

# PEN CITY CURRENT

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Wednesday, December 14, 2022 | 8 pages | Volume 7 • Issue 3



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## NuStar files for eminent domain

**IMPASSE:** Two county land owners refuse to give voluntary access to property

BY CHUCK VANDENBERG  
PCC EDITOR

LEE COUNTY - A pipeline company planning to build 14 miles of pipeline in Lee County to transport anhydrous ammonia from the Iowa Fertilizer plant is planning on using eminent domain to secure two parcels of land.

NuStar Pipeline Co. LLC., has secured about 91% of the land they need to build the pipeline extension voluntarily from property owners, but two landowners are digging in their heels.

"We've secured voluntary easements on most of the

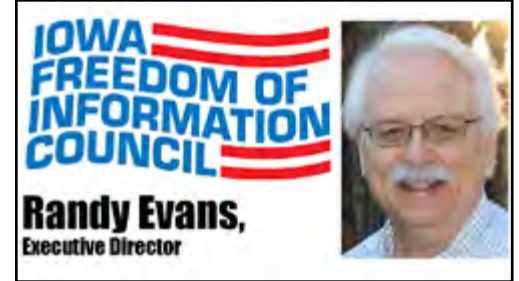
parcels. But there are currently two landowners who we have not yet been able to secure easements with," said KC Purgason, a senior real estate manager and spokesperson for the pipeline company.

"We've had discussions with them. We've reached an impasse and they said they aren't willing to grant us a voluntary easement."

The county was notified of the eminent domain proceedings because there is county right of way in the parcels of land.

See NUSTAR, page 3

### COUNCIL MEETINGS



## Website case is tricky for Supreme Ct.

Few people like being told what they must do. Lorie Smith is one of them.

The suburban Denver, Colo., business owner, a devout Christian, builds websites for customers. She wants to expand her business and begin building websites for couples who are planning weddings.

But she is adamant that she does not want to be forced to build websites for same-sex couples. Doing so, she says, would violate her faith, which does not allow her to celebrate same-sex marriages.

For more than an hour last week, the U.S. Supreme Court listened to arguments for and against the position staked out by Smith, the proprietor of 303 Creative LLC. The court's decision is not expected until sometime in the first half of 2023.

An old attorney friend once made the memorable legal observation, "I never had a client listen himself into trouble, but I've had many who talked themselves into trouble." He also reminded me that only a fool predicts how judges or juries will decide a case.

That wisdom also applies to predicting a U.S. Supreme Court decision. But it does not take a wizard to foresee that the 303 Creative case presents the justices with a legal slippery slope if they rule in favor of Lorie Smith.

The court has the potential to drag our country back 75 years, before Congress and the courts made it clear there is no place for discrimination in the United States.

David Cole, legal director for the American Civil Liberties Union, told the New York Times recently, "If 303 Creative wins here, we will live in a world in which

See EVANS, page 4



Courtesy photo

Kibbe Museum in Carthage will host visitors to see Galen Wollbrink's huge model train display on Saturday, Dec. 17, and one more time on Saturday, Jan. 7, both from 1 to 4 p.m. The museum is now closed for the season, but is open for viewing along with the trains on these two days. The museum is located at 306 Walnut. The phone is 217-357-9552 or check The Kibbe Museum on Facebook.

### RETIREMENT

## Celebration planned to honor Supervisor Rick Larkin

BY PCC STAFF

FORT MADISON - Help us celebrate a lifetime of public service. The family of Lee County Supervisor Rick Larkin is hosting a retirement party for Larkin who is retiring from the board at the



LARKIN

end of the year.

The party will be at the Fort Madison Elks Club, 719 Avenue H on Saturday, December 17 from 7 -10 pm.

There will be refresh-

ments and treats as well as a cash bar.

Rick served on the Fort Madison city council, then was appointed to the Lee County Supervisors, then elected to the Iowa House of Representatives and finally elected back to the board of supervisors.

