

# PEN CITY CURRENT

It's Black & White and Read all over

Wednesday, October 19, 2022 | 7 pages | Volume 6 • Issue 179



www.pencitycurrent.com



Photo by Chuck Vandenberg/PCC

## A good start

Fort Madison Head Girls volleyball coach Kelly Knustrom gives some direction from the side during the first game win in Fort Madison's 3-2 win over Keokuk in girls Class 4A regional volleyball action Tuesday night. The girls advance to take on No. 2 ranked North Scott Thursday night. See page 4 for the full story.

## Property owner draws line in sand with council

**LAWSUIT:** Council, staff mum after Happyland Properties owner says he's suing city

BY CHUCK VANDENBERG  
PCC EDITOR

FORT MADISON - A property owner in Fort Madison has all but threatened to sue to the city over code harassment.

Happyland Properties LLC owner Sean Rogers, out of West Burlington, said he's had enough of the city getting in the way of his property development.

Rogers said he's been building a case against the city for four years.

"This is Happyland Properties LLC declaring war. I'm done playing nice. I'm done being diplomatic. It's time for

action and I'm going to take it," Rogers said.

Rogers, who grew up in Fort Madison, said his company has invested about \$1.5 million in the city and has property in close to 65 other communities and 14 states across the country.

He said Fort Madison is the only town that he has trouble with when it comes to building codes.

Rogers said he has requested meetings with city officials and has been ignored, as well as having appeal rights violated.

He said he's being harassed and is getting nuisance notices

See **COUNCIL**, page 2

## PIPELINES

## County to consider joining ISAC on soil study

BY CHUCK VANDENBERG  
PCC EDITOR

LEE COUNTY - The Iowa State Association of Counties has asked Lee County to contribute to a study that would look at moisture content in soil around pipeline construction.

At a workshop following Monday's regular meeting of the Lee County Board of Supervisors, vice-chairman Garry Seyb said ISAC wants an agreement to help look at soil compaction for pipeline constructions.

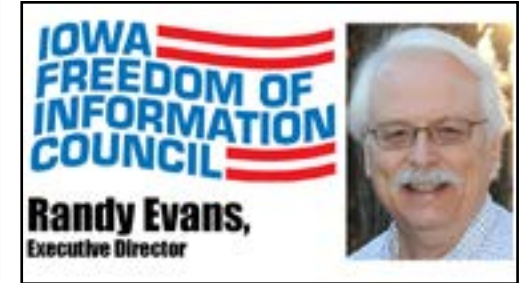
"We all voted earlier in the year to

have that added to the pipeline construction process," Seyb said.

"There is now a standard put into the requirements for pipelines and our inspectors to be able to look at

See **COUNTY**, page 7

## EDITORIAL



## Secrecy isn't the path to trust, respect

Middle ground is not something that often is seen nowadays in Iowa government or our politics.

These days, candidates, elected officials and community members often are seen as flawed if they speak in favor of the middle ground.

Case in point: Too many people have staked out extreme positions on one of the most important topics, law enforcement. They either take up the nonsensical "defund the police" rally cry, or they make the opposite, but equally flawed, demand to support police without regard for any shortcomings in officers' actions or practices.

Those thoughts were bouncing around in my cranium last week when I read a new lawsuit that was filed against the city of Des Moines by local attorney, who in retirement has become a voice of reason in the fractious discussions over the actions by law officers in Iowa.

If you have coffee with Harvey Harrison, and I have, you will find him to be thoughtful, measured, soft-spoken, but persistent. He is not some firebrand. You would not confuse him with some of the activists who vandalized police cars in Des Moines during protests following the murder of George Floyd by a Minneapolis police officer.

But do not confuse Harrison's reserved demeanor with apathy.

