Seconded by Malcom. Carried 3:0.

8. Discussion was held on the Postville Volunteer Fire Department Special Investigation audit bill. The City Attorney advised recommendations from the Attorney General Office on the roll out fees and the position of sharing those fees require the City to be in control of the funds. It was also recommended the city try and negotiate the billing from the State Auditor's Office. The council directed the City Attorney, Council Member Malcom, Mayor and Clerk to contact the State Auditor Office and discuss the bill.

9. Council Member Malcom made a motion to adopt Ordinance #689-20, An Ordinance Relating to Flood plain Management and Providing Penalties therefor. Seconded by Engstrom. The roll was called ayes: Engstrom, Malcom and Moore. Nays: None. Carried 3:0. Council Member Malcom made a motion to waive the second and third reading and final adopt Ordinance #689-20. Seconded by Engstrom. The roll was called ayes: Engstrom, Malcom and Moore. Nays: None. Carried 3:0.

10. Council Member Engstrom made a motion to adopt Resolution #1323-20, A Resolution Approving IDOT 2020 Street Finance Report and Authorizing the Mayor and City Clerk to sign name. Seconded by Malcom. The roll was called ayes: Engstrom, Malcom and Moore. Nays: None. Carried 3:0.

11. Council Member Moore made a motion to extend an offer to Patrick Dillon as the City Attorney. Seconded by Malcom. Carried 3:0.

12. Council Member Engstrom made a motion to approve the consent agenda.

a. Approval of the minutes of the meeting of July 8, 2020.

b. Departmental reports for the month of July 2020

(1) Treasurer and Clerk  
(2) Police  
(3) Swimming Pool  
(4) Zoning Administrator  
(5) Public Works  
(6) Library  
(7) Fire Department

c. Claims and Transfers for August 10, 2020.

d. Curb Cut Request 187 W. Murdoch- Peggy Johnson.

e. Pay Request Jeremy Powers d/b/a The Restyling Specialist \$8,740 Owner Occupied Grant 311 W. Stoneman

f. Pay Request Sabrina Hangartner 311 W. Stoneman \$100.00 Owner Occupied Grant Lead Hazard Relocation.

g. Mortgage Release Nathan and Carly Heins 2015 Homebuyer Programs.

h. Application for tax abatement under the Urban Revitalization Plan - Kwik Trip 124 W Tilden.

i. Pay Request #4 Bacon Concrete in the amount \$15,183.33 Sponsored Project Improvement.

Seconded by Malcom. Carried.

13. Council Member Malcom made a motion to approve the resolution for money to pay claims. Seconded by Engstrom. The roll was called ayes: Engstrom, Malcom and Moore. Nays: None. Carried 3:0.

14. City Attorney Kruse gave an opinion that the matter on the agenda to discuss in closed session does comply with Iowa Code 21.5 (c) litigation. Council Member Moore made a motion to go into closed session. Seconded by Malcom. Ayes: Engstrom, Malcom and Moore. Nays: None. Motion made failed due to lack of Council Members present to vote by super majority. The Council did not enter into closed session.

15. Discussion was held on a timeline to require maintenance/renovation to 400 S. Lawler. Nathan Trappe, Allen Reality was present and informed the Council of a potential buyer and discussed a reasonable amount of time to make the repairs per the housing inspection. It was directed by the Council they would allow ninety days for the exterior and the remainder of the items by April 6. 2020. Council Member Malcom made a motion to approve the maintenance/renovation agreement as amended. Seconded by Moore. Carried 3:0.

### CASH RECEIPTS for month of July 2020

## PUBLIC NOTICE

GENERAL .....25,437.19  
LIBRARY .....566.42  
SWIMMING POOL .....2.57  
RUT .....37,442.22  
T&A.....3,235.11  
IND VW.....4,219.28  
EMERGENCY .....209.26  
LOST .....16,755.07  
CAP IMP .....523.17  
TIF .....111.73  
DEBT .....1,322.76  
WATER .....47,108.09  
SEWER .....77,763.87  
STORM WATER.....2,936.99

### RESOLUTION FOR THE APPRO- PRIATION OF MONEY

BE IT RESOLVED by the City Council of the City of Postville, Iowa, that there is hereby appropriated out of any funds in the City Treasury not otherwise appropriated in payment of all bills and miscellaneous claims this day allowed:

GENERAL FUND .....70,811.61  
ROAD USE FUND .....12,464.22  
TRUST & AGENCY FUND .....7,445.26  
LOCAL OPTION  
SALES TAX FUND.....10,853.19  
SRF WATERSHED  
PROJECTS FUND.....18,962.01  
WWTP/SEWER  
LINES PROJECT FUND.....80,171.00  
WATER FUND.....25,498.90  
SEWER FUND .....17,102.72  
TRANSFERS - USDA IND WW Sewer to Sewer Sinking- \$27,844, Gen (001) to HEALTH (500) \$7,000 FY 20/21 Donation Dated at Postville, Iowa, this 10th day of August 2020.

Attest:  
  
