

# PEN CITY CURRENT

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Wednesday, June 23, 2021 | 9 pages | Volume 5 • Issue 124



[www.pencitycurrent.com](http://www.pencitycurrent.com)

## Chamber wants nominations

**LUAU:** Nominations needed for annual awards dinner at Baxter Sports Complex July 16

FORT MADISON – The Fort Madison Area Chamber of Commerce seeks nominations for Citizen of the Year and Ambassador of the Year to be presented during the awards ceremony at their Annual Dinner on July 16th. Each year, the Fort Madison Partners Affiliates along with the Daily Democrat awards a Citizen-, Ambassador-, and Developer of the Year, for the previous year, during their annual meeting. This year's Annual Dinner is a Luau that will be held at Baxter Sports Complex.

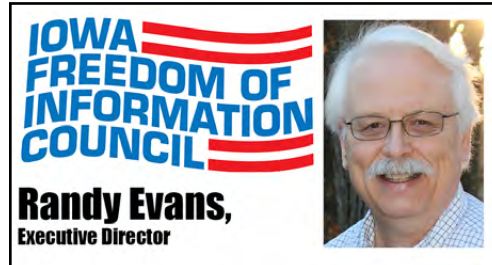
The Citizen of the Year award is sponsored by The Daily Democrat and is given to an individual who has worked towards improving the quality of life in the Fort Madison area. To nominate someone for this award, please send a note



including your name, the name of person you're nominating, and the reason for the nomination to Robin Delaney at the Daily Democrat, PO BOX 160 or by email: [editor@dailydem.com](mailto:editor@dailydem.com).

The Ambassador of the Year award is given the by Cham-

See **DINNER**, page 8



## Not one of court's finer moments

Through the long arc of history, the Iowa Supreme Court has developed a reputation for judicial courage that often puts it ahead of many other courts when crafting groundbreaking decisions before important legal concepts become widely accepted.

The issues have been meaty, and controversial, especially here in the middle of America. Iowa has been a leader with landmark rulings on slavery, school desegregation and gay marriage.

But Friday, the Supreme Court passed up the opportunity to add to its legacy. In time, history will tell us just how far reaching this latest decision turns out to be, legally and environmentally.

In a 4-3 ruling, the justices avoided the growing problems from pollution of Iowa's rivers and lakes. This is caused by the application onto corn and soybean crop ground of vast amounts of fertilizer and manure from large animal feeding confinements.

The ruling came in a lawsuit filed against the state by two nonprofit social justice organizations, Iowa Citizens for Community Improvement and Food & Water Watch.

Their lawsuit says the state has not met its legal duty to protect the rivers and streams from pollution. The territorial and state governments have been holding these waterways in trust for the use and enjoyment by all people for more than 230 years. The lawsuit accuses the state of abdicating this duty in favor of supporting the private interests of farmers.

See **EVANS**, page 9



Photo by Chuck Vandenberg

OCI/Iowa Fertilizer comes forward with a donation to the Light Up The Sky this 4th of July fireworks campaign. Darcie Uhlmeier, Executive Assistant, presents a check to Tim Gobble, Fort Madison Partners Director.

### COUNTY NEWS

## Lee County Charitable Fund announces grant winners

LEE COUNTY – The Lee County Charitable Fund is a permanent endowment fund of the Keokuk Area Community Foundation. Every year, The County Endowment Fund contributes to the Lee County Charitable Fund to support charitable projects in Lee County.

The County Endowment Fund Program was established in 2004 by the Iowa State Legislature in HF 2302. Through the Coun-

ty Endowment Fund Program, a percentage of the state's gaming tax revenue is distributed to community foundations in the 84 counties that do not hold a state-issued gaming license. The community foundation organizations then grant 75 percent of those funds to charitable projects within their counties and place the remaining 25 percent in a permanent endowment fund, which is intended to attract other dona-

tions and provide a source of permanent funding for charitable projects within the county.

