

Legal Publications

Rural Community and presented them with a plaque.

Doug Sickelka was present to voice his concerns on the proposed walking path at the Arboretum. He is worried that with no visible boundary between his property and Arboretum that people and pets could walk onto his property. Council will take this into consideration.

Public comments: Dennis Fogelman talked to council about the Labor Day weekend car show and that they have added Pickups in the Park. Park Board will discuss parking for this event at their next meeting.

Council reviewed the bills and asked a few questions. A motion was made Cox seconded by Draper to pay current bills. Roll call: Ayes - Homan, Cox, Draper and Nelson. Engelke was absent. Motion carried.

Economic Development report. A motion was made by Nelson seconded by Cox to approve Landon Lenhart to the Economic Development Board. Council went over the purchasing guidelines for the William's/Tiger Addition Properties. The clerk will prepare the applications to purchase. Council went over the Urban Revitalization Plan Draft and agreed to move forward. The clerk will get ahold of Ahlers & Cooney to get the proceedings to finalize the plan. The city attorney will be notified to start the proceedings for the sale of property to Jordan Bird at the Industrial Park. A motion was made by Nelson seconded by Homan to approve the bid from R1 Excavating to take down the poles and clean up debris at the football for \$4,400.00. Roll call: Ayes - Homan, Cox, Draper and Nelson. Engelke was absent. Motion carried.

Library Report was given by Library Director Nancy Hill. Nancy read through her monthly report. The library had 25 ladies participate in barn quilt painting. They are going to provide watermelon and plan to have replicas of the library and log cabin to commemorate the upcoming anniversary for Labor Day. The request to add the position of assistant with the addition of 7.5 hrs a week has been tabled.

Fire and Ambulance Report was given by Chief Mark Shriver. They had 14 ambulance calls and 0 fire calls. The Department did training at the Willoway with the ladder truck. They will have the ladder truck out for display and plan to have a water event on the basketball court during Labor Day.

Police Report was given by Mayor Gifford. Officer Adam McQueen will be graduating from the Iowa Law Enforcement Academy on August 18, 2023. The squad car is finished and the clerk will pick it up on August 11th.

Communication and topics for discussion:

A motion was made by Draper seconded by Homan to approve the Outstanding Debt Report. Roll call: Ayes - Homan, Cox, Draper and Nelson. Engelke was absent. Motion carried.

The clerk reviewed the FY22 Audit with council. Copies available at city hall.

A motion was made by Homan seconded by Draper to approve Labor Day: closing of streets and the temporary liquor licenses for Sweeney's Clubhouse. All in favor. Motion carried.

The September council meeting will be held on Tuesday, September 5, 2023 at 7:00 p.m.

A motion was made by Nelson seconded by Homan to approve the liquor license for Car-Go Express. All in favor. Motion carried.

A motion was made Nelson seconded by Cox to approve Resolution 2023-29: Resolution to Authorize the City of Sutherland to Enter into A Contract and Convey Real Estate Owned by The City of Sutherland and Fixing a Date on The Hearing Thereof. Roll call: Ayes - Homan, Cox, and Nelson. Draper abstained. Engelke was absent. Motion carried.

Standing Committee Reports:
Water: 2,033,680 gallons in the tower. Ferguson sent out scheduling information at the end of July.

Streets: The clerk received 1 quote for 3rd and Oak Streets. She will call around for more quotes.

Sanitation (sewer): 2,442,000 gallons to the ponds.

Town Property: Councilman Draper fixed the city's emergency siren. With the ongoing issues the city has had with the bus barn, council will make it final decision next month whether or not to continue to rent it as storage units. There was a discussion on the city sign on whether or not to charge nonprofits to use it. The clerk will research how other cities handle this.

Park: No Report.
Weeds and Debris: The clerk will contact Schwebach Tree Service to start the removal of the ash trees at the park, Main and 2nd Street. They will be removing trees located in the city right of way.

Lights: No report.
Sanitary Landfill: no report.
A motion to adjourn was made by Draper seconded by Homan. All in favor. Motion carried.