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### WEATHER

WED 14 Dec.....Mostly sunny and cool, 50° F/ 27° F  
THU 15 Dec.....Mostly cloudy and cool, 36° F/ 24° F  
FRI 16 Dec.....Mostly cloudy and cold, 30° F/ 19° F

### IOWA LOTTERY

LOTTO AMERICA 12/12.....3 23 31 33 51, Star Ball: 7 All Star Bonus: 3  
LUCKY FOR LIFE 12/12.....13 15 29 36 44, Lucky Ball: 8  
PICK 3 12/12 MIDDAY.....175  
PICK 312/12 EVENING.....760  
PICK 4 12/12 MIDDAY.....6725  
PICK 4 12/12 EVENING.....8498  
POWERBALL 12/12.....16 31 50 55 61, Powerball: 9 Power Play: 4

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# Obituaries

## OBITUARIES

### PEGGY J. BUNDY

Peggy Joanne Bundy, 64, of LaHarpe, Illinois, passed away at 1:57 p.m. Monday, December 12, 2022 surrounded by her family at home.

Peggy was born September 23, 1958 in LaHarpe the daughter of Glen L. and Shirlene (Foster) Jones. On January 5, 1980 she married Verg Bundy at the Old Bedford Church near Blandinsville, Illinois. They later divorced.



BUNDY

Peggy was a graduate of LaHarpe High School. She worked for several years at Methode in Carthage. Later, she worked as paraprofessional for the LaHarpe School District and lastly worked as a CNA for many local nursing homes.

She enjoyed camping, riding motorcycles, being outdoors, traveling, dirt track racing, and especially the recent family trip to Florida. She loved her grandchildren.

Survivors include her mother: Shirlene Jones of LaHarpe; one son: Brent (Michelle) Bundy of LaHarpe; two daughters: Amanda (Andy Boone) Andries of Keokuk, Iowa and Ciji (Kelly Hughes) Bundy of LaHarpe; eight grandchildren: Dylan and Misty Maloney, Braxton Cordell, Melany Bundy, Bailey and Dominic Bundy and Nevah and Zabrina Hughes; one great-grandchild: Bentley Maloney and one on the way; one brother: Terry (Jean) Jones of LaHarpe and two sisters: Teresa Boone and Joni (Jim) Imthurn all of LaHarpe. Also several nieces, nephews, and cousins.

She was preceded in death by her grandparents; father: Glen and one nephew: Zachary Jones.

Cremation has been entrusted to Banks & Beals Funeral Home.

Visitation with the family will be held from noon until 2:00 p.m. Saturday, December 17, 2022 at Banks & Beals Funeral Home in LaHarpe.

A memorial service will be held at 2:00 p.m. Saturday, December 17, 2022 at Banks & Beals Funeral Home in LaHarpe with Pastor Rick Goettsche officiating. Burial will follow in the LaHarpe Cemetery.

A memorial fund has been established. To leave a condolence for the family, please visit Peggy's obituary at [banksandbeals.com](http://banksandbeals.com).

## OBITUARIES

### BELVA C. TINKLENBERG

Belva Carleen (Rohrbough) Tinklenberg, 84, of Keokuk, Iowa, formerly of Portage, Michigan, passed away on Monday, December 12, 2022, at Southeast Iowa Regional Medical Center in Fort Madison, Iowa.



TINKLENBERG

Belva was born on June 30, 1938, in Basco, Illinois, the daughter of Anthony Preston and Ida Arabella (Burnett) Rohrbough. On September 7, 1956, she was united in marriage to Charles "Chuck" Tinklenberg. After sixty-four years of marriage, he preceded her in death on April 13, 2021.

Belva graduated from Central High School in Kalamazoo, Michigan, in 1956, went on to work at National Gypsum and retired from Cato Group, LLC, both in Kalamazoo. She enjoyed spending her free time reading, croqueting, gambling, and flowers, and would have a glass of wine (or two) at the end of the day. She was known for her quick wit and infectious laugh, and her sense of humor was unmatched. She loved the small children in her family and loved to travel, visiting all fifty states. Belva also had a large collection of elephants.