Darcy Radloff, Clerk  
Leigh Rekow, Mayor

### CLAIMS OF AUGUST 10 2020

ALLAMAKEE-CLAYT  
ELECTRIC SERVICE .....815.34  
ALLIANT ENERGY  
ELECTRIC SERVICE .....20,011.89  
BLACK HILLS ENERGY  
NATURAL GAS SERVICE .....192.32  
CENTURY LINK  
TELEPHONE SERVICE .....188.67  
FIDELITY BANK-941  
FED/FICA TAX .....9,874.47  
COMPLETE CLEANING  
CLEANING.....295.00  
ELECTRIC MOTOR SHOP  
NORDUS LIFT STATION.....50.25  
HAWKINS INC. CHEMICALS.....756.00  
IPERS. POLICE IPERS.....10,407.87  
IOWA ONE CALL LOCATES.....26.10  
JOHN'S APPLIANCE  
DEMUDIIFIER-  
WATER PLANT.....749.97  
JOHN'S HARDWARE CENTER  
SUPPLIES .....237.01  
KEYSTONE LABORATORIES INC.  
WATER TESTING.....147.50  
TREASURER - STATE OF IOWA  
SALES TAX RETURN.....4,276.00  
SWIMMING POOL BOARD  
DONATION FY 20/21.....7,500.00  
STOREY KENWORTHY  
LASER CHECKS .....640.38  
UPPER EXPLORERLAND RPC  
#18-HSG-020.....777.96  
SHUTTLEWORTH & INGERSOLL  
LEGAL SERVICES-  
LAGOONS .....1,897.50  
MUNICIPAL SUPPLY INC.  
SUPPLIES .....1,967.81  
VEENSTRA & KIMM  
INVOICE-23 .....80,171.00  
SANDRY FIRE SUPPLY  
SCBA TESTING FIRE.....1,757.25  
MARK SEEGMILLER  
REIMBURSEMENT MEAL.....14.45  
UNITED STATES POST OFFICE  
PERMIT #2 FEE .....433.80  
CITY LAUNDERING CO.  
SURFACE WIPES .....206.56  
NORTHERN SAFETY CO., INC.  
SUPPLIES WWTF .....214.66  
PETTY CASH-POLICY  
PETTY CASH .....24.35  
IDNR NPDES PERMIT FEE.....210.00  
GALLS INCORPORATED  
BOOTS-POLICE.....137.98  
DAVE IMOELH  
REIMBURSEMENT MEAL.....19.69  
BACON CONCRETE  
WATERSHED  
SPONSORED PROJECT ...16,736.09  
BLAZEK CORPORATION  
REPAIR SLUG PUMP.....390.00  
FISK FARM & HOME  
SAFETY BOOTS .....226.36  
JEREMY POWERS  
OWNER OCCUPIED  
GRANT REHAB.....8,740.00  
SPEE-DEE SHIPPING.....130.23  
TORKELSON- WAUKON  
BREAKS-  
POLICE CHARGER.....1,036.50  
A&S LAWN CARE  
LAWN MOWING.....3,611.00  
DARCY RADLOFF  
SUPPLIES .....18.97  
B & K HEATING &  
A/C CITY HALL.....313.64  
NORTHEAST IOWA TELEPHONE  
POLICE.....553.36  
WELLMARK BLUE CROSS  
HEALTH INSURANCE.....9,036.30  
AVESIS 3RD PART  
HEALTH INSURANCE.....133.13  
FIDELITY BANK  
GOOGLE ACCOUNT POLICE...75.95  
SABRINA HANGARTNER  
OWNER OCCUPIED  
GRANT REHAB .....100.00  
BASE  
ADMIN FEE & RENEWALS.....58.00  
ELSBERND PEST CONTROL  
PEST CONTROL.....70.00  
DEARBORN NATIONAL  
HEALTH INSURANCE.....387.65  
TOWN & COUNTRY SANITATION  
GARGAGE COLLECTED ...10,070.00  
PLUNKETT'S PEST CONTROL  
PEST CONTROL-FIRE.....359.67  
MID-AMERICA PUBLISHING  
PUBLISHING .....178.85  
10-8 VIDEO  
IN CAR POLICE CAMERA...2,033.95  
FARMERS UNION COOPERATIVE  
GEAR LUBE/TIRES.....286.79  
FEHR GRAHAM  
ENGINEERING  
SPONSORED PROJ.....3,778.68  
CASEY'S GENERAL STORES  
FUEL.....221.01  
DAVE PALAS  
HOUSING INSPECT  
400 S LAWLER.....100.00

KWIK TRIP INC.  
POLICE.....801.58  
HEARTLAND CUSTOMER  
BATTERY POLICE.....147.68  
PULSE TECHNOLOGY PARTNERS  
POLICE EQUIPMENT .....1,829.00  
MARIA BATZ TINO  
UTILITY DEPOSIT REFUND ....94.84  
ALTECAIR, LLC  
FILTER WWTF.....176.05  
AXON ENTERPRISE  
BODY CAMERAS-POLICE...2,924.00  
LL PELLING CO.  
HI PERFORMANCE  
PRE-MIX.....1,673.25  
STRAHM HARDWARE  
CHAIN SHARPENING .....20.00  
PAYROLL CHECKS  
07/17/2020 .....14,161.23  
07/18/2020 .....695.01  
07/31/2020 .....15,208.16  
08/01/2020 .....2,930.20  
**CLAIMS TOTAL .....243,308.91**

There being no further business on the agenda to come before the Council, Council Member Engstrom made a motion that the meeting be adjourned. The motion was seconded by Malcom. Carried unanimously. Adjournment 8:48 p.m.  
:ATTEST  
  
LEIGH REKOW, MAYOR  
DARCY RADLOFF, CITY CLERK

Published in the Postville Herald on August 19, 2020.

### POSTVILLE SWIMMING POOL CLAIMS OF JULY 2020

ICAP FY 20/21 Insurance .....1133.36  
Superior Building  
Roof Material.....4,679.76  
Supplies - Paint  
John's Hardware .....28.46  
Ossian Lumber  
Lumber Picnic tables.....49.95  
Alliant Energy Utility.....14.23  
**TOTAL .....5,905.76**

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### POSTVILLE PUBLIC LIBRARY CLAIMS OF JULY 2020

Cindy Berns Wages.....1,626.10  
Carrie Sholly Wages.....790.04  
City of Postville Wages.....596.95  
Becky Fritz Wages.....514.06  
Alliant Energy electric.....326.36  
NEIT telephone/internet.....111.69  
Black Hills Energy gas.....33.66  
Book Look Books.....567.65  
Mid-America Publishing legal .....10.69  
Tri-State Business  
copy machine.....112.32  
The Gazette newspaper.....150.25  
Decorah Newspaper newspaper...42.00  
Baker & Taylor books.....1,312.32  
ICAP Insurance .....2,210.36  
IMWCA Insurance.....106.84  
Storey Kenworthy  
office supplies .....183.25  
Elan  
Books .....91.27  
Office supplies .....385.04  
Misc. Covid supplies .....32.20  
Building repairs .....57.99  
MidAmerica Books Books.....839.30  
A&S Lawn lawn .....108.00  
Ossian Bee newspaper .....42.99  
North Iowa Times newspaper.....39.00  
**TOTAL .....10,290.33**

Published in the Postville Herald on August 19, 2020.