2021 Lee County Charitable Fund Grants

The Board of Directors of The Lee County Charitable Fund met last week to award grants to 17 Lee County Iowa 501

See **RECIPIENTS**, page 2

### INDEX

|  |  |   |
|--|--|---|
| Business Directory.....P.6             | Fullenkamp Insurance .....P.2                | Pen City Current..... Ps.6-7            |
| <b>BUSINESS NEWS.....P.8</b>           | Great River Regional Waste Authority ....P.8 | Pilot Grove Savings Bank.....P.9        |
| <b>CLASSIFIEDS.....Ps.6-7</b>          | <b>HEALTH NEWS.....P.8</b>                   | Pothitakis Dentistry.....P.4            |
| Complete Rental.....P.3                | Lee County Health Department.....Ps.5,7      | Rashid Pharmacy & Wellness.....P.2      |
| Connection Bank.....P.3                | <b>LEE COUNTY NEWS.....Ps.2,8</b>            | Scotts Miracle-Gro Company.....P.7      |
| Edward Jones - Tony Fullenkamp.....P.4 | <b>LOCAL NEWS.....P.8</b>                    | Sonny's Super Market.....P.8            |
| Fort Madison Community                 | <b>OBITUARIES.....Ps.2-3</b>                 | Southeast Iowa Regional Airport.....P.3 |
| Neighborhood Watch Groups.....P.7      | • Harold H. Dyer, 97                         | <b>SPORTS.....P.4</b>                   |
| Fort Madison Family YMCA.....P.3       | • Ronald L. Lambert, 53                      | Tony Wolfe Insurance Services.....P.3   |
| <b>FROM THE FRONT.....Ps.2,8-9</b>     | <b>OPINION.....P.9</b>                       |   |

### WEATHER

WED 23 Jun..... Light Rain, 78° F/ 60° F  
 THU 24 Jun..... Rain, 76° F/ 63° F  
 FRI 25 Jun..... Heavy Rain, 83° F/ 70° F

### IOWA LOTTERY

LUCKY FOR LIFE 06/21..... 22 28 33 38 43, Lucky Ball: 17  
 PICK 3 06/21 MIDDAY..... 4 4 5  
 PICK 3 06/21 EVENING..... 1 8 6  
 PICK 4 06/21 MIDDAY..... 4 6 0 3  
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# Obituaries/From the Front

## Charitable fund awards 17 grants

### RECIPIENTS - Continued from Page 1

C (3) exempt non-profit organizations and qualified government agencies. \$75,755.47 was distributed to 17 Lee County nonprofit organizations.

Organization - Project:

- Donnellson Ball Association - The Westview Park Playground
- Common Grounds - meals for youth
- Denmark Firefighters Foundation Inc. - for the purchase of an emergency response trailer
- Domestic Violence Intervention Program - The Lee County Transitional Housing Project
- Emma Cornelis Hospitality House - food and supplies for the Emma Cornelis Homeless Shelter
- Fort Madison High School - Fort Madison High School Literacy Project
- Friends of Shimek State Forest Equestrian Trails, Inc. - facility improvements for hiker and riders at Shimek State Forest
- Grand Theatre Corporate Foundation - for heating system repairs
- Hoerner YMCA of Keokuk - for renovations to Hoerner YMCA lobby floor
- Hope Haven Area Development Center - for the Keokuk Day Habilitation Program
- Houghton Ball Association - for new bleachers
- Keokuk Catholic Schools/St. Vincent's Elementary - for Chromebooks
- Keokuk Union Depot Foundation - for the trackside canopy restoration at the Keokuk Union Depot
- KPLAY Playgrounds for All! - Bentley's Playground Splash Pad
- Lydia's House - for food and supplies at Lydia's House
- Montrose Riverfront, Inc. - for the Windows to the Past Project
- The Salvation Army-Keokuk - for the Salvation Army soap pantry and youth education

### OBITUARIES

## RONALD L. LAMBERT

Ronald Lee "Ron" Lambert, 53, of Montrose, IA died Sunday, June 20, 2021 at his home.

He was born July 16, 1967 in Keokuk, the son of Gerald and Delores South Lambert and graduated from Keokuk High School with the class of 1986. He then attended Quincy Tech and received his automotive mechanics certificate.

On September 26, 1992 he was united in marriage to Amy Case in Donnellson. She survives.

