

LEGAL NOTICES

PROBATE: DAWAYNE D. KINNETZ

THE IOWA DISTRICT COURT FOR PALO ALTO COUNTY IN THE MATTER OF THE ESTATE OF DAWAYNE D. KINNETZ, Deceased. CASE NO. ESRP012518

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

To All Persons Interested in the Estate of Dawayne D. Kinnetz, Deceased, who died on or about November 4, 2023:

You are hereby notified that on January 31, 2024, the Last Will and Testament of Dawayne D. Kinnetz, deceased, bearing date of December 20, 1996, was admitted to probate in the above named court and that Alan D. Kinnetz 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 February 1, 2024

Dawayne D. Kinnetz, Executor of Estate
11581 440th Street
Laurens, Iowa 50554

John D. Brown, ICIS#: AT0001205
Attorney for Executor
Berklant & Brown Law Office
2112 Main Street

P.O. Box 246
Emmetsburg, IA 50536

AND

Dalton J. Kidd, ICIS#: AT0010964
Attorney for Executor
Kidd Law Firm, PLLC
2112 Main Street
P.O. Box 246
Emmetsburg, IA 50536

Date of second publication: February 15, 2024

PALO ALTO COUNTY SUPERVIORS

Courthouse
Emmetsburg, Iowa
January 30, 2024, 8:00 a.m.

The Palo Alto County Board of Supervisors met in regular session. Members present: Craig Merrill, Chair; Roger Faulstich, Linus Solberg, Keith Wirtz, Ronald Graettinger. Present: Diane Weiland, Reporter/Democrat; Peter Hart, County Attorney; Delray Brudshoet, Jim & Sharon Neighbors, Ed & Sue Kelly, Amy Zeno.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Graettinger, Wirtz, Solberg, Faulstich, Merrill. Nays: None. Abstentions: None.

Craig Merrill, Chair, called the meeting to order and led the Pledge of Allegiance.

Motion by Wirtz, 2nd by Graettinger to approve the agenda for January 30, 2024. Motion Carried.

Motion by Graettinger, 2nd by Solberg to approve the minutes for January 23, 2024. Motion Carried.

Motion by Faulstich, 2nd by Wirtz to approve the septic grant completion for Paul Merideth for \$5,000. Motion Carried.

Carmen Moser, Auditor, reviewed the proposed budget and fund balance worksheet.

Motion by Graettinger, 2nd by Wirtz to set the date for the proposed tax hearing for April 2nd, 2024, at 1pm and proposed budget hearing for April 23rd, 2024, at 9 a.m. in the Courthouse Boardroom. Motion Carried.

Delray Brudshoet was present for public comment & asked about updates on wind farm. Jim Neighbors had questions on met towers.

Ed Kelly was present for public comment. Ed Kelly filed a "legal provisions concerning county attorney appointment" document to be part of the

1) The Board of Supervisors Legal Notice is legally binding on the Board of Supervisors under law for details in notice and no election may be petitioned for after 1st notice advising of SET DEADLINE DATES - Jan 20th and Feb 1st. If an eligible candidate applies, Equitable Estoppel and provisions of Iowa Code §§ 69.14A, 2. a. (1) & (2) and § 2. b. 2) Iowa Code § 69.14A, b. 3 only allows The Board of Supervisors to employ a person to perform the duties of the office... in the event of a vacancy for which no eligible candidate residing in the county comes forward for appointment.

IN THIS CASE, concerning Attorney Edwin F Kelly; there is NO event of such a vacancy - as there is an "ELIGIBLE CANDIDATE RESIDING IN THE COUNTY" who has come forward and it is unlawful for the Board of Supervisors to appoint someone other person to perform duties of the County Attorney's office.

TAKING ACTION VIOLATING THE LAW CONSTITUTES A TORT JUSTIFYING DAMAGES TO ANYONE INJURED.

IN THIS CASE, concerning Attorney Edwin F Kelly, he is a resident and registered voter of Palo Alto County and meets and exceeds all qualifications of the position and The Board of Supervisors Legal Posting. A mandamus lawsuit and possible injunction in addition to a legal action for damages could flow from illegal act of ignoring state law. §§ 661.1 et. seq.

4) If the The Board of Supervisors should refuse to appoint Edwin F Kelly, and later appoint a younger candidate, following acts during hiring for this 337 day position that can legally support an Age Discrimination claim, there will be a viable claim for age discrimination under both Iowa. Such indicia are a) initial discouragement from moving to the county in order to qualify for the position as a resident; b) Questioning 40+ year old candidate about his intent and activity 5 years from now; Commenting about candidate that he was "RETIRED" while attempting to get candidate to apply for a closed hearing by the board.

Age Discrimination is prohibited under Code Chapter 216 and also under the Federal Age Discrimination in Employment Act.

IN THIS CASE, an Age Discrimination Complaint can be filed up to 300 days later and remedies, inter alia if successful is full restoration including full back pay. Such a case would not be tried before Palo Alto taxpayers citizens, but elsewhere.