## PUBLIC NOTICE

### THE IOWA DISTRICT COURT ALLAMAKEE COUNTY

CASE NO. ESPR014628  
**NOTICE OF PROBATE OF WILL, OF  
APPOINTMENT OF EXECUTOR, AND  
NOTICE TO CREDITORS**

**IN THE MATTER OF THE ESTATE OF  
MARIAN C. SCHUTTE, Deceased.**

To All Persons Interested in the Estate of Marian C. Schutte, Deceased, who died on or about July 6, 2020:

You are hereby notified that on July 27, 2020, the last will and testament of Marian C. Schutte, deceased, bearing date of October 8, 2014, was admitted to probate in the above named court and that Susan Brackett and Chris Schutte 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 July 28, 2020.

Date of second publication: August 19, 2020.

/s/ Susan Brackett and Chris Schutte  
Executor of the Estate  
1726 3rd Ave. NW, Waverly, IA  
50677-1915 and PO Box 830535,  
Richardson, TX 75083

Charles R Kelly, ICIS#: AT0004216  
Attorney for the Executor  
Charles Kelly Law Office, P.C.  
136 N. Lawler St.  
PO Box 550  
Postville, IA 52162

Published in the Postville Herald on August 12 and August 19, 2020.

## PUBLIC NOTICE

### THE IOWA DISTRICT COURT ALLAMAKEE COUNTY

CASE NO. ESPR014630

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

**IN THE MATTER OF THE ESTATE OF  
KEITH ROFFMAN, Deceased.**

To All Persons Interested in the Estate of Keith Roffman, Deceased, who died on or about July 26, 2020:

You are hereby notified that on August 3, 2020, the last will and testament of Keith Roffman, deceased, bearing date of November 29, 2006, was admitted to probate in the above named court and that Brian Roffman 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 August 3, 2020.

Date of second publication: August 19, 2020.

/s/ Brian Roffman  
Executor of the Estate  
2421 Emerald Road  
Decorah, IA 52101

Matthew J. Erickson ICIS#: AT0002419  
Attorney for the Executor  
Erickson Law Office  
PO Box 118  
Postville, IA 52162

Published in the Postville Herald on August 12 and August 19, 2020.

## PUBLIC NOTICE

### MINUTES OF THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS MONDAY, AUGUST 10, 2020 (UNOFFICIAL)

Board members present: Schellhammer, Byrnes (via Zoom) and Koenig. All members voting "AYE" unless noted.

Meeting called to order by Schellhammer, followed by the Pledge of Allegiance.

20.279-Motion Koenig/Second Byrnes to approve today's agenda and the minutes from August 3, 2020. Motion carried.

The following people were present at various times throughout the meeting in person or via Zoom: Joseph Moses – Standard newspaper, Denise Beyer – Auditor and Clerk to Supervisors.

Val Reinke, Brian Ridenour, Marcia Rush, Gary Boden, Corey Snitker, Darin Svenson, Jon Luchsinger.

Public Comment: Val Reinke talked about the Shop 'Til You Pop event in Waukon and upcoming events in local communities.

20.280-Motion Byrnes/Second Koenig to accept and place on file the quarterly report from Planning & Zoning. Motion carried.

Supervisor Byrnes explained the presented Northeast Iowa Local Workforce Area Chief Elected Officials Shared Liability Agreement and Resolution.

20.281-Motion Byrnes/Second Koenig to approve the Resolution for Cooperation with Other Governmental Units in the Creation and Operation of the Service Delivery for Northeast Iowa Workforce Area Consortiums and the Northeast Iowa Local Workforce Area Chief Elected Officials Shared Liability Agreement. Roll call: Koenig-aye; Byrnes-aye; Schellhammer-aye. Motion carried. (Full text of resolution available in Auditor's office)

Assistant County Attorney Jill Kistler has applied and been approved for a grant for \$67,460 for a 2020 Coronavirus Emergency Supplemental Funding Program and needs signature approval. No match is required. She plans to ask for more grant funds in the future. It is a reimbursement grant with expenses paid first and then requesting reimbursement.

20.282-Motion Koenig/Second Byrnes to sign certified assurances and other required signatures for CESF grant requirements. Motion carried.

20.283-Motion Byrnes/Second Koenig to approve use of county credit card by Conservation for purchase of equipment for virtual field trips. Motion carried.

Marcia Rush explained the iron mine rail car outdoor display the Historical Society would like to place on the north side of the Museum building. Supervisors expressed approval and didn't feel formal action was needed due to the lease in place between the County and Historical Society.

COVID-19 updates: Corey Snitker informed Supervisors about PPE for schools and nursing homes; PPE he recently picked up to distribute; Iowa COVID-19 Relief Fund for city and county governments; the difference between FEMA and this Iowa Relief Fund.

Department Head updates: Auditor Beyer explained that not everything you hear on the national news about elections is accurate for Iowa – the news tends to generalize which can confuse Iowa voters because the laws in Iowa are not the same as other states. Call the Auditor if you have questions about something you hear. Corey Snitker gave updates on upcoming weather, Incident Response Plan and upcoming trainings. Gary Boden, Waukon City Manager, informed Supervisors he is working with REC and other municipalities to get fiber-optic in communities in Allamakee including Waukon. Boden shared information on the grants that can be utilized in this project and the required local match.

20.284-Motion Koenig/Second Byrnes to adjourn. Motion carried.