He is also survived by a son, Andrew Lambert of Donnellson, French daughter, Orane Demuyne of Roclincourt, France, sister, Sue Seabold (Tony Brady) of Keokuk, brother, Donnie Lambert (Darci) of Keokuk, his father-in-law, Raymond Case of Farmington, brother-in-law, Bryan Case (Tammy) of Donnellson, and sister-in-law, Elisha Lindsay (Jeron) of Montrose. He is also survived by grandmother, Helen Wall of Donnellson, nieces and nephews, Charles Case, Kurtis Case, Kailee Case, Ryan Lindsay, Blake Lindsay, Chris Day (Emily), Brandon Daniel (Marjorie), Josh Daniel, Amanda Schmitt (Brandon), Ashley York, Dawn Lambert, Teracea Lambert, Jessica Lambert and Abby Lambert, numerous great-nieces and great-nephews, aunts and uncles, Linda and George LeMaster, Chester South, Colleen South and numerous cousins.

He was preceded in death by his parents, daughter, Heather Renae Lambert-Pullins, mother-in-law, Norma Case, brother-in-law, Tim Seabold, aunt, Carla South and uncles, Larry South and Jerry South.

Ron had been employed by Pizza Hut as a manager for several years. He retired in August 2019 from The Iowa State Penitentiary after sixteen years of service.

Ron was a member of New Testament Christian Church in Keokuk and had been a wish granter for the Make a Wish Foundation.

One of Ron's life-long passions was muscle cars. He could identify a muscle car by seeing a small portion of the bumper from two blocks away. He was an avid NASCAR fan and knew the history of the sport from the early '60's on. Ron and Amy celebrated their twenty-fifth wedding anniversary by taking a NASCAR themed cruise. Ron also enjoyed putting together model cars to perfect authenticity. Ron was a talented cook and created unique recipes and smoked meats for his family to enjoy. He treasured the time he spent with his family and dogs.

A funeral service will be held at 1 p.m., Thursday, at the New Testament Christian Church in Keokuk with Dawn Farris officiating. Burial will be in the Montrose Cemetery. Visitation will be held after 1 p.m., Wednesday, at the Vigen Memorial Home in Keokuk with family meeting with friends from 6-8 p.m.

In lieu of flowers, the family requests that memorials be made to the University of Iowa Foundation Cystic Fibrosis Research Center.

Online condolences may be sent to the family at [www.vigenmemorialhome.com](http://www.vigenmemorialhome.com).

### Pen City Current obituary policy

Pen City Current runs obituaries one time at no charge to funeral homes and they run the day they are submitted in most cases. They are also run as submitted by the funeral homes. Reposting of obituaries due to changes can only be requested by the submitting funeral home and will be assessed a \$15 reposting fee.

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**PEN CITY CURRENT**

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# Obituaries

## OBITUARIES

### HAROLD H. DYER

Harold H. Dyer, 97, of West Point, Iowa, passed away at 1:47 a.m. Tuesday, June 22, 2021, at Great River Medical Center in West Burlington, Iowa.



DYER

Harold was born on May 7, 1924 in rural West Point, Iowa, the son of Fred Sr. and Josephine (Groene) Dyer. On August 22, 1953 he married Verna Mae Lord in Burlington, Iowa. She preceded him in death. On November 24, 1990 he married Connie J. Richardson Golob in Vail, Arizona.

He is survived by his wife: Connie; one son: Greg (Michele) Dyer of West Point, Iowa; three granddaughters: Jessica (Frank) Attere of North Liberty, Iowa, Josephine (Brandon) Ledger of Stockport, Iowa and Jayme (Tommy) Dyer Johns of Danville, Iowa; three great grandsons: Liam Attere, Theo Attere and Owen Ledger; one great granddaughter: Emerson Ledger; one brother: Fred Dyer, Jr. of Frisco, Texas and one sister: Jane Dyer Schiltz of Bettendorf, Iowa. Also surviving are numerous nieces and nephews.

He was preceded in death by his parents; first wife: Verna Mae; one daughter: Ann Rene; one brother: Irvin Dyer and two sisters: Ruth Mehmert and Evelyn Bentler.

