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Supervisors approve petition to intervene in Summit application

By MICHAEL TIDEMANN

The Emmet County Board of Supervisors at its Tuesday, Dec. 6 meeting reviewed and approved a petition to intervene in the Summit Carbon solutions, LLC permit application to the Iowa Utilities Board.

Joining the meeting were Emmet County landowners Mark Mitchell and Mike Mart. Public hearings on the county pipeline construction and hazardous liquids pipeline ordinances will be held 10 a.m. Dec. 13, 20 and 27 in the Emmet County Courthouse Boardroom.

Supervisor Lisa Hansen composed the letter to intervene in the Summit permit application. A separate letter will be required for Navigator Pipeline. Hansen said she had reviewed similar ordinances in Shelby, Hardin and Wright counties. She noted landowner Richard McKean had said letters should be directed specifically to each of the three members of the IUB.

Hansen suggested minor changes in the letter. She said Arnolds Park attorney Meghan Sloma had suggested attorney Timothy J. Whipple of Ahlers & Cooney, P.C., of Des Moines as an attorney for the county for the pipeline issue. Supervisor Tim Schumacher said he did not think the county would need Whipple just for the petition to intervene, but Board Chair Jeff Quastad suggested the county contact Whipple to see if he could also represent Emmet County.

After further review, the board approved the letter.

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The award-winning Affinity Quartet harmonized on several numbers. Members are Judy Wepiert (baritone), Gaylene Rolling (lead), Marcia Klingbeil (bass) and Mindy Jurgensen (tenor).

Photo by Amy H. Peterson

Concert, auction proceeds benefit Peterson Point

Inaugural fundraiser boasted sonorous sounds and Scandinavian delicacies

By AMY H. PETERSON
STAFF WRITER

Sunday afternoon, the board of Peterson Point offered a silent auction, a concert, and a traditional Scandinavian lunch at Ingham Lake Bible Camp to raise money to restore the original farmstead located one mile south of the camp in rural Wallingford. The event was Glaedelig Jul, the first ever benefit for Brugjeld Peterson historic Farmstead.

Glenn Henriksen hosted a two-hour concert with no program, just inviting the musicians present to come forward and share their gifts. Musicians

included Henriksen, Randy Nelson, Jackie Imsande, DeeAnn Bates, Marcia Klingbeil and Rhonda Hand as well as the Affinity Quartet.

Stacie Berg Nelson, Peterson Point Board president, said, "The music blossomed into the most beautiful concert imaginable. There were no programs, no formality, just a beautiful place in time where we caught a glimpse of the gifts these talented musicians were blessed with."

Berg Nelson said the silent auction was a great success with everything sold, and she

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Glenn Henriksen and Randy Nelson paired up for numerous Christmas carols during Sunday's concert.

Photo by Amy H. Peterson

VAN DER WILT SENTENCED TO TWO YEARS

Judge clarified conviction was for aggravated misdemeanor

By AMY H. PETERSON
STAFF WRITER

Cejay VanDerWilt, who was convicted of involuntary manslaughter in the October 2021 death of David McDowell, was transported to prison immediately after his Tuesday afternoon sentencing hearing. One of VanDerWilt's attorneys, Michael Adams, explained to VanDerWilt that while his mitimus (the order directing, in this case, the Emmet County Sheriff's Office, to take VanDerWilt immediately to the Medical and Classification Center in Oakdale) means he would be in prison right away, that in the 30 days allotted, he

could appeal his sentence and possibly be out of prison while awaiting appeal.

On Nov. 17, VanDerWilt's attorneys filed a motion for clarification of the offense VanDerWilt was actually convicted of. Iowa Code 707.5(1)a says involuntary manslaughter is a Class D felony when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape. Under subsection (1)b, involuntary manslaughter is an Aggravated Misdemeanor when the person unintentionally causes the death of another person by the commission of

an act in a manner likely to cause death or serious injury. Judge Duane Hoffmeyer ruled on the motion that the offense for which an Emmet County jury convicted VanDerWilt was subsection (1)b – the aggravated misdemeanor.

Judge Hoffmeyer sentenced VanDerWilt to the maximum sentence for an aggravated misdemeanor of two years. The judge gave credit for the 13 months VanDerWilt had served in the county jail. After his conviction of the lesser included offense, he bonded out Nov. 11, 2022.

David McDowell, 20, was *Turn to SENTENCE*, Page 3A

People power – CO2 pipeline conflict tightens

By AMY H. PETERSON
STAFF WRITER

Last Thursday at the latest public meeting about the Summit and Navigator carbon dioxide pipelines proposed for Emmet County, opposition leader Rich McKean said there was something for opponents of the pipeline to celebrate.