PUBLIC NOTICE

POSTVILLE COMMUNITY SCHOOL DISTRICT AUGUST 10, 2020 INVOICES APPROVED	
GENERAL FUND	
A & S Lawn Care Lawn care.....	2,973.00
Acco Brands USA LLC	
Library supplies.....	382.60
Ahlers & Cooney, P.C.	
Legal services.....	819.00
Alexander, Jen	
Professional Development.....	2,500.00
Alliant Energy Electricity.....	9,851.94
Apple Computer, Inc.	
Computer.....	18,867.99
Bear, Janice	
Speech Judge.....	60.00
Bodley Equipment & Repair	
Playground Post.....	52.00
Carolina Biological Supply Co.	
Elem. supplies.....	1,502.91
City Laundering Co.	
Laundry Services.....	150.00
City of Postville Water.....	1,248.07
CoLibri Systems North America,	
Library supplies.....	314.20
Committee for Children	
Elem. supplies.....	7,278.00
Companion Corporation	
Library software.....	3,480.00
Curriculum Associates, Inc.	
Elem. supplies.....	100.13
Dalco Maintenance supplies.....	463.64
Dean Family Chiropractic	
Employee physical.....	70.00
Decker Equipment	
Maintenance supplies.....	2,037.62
Decorah Community Schools	
Tuition.....	51,285.79
Decorah Mobile Glass, Inc.	
Maintenance supplies.....	1,476.22
Demco Library supplies.....	110.17
EdClub Inc. Elem. supplies.....	435.50
ENTERPRISE FINANCIAL	
Contract Fee.....	4,314.00
Fastenal Company	
Maintenance supplies.....	5,883.83
Fisk's Farm & Home Supply	
Maintenance supplies.....	111.86
Follett School Solutions, Inc.	
Library books.....	1,262.15
GreenLawn Lawn Service.....	895.93
Hillyard/Des Moines Sanitary	
Hand Sanitizer.....	252.26
Iowa Rotocast Plastics, Inc.	
Maintenance supplies.....	2,812.88
JAMF Software Software.....	12,663.00
JMC Computer Service, Inc.	
labels.....	142.75
John's Hardware Center	
Maintenance supplies.....	1,427.98
Kann, Jonelle Speech Judge.....	60.00
Keystone Area Education Agency	
Instructional services.....	758.00
Lakeshore Learning Materials	
Elem. supplies.....	38.79
Lansing, Glen Cell phone.....	70.00
Lexia Learning Systems LLC	
Software.....	42,060.00
Lifeline Audio Video Technologies	

PUBLIC NOTICE

CLAIMS ALLOWED BY THE ALLAMAKEE COUNTY BOARD OF SUPERVISORS AUGUST 10, 2020	
General Basic Fund	
Alla Clayton Elec elec.....	233.24
Alla Co Agricultural Society	
allocation.....	5,000.00
Alliant Energy elec.....	3,641.91
Assoc for Nonsmokers-MN	
school.....	75.00
AT&T Mobility services.....	198.95
Barbara Bantz services.....	45.50
Kerri Berns supplies.....	111.88
Black Hills Energy fuel.....	64.80
Carquest Auto Parts parts.....	283.89
CenturyLink phone.....	78.64
City of Waukon water/sewer.....	116.79
Clark Tire Pros services.....	809.36
Clean Plus supplies.....	287.54
Cole's Auto Repair services.....	98.00
Culligan services.....	293.15
Cunningham Hardware	
supplies.....	223.29
Marlene Duffy mileage.....	26.24
Galls supplies.....	318.91
Dennis Garling permit.....	75.00
Ross Geerdes supplies.....	15.00
Anthony Gericke supplies.....	278.45
Gordon Flesch Company	
services.....	114.00
Helping Services of NE IA	
contribution.....	1,500.00
IA DNR permit.....	340.00
IA Water Well Assn dues.....	75.00
Dennis Keatley mileage.....	5.44
Ann Klees mileage.....	30.00
Jack Knight mileage.....	25.08
Lansing Auto Parts parts.....	3.22
Lansing Hardware supplies.....	6.48
Duane Leppert mileage.....	24.00
Light Source Central services.....	456.00
Machines & Media supplies.....	551.00
Martin Bros Distributing	
services.....	1,019.87
Mediacom phone.....	1,009.56
Mid-America Publishing	
services.....	886.55
Laurie Moody postage.....	2.80
NEIT Phones services.....	114.94
News Publishing services.....	1,335.82
NE IA RC&D contribution.....	1,000.00
James Pladsen mileage.....	11.20
Bernard Pratte mileage.....	10.40
Pro-Vision equipment.....	113.20
Quill supplies.....	65.74
Quillin's Food Ranch	
fuel/supplies.....	524.26
Reinhart Foodservice	
services.....	545.27
Riley's supplies.....	36.43
River N Ridge Outdoors	
supplies.....	36.00
R.R. Brink Locking Systems	
supplies.....	256.10
Sirchie supplies.....	61.96
Solutions services.....	1,485.07
Sportsmen's Unlimited	
supplies.....	219.96
Storey Kenworthy supplies.....	29.77
Chloe Stortz supplies.....	96.60
Strong Rock & Gravel	
services.....	165.72
Torkelson's services.....	57.20
Tri-State Busin Machines	
services.....	79.32
ULINE supplies.....	151.91
VMH contract.....	8,352.58
Viking Pest Control services.....	80.00
Village Farm & Home supplies.....	261.31
Visa services.....	72.04
Nancy Wallaser mileage.....	20.40
Waukon Tire Center services.....	134.00
West Side Wkn Lumber	