Mayor Kay Gifford
Amanda Vanderhoff, City Clerk
Published in O'Brien County's Bell-Times-Courier August 17, 2023

JUNE TOTAL REVENUES	
.....	\$68,562.97
General Fund.....	\$13,555.49
Road Use Tax.....	\$9,710.43
Economic Development	\$-
Debt Service	\$577.60
Tax Inc. Finance	\$493.42
Police Fund	\$-
Community	\$6,859.42
Insurance	\$745.75
Employee Benefits.....	\$552.41
Water Fund	\$2,268.27
Sewer Fund	\$1,919.81
Garbage Fund	\$984.52
Lib Cap Impr	\$92.35
Library Fund	\$2,608.93
Library Reserve	\$20.00
Fire & Ambulance Fund.....	\$20,630.86
Fire & Ambulance Reserve	\$100.00
Park Fund	\$7,443.71
Franchise Tax	\$-
City Sign	\$-

JUNE TOTAL EXPENSES.....		\$250,885.76
General Fund.....	\$5,872.62	
Road Use Tax	\$5,837.02	
Economic Development	\$6,577.42	
Franchise Tax	\$10,686.79	
TIF	\$28,000.00	
Police Fund	\$6,835.75	
Water Fund	\$33,745.37	
Debt Service	\$40,000.00	
Employee Benefits.....	\$(261.07)	
Sewer Fund	\$51,547.48	
Garbage Fund	\$5,826.70	
Lib Cap Impr	\$-	
Library Fund	\$15,143.65	
Fire & Ambulance Fund	\$13,016.18	
\$-		
Park Fund.....	\$271.60	
Emergency Fund	\$3,492.41	
Water Meter Project.....	\$24,293.84	

JULY TOTAL REVENUES		\$103,642.31
General Fund.....	\$3,675.70	
Road Use Tax	\$7,069.00	
Economic Development	\$-	
Debt Service	\$369.37	
Tax Inc. Finance	\$105.30	
Police Fund.....	\$1,910.03	
Community	\$6,431.06	
Insurance.....	\$495.00	
Employee Benefits.....	\$366.67	
Water Fund	\$25,736.91	
Sewer Fund	\$24,481.45	
Garbage Fund	\$12,554.59	
Lib Cap Impr	\$61.29	
Library Fund	\$1,004.13	
Library Reserve	\$120.00	
Fire & Ambulance Fund	\$6,584.20	
Fire & Ambulance Reserve		
.....	\$2,675.00	
Park Fund	\$776.94	
Franchise Tax	\$6,198.17	

City Sign	\$3,027.50
JULY TOTAL EXPENSES.....	
	\$113,064.17
General Fund.....	\$9,246.79
Road Use Tax	\$15,031.31
Economic Development ..	\$2,500.00
Franchise Tax	\$-
TIF	\$-
Police Fund	\$13,250.07
Water Fund	\$9,745.70
City Sign	\$20,056.00
Employee Benefits	\$2,976.31
Sewer Fund	\$3,492.86
Garbage Fund	\$7,381.01
Lib Cap Impr	\$1,967.60
Library Fund	\$7,555.44
Fire & Ambulance Fund ..	\$3,222.61
\$-	
Park Fund	\$16,638.47
Emergency Fund	\$-
Water Meter Project.....	\$-