Harold graduated in 1942 from St. Mary's High School as salutatorian of his class. He was founder, president and CEO of Chem Gro, Inc. corporations which included ten full service ag centers in Iowa, Illinois and Missouri, plus three farm corporations until his death. He did not know the meaning of retirement. Second only to his family were those business entities and his employees who were his extended family, that provided his source of enjoyment.

Harold began his business career as a young man farming with his father during WWII and later with his brothers when they returned from the service. In 1954, he started a small fertilizer business operating with one ammonia tank from the farm located at the corner of X23 and Highway 16, now commonly known as "Dyer's Corner". In 1963, he incorporated Chem Gro, Inc. of Houghton with his brother, Irvin, expanding the fertilizer business and adding grain elevators. He later bought out both of his brothers shares in the farm and the Chem Gro entities and continued to expand. He took special pride in his son,

Greg and his granddaughters, Josie and Jayme's successes in their roles in the continued growth of the family corporations and in Jessica's entrepreneurial endeavors.

In the late 1970s, he became a part time resident of Arizona and began business ventures there. Between 1978 and 1984, he was chairman of the board and president of three major land development corporations with projects in the Tucson, Arizona area; most notably the Santa Rita Golf Course and Country Club followed by the Santa Rita Bel Aire Estates housing development of over one hundred houses. He sold the golf course in 1984 and continued with the development of Santa Rita Foothill Estates, 1,800 acres, building infrastructure for future development until it was completed and sold. He and his wife Connie maintained a home and real estate investments in Arizona until 2016.

Between 1986 and 2006, he could be seen captaining his ocean cruiser, "The Harry D", on the Mississippi. He enjoyed hosting many groups of guests - family, friends, customers and employees. "The Harry D" was a common party site cruising in the summer weekends and evenings. He held many fond memories of those days including meeting his wife, Connie, on one of those outings. In Arizona, they enjoyed off-road exploring in their Jeep and excursions into Mexico and beyond.

Harold was a member of St. Mary's Catholic Church, lifetime member of the Knights of Columbus, member of the original West Point Sweet Corn Festival Committee, founding member of the original B.U.R.P. Club West Point Charter and recipient of the Farm Bureau "Service to Agriculture Award" in 2012.

He was always a farmer at heart, a man of the earth. Nothing gave him more satisfaction than escaping to "exercise his pickup" driving the farm fields to watch the planting, growing and harvesting of crops finding his joy, his peace and spiritual renewal there.

Harold was born in and lived his whole life in the West Point area. He loved his community and its small town pride. He was a constant and long time supporter of community betterment both through Chem Gro and personally financially supporting many projects including: the West Point city parks, the West Point American Legion, the West Point Fire and Rescue, the West Point Library, St. Mary's Catholic Church, Holy Trinity Schools, etc. He also supported community projects in his other business locations including: City of Houghton, Houghton Knights of Columbus, City of Carthage, Memorial Hospital and Legacy Theater. He also was a supporter of the Mayo Clinic. Friends may call after 1:00 p.m. Thursday, June 24, 2021, at St. Mary of the Assumption Catholic Church in West Point where the family will receive friends from 4:00 p.m. to 7:00 p.m. that evening.

A Mass of Christian burial will be held at 10:30 a.m. Friday, June 25, 2021, at St. Mary's Catholic Church in West Point with Father Apo Mpanda and Father Dennis Hoffman as con-celebrants. Mass will be live streamed on the church Facebook page and posted on his obituary "Tribute Wall" on our website following the service at: [www.schmitzfuneralhomes.com](http://www.schmitzfuneralhomes.com).

Burial will be at Calvary Cemetery in West Point.

In lieu of flowers, memorials have been established in his memory for St. Mary's Catholic Church or West Point Fire and Rescue.

Schmitz Funeral Home of West Point is assisting the family with local arrangements. Online condolences may be sent to the family at [www.schmitzfuneralhomes.com](http://www.schmitzfuneralhomes.com).

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## Sports

# Holy Trinity girls hold on for win over New London

*Hellige drives in three and gets win for Crusaders*

**BY CHUCK VANDENBERG**  
PCC EDITOR

WEST POINT – With ominous clouds lurking from the north, and an even more ominous situation developing in the top of the seventh, sophomore Haile Cain tracked down a hard hit ball to center to give Holy Trinity girls their second win in a row.