Building repair service.....	1,000.00
Malcom Enterprises, Inc.	
Garbage collection.....	605.00
McGraw-Hill School Education	
Science books.....	6,017.41
MFL MarMac Community Schools	
Special Ed. Tuition.....	5,835.48
Mid-America Publishing Corp.	
Publications.....	603.41
Mississippi Welders Supply Co., Inc.	
Inspection fee.....	677.02
NICC Instructional services.....	260.00
Northeast Iowa Telephone Co.	
Internet.....	443.80
Orkin Pest control.....	4.19
Palas Service & Repair	
Vehicle repair.....	4,256.46
Quill Corporation Supplies.....	1,741.63
RH Prints Co.	
Maintenance supplies.....	5,339.30
Savvas Learning Company, LLC	
Elem. supplies.....	1,241.14
Scholastic Inc. Elem. supplies.....	60.50
School Administrators' Publishing	
Mailbox Fees.....	30.95
School Specialty	
Elem. supplies.....	165.13
South Winneshiek Comm. Schools	
Special Ed. tuition.....	6,098.68
Superior Building Center	
Maintenance supplies.....	25.44
Tierney Tech supplies.....	8,945.33
Time Management Systems, Inc.	
Tech services.....	45.00
Tri-State Business Machines	
HSAP Copier.....	10.00
UZBL LLC. Elem. supplies.....	519.00
Wild, Laurie Speech Judge.....	60.00
Winona Controls, Inc.	
Building repairs.....	495.58
WoodRiver Energy, LLC	
Natural Gas.....	484.71
STUDENT ACTIVITY FUND	
Decker Sporting Goods	
Football Jersey's.....	1,328.90
Halverson, Jason	
Softball official.....	100.00
Letter Werks Sign City, LLC	
Class of 2020.....	1,891.50
Riverland Expressions	
Pirate Wr. club supplies.....	241.57
Rodenberg, Jamie	
Softball official.....	100.00
Wal-Mart Stores, Inc.	
Baseball resale.....	21.19
CAPITAL PROJECTS	
Bacon Concrete LLC	
Construction.....	6,001.75
PHYSICAL PLANT & EQUIPMENT	
FORECAST5 ANALYSTICS	
Business office software.....	14,108.00
Gericke, Anthony Rent.....	825.00
SCHOOL NUTRITION FUND	
Martin Brothers Distributing Co.,	
Food.....	740.53
Prairie Farms Dairy, Inc. Food.....	174.96
Published in the Postville Herald on August 19, 2020.	

supplies.....	26.98
General Supplemental Fund	
Alla Co Sheriff services.....	35.41
Upper Iowa Ins Services	
services.....	1,957.00
Well Grant Fund	
John Bredeweg cost share.....	500.00
Tom Christensen cost share.....	500.00
Randy Martie cost share.....	500.00
UPS postage.....	28.42
Tactical Force Fund	
Martin Bros Distributing	
supplies.....	353.96
MH-DD Services Fund	
Allamakee County	
occup costs.....	160.00
Rural Services Basic Fund	
Alliant Energy elec.....	127.16
Bruening Rock Products	
materials.....	1,514.56
Cunningham Hardware supplies.....	57.92
Lyle Stock cost share.....	22.88
Storey Kenworthy supplies.....	74.64
Village Farm & Home supplies.....	432.92
Secondary Road Fund	
AcenTek phone.....	84.63
Alliant Energy elec.....	498.55
Black Hills Energy fuel.....	33.69
Bodensteiner Implement parts.....	2,815.11
Bruening Rock Products	
services.....	271,448.56
Carquest Auto Parts parts.....	347.21
City of Waukon water.....	278.98
Clark Tire Pros services.....	2,152.43
Culligan services.....	25.00
Hausladen's Auto Supply parts.....	137.08
Hovden Oil fuel.....	2,550.50
IIW engineers & Surveyors	
services.....	15,093.65
Innovative Ag Services	
supplies.....	1,378.00
IA Dept of Transportation	
supplies.....	2,900.77
K Construction services.....	64,851.04
Light Source Central supplies.....	85.75
Lnh Truck & Trailer Repair	
parts.....	33.50
Mediacom phone.....	268.90
RC Tire services.....	30.00
Sadler Power Train parts.....	579.94
Torkelson's parts.....	457.31
Truck Country of IA parts.....	259.06
True North Lubricants	
materials.....	4,652.73
Verizon Wireless phone.....	165.62
Waukon Tire Center services.....	56.00
Welch Inc fuel.....	148.50
West Side Wkn Lumber	
supplies.....	972.48
Ziegler parts.....	457.75
Emergency Manag/Disaster	
CenturyLink phone.....	13.86
Gordon Flesch Company	
services.....	28.50
COREY Snitker supplies.....	345.00
ULINE supplies.....	1,477.74
West Side Wkn Lumber	
materials.....	322.66
Assessor Fund	
Kwik Trip Extend Network	
fuel.....	81.73
Mediacom phone.....	99.50
E-911 Surcharge Fund	
AcenTek phone.....	1,762.82
CenturyLink phone.....	345.94
CenturyTel of Postville phone.....	160.27
Gordon Flesch Company	
services.....	28.50
Grand Total.....	
417,362.85	
Published in the Postville Herald on August 19, 2020.	