Belva is survived by two brothers-in-law: Ryan Tinklenberg and Loren Tinklenberg, both of Kalamazoo; two sisters-in-law: Clarissa (Dick) Hanson of Richland, Michigan, and Barb Tinklenberg of Kalamazoo; and numerous nieces, nephews, cousins and family. She loved all of her nieces, young and old.

Belva is preceded in death by her husband Chuck; her son Kevin; five siblings: Ralph, Ted, Wayne, Maxine and Mary Lou; and many brothers-in-law and sisters-in-law.

Funeral services will be held at 6 pm on Friday, December 16, 2022, at Printy Funeral Home in Warsaw. Visitation will be held at the funeral home on Friday from 5 to 6 pm directly before the service.

Memorials may be directed to the Kalamazoo Gospel Mission or St. Jude Children's Research Hospital.

Tributes and condolences may be left at [www.printyfuneralhome.com](http://www.printyfuneralhome.com).

Printy Funeral Home of Warsaw is in charge of arrangements.

#### 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/For the Record

## OBITUARIES

### DONALD A. STECHER

Donald Albert Stecher, 94, of Keokuk, IA died Monday, December 12, 2022 at River Hills Village in Keokuk.

He was born September 10, 1928 in St. Paul, MN the son of Christian and Myrtle Connors Stecher.



STECHER

Donald graduated from Harding High School in St. Paul, MN with the class of 1946.

Donald began his banking career at Capital City State Bank in St. Paul, MN as a teller and rose to Vice President, retiring at the age of forty-nine. He then became a licensed stock broker for Payne Weber/UBS until his retirement at age seventy-eight.

Donald had served on the Board of the Saint Paul Winter Carnival for many years and he also volunteered at the YMCA with the youth programs.

Donald loved traveling and camping and never missed an opportunity to take off on an adventure. He enjoyed music and sang in a barbershop quartet and was a wonderful tenor. He also enjoyed playing the piano, all by ear. Most of all, Donald loved life and loved to have fun.

He is survived by two sons, Jim Stecher (Irene) of Poinciana, FL and Glenn Stecher of St. Paul, MN and one daughter, Joyce Carlson (Don) of Keokuk, two grandchildren, Kris Johnson and Lee Carlson and four great-grandchildren, Carlee and Connor Heinze and Cassidy and Gage Carlson.

He was preceded in death by his parents.

According to his wishes, there will be no services.

Memorials may be made to River Hills Village.

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

## For the Record

### Fort Madison Police Report

12/13/22 - 7:47 a.m. - Fort Madison police responded to a report of a property damage accident at the intersection of 20th Street and Avenue I.

### Lee County Sheriff Report

12/12/22 - 10:39 p.m. - Lee County sheriff deputies arrested Christ Othalee Osborn Bey, 39, of Burlington, in the 1600 block of Green Bay Road, Wever, on a warrant for voluntary absence from custody and a judgment hold warrant. He was taken to Lee County Jail.

12/13/22 - 12:11 a.m. - Lee County sheriff deputies arrested Eric Collin Foster, 21, of Georgia, in the 1600 block of Hwy. 2, Donnellson, on charges of eluding - speed 25 over limit, speeding, and failure to obey stop sign/yield row. He was taken to Lee County Jail.

**Fort Madison Fire & Rescue Report**  
12/10/22 - Fort Madison Firefighters responded to three medical calls and one false alarm

12/10/22 - Fort Madison Firefighters responded to one lift assist and one medical call and one burn com-

plaint and one fire alarm.

12/10/22 - Fort Madison Firefighters responded to five medical calls.

*Those listed above are arrested on suspicion of a charge and are presumed innocent until proven guilty in a court of law.*

# County property rolled into eminent domain case

**NUSTAR** - Continued from Page 1

One of the parcels belongs to Margaret Strunk and Coette Gida, 2840 County Rd. 103. The other belongs to Hayes Menke of Mt. Prospect, Illinois and is in the 1700 block of 330th Avenue.