He absolutely believes the Des Moines Police Department needs greater accountability to the public for the actions of some of its officers. He believes police commanders — and Des Moines City Council members — have been too

See **EVANS**, page 7

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## WEATHER

WED 19 Oct.....Sunny and chilly, 49° F/30° F  
THU 20 Oct.....Mostly sunny and cool, 63° F/40° F  
FRI 21 Oct.....Sunny and warm, 75° F/47° F

## IOWA LOTTERY

LOTTO AMERICA 10/17.....19 20 24 30 39, Star Ball: 7 All Star Bonus: 2  
LUCKY FOR LIFE 10/17.....12 19 24 27 38, Lucky Ball: 11  
PICK 3 10/17 MIDDAY.....139  
PICK 3 10/17 EVENING.....956  
PICK 4 10/17 MIDDAY.....4402  
PICK 4 10/17 EVENING.....3879  
POWERBALL 10/17.....19 30 36 46 60, Powerball: 25 Power Play: 3

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# Lee County News/From the Front

## SCC to hold FAFSA night

WEST BURLINGTON- Southeastern Community College will offer complimentary assistance with completing the Free Application for Federal Student Aid (FAFSA) at its FAFSA Ready Iowa event on Wednesday, November 9.

The event will take place from 3 to 6 p.m. at both the West Burlington and Keokuk campuses. The West Burlington event will be held in Room 192 and the Keokuk event will be located in Room 419.

“Filing for financial aid can be intimidating for students of any age and their families,”

says Sheri Knipe, SCC Financial Aid Director. “We help people through the process so they know it is right the first time.

“The event is a great way to complete the FAFSA in a timely manner without interruptions,” she said, adding, “Submitting it now gives students a better chance to receive more state and institutional aid.”

This event is free and open to students of any age or income, regardless of which college they plan to attend. There is no need to pre-register; attendees will be assisted throughout the afternoon and

evening on a first-come, first-served basis.

Staff members from the SCC Financial Aid Office, the Educational Opportunity Center, and other college departments will be on-hand to guide students through the FAFSA and to answer questions about financial aid.

Knipe recommends that students under age 24 attend with at least one parent or guardian.

“Most traditional college-age students are required to include parental information on their FAFSA, so it’s helpful if both the student and at least one parent can attend.”

To complete the 2023-2024 FAFSA, students and parents should each bring the following:

- Social Security number, driver’s license number and date of birth
- 2021 federal and state tax returns, complete with all schedules and worksheets
- W-2 forms or other records of income earned in 2021
- Current bank statements and investment records
- Records of untaxed income received last year
- A-Number if not a U.S. citizen

A list of frequently asked questions, including a link to a complete list of required information and documents, can be found at <https://www.icansucceed.org/financial-aid/financial-aid-process/fafsa>.

For more information, call 319-208-5026.

## Property owner says he’s been fighting with city for 4 years

**COUNCIL** - Continued from Page 1

on properties he doesn’t even own yet.

The City Council declined to comment on Rogers complaints except to say that since he invoked a threat of a lawsuit, they had to refer him to the City Attorney Pat O’Connell who was attending the council meeting via zoom.

Rogers said he has invested \$4 to \$6 million in other communities because of the ease of doing business in the other cities.

“I’m super easy to get along with. I really am, until I’m not. And now it’s time to not. I don’t play fair, I don’t. I play to win. Period,” he said.

“I don’t care what it costs me. I only care about embarrassment and winning. I’ve given everyone the game plan.”

He said he’s planning to create chaos for the city with multiple lawsuits.

Building Director Doug Krogmeier, addressing another issue on property on Avenue G during his report, said the city attorney reviews legal filings on properties.

Rogers said he’s been trying to work with the city for four years, but Councilman Kevin Rink, who’s been on the council for longer than four years, told Rogers he’d never heard of him.

Rogers said now it’s a challenge against the city.

“I don’t have to do this, I don’t. I don’t need the money. I love what I do. It’s fun and I like challenges, the bigger the challenge the more I’m gonna rise to it. I win. Period,” Rogers said.

Councilwoman Rebecca Bowker said that since he’s contacted an attorney it silenced the council.

“We hear you and we appreciate your comments, but that attorney mention pretty much silences anything this council can do at this proceeding,” Bowker said.

Beacon Schneider shows Happyland Properties has seven properties in Lee County assessed at just under \$300,000, five of those properties are inside the city limits assessed about \$180,000.