ALLAMAKEE COUNTY AGRICULTURAL EXTENSION DISTRICT PUBLISHED REPORT - OPERATING 07/01/2019 TO 6/30/2020	
Beginning Balance and Receipts:	
Balance: July 1, 2019	
Receipts.....	\$323,589.82
Grant Revenue.....	\$90,439.93
Interest Revenue.....	\$3,516.85
Other Revenue.....	\$533.95
Program Fee Revenue.....	\$163,672.59
Property Tax Revenue.....	\$253,943.10
Resale Revenue.....	\$8,319.77
Total Receipts.....	\$520,426.19
Total Beginning Balance and Receipts.....	
\$844,016.01	
Disbursements:	
Aatrix E-File Fee.....	\$24.95
Abacus Data System	
Program Exp.....	\$1,363.92
Advanced Business Systems	
Postage Exp.....	\$186.25
Aguilar, Eden Program Exp.....	\$274.64
Allamakee County Agricultural Society	
Program Exp.....	\$4,033.48
Allamakee County Farm Bureau	
Membership Exp.....	\$40.00
Allamakee County Relief Office	
Program Exp.....	\$275.00
Allamakee New Beginnings	
Program Exp.....	\$400.00
Amazon	
Supplies, Professional	
Development.....	\$1,674.85
American Lamb Board	
Program Exp.....	\$13.13
Americlnn Program Exp.....	\$84.00
Anderson, Claire Program Exp.....	\$7.78
Anfinson, Brody Program Exp.....	\$274.64
Bakke, Breanna Program Exp.....	\$274.64
Bauers Market & Nursery	
Program Exp.....	\$96.00
Be Catered LLC Program Exp.....	\$642.00
Bell, Alyssa Program Exp.....	\$184.76
Best Western Travel Exp.....	\$310.24
Big Als Program Exp.....	\$149.96
Bjerke, Morgan L.	
Net Wages and Travel.....	\$30,037.21
Bodley, Riley J.	
Net Wages and Travel.....	\$3,277.31
Bossom, Mya Program Exp.....	\$274.64
Brick City Grill	
Employee Meal Exp.....	\$37.01
Brinks, Sherrie Program Exp.....	\$250.00
Brown, Logan Program Exp.....	\$274.64
Byrnes, Mason Program Exp.....	\$274.64
Byrnes, Milan Program Exp.....	\$274.64
Canva Program Exp.....	\$3.00
Casey's Meeting Exp.....	\$334.27
Cash Program Exp.....	\$222.00
Chickasaw County Extension	
Program Exp.....	\$187.95
Christensen, Julie A.	
Net Wages and Travel.....	\$26,490.85
City Laundering Company	
Facility Exp.....	\$1,840.27
City Meat Market Program Exp.....	\$4.29
Country View Dairy	
Program Exp.....	\$118.75
Culligan Water Facility Exp.....	\$392.25
Culvers Employee Meals Exp.....	\$16.72
Cunningham Hardware	
Facility Exp.....	\$154.84
Cutie PaTutie Creations	
Program Exp.....	\$256.80
Dahlstrom, Lana L.	
Net Wages and Travel.....	\$26,285.45
Dahlstrom, McKayla	
Program Exp.....	\$32.10
Davis, Monica Program Exp.....	\$274.64
Davis, Nora Program Exp.....	\$274.64
Decorah Rental Inc.	
Program Exp.....	\$680.23
Dehning, Harrison	
Program Exp.....	\$274.64
DeRosear, Amber	
Professional Contracted Svs.....	\$48.28
Des Moines Area Community College	
Program Exp.....	\$1,000.00
DeWitt, Boyd Program Exp.....	\$350.00
Discmakers Supplies Exp.....	\$233.28
Dollar General Program Exp.....	\$629.22
Dollar Tree Program Exp.....	\$3.21
Drew's Sports Bar & Grille	
Employee Meal Exp.....	\$37.90
Dublin Bay Employee Meal Exp.....	\$48.73
Dunham, Jill Program Exp.....	\$59.95
Eberling, Kiele Program Exp.....	\$274.64
Egeland, Judy Program Exp.....	\$21.50
Elliott Jewelers Program Exp.....	\$133.40
EMC Insurance Co.	
Insurance Exp.....	\$897.00
Enyart, Olivia Program Exp.....	\$274.64
Epic Wear Program Exp.....	\$180.00
Facebook Program Exp.....	\$45.00
Fareway Facility Exp.....	\$3,258.82
First Adv. LNS Screening Solutions	
Background Chks Exp.....	\$723.30
Fossum, Elizabeth	
Program Exp.....	\$274.64
Fossum, Thomas Program Exp.....	\$274.64
Frito-Lay Program Exp.....	\$1,613.15
Gebel, Alaina Program Exp.....	\$274.64
Gibbs, Andrea Program Exp.....	\$1,730.25
Gibbs, Ethan Program Exp.....	\$274.64
Gibbs, Kaylee Program Exp.....	\$274.64
Gibbs, Kendra Program Exp.....	\$274.64
Gibbs, Kiersten Program Exp.....	\$274.64
Gillette Pepsi Program Exp.....	\$3,119.44
Gnarly Pepper Program Exp.....	\$26.20
Godfather's Pizza	
Employee Meal Exp.....	\$10.00
Good Times Grill	
Employee Meal Exp.....	\$32.36
Grimm Family Farm	
Program Exp.....	\$67.20
Grizzly Coolers, LLC	
Program Exp.....	\$494.00
Grow by FarmHer	
Professional Developmt Exp.....	\$115.78