NOTE: In event of Edwin F Kelly being employed by Palo Alto County it would constitute a total defense to all possible Age Discrimination actions.

(end of Ed Kelly document.)

Walter Davis-Oeth, County Engineer, met with the Board. Walter requested approval of a temporary salary increase for Office Assistant.

Motion by Solberg, 2nd by Graettinger to approve a temporary salary increase effective January 26, 2024, for Seth Christensen from \$20.27 per hour to \$22.30 per hour for duties of Office Manager until Office Manager returns to full time. Motion Carried.

John Hansen, Midwest Construction, met with the Board. John updated the Board on the progress at the Public Safety Center.

John presented the pay application for February 1, 2024. John discussed the final budget with the Board.

Motion by Wirtz, 2nd by Graettinger to approve a change order for \$5,136.60 for additional fire/smoke detectors & electrical wiring with Winger Companies. Motion Carried.

Motion by Graettinger, 2nd by Faulstich to approve pay application for February 1, 2024. Motion Carried.

The Board discussed sharing the County Attorney position for the short term. Craig Merrill updated the Board on meeting with Travis Johnson, Clay County Attorney, and his assistant to cover the county attorney position.

Peter Hart, County Attorney, claimed that a 28E Agreement for sharing is only available if there are no applications for the position.

The Board of Supervisors has 40 days to make the appointment to fill the county attorney vacancy.

The Board called Mark Sherinian, Labor Law Attorney, for clarification on the county attorney vacancy. The issue could not be resolved at this time and no action was taken.

Committee Reports: Faulstich - new Boardroom door ordered; Wirtz - IDDA, juvenile justice; Graettinger - DECAT, Upper Des Moines.

Motion by Graettinger 2nd by Wirtz to adjourn. Motion Carried.

Craig Merrill, Chairman
Carmen Moser, County Auditor

IOWA LAKES COMMUNITY COLLEGE - NOTICE OF PUBLIC HEARING BUDGET ESTIMATE

NOTICE OF PUBLIC HEARING BUDGET ESTIMATE
Fiscal Year July 1, 2024 - June 30, 2025 IOWA LAKES CC

The Board of Directors of IOWA LAKES CC in the counties of BUENA VISTA, CHEROKEE, CLAY, DICKINSON, EMMET, HANCOCK, HUMBOLDT, KOSSUTH, O'BRIEN, OSCEOLA, PALO ALTO, POCAHONTAS, WINNEBAGO in Iowa will conduct a PUBLIC HEARING on the proposed budget as follows:
Meeting Date: 2/20/2024 Meeting Time: 04:30 PM Meeting Location: Iowa Lakes Community College Administration Building, 19 S 7th St, Estherville, IA 51334

At the public hearing, any resident or taxpayer may present their objections to, or arguments in favor of, any part of the proposed budget. This notice represents a summary of the supporting detail of budget receipts and expenditures on file with the Board Secretary. Copies of the Supplemental Detail will be furnished to any taxpayer upon their request.

Resources:	General Funds FY 2024/2025 Budget	Plant Funds FY 2024/2025 Budget	Bonds & Interest Funds FY 2024/2025 Budget	Total of All Funds FY 2024/2025 Budget	FY 2023/2024 Re-Estimated Budget	FY 2022/2023 Audited Actual
Taxes Levied on Property	1 6,721,891	1,687,159	1,833,444	10,242,494	8,488,000	8,240,269
Utility Replacement Tax	2 172,766	43,373	45,069	261,208	239,350	237,809
Student Fees	3 785,250	0	0	785,250	725,000	724,684
Tuition	4 9,325,000	0	0	9,325,000	8,725,000	8,233,242
State Aid	5 10,610,000	0	0	10,610,000	10,410,473	10,128,121
Other State Aid	6 3,225,000	400,000	0	3,625,000	3,686,075	3,022,854
Federal Aid	7 4,800,000	0	0	4,800,000	4,629,000	1,952,556
Sales-Service	8 89,000	0	0	89,000	67,000	56,686
Other	9 8,525,000	0	0	8,525,000	9,905,000	9,178,735
Proceeds from Certificates	10 0	0	0	0	0	0
Total Resources	11 44,253,907	2,130,532	1,878,513	48,262,952	46,874,898	41,774,956
Expenditures:						
Liberal Arts and Sciences	12 5,900,000	0	0	5,900,000	5,730,000	5,638,880
Vocational and Technical	13 7,775,000	0	0	7,775,000	7,075,000	7,095,534
Adult Education	14 1,790,000	0	0	1,790,000	1,730,000	1,978,746
Cooperative Programs/Services	15 3,255,000	0	0	3,255,000	2,690,000	2,503,258
Administration	16 1,225,000	0	0	1,225,000	1,052,500	999,924
Student Services	17 3,860,000	0	0	3,860,000	2,925,000	3,041,181
Learning Resources	18 445,000	0	0	445,000	393,000	462,916
Physical Plant	19 3,510,000	2,500,000	2,284,000	8,294,000	7,325,000	6,799,243
General Institution	20 16,106,500	160,000	0	16,266,500	18,157,500	12,497,415
Total Expenditures	21 43,866,500	2,660,000	2,284,000	48,810,500	47,078,005	41,017,097
Net Resources minus Expenditures	22 387,407	-529,468	-405,487	-547,548	-203,107	757,859
Beginning Fund Balance	23 3,745,205	568,549	2,000,896	6,314,650	6,517,757	5,759,898
Ending Fund Balance	24 4,132,612	39,081	1,595,409	5,767,102	6,314,650	6,517,757