The Crusaders knocked off a stubborn New London squad 10-8 in Southeast Iowa Superconference south softball action at South Park in West Point.

With Holy Trinity holding a 10-6 lead going into seventh inning, New London's Morgan Jones reached on a Crusader fielding error. Sophie Mallot then singled to Cain in center who came up with snap throw that almost got Jones on a force at second.

"I'll tell you what Haile's playing great. She's been hitting the ball really well and had a homer the other night and she's an awesome center fielder," Head Coach Loren Menke said.



Photo by Chuck Vandenberg/PCC

HTC's Mary Hellige connects on a two-run double in the fourth inning of Tuesday's 10-8 win over New London. Hellige would drive in two runs on a hit that bounced in front of the left-center field fence.

Kaitlyn Lee then grounded out to Teagan Snaadt at second moving both Jones and Mallott up a base with one out. Sophomore Natalie Burden then hit a hard infield grounder that Snaadt mishandled at second allowing both Jones and Mallott to score, the throw from right field came into home, but it was cut off and fired back to second where Burden was caught trying to advance on the throw for the second out.

The play proved to be a critical out because sophomore Chevy Mills would smack the next offering from Mary Hellige into the right center gap to bring the tying run to the plate. But Elly Manning would hit a drive to center that Cain would track down on a dead run to end the game 10-8.

Holy Trinity only had five hits on the night, but took advantage of timely hitting and stolen bases to capitalize on the hits. The Crusaders opened the game with three runs in the bottom of the first highlighted by Brooke Mueller's line drive to center that drove in Cain. Anna Sobczak and Mueller would both score in the inning as well.

New London cut the lead to 3-2 in the top of the fourth when Jones scored on a passed ball two pitches before Hellige retired the side.

HTC would counter with four runs in the bottom of the frame.

Kelly Meierotto walked to open things and Snaadt popped out in foul territory for the first out. Cain would single to right, and Sobczak would reach on a sacrifice bunt that was dropped at first allowing Meierotto to come in for a 5-2 lead.

Mueller would take one off the thigh to put runners at 1st and 2nd. Then Hellige scored everyone with a double down the left field line to make it 7-2.

New London countered with four of their own in the top of the fifth highlighted by an RBI double from Ashlyn McSorley and a 3-run homer to left-center from Marah Hartrick to cut the lead to one at 7-6 with no outs. Hellige would settle in and get three of the next four to end the inning without further damage.

In the bottom half Holy Trinity would pull away again. Haley Rohdy would give up three walks in the first five at bats. A fielder's choice scored one run, then a wild pitch and bases loaded walk plated the other two before New London would get out of the inning.

Hellige would hold the Lady Tigers in check in the top of the sixth with a three-up, three down inning setting up the final inning.

The Crusaders had just five hits on the night, but Hellige had 3 RBI with a bases loaded walk in the fifth. Cain had two hits, an RBI, and three runs scored. Mueller and Box had the other HTC hits.

"It didn't feel like we hit the ball that well. We drew quite a few walks, but it just didn't feel like we were up there to thump the ball," Menke said.

"Hopefully we're starting to get back in a groove here. It felt a little lethargic tonight. Not exactly what I was hoping we'd feel like, but we got the win and we're not a team that can complain about a win."

Hellige threw 117 pitches giving up 10 hits and eight runs, five earned, in getting her fifth win of the year. She struck out four and walked two.

The Crusaders (5-9) take on Mid-Prairie (4-22) in a doubleheader Wednesday at South Park and then travel to Hillcrest Friday night for a single game.

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Household Hazardous Waste Unit is open Monday through Friday 8am - 4pm

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Fl. Madison Main Office: 2090 250th Ave Fort Madison, IA 52625-1400 319-372-9140 Keokuk Transfer Station: 111 Cascade Lane Keokuk, IA 52601-4175 319-524-6175 Visit Us Online! [www.grrwa.com](http://www.grrwa.com) [facebook.com/grrwa](https://facebook.com/grrwa)

### ADMINISTRATIVE ASSISTANT PART-TIME

The City of Fort Madison is taking applications for a Part-Time Administrative Assistant for the Planning, Zoning, Building and Fire Departments. Duties include answering the telephone, billing for the fire department and housing and nuisance abatement programs. The position will also respond to routine questions and requests regarding the rental housing inspection program, nuisance abatement, permits and zoning regulations as well as coordinate the rental program and assist with nuisance abatement paperwork. A complete job description is available at [www.fortmadison-ia.com](http://www.fortmadison-ia.com).