The pipeline will run 13.7 miles to connect to Iowa Fertilizer Co. and all the construction will take place in Lee County, along the north side of the bypass out to the fertilizer plant.

Purgason said NuStar emailed the county to let them know the company's position. But he said NuStar has no plans to condemn any rights of the county, they just were required by Iowa code to notify the county.

"We were required by law to notify the county of the intent to acquire the property via eminent domain if necessary, but we do intend to follow all county processes to build the pipeline," Purgason said.

Supervisor Garry Seyb said he spoke with Lee County Engineer Ben Hull and he said there was no issue from the county's perspective as far as county-owned property.

Seyb asked how many property owners agreed to voluntary easements.

Purgason said 91% of the easements have been acquired voluntarily. The two landowners represent about eight parcels, whereas 81 parcels have been secured.

Supervisor Ron Fedler said the landowners he's spoken with have not had any opposition.

Fedler said he's also heard that the plant is only operating the anhydrous production at about 65% because they can't move it fast enough, and the pipeline will help them increase that production.

Fedler said the county should authorize Hull to move ahead with county issues so the county isn't holding up the project. The authorization will likely be added to next Monday's agenda.

Anyone can file an objection to the eminent domain, or condemnation, request on the Iowa Utility Board's website under docket HLP-2021-0002.

A hearing has been set for 1 p.m. on Jan. 9, 2023 at the Quality Inn and Suites in Fort Madison on the condemnation requests.

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# ACLU involved in case headed to supreme court

**EVANS** - Continued from Page 1

any business that has an expressive service can put up a sign that says ‘Women Not Served, Jews Not Served, Black People Not Served,’ and claim a First Amendment right to do so.”

He added, “I don’t think any of us want to live in that world, and I don’t think the First Amendment requires us to live in that world.”

In a “friend of the court” brief to the Supreme Court, the ACLU defended Colorado’s anti-discrimination law. Cole described the contours of the potential slippery slope this way: “If 303 Creative is correct, could a bakery that opposed celebrating black families refuse to sell a birthday cake to a black mother? Could an architecture firm that serves the public refuse to design homes for Muslims because it opposes their religion? Could a test preparation business that objected to the number of Asians in elite colleges turn away Asian students? Could a restaurateur opposed to ‘mixed marriage’ put up a sign in its window saying ‘No inter-racial or inter-faith couples served?’”

The creative process involved in building websites does not excuse Lorie Smith from complying with the Colorado law. Likewise, other businesses with “expressive” goods and services are not allowed to discriminate in their sales to the public, either — not theaters, jewelry design shops, hair salons, interior decorators, landscape design companies or similar businesses.

And therein is the problem Smith creates by asserting that her First Amendment, free-speech right allows her to refuse to serve certain customers who knock on the door of her design business. Colorado’s anti-discrimination law does not require her to post signs in support of same-sex marriage. It only requires her to build websites for all couples planning weddings, regardless of a couple’s gender or race.

Every state has similar anti-discrimination laws. In some states, these were a product of the turbulent 1950s and 1960s, when blacks were prohibited from attending schools with white students and when blacks could not sit in certain bus seats or eat at certain lunch counter seats. They could not use “Whites Only” drinking fountains or rest rooms.

By opening the door for businesses to serve some customers, but refuse others, the Supreme Court has the potential to take us back to those terrible times of government-sanctioned discrimination.

The ACLU legal brief illustrates the dilemma facing the Supreme Court by pointing to famed portrait photographer Annie Leibovitz. She does not offer her photo services to the public at large. Instead, she picks and chooses her subjects.

By contrast, JCPenney Portrait Studios welcomes any member of the public to sit for portraits. But the studios cannot refuse to take photos of customers because they are female or male, Jewish or Catholic, black or Asian, heterosexual or gay.

The brief offers another example to help the justices grasp the issue. Under the Colorado law, a store that sells Christmas ornaments need not sell Hanukkah products. But such a store could not refuse to sell its Christmas ornaments to Jewish customers.