Sutherland, Iowa
Bills 8/7/2023

GENERAL	
R.L. Johannsen	
rent	\$600.00
Marcus News	
legals	\$204.97
Smith, Grigg, Shea, & Klinker	
legal fees	\$70.00
Visual Edge IT	
copier.....	\$20.30
Wells Fargo	
copier/fee.....	\$79.00
State of Iowa Auditor	
filing fee	\$175.00
Main Market	
spls	\$3.39
Iowa One Call	
fee.....	\$15.30
Rachelle K. Thompson, CPA	
audit	\$4,475.00
Westel	
serv	\$172.30
POLICE	
Verizon	
cell	\$60.96
Adam McQueen	
mileage.....	\$729.00
Adam McQueen	
reimburse.....	\$77.17
Westel	
serv	\$37.36
WATER	
MidAmerican Energy	
service	\$58.43
Verizon	
cell	\$16.99
Foundation	
labs	\$16.50
Sweeney's Farm & Home	
spls	\$266.01
Barco Municipal	
equip	\$999.00
SCE, LLC	
labor/spls	\$3,312.51
Westel	
serv	\$38.65
Osceola Rural	
water.....	\$4,792.25
SEWER	
MidAmerican Energy	
serv	\$152.29
Verizon	
cell	\$16.99
Iowa DNR	
annual fee.....	\$210.00
GARBAGE	
Town and Country	
contract.....	\$5,826.70

trip fee -	\$300.00
Northwest IA Solid Waste	
tonnage.....	\$2,539.61
PARK	
Mid American	
serv	\$56.46
BB.....	\$87.78
SL	\$17.11
Zub's	
fuel	\$120.18
LIBRARY	
MidAmerican	
service	\$260.00
Baker & Taylor	
books.....	\$99.72
Leaf	
copier.....	\$133.54
Main Market	
spls	\$37.06
Justice Fire & Safety	
inspect	\$193.00
Cleverbridge/Sophos	
subscription	\$85.60
Valley Glass & Framing	
parts.....	\$96.50
Marcus News	
ads.....	\$76.50
Westel	
serv	\$84.00
ROAD USE TAX	
MidAmerican Energy	
St Lights.....	\$1,639.08
Shop.....	\$60.10
Verizon	
cell	\$16.98

Sutherland Implement	
equip	\$1,652.55
Zub's	
fuel	\$302.87
Diamond Vogel	
sprayer/paint	\$4,795.05
Sweeney's Farm & Home	
spls	\$620.98
Jun/Jul	
Agrivision	
spls	\$31.47
Westel	
serv	\$148.44
Paullina Building Center	
spls	\$43.99
FIRE AND AMBULANCE	
MidAmerican	
service	\$183.76
Verizon	
cell	\$40.01
Zub's	
fuel.....	\$171.57

Quick Med Claims	
amb.....	\$318.37
Cherokee Regional Medical Center	
assist	\$175.00
Lexipol	
training services	\$696.00
Westel	
serv	\$90.10
EMPLOYEE BENEFITS	
Wellmark BI Cross	
health ins -	
AM	\$410.87 per month
RV.....	\$1,038.02
IMWCA	
work comp premium	\$707.00
ECONOMIC DEVELOPMENT	
Doug Sweeney	
Spruce up Sutherland....	\$5,000.00
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Bell-Times-Courier August 17,	
2023	

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Extended Coverage

By Kent Faust & Marcus Faust




CAN AN INSURER DENY COVERAGE BASED ON LATE NOTICE OF CLAIM WITHOUT DEMONSTRATING PREJUDICE?

Whether an insurer can deny coverage based on late notice without a showing of prejudice depends on the language of the policy, the jurisdiction and the type of insurance policy involved. Some states, such as New York in certain instances, require that policies issued in the state contain provisions dealing with whether and to what extent prejudice is required to defeat coverage based on late notice.

Concerning occurrence-based policies, the majority of states do not permit an insurer to deny coverage based on late notice unless the insurer has been prejudiced by the delay. New York, which used to be known for its rule that late notice bars coverage regardless of prejudice, modified its common law rule as to certain types of liability policies issued or delivered in New York by amending them to prohibit an insurer from denying coverage under certain circumstances owing to late notice absent prejudice to the insurer. The statute also shifts the burden of showing prejudice depending upon the tardiness of the notice. Certain states, such as Georgia, do not require a showing of prejudice but permit a policyholder to rebut a late notice defense by showing that the failure to provide timely notice was justified under the circumstances.

Courts are much more likely to deny coverage for late notice regardless of prejudice under a 'claims-made-and-reported' policy, where notification of a claim within a certain time is an express part of the insuring agreement, rather than merely a contractual condition.

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