The City of Fort Madison provides equal opportunity in employment to all persons regardless of age, race, creed, color, sex, national origin, religion or disability.

Persons interested in the position must apply no later than 4:30 p.m. on Tuesday, July 6, 2021, at Iowa Works at [www.iowaworks.org](http://www.iowaworks.org).



### MANAGERS/STAFF WANTED

Ready to get back to work?! Brad's Pad in West Point is looking for management and wait staff.

Positions include day and evening managers. Varied work days.

Day shift manager is from 9 a.m.- 2 p.m. and 4-5 p.m. Starting at \$15/hour.

Evening manager positions are from 5-9 p.m. Sun.-Thu. and 5-10 p.m. Fri.-Sat. Starting at \$12/hour.

Waitstaff needed from 11 a.m.-2 p.m. weekdays and 11 a.m.- 5 p.m. on week-ends. Evening shifts are from 5-9 p.m. Sun.-Thu. and 5-10 p.m. Fri.-Sat.

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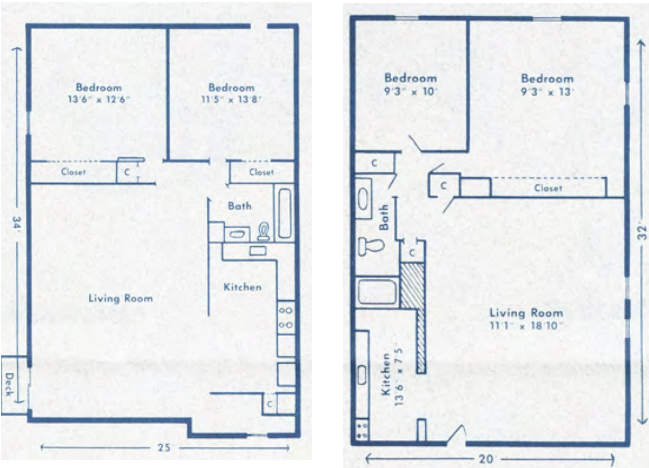

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## HELP WANTED

### LEE COUNTY SECONDARY ROADS HELP WANTED ASSISTANT ENGINEER

Lee County is taking applications for an Assistant Engineer to work out of our Fort Madison, Iowa office. Duties will include designing engineering plans and specifications for road and bridge construction and maintenance projects and overseeing the work of survey crews and construction projects. Wage based on qualifications.

Lee County provides equal opportunity in employment to all persons regardless of age, race, creed, color, sex, national origin, religion or disability.

To review the job description online and apply, download an application from our county website, [www.leecounty.org](http://www.leecounty.org) or pick a copy of the job description and county application at an Iowa Workforce Development office or at the Engineer office, and return your completed application along with a resume to: Lee County Engineer, P.O. Box 158, Fort Madison, IA 52627, or email it to [bhull@leecounty.org](mailto:bhull@leecounty.org) and copy it to [shartson@leecounty.org](mailto:shartson@leecounty.org). Applications will be accepted until the position is filled.

If you have any questions please contact Lee County Engineer, Ben Hull, at (319) 372-2541 or email him at [bhull@leecounty.org](mailto:bhull@leecounty.org).



# YOUR AD HERE

319.371.4125

## HELP WANTED



### Certified Nurse's Aide

Lee County Health Department is seeking a part-time Certified Nurse's Aide to work in the agency's Homecare and Hospice programs. This position requires travel to client homes in the agency's service area. If interested please mail resume to LCHD, Attn: Becky Fader, PO Box 1426, Fort Madison, IA 52627 or email [bfader@leecountyhd.org](mailto:bfader@leecountyhd.org). LCHD is EOE.