The ACLU said 303 Creative cannot get around the law’s requirement by describing its service as “website design for opposite-sex weddings” — just as it could not offer “website design for white people’s weddings.”

The ACLU added, “If a business has to know who a service is for to decide whether to sell it, its decision is not about the content of the product, but about the identity of the customer.”

That goes against what is right and proper.

Randy Evans editorial appears regularly in Pen City Current. He can be reached at [DMRevs2810@gmail.com](mailto:DMRevs2810@gmail.com).

## Governor bans TikTok on state devices

DES MOINES -- Today, Governor Kim Reynolds issued a directive to the Iowa Department of Management’s Office of the Chief Information Officer to ban TikTok on all state-owned devices and prohibit state agencies from subscribing to or owning a TikTok account.

“It is clear that TikTok represents a national security risk to our country and I refuse to subject the citizens of Iowa to that risk,” said Gov. Reynolds. “They trust us with their personal and confidential information and we will take every step possible to protect it, including from the Chinese government. The safety of Iowans is my number one priority and that includes their cybersecurity.”

Governor Reynolds’ directive joins several other governors across the United States that have also banned the use of TikTok on any state-owned devices due to security concerns with the Chinese-owned social media platform.

The Governor’s directive goes into effect immediately.

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Tuesday, December 13  
Tater Tot Casserole, Green Beans

Wednesday, December 14  
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Thursday, December 15  
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Friday, December 16  
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**PUBLIC NOTICES**

**PUBLIC NOTICE AGENDA FORT MADISON PUBLIC LIBRARY BOARD OF TRUSTEES Thursday, December 15, 2022 5:00 P.M. \***

**Sheaffer Meeting Room and Online**

**\*Please note time change**

- I. Approval of Agenda
  - II. Approval of minutes
  - III. Approval of the Bills
  - IV. Director's Report
  - V. New Business
    - a. 2023/2024 Budget Discussion follow-up
- Next Meeting January 19, 2022

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**PUBLIC NOTICE AGENDA KEOKUK CITY COUNCIL MEETING December 15, 2022 5:30 P.M.**

- 1. Call to Order.
- 2. Pledge of Allegiance.
- 3. Roll Call.
- 4. Mayor's Correspondence:
- 5. Citizen's Request.
- 6. Consent Agenda.
  - Minutes of the Regular City Council meeting of December 1, 2022;
  - Cash Receipts & Treasurer's Report for November, 2022;
  - Resolution approving a Liquor License for Jax's Place, 118 S. 5th Street, Class C Retail Alcohol License – effective immediately (pending fire

- inspection & dram);
  - Resolution approving a Liquor License for Rasca's Pub & Grub, Inc., 820 Main Street, Class C Liquor License with Outdoor Service – effective January 2, 2023;
  - Resolution approving a Liquor License for Hy-Vee Food Store, 3111 Main Street, Class E Liquor License with Sunday Service – effective January 2, 2023;
  - Motion to pay bills and transfers listed in Register No.'s 5312-5314;
- 7. (a) Now is the time and place for a public hearing on for the vacation and disposal of the remaining portion of the alley right of way in Block 5, Kilbourne Addition, City of Keokuk, Lee County

- Iowa. A public hearing notice was published in the Daily Gate City on December 6, 2022.
  - (b) Consider resolution vacate and convey to abutting property owners a 20' x 150.47' portion of the alley in Block 5, Kilbourne Addition, City of Keokuk, Lee County, Iowa.
- 8. Motion to approve the third/final reading of an amended Ordinance amending the code of Ordinances of the City of Keokuk, Iowa, by modifying provisions of Ordinance No. 2018, the City of Keokuk Electric Franchise, relating to franchise fees
- 9. Motion to approve third/final reading of Ordinance establishing a vacant property registry code.