Estimated Total Tax Rate per \$1000 Valuation 1.21987

CITY OF EMMETSBURG

NOTICE OF FILING OF FINAL ASSESSMENT SCHEDULE FOR THE LAKE STREET RECONSTRUCTION & UTILITY IMPROVEMENTS PROJECT EMMETSBURG, IOWA

TO WHOM IT MAY CONCERN: Take notice that the City Council of the City of Emmetsburg, Iowa (the "City"), has adopted the final assessment schedule covering the Lake Street Reconstruction & Utility Improvements Project (the "Project"), which was duly certified to the County Treasurer of Palo Alto County, Iowa, on the 30th day of January, 2024, all in accordance with Section 384.60 of the Code of Iowa.

The Project consisted of the construction of approximately 1200 linear feet of new street pavement, driveway improvements and sidewalk replacement. The Project also included utility work, including sanitary sewer, storm sewer, and watermain improvements. Other work included tree removals, erosion control, and turf establishment.

The Project was constructed in the City of Emmetsburg, on and along Lake Street, from approximately 40 feet north of the north right-of-way line of its intersection with US Highway 18/Main Street on the north, to its intersection with the railroad tracks located south of 12th Street on the south. The assessable portion of the Project consists of street improvements, sanitary sewer services, and water services.

It is considered that certain properties situated adjacent to and/or near the above-described segment of street have been specially benefited by the Project and should be specially assessed, such properties bearing Palo Alto County Property Tax Parcel Identification Numbers as follows:

603015027042	603015027040	603015026200	603015026150
603015026140	603015036010	603015036020	603015036030
603015036040	603015053011	603015053010	603015053020
603015053030	603015053040	603015052190	603015052191
603015052181	603015052140	603015052120	603015065011
603015065010	603015066010		

Any assessment may be paid in full or in part without interest within thirty (30) days after the date of the first publication of this notice; such payments to be made at the office of the City Clerk. Assessments in the amount of Five Hundred Dollars (\$500.00) or less which are not paid in full within that time period shall be due on July 1, 2024. Assessments in the amount of more than Five Hundred Dollars (\$500.00) which are not paid in full within that time period will be divided into (10) equal annual installments due on the first day of July, commencing July 1, 2024. All unpaid special assessments will draw annual interest at 5% computed initially from the date of acceptance of the work on the Lake Street Reconstruction & Utility Improvements Project to December 1, 2024, and thereafter computed from the first day of December following the date of such payment; and additional annual installments may be paid after the current installment has been paid before December 1 without interest.

Reference is hereby made to said final assessment schedule for a description of the particular lots or tracts and the amounts of the final assessments thereon, as determined and fixed by the Council. By order of the City Council of the City of Emmetsburg, Iowa,

Billie Jo Louwagie, City Clerk

YOU DON'T KNOW WHAT YOU DON'T KNOW...

WITHOUT PUBLIC NOTICE, YOU ARE LEFT GUESSING.

A HIDDEN NOTICE IS NO NOTICE.

Public notices in our newspaper help you stay informed about government, corporate and private activities that touch your world. An informed citizenry is the core of our democracy.

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The Bottom Line

Here's an important fact. Each year, colon cancer claims more lives than either breast cancer or prostate cancer, making it the second leading cause of cancer death in the United States.

But there's good news! If detected early, colon cancer is preventable and treatable. In fact, it is estimated that **60%** of colorectal cancer deaths could be prevented if appropriate screenings were performed on a regular basis. Palo Alto County Health System offers a variety of screening options, including colonoscopies, and encourages patients over 50 or with higher risk factors to schedule a consultation.

Take the time to take a closer look.

Bottom line—it could add years to your life!

PACHS
PALO ALTO COUNTY HEALTH SYSTEM
An Affiliate of **MERCYONE**

To schedule an appointment or learn more about screenings, give us a call at **712-852-5550** today!

Why Public Notice Should Remain in Newspapers

Along with open meeting and freedom of information laws, public notice is an essential element of the **three-legged stool of government transparency**.

Newspapers remain the primary vehicle for public notice in all 50 states.

Since the first U.S. Congress, public officials have understood that newspapers are the best medium to notify the public about official matters because they contain the **essential elements of public notice:**

- Accessibility
- Independence
- Verifiability
- Archivability

This is **not** about "newspapers vs the internet". It's newspapers and newspaper websites vs government websites and newspaper websites have a much larger audience. Moving notice from newspapers to government websites would reduce the presence of public notices on the internet.

Publishing notices on the internet is neither cheap nor free

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Paulo Nascimento B.A., GPOF, Hearing Specialist
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