## Thunderbirds to host sponsors’ night on Oct. 27th

MONTROSE - The Lee County Robotics team, the Lc3 Thunderbirds, will hold a sponsor partner night on Oct. 27 at the Lee County Career Advantage Center in Montrose.

A robot demonstration will be held starting at 5:30 p.m. with a team presentation made from 6 p.m. to 6:30 p.m.

Hors d’oeuvres will be provided by Elliott Test Kitchen.

The Thunderbirds finished as runner-up among all rookies at the FIRST International Competition in Houston, Texas. The qualified for the competition after being awarded a Rookie All-Star award at the Iowa Regionals.

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# Obituaries

## OBITUARIES

### SCOT A. BRISBY

Scot Alan "Big Dog" Brisby, 60, of Montrose, IA died Sunday, October 16, 2022 at River Hills Village in Keokuk

He was born on February 7, 1962 in Keokuk, IA the son of Eugene and Judith Holland Brisby. Scot graduated from Central Lee High School with the Class of 1980.



BRISBY

Scot had been a firefighter at the Fort Madison Fire Department for twenty-three years. He retired in 2017 with the rank of Captain.

He was a member of the Montrose Fire Department, Montrose United Presbyterian Church, Tri-State Gun Club, New Boston Posse and Ft. Madison Eagles Club.

Scot was a fan of Iowa Hawkeye football and NASCAR driver Dale Earnhardt, Sr. He enjoyed farming on the Triple B Farm and deer hunting. Scot had a quick wit and a great sense of humor and always tried to make people laugh. He liked to see everyone have a good time and would give kids money to play video games when he was at the Montrose Sandbar. Scot was everyone's "brother" and had many friends he enjoyed hanging out with.

He is survived by three brothers, Todd Brisby (Gretchen), Jeff Brisby and Kent Brisby (Tammy LeMaster) all of Montrose, five nieces, Kaycee Crawford (Sean) of Oklahoma, Allison Hellweg (Ethan) of Donnellson, Daly Brisby (Gus Overstreet), Regan Brisby and Amber Brisby all of Montrose, one nephew, Jared Brisby (Kammy Booten) of Farmington, two uncles, Jack Brisby and Mark Holland (Barbara) all of Montrose, two aunts, Ruby Westermeyer of Keokuk and Mary Hemmie of Montrose.

He was preceded in death by his parents.

Graveside services will be held at 1:30 p.m., Friday at the Montrose Cemetery in Montrose, IA with Heather Fuger officiating. Following the graveside service there will be a time of food and fellowship at Montrose Riverfront Inc.

There will be no visitation.

In lieu of flowers memorials may be made to the Montrose Fire Department.

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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## OBITUARIES

### MARY E. BISHOP

Mary Elizabeth Bishop, 78, of Keokuk, IA, passed away after a long, heart-breaking period of physical and mental decline inflicted on her by dementia, on Sunday, October 16, 2022. She was born on January 26, 1944 the daughter of Clifford & Etta (Barnes) Jailr.



BISHOP

Mary married James Bishop on March 3, 1963 in Keokuk, IA. He preceded her in death on August 28, 2022. She was a lifelong area resident and worked various jobs throughout her life.

She worked as an in-home babysitter, Evangelical Free Church secretary, and retired from Methode Electronics. In her younger years, she was an avid bowler and loved her bowling trips. She was a good cook and an avid dog lover. She was a wonderful mother and grandmother who was always there when her family needed her. She was very loved and will be missed terribly.

Mary is survived by: 2-Daughters: Marietta Palmer of Keokuk, IA & Patty (Brian) Steffensmeier of West Point, IA; 1-son: David Bishop of Keokuk, IA; 13-grandchildren, 6-great grandchildren and 1-sister-in-law: Gloria Brewster of Carthage, IL. She was preceded in death by her parents, husband, 2-granddaughters, 1-great granddaughter, aunts, uncles, cousins, 1-sister-in-law & 2-brother-in-laws.

Cremation has been entrusted to the care of King-Lynk Funeral Home & Crematory in Fort Madison. A celebration of life service will be held at a later date. Memorials have been established for the Evangelical Free Church in Keokuk or Southeast Iowa Regional Hospice.