Guese, Landon Program Exp.....	\$274.64
Gus & Tony's Pizza & Steakhouse	
Program Exp.....	\$955.71
Hagensick, Greg	
Facility Exp.....	\$19,184.95
Halder, Don Program Exp.....	\$95.61
Hanson, Vicky Program Exp.....	\$112.13
Hartig Drug Co. Program Exp.....	\$16.84
Helgerson, Caleb Program Exp.....	\$274.64
Helgerson, Madelyn	
Program Exp.....	\$274.64
Helgerson, Nathan	
Program Exp.....	\$274.64
Holthaus, Kourtney	
Program Exp.....	\$274.64
Howe, Grace	
Program Exp.....	\$769.00
HyVee Employee Meal Exp.....	\$15.89
Intuit Program Exp.....	\$134.82
Iowa Ag Literacy Foundation	
Program Exp.....	\$50.00
Iowa Beef Industry	
Program Exp.....	\$15.00
Iowa Food Hub Program Exp.....	\$134.00
Iowa Public Employee Retirement System	
Employee Retirement	
Benefits.....	\$29,276.65
Iowa Sheep & Wool Promotion Board	
Program Exp.....	\$1.40
Iowa State University	
Program Exp.....	\$42,604.73
Iowa Workforce Development	
Unemployment Exp.....	\$661.72
Iroc Web Design Services	
Program Exp.....	\$210.00
J & M Fundraising	
Program Exp.....	\$7,942.50
JaDecc's Program Exp.....	\$45.59
Jet's Meat Processing	
Program Exp.....	\$3,433.46
Joann Stores Program Exp.....	\$10.95
Johanningmeier, Jaelyn	
Program Exp.....	\$274.64
Johanningmeier, Jase	
Program Exp.....	\$274.64
Johnson, Haleisa	
Program Exp.....	\$6,000.00
Ken's Window Svs Facility Exp ..	\$20.00
Kirkwood Community College	
Program Exp.....	\$500.00
Koether, Kayla A.	
Net Wages and Travel.....	\$25,980.35
Kramer, Jo Program Exp.....	\$1,000.00
Kruse Hatchery Program Exp.....	\$166.75
Kucera, Logan Program Exp.....	\$274.64
Kurth, MaKenna Program Exp.....	\$274.64
Kurth, Mia Program Exp.....	\$274.64
Kwik Star Program Exp.....	\$93.54
Kwik Trip, Inc. Program Exp.....	\$343.43
Kymar Acres Program Exp.....	\$210.00
LaCrosse Escape Room	
Program Exp.....	\$265.00
LaCrosse Scale, LLC	
Program Exp.....	\$277.50
Lady Lex Program Exp.....	\$76.00
Lamers Bus Lines	
Program Exp.....	\$920.00
LC Signs & Graphics	
Program Exp.....	\$272.00
Leiran, Suzanne M.	
New Wages and Travel.....	\$3,377.08
Lensing, Clara Program Exp.....	\$35.00
Letter Werks Sign City, LLC	
Program Exp.....	\$2,466.49
Love's Travel	
Employee Meal Exp.....	\$85.15
Main Channel Grill	
Meeting Exp.....	\$394.72
Main Street Checks	
Supplies Exp.....	\$33.82
Manning, MaKayla M.	
Net Wages and Travel.....	\$1,779.89
Marco, Inc. Program Exp.....	\$6,974.81
Martin Bros. Distributing Co., Inc.	
Program Exp.....	\$954.20
Marting, Tanner Program Exp.....	\$274.64
Max200 Performance Dog Equipment	
Program Exp.....	\$722.00
Mediacom Program Exp.....	\$2,764.34
Meierotto, Lori A.	
Net Wages and Travel.....	\$2,976.89
Mellick, Madeline	
Program Exp.....	\$274.64
Menne, Aralina Program Exp.....	\$274.64
Menne, Kevin Program Exp.....	\$274.64
Mid-America Publishing Corp.	
Advertising Exp.....	\$227.52
Miller, Harlie Program Exp.....	\$274.64
Miller, Memphis Program Exp.....	\$274.64
MinnTex Citrus, Inc.	
Program Exp.....	\$19,212.25
Morning Glory Farm	
Program Exp.....	\$1,425.00
Mount Mercy University	
Program Exp.....	\$1,000.00
Mueller, Cici Program Exp.....	\$162.77
Murphy Travel Program Exp.....	\$41.26
MWI Animal Health	
Program Exp.....	\$80.84
National 4-H Council/Shop 4H	
Program Exp.....	\$1,381.57
National Pork Board	
Program Exp.....	\$29.24
Neopost USA, Inc.	
Program Exp.....	\$324.38
Ness Pumping & Porta Potty	
Program Exp.....	\$69.55
News Publishing Co., Inc.	
Advertising Exp.....	\$1,368.21
Nolting, Carter Program Exp.....	\$274.64
Nolting, Cayla Program Exp.....	\$274.64
Northern Tool Program Exp.....	\$134.98
Omega Products	
Program Exp.....	\$214.66
O'Neill, Emma Program Exp.....	\$274.64
O'Neill, Jack Program Exp.....	\$274.64
Oneota Community Coop	
Program Exp.....	\$931.81
Opperman, Claire	
Program Exp.....	\$274.64



PUBLIC NOTICE

ORDINANCE: 689-20  
AN ORDINANCE RELATING TO  
FLOODPLAIN MANAGEMENT AND  
PROVIDING PENAL TIES THEREFOR.  
BE IT ORDAINED BY THE CITY  
COUNCIL OF THE CITY OF POST-  
VILLE, IOWA:

Section 1. Chapter 160 of the Code of Ordinances is amended by deleting the Chapter in its entirety and inserting in lieu thereof the following:

- CHAPTER 160  
FLOODPLAIN MANAGEMENT  
REGULATIONS
- 160.01 Definitions
- 160.02 Statutory Authority, Findings of Fact and Purpose
- 160.03 General Provisions
- 160.04 Administration
- 160.05 Establishment of Zoning (Overlay) Districts
- 160.06 Floodway (Overlay) District (FW)
- 160.07 Floodway (Overlay) District (FF)
- 160.08 General Floodplain (Overlay) District (GF)
- 160.09 Reserved
- 160.10 Appointment and Duties of Board of Adjustment
- 160.11 Nonconforming Uses
- 160.12 Penalties for Violation
- 160.13 Amendments

**160.01 - DEFINITIONS.** Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

**APPURTENANT STRUCTURE** - A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**BASE FLOOD** - The flood having one (1) percent chance of being equalled or exceeded in any given year. (Also commonly referred to as the "1 00-year flood").

**BASE FLOOD ELEVATION (BFE)** - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

**BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (sub grade) on all sides. Also see "lowest floor."

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

**ENCLOSED AREA BELOW LOWEST FLOOR** - The floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 160.07(2)(D) (1) of this Ordinance, and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and

d. The enclosed area is not a "basement" as defined in this section.

**EXISTING CONSTRUCTION** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

**EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

**EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FACTORY-BUILT HOME** - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

**FACTORY -BUILT HOME PARK OR SUBDIVISION** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

**FIVE HUNDRED (500) YEAR FLOOD** - A flood, the magnitude of which has a two-henths (0.2) percent chance of being equalled or exceeded in any given year or which, on average, will be equalled or exceeded at least once every five hundred (500) years.

**FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

**FLOODPLAIN** - Any land area susceptible to being inundated by water as a result of a flood.

**FLOODPLAIN MANAGEMENT** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

**FLOODWAY** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**FLOODWAY FRINGE** - Those portions of the Special Flood Hazard Area outside the floodway.

**HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

**HISTORIC STRUCTURE** - Any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

**MAXIMUM DAMAGE POTENTIAL DEVELOPMENT** - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

**MINOR PROJECTS** - Small development activities (except for filling, grading and excavating) valued at less than \$500.

**NEW CONSTRUCTION** - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

**NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

**RECREATIONAL VEHICLE** - A vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES** - Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

c) Basement sealing;

d) Repairing or replacing damaged or broken window panes;

e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

**SPECIAL FLOOD HAZARD AREA (SFHA)** - The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as

pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

**SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

**VARIANCE** - A grant of relief by a community from the terms of the floodplain management regulations.

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**160.02 - STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE**

1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact

A. The flood hazard areas of the City of Postville are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Postville and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 160.02(2)(A) of this Ordinance with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

**160.03 - GENERAL PROVISIONS**

1. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Postville shown on the Official Floodplain Zoning Map as being

within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in Section 160.05.

2. Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Map (FIRM) for Allamakee County and Incorporated Areas, City of Postville, Panel 19005C0475C, dated September 18, 2020 which were prepared as part of the Flood Insurance Study for Allamakee and Clayton Counties, is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

3. Rules for Interpretation of District Boundaries

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Building Inspector, or its designee shall make the necessary interpretation. The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Building Inspector, or designee, in the enforcement or administration of this Ordinance.

4. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

5. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Postville or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

8. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**160.04 - ADMINISTRATION**

Appointment, Duties and Responsibilities of Local Official

A. The City Clerk is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflict.

9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

a. Development placed within the Floodway (Overlay) District results in any of the following:

(i) An increase in the Base Flood Elevations, or

(ii) Alteration to the floodway boundary

b. Development placed in Zones A, AE, AH, and AI-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

c. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

10) Perform site inspections to ensure compliance with the standards of this Ordinance.

11) Forward all requests for Variance

es to the Board of Adjustment for consideration.

Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development Permit

A. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

1) Description of the work to be covered by the permit for which application is to be made.

2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

3) Location and dimensions of all structures and additions

4) Indication of the use or occupancy for which the proposed work is intended.

5) Elevation of the base flood.

6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

**160.05 - ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS**

The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts;

1. Floodway (Overlay) District (FW) - those areas identified as Floodway on the Official Floodplain Zoning Map;

2. Floodway Fringe (Overlay) District (FF) - those areas identified as Zone AE on the Official Floodplain Zoning Map; excluding those areas identified as Floodway;

3. General Floodplain (Overlay) District (GF) - those areas identified as Zone A on the Official Floodplain Zoning Map, and;

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

**160.06 - FLOODWAY (OVERLAY) DISTRICT (FW)**

1. Permitted Uses. All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

2. Performance Standards. All Floodway District uses allowed as a Permitted Use shall meet the following standards.

A. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

B. All development within the Floodway District shall:

1) Be consistent with the need to minimize flood damage.

2) Use construction methods and practices that will minimize flood damage.

3) Use construction materials and utility equipment that are resistant to flood damage.

C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

G. Watercourse alterations or relo-

cations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion.

In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

**160.07 - FLOODWAY FRINGE (OVERLAY) DISTRICT (FF)**

1. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All development shall:

1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.

2) Use construction methods and practices that will minimize flood damage.

3) Use construction materials and utility equipment that are resistant to flood damage.

B. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the Board of Adjustment,) where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

C. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

D. All new and substantially improved structures

1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage. Where the distance between the floor and ceiling of the fully enclosed area below the "lowest floor" is five (5) feet or more, the applicant shall be required to sign and record with the Allamakee or Clayton County Recorder, as appropriate, a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in 160.07(2)(D)(1).

2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3) New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air



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conditioning equipment and other service facilities (including ductwork) elevated or floodproofed to a minimum of one (1) foot above the base flood elevation).

E. Factory-built homes

1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

F. Utility and Sanitary Systems

1) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation.

H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

K. Accessory Structures to Residential Uses

1) Any type of accessory structure, including, but not limited to detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

a. The structure shall be designed to

have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.

b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of 160.07(2)(D)(1) of this Ordinance.

2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles

1) Recreational vehicles are exempt from the requirements of 160.07(2)(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 160.07(2)(E) of this Ordinance regarding anchoring and elevation of factory-built homes.

M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

N. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the SOO-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2 annual chance flood; and that the structure, below the 0.2 annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2 chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

**160.08 - GENERAL FLOODPLAIN (OVERLAY) DISTRICT (GF)**

1. Permitted Uses

A. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.

B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage

of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and

2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

2. Performance Standards

A. All development, or portions thereof, to be located in the floodway as determined by the

Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District 160.06.

B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District 160.07.

**160.09 - RESERVED**

**160.10 - APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT**

1. Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) appeals and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

2. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment

A. Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in 160.10(4)(B)(2).

1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

b. The danger that materials may be swept on to other land or downstream to the injury of others.

c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

e. The importance of the services provided by the proposed facility to the City.

f. The requirements of the facility for a floodplain location.

g. The availability of alternative locations not subject to flooding for the proposed use.

h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

m. Such other factors which are relevant to the purpose of this Ordinance.

2) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

a. Modification of waste disposal and water supply facilities.

b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of

Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

e. Floodproofing measures shall be designed consistent with the flood protection

elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

5. Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

**160.11 - NONCONFORMING USES**

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

2. Except as provided in 160.11(1)(B), any use which has been permitted as a Variance shall be considered a conforming use.

**160.12 - PENALTIES FOR VIOLATION**

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred dollars) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Postville from taking such other lawful action as is necessary to prevent or remedy violation.

**160.13 - AMENDMENTS**

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

Passed and approved this 10th day of August, 2020.

/s/ Leigh Rekow, Mayor

ATTEST:

/s/ Darcy Radloff, City Clerk  
Publication Date: August 19, 2020  
Effective Date: August 19, 2020

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