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Open Interviews  
**Ft. Madison Manufacturing Plant**  
**Tuesday, June 29**  
**& Wednesday, June 30**

8:00am-12:00pm & 4:00pm-8:00pm

Interviews held on-site  
1910 48th Street • Ft. Madison, IA 52627

### On-site resume & application assistance!

Due to our continuous company growth, Scotts has several salaried career opportunities in Supervision, Quality, Planning, & other fields. To learn more about these roles, please visit our website at

<https://ScottsMiracleGro.com/Careers/>

## Got a news tip? Call Chuck (319)371.1670

## Do you have time - to help stop crime?

Visit any of these Facebook pages to learn more about what the Neighborhood Watch Program is & how to start your own group or join an existing group!

Join us today to help  
keep our communities safer!



CAUTION

POLICE LINE DO NOT CROSS

The average person is on their device 3+ hours per day.

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Call Lee (319)371.4125  
or Chuck (319)371.1670

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## Health News/From the Front



# Check Out Our SWAP SHOP

*In need of a few cleaning supplies,  
spray paint, weed killer, etc?*

*Come check out what is available*

*at our Swap Shop in our*

*Household Hazardous Waste facility.*

*Our Swap Shop is open Monday-Friday*

*during regular business hours*

*at our main Facility in Fort Madison.*

*Stop in the Scale house to let them know*

*you want to look through the swap shop,*

*and they will get someone to help you!!*

# FREE TO RESIDENTS



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Fort Madison, IA  
1-319-372-6140

Keokuk Transfer Station:  
111 Carbide Lane  
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1-319-524-6175

Visit Us Online! [www.grrwa.com](http://www.grrwa.com) [facebook.com/grrwa](https://www.facebook.com/grrwa)

## Nominations sought for Citizen, Ambassador of the Year

**DINNER** - Continued from Page 1

ber of Commerce to a Chamber member employee whose efforts have made a considerable difference in the promotion of the organization and the community. To nominate someone for this award, please contact Savanna Collier at [chamber@fortmadison.com](mailto:chamber@fortmadison.com) or 319-372-5471 with your name, the name of the person you're nominating and the reason for the nomination.

Please submit your nominations by 12 pm on July 2, 2021. Each nominee will be recognized at the Annual Dinner.

The Fort Madison Area Chamber of Commerce is an affiliate organization of Fort Madison Partners. Fort Madison Partners is the umbrella organization which oversees the Fort Madison Chamber of Commerce, Fort Madison Economic Development and Fort Madison SIRRC. It serves to facilitate and coordinate efforts, services and resources of each individual organization as well as share strategic goals, working towards the common goal of making Fort Madison a great place to visit, live and work.

## LCHD Senior Health Clinics Return

LEE COUNTY - After 17-months, the Lee County Health Department Senior Health Clinics will be back up and running in July. The clinics were halted in March 2020 due to the COVID-19 pandemic. The clinics offer toenail services for a \$5 fee, and blood pressure checks for free. Clinics are open to the public, however people are asked to bring their own towel and masks will be required for everyone who attends. Locations and times for the clinics are:

First Tuesday of the Month: Denmark Senior Housing from 8:30am-10:00am and Keokuk Loft Apartments from 10:30am-12:00pm;

First Thursday of the Month: Deer Meadow in Keokuk from 8:00am-9:30am;

Second Tuesday of the Month: Eagle Bluff Apartments in Fort Madison from 8:30am-9:30am and Hillview Village in Fort Madison from 10:30am-12:00pm;

Second Thursday of the Month: River Terrace in Keokuk from 8:30am-10:00am and Heritage Center from 10:30am-12:00pm;

Fourth Tuesday of the Month: Rose Michael Gardens in Fort Madison from 9:00am-10:00am and Park View Apartments in West Point from 10:30am-12:00pm.

As additional clinic locations reopen, they will be posted to the LCHD website ([www.leecountyhd.org](http://www.leecountyhd.org)) and to the LCHD Facebook page.



## CURBSIDE PICKUP

*At this time we are offering curbside pick-up for orders over \$20. Orders can be placed via phone (319-837-6126), email ([sonnymarket@hotmail.com](mailto:sonnymarket@hotmail.com)) or Facebook messenger (@sonnyssupermarket). Immediate reaction to Social Media is not guaranteed.*



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**From the Front**

# Iowa Supreme Court erred in sidestepping water issue

**EVANS** - Continued from Page 1

The state, on the other hand, says the water quality issue is a political one that needs to be solved by the Legislature, not by the courts.