Memorials may be sent to: Patty Steffensmeier, 2604 County Road 103, Fort Madison, IA 52627. Online condolences to Mary's family may be left at the King-Lynk Funeral Home & Crematory website: [www.kinglynk.com](http://www.kinglynk.com).

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## Sports

# Lady Hounds hold off Keokuk in Class 4A regional opener

BY JOHN BOHNENKAMP  
PCC EDITOR

KEOKUK — Fort Madison was three points away from winning the fourth game and the match in Tuesday’s Class 4A quarterfinal against Keokuk — and lost the game.

The Bloodhounds were six points away from elimination in the fifth and deciding game, and rallied to win the match.

It was a rollercoaster night for Fort Madison in the 25-20, 25-27, 25-23, 23-25, 15-11 win over the Chiefs, but the Bloodhounds’ season is still going.

Fort Madison (4-24) plays at No. 2 North Scott (30-5) on Thursday night in the semifinals.

The Bloodhounds stayed alive by putting their regular season behind them. Two of their losses came to the Chiefs.

“This meant a lot, since we had lost to them twice already,” said junior hitter Taylor Johnson, who led the Bloodhounds with 14 kills and nine blocks.

The postseason, Johnson said, was “kind of a fresh start.”

It was a constant battle with the Chiefs (10-19). Fort Madison had game point in the second game at 24-23, then fought off a game point down 25-24 with a Johnson block before giving up the last two points. Keokuk then fought off a game point at 24-22 in the third game before the Bloodhounds won to take a 2-1 lead.

The frustrating game was the fourth, when Fort Madison led 21-17 before the Chiefs scored the next four points. The Bloodhounds then led 22-21 before Keokuk scored the final four points.

“It was the same message — believe in yourself, believe in what we’re doing, have fun,” Fort Madison coach Kelly Knustrom said. “Whatever happens, play hard to the end.

“I’m quite proud of them. They never let up. They kept going at them.”

The Bloodhounds trailed 9-4 in the fifth game before rallying to tie the game at 10, and then 11. A Johnson block put them up 12-11, and they would score the final three points of the match, the last coming on a Johnson kill.

“We just had to get the energy back up and get a rally going,” Johnson said. “She played great tonight,” Knustrom said of Johnson. “Her blocking, we’ve



Photo by Chuck Vandenberg/PCC

Fort Madison’s Elle Ruble (13) catches a set off an attack in the first game of the Bloodhounds’ 5-set win over Keokuk in Class 4A Region 8 volleyball action Tuesday night in Keokuk.

been working on that a lot. That’s one part of the game that she’s been wanting to elevate. It felt good to put some balls back at them tonight.”

The Bloodhounds got contributions from everyone.

- Aija Jenkins had 11 kills
- Dayonna Davis had seven kills and three blocks
- Lauryn Helmick had five kills and two blocks, adding three aces.
- Lexi Beebe served 11-of-13, with one ace and nine digs
- Isabella Boeding served 19-of-20 with aces, adding 11 digs
- Dalaney Walker served 14-of-15 with two aces.
- Amy Yasenochok served 13-of-14 and had 25 digs
- Elle Ruble added 22 digs.
- Molly Knipe had 23 assists and four aces.
- Mara Smith had 16 assists.

“They executed the game plan pretty well,” Knustrom said. “I’m super-proud of them.”

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# Classifieds/Public Notices

## PUBLIC NOTICES

**PUBLIC NOTICE  
LEE COUNTY BOARD  
OF SUPERVISORS  
REGULAR MEETING  
MINUTES  
SEPTEMBER 12, 2022**

The Lee County Board of Supervisors met at the Lee County Administration Building in Fort Madison on Monday, September 12, 2022 at 10:00 a.m.

Present: Matt Pflug, Garry Seyb, Ron Fedler, Rick Larkin, Charles Holmes.

All votes are unanimous unless indicated otherwise.

The Board opened the meeting by reciting the Pledge of Allegiance.

Moved by Fedler, seconded by Larkin, to approve the agenda. Motion carried.

There was no Public Input.