- 10. Consider resolution appointing Chief of Police and setting salary.
- 11. Consider resolution approving bid for Wastewater Treatment Plant digester cleaning.
- 12. Consider resolution fixing date for a meeting on the authorization of a loan agreement and the issuance of not to exceed \$5,000,000 general obligation capital loan notes of the City of Keokuk, State of Iowa (for essential corporate purposes), and providing for publication of notice.
- 13. Consider resolution awarding the five-year Keokuk Municipal Airport Improvement Program.
- 14. Consider resolution appointing Public Works Director and setting salary.
- 15. Boards & Commissions:
  - 16. Council Liaison Reports:
  - 17. Staff Reports:
  - 18. New Business:
  - 19. Closed Session Pursuant to the Iowa Open Meeting Law Code of Iowa Sec. 21.5 (i)
- To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session
- 20. Adjourn Meeting.

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Apply at City Hall, 811 Avenue E, Fort Madison, IA or email applications to [jcul-len@fortmadison-ia.com](mailto:jcul-len@fortmadison-ia.com) by Friday, December 16th, 2022.



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  - 2. Valid Iowa driver's license
  - 3. Obtain a Grade II Water Treatment License in the State of Iowa
  - 4. Ability to perform basic laboratory analyses

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# Sports

# Falcons roll Central Lee to send Hawks to 0-5

**HAWKS:** Wyrick leads Hawks with 11 points as Central Lee still looking for first win of the year

BY CHUCK VANDENBERG  
PCC EDITOR

DONNELSON - Central Lee's athleticism has yet to show up for a full basketball game, but Head Coach Kritter Hayes said when it does, it will be a game changer.

The Hawks had moments but nothing sustained in Tuesday's 74-36 loss to West Burlington in a SEI Superconference matchup at the Hawks' gym.

Central Lee didn't score a point until there was 3:20 left in the first quarter. In the meantime, the Falcons had opened a 17-0 lead and would never look back.

Sophomore Brayden Wyrick scored Central Lee's only points in a 28-5 first quarter. Wyrick was playing over the West Burlington interior, but couldn't get much going early, missing his first four shots from the field.

Wyrick would finish with 11 points to lead Central Lee.

The Hawks were a chilly 8-of-24 in the first half, while West Burlington went 24-34 and opened up a 51-18 lead at halftime.

"We're fighting hard, I know that. The guys are pressing a little too much. The guys get in the half court and they press," Hayes said.

"They know what they want to achieve and what I want for them. We're all pressing a bit and we need to take a step back."

The 33-point lead would put the running clock on



Photos by Chuck Vandenberg/PCC

Kegan Damico goes up for a shot in the third quarter of Tuesday night's loss to West Burlington. Damico finished with eight points in the loss.



Photos by Chuck Vandenberg/PCC

The Hawks' Chase Johnson drives the lane in the second half Tuesday night. Central Lee lost 74-36 to the Falcons at Central Lee to fall to 0-5 on the year.

for most of the second half.

The Hawks didn't have much of an answer for West Burlington's Brady Martin who led all scorers with 22 on the night, including six from 3-point land. He had 16 in the first half.

One of the few bright spots in the later moments was when Keagan Damico hit a couple of three pointers to cut into the lead late, but the Falcons had emptied the bench at that point.

Damico finished with eight points while Aiden Ross, Corbin Pohren, and Cory Jones all had four points for the Hawks. Wyrick and Jones shared the rebounding lead with five each.

Hayes said the Hawks need to find a way to be in games earlier.

"We are behind right from the get go and it takes so much energy to fight out of that. If they can learn to manage that better or I call a time out sooner that might help, but the guys have to manage that and get control," Hayes said.

"When we do break the pressure and we get into the half court, we have to run our stuff because it's good when we execute it."

Hayes said an extended post-game conference with the boys was about emotion.

"I get emotional and fired up because I want them to have success. We long for it and I told them to keep their heads down and fight for it because when that time comes, it will be contagious for us."

The Hawks fall to 0-5 overall and 0-4 in the SEI Superconference. They host 3-2 Danville Friday before playing at Keokuk High School in the River Rivalry Classic on Saturday.

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