Agricultural runoff sometimes makes it impossible for people to swim safely at our beaches or in many lakes and rivers. The contamination drives up treatment costs for municipal water systems in places like Des Moines — or increases the health risks for people in towns that cannot afford to upgrade their treatment facilities.

The lawsuit was filed in 2019. The state asked the Supreme Court to intercede when the trial judge refused to dismiss the case.

The fight drew legal briefs from many farm interests, the Des Moines Water Works, Gulf of Mexico fishing interests and four prominent lawyers at the Drake University Law School — ag law expert Neil Hamilton, constitutional law scholar Mark Kende, and Jerry Anderson and Allan Vestal, the school's current and former deans.

Their brief offered a stinging analysis of the state's case. They urged the justices to tread carefully around the legal concept called the political question doctrine. Broadly speaking, the doctrine means courts avoid adjudicating political questions. But not every matter touching on politics is a political question, the professors said.

Instead, the doctrine is appropriate only when the Constitution specifically designates an issue to be decided by the legislative or executive branches. "Unless the court carefully limits the scope of this doctrine, it can be used to avoid judicial action on any controversial issue," the brief said.

The professors then provided an Iowa history lesson:

"This court has decided many important constitutional cases that could be considered very 'political' in nature. The court's first reported decision [in 1839, when Iowa was a territory] dealt with perhaps the most controversial political issue ever presented to American courts, that of property in slaves.

"Due to the inherently 'political' nature of the issues presented, this court could have left the matter to the legislature to determine. Instead, the court vindicated the constitutional rights of a slave from Missouri working in Iowa by identifying a state constitutional basis for protections not yet recognized by the state legislature."

The brief continued: "In the landmark school desegregation case of *Clark v. Board of Directors* [in 1868], this court was urged to defer to the elected school board to exercise its own discretion regarding school attendance, and the court was reminded that current 'public sentiment' favored segregation. Nevertheless, the court acted to uphold the constitutional right of Susan Clark to attend the public school in Muscatine.

"Most recently [in 2009], the court did not refuse to protect the fundamental rights of same-sex couples in *Varnum v. Brien* ... merely because it involved a matter of public controversy."

The brief added: "Because the current case is based on a fundamental right embodied in the public trust doctrine, Iowa courts should be able to rule on whether the action or inaction of the political branches have violated those principles."

But the state argues that courts should not "second-guess the wisdom of the Legislature" in dealing with water quality issues. But the professors said the claims in this case are based on the public trust doctrine, which represents an important constitutional limitation on legislative power.

"This case raises the fundamental question of whether the state can allow private interests to trump the paramount rights of the public to the use of their waters," the Drake lawyers wrote. "... The state cannot wash away the public trust doctrine and its protections for citizens ... simply by labeling the water quality issues involved in this case as 'political questions'."

Water questions have vexed Iowa for much of the 21st century. Iowa's current effort to reduce fertilizer and manure pollution, called the nutrient reduction strategy, was adopted in 2013. This strategy does not require farmers to reduce pollution moving from their fields into Iowa's waterways. For this reason, progress has been quite limited.

The plaintiffs wanted the court to set aside the voluntary measures and require the state to impose nitrogen and phosphorus limits on grain and livestock producers in the Raccoon River watershed. They also asked for an order prohibiting construction of new or expanded animal feeding operations in the watershed, which provides drinking water for about one in six Iowans.

The Supreme Court declined: "Lest we be misunderstood, we agree that the petition describes a real environmental problem. ... But we are a court, and we would be stepping outside our role to take on this matter as presented to us by these plaintiffs."

This is not an issue the court should walk away from.

If Iowa's voluntary pollution reduction strategy is putting the interests of farmers ahead of the constitutional rights of all Iowans, then the court has the ability, as well as the responsibility, to act — just as the court has been doing since Iowa's earliest days.

*Randy Evans is executive director of the Iowa Freedom of Information Council and can be reached at [DMRevans2810@gmail.com](mailto:DMRevans2810@gmail.com).*



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