Moved by Larkin, seconded by Holmes, to approve the Third and Final Reading and Publication of the Amended Election Ordinance. Motion carried.

Moved by Holmes, seconded by Seyb, to approve the First Reading of an Amended Pioneer Cemetery Commission

Ordinance. Motion carried.

The Board held a discussion of a Haul Road Agreement with Nustar Pipeline.

Moved by Seyb, seconded by Holmes, to approve a Codification Services Agreement with Iowa Codification. Motion carried.

The Board held a discussion with Justin Foss, Strategic Project Manager with Alliant Energy, about a proposed Solar Field around the Wever area.

Moved by Fedler, seconded by Holmes, to approve the Tuesday, September 6, 2022 Board Minutes. Motion carried.

Moved by Holmes, seconded by Larkin, to approve the payment of claims. Motion carried.

Moved by Seyb, seconded by Holmes, to approve a reclassification for Breanna Kramer-Riesberg, from Community Outreach and Development Coordinator \$21.01/hr. to Grant Coordinator \$24.53/hr., effective 9/19/22. Motion carried.

Received and filed a Manure Management Annual Update for Mehmert Farms in Pleasant Ridge Township and the Sher-

iff's Monthly Report for August 2022.

Committee Reports: Holmes reported on the release of the results of a Child Care Marketing Study. Fedler reported on a meeting he and Pflug attended with Alliant Energy. Seyb reported on a meeting with NuStar Pipeline. Pflug reported that he is looking for a location to house another ambulance due to the Keokuk Hospital closing. Health Department Administrator Michele Ross announced that Vitalant booster shots will be available soon.

At 10:50 a.m. a motion was made by Fedler, seconded by Holmes, to adjourn. Motion carried. The next meeting will be held on Monday, September 19, 2022 at 10:00 a.m. at the Administration Building in Fort Madison.

Matt Pflug, Chairman  
Attest: Denise Fraise,  
Lee County Auditor

**Claims Paid  
September 12, 2022**

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Agriland, fuel..... 1660.13  
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All Seas Music, sv

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Alliant Enrgy, sv ..... 21423.30  
Amerigroup, rfnd... 129.62  
Animal House, edu ... 4.00  
Barr Mem Chpl, sv ..... 1200.00  
Blades/Green, sv ..... 2607.00  
B & C Salvage, sv ..... 234.00  
Bnd Tree Mdcl, equp .....6114.06  
Brightree Home, sv ..... 3263.50  
CCS, sv..... 479.00  
CSW Services, sv ..... 150.00  
Cullen Pest Cntrl, sv ..... 571.00  
Culligan, water ..... 87.94  
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Democrat Co, publ ..... 567.00  
DM Co Auditor, sv ..... 25.00  
Dodd Prtg, splys ..... 60.00  
Dnnlsln Lumber, equp ..... 796.09  
Dnnlsln Tire, sv ... 251.32  
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Henry Co Auditor, sv ..... 75.00  
C Holmes, exps .... 772.72  
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Rvrfrnt Brdctg, publ ..... 200.00  
KingLynk Fnrl, sv ..... 2400.00  
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LeeCo Treas, costs ..... 8370.99  
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## From the Front

# Accountability of DM police called into question

**EVANS** - Continued from Page 1

accepting of policing practices that are discriminatory or abusive.

In the wake of citizen protests following Floyd's death in May 2020, Harrison has been trying to evaluate the use of force by Des Moines police. He obtained a police department report on its officers' use of force during 2020. Like any thorough researcher, he followed up by asking for copies of the documents the city used in preparing the report.

Harrison also asked for a copy of the department's use-of-force findings from an incident on May 31, 2020, involving three police officers who approached a man who was walking alone across Court Avenue about 2:30 a.m. The incident was captured on private video that Harrison obtained. The video showed the officers shove the unidentified man to the ground and then walk away.

"It's not OK for anybody, including Des Moines police officers, to come up and knock a person down on the street and apparently pick up their cell phone and walk away," Harrison told KCCI-TV when the video surfaced earlier this year.

Harrison noted in his request to the city that the 2020 summary report said there were 282 contacts between Des Moines officers and the public that year that involved the use of force. A total of 387 use-of-force reports were prepared regarding those incidents.

The reply to Harrison should trouble Iowans, whether they live in Des Moines or merely visit there periodically.

City officials claimed these use-of-force reports must be kept confidential because they are part of the officers' personnel files, because the reports are part of a law enforcement investigation, because the reports are attorney work product prepared in anticipation of litigation, and because Iowa law makes confidential any complaints against law officers and any statements, interviews or disciplinary proceedings that grow out of those complaints.

Here is the problem with the city's absolutist position:

While Police Chief Dana Wingert promised his department would investigate the officers' actions in the video Harrison spoke to KCCI about, the department refuses to share with the public what disciplinary action, if any, came out of that internal investigation.

That was the same position Wingert and Deputy City Attorney Carol Moser took after Katie Akin, a Des Moines Register reporter, was chased down from behind by a police officer and sprayed in the face with tear gas while complying with a police order to leave the Iowa Capitol grounds during a protest over the George Floyd death.

Wingert told KCCI when the Court Avenue video became public, "Our policy on conduct is very clear, and compliance in this regard will be the focus of our investigation."

The chief's statement is not reassuring when these incidents involving officers' use of force continue — and when

the police department's silence continues when asked about the outcome of their internal investigations.

Is it any wonder that folks like Harvey Harrison remain doubters that meaningful discipline is occurring? Is it any wonder that Harrison went to Polk County District Court last week asking the court to compel the city to make available the records he has requested on use of force by police?

Des Moines city officials are not going to bolster public trust and confidence in the police department through continual assertion that records about incidents involving the use of force must forever be confidential.

Confidentiality was not the go-to response in Minneapolis two years ago when Officer Derek Chauvin squeezed the life out of George Floyd by kneeling on his neck for 9 minutes while three other officers looked on silently.

Within a few days, the public knew the details of past complaints about Chauvin's actions and the outcome of the police department's investigations of those complaints.

Transparency, not secrecy, is the way police agencies build trust and respect. Harvey Harrison knows that. It's too bad city leaders in Des Moines do not.

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# Study could give pipeline inspectors more authority

**COUNTY** - Continued from Page 1

things. This study will be the catalyst to determine what that number is."

Seyb said the study will determine when construction has to stop on pipelines based on the moisture content of the soil.

The analysis will be done by the State of Iowa and the cost of the project is \$51,098. There are currently plans for three companies to build carbon sequestration pipelines across 70 counties in the state.

ISAC is looking just for \$600 from each county, but the study could help reduce damage to property from construction equipment when the soil has too much moisture in it.

One of the carbon pipelines being proposed is the Navigator Heartland-Greenway which will run from the northwest corner of the county to Montrose where it will cross the Mississippi River.

The project is experiencing heavy opposition including pending lawsuits over the safety of the pipeline to nearby property owners and residents in the vicinity.

"Again, more than 44 counties have said they don't want this pipeline. I don't know of any that have come out and shouted to the high heavens they want this," Seyb said.

"I don't know of any that have said that, but many have said they don't want it."

Seyb said the county has voted to oppose the pipeline, but the counties are relying on legislators to stand against the pipeline and any eminent domain efforts.

"I would encourage everyone to keep pressure on your legislators that we don't want it. Bottom line and period, on this CO2 pipeline," he said.

"But right now (counties) aren't wanting to take it up legally."

Supervisor Ron Fedler said there were issues years after Dakota Access Pipeline was installed with settling due to poor soil compaction.

"The trench that was dug was settling because the soil that they refilled into the trench wasn't compacted very well so mother nature compacted it," Fedler said.

"Then you got trench going through and you've got vehicles in these fields and all of sudden you got this big dip where Dakota Access went through."

Supervisor Chuck Holmes said he spoke with a geology professor at the University of Iowa that said there are locations in Iowa with the same deep wells where carbon can be sequestered, but wouldn't know where those are unless they studied, which would carry costs and time.

"He said it's really not necessary to pipe CO2 over to Illinois, that there are places here in Iowa that would work, but they were never approached to survey which locations would be appropriate," Holmes said.



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