"As of today, the [Iowa Utilities Board] said Summit is doing so poorly on easements that they won't even schedule a hearing. That's a huge signal to their investors and projects on the ground," Rich McKean said.

Corporate money doesn't always win, and McKean said it may suffer a loss in this case.

"They may have more lawyers, more money, and a bigger PR team, but we have more people and that's where the power is," McKean said.

Summit Carbon Solutions filed its pipeline permit with the Iowa Utilities Board in February, 2022. Navigator Heartland Greenway filed its permit Oct. 25, 2022.

December 13 is an important



Dan Harvey of rural Gruver spoke about the dangers of a potential pipeline breach if CO2 was released into the air and spread to surrounding areas.

Photo by Amy H. Peterson

day for all landowners, Angela McKean said. Many issues in the pipeline discussion involve unsettled law. Carbon capture technology took at least a decade to scale to the point it could be accomplished and

moved out to underground storage tanks. On Dec. 13, Summit Carbon Solutions and the attorney representing the landowners will meet with the IUB in an effort to schedule

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A Madrigal welcome

Dennis and Sherry Gjerde of Estherville were welcomed to the Madrigal Feaste at Iowa Lakes Community College this past weekend. For more photos of the event, turn to Page 9A of today's Estherville News.

Photo by Michael Tidemann

College dean lands in Estherville after years of travel

Erin Latona says cross-country moves have provided perspective for new role

By AMY H. PETERSON
STAFF WRITER

Erin Latona started her job as dean of Iowa Lakes Community College's Estherville campus on July 18. As a community college graduate herself, she said she remains intrinsically motivated and believes even more fully in the community college model.

"It's really beneficial to develop a very wide scope in terms of my perspective and my approach to issues, and the college has been receptive to that," Latona said.

"I couldn't have gone to college without the ability to start at the community college. I remember when I transferred to university, the classes were smaller. The instructors knew who I was. I felt like things just shifted for me. I remember thinking to myself, 'If I ever

teach at the community college, I want to try to create that kind of experience for students there, to have people know them on an individual level,' Latona said.

The culture of teamwork at the college has impressed Latona so far. "We have had a very seasoned team for many years, and we have some new people as well and new positions. So it's a wonderful mix right now and I'm really enjoying working alongside others on the administrative team."

Latona said the process of applying to college and navigating young adulthood can be overwhelming.

Latona said a recent \$587,000 federal grant will allow the college to develop a Veterans center for excellence on the Estherville campus.

"Tim Ireland has become our full-time coordinator. Tim served 38 years in the military in two branches of the guard. He hired a new assistant

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Erin Latona, dean of the Estherville campus of Iowa Lakes Community College, takes a break next to Captain Jack, the college mascot, during finals week.

Photo by Amy H. Peterson

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SENTENCE, Continued from Page 1A

killed on a rural Emmet County road in the early morning hours of Oct. 2, 2021. Connor Uhde filed an Alford plea to aggravated kidnapping and attempted murder and has begun his sentence of up to 25 years. Brady Salberg was, according to court testimony, also in attendance at the scene and has not been charged in McDowell's death.

VanDerWilt's attorneys asked Judge Hoffmeyer to impose probation on their client. Adams said, "...the jury found Mr. VanDerWilt without malice, without ill will, without an intentional act, recklessly caused Mr. McDowell's death. I don't attempt to minimize this death. It is in federal law, the United States Supreme Court and the Iowa Supreme Court's ruling that young people act recklessly and impulsively and the jury found that that's what

occurred in this case." Adams also pointed out that the firearms expert, Agent Murillo, could not say from the physical evidence that the shotgun VanDerWilt owned was what killed McDowell, and the jury was not presented with the question of whether they believed the weapon recovered was the weapon used.

VanDerWilt waived his right to make a statement before sentence was imposed.

Two members of McDowell's family: his father, Teddy McDowell and his sister, Ramona Woody, presented their victim impact statements. Teddy's statement was read in court by victim-witness coordinator Michelle Howing.

In his statement, Teddy McDowell expressed his understanding that the courts fulfilled their role, and as he did in Uhde's sentencing, said he for-

gave those responsible for his son's death, stating, "We believe there is a God-given role for government to fulfill, enabling people to live peaceful and productive lives. This role includes penalties for those who bring harm to others, and this in turn benefits the country as a whole. However, we also want this young man responsible for this crime to know that we strongly believe in the power of forgiveness. We wish we could go back in time so that what happened on October 2, 2021 could be avoided. But we realize this is not possible. We want the young man who took this action to know that we have forgiven him solely on the basis of the undeserved grace and forgiveness we ourselves have received from Jesus Christ."

David McDowell's sister, Ramona, said her brother grew

up to be a healthy and strong man despite his difficulties, including being autistic.

"I can never see or hear my brother, Mr. VanDerWilt. Your family can still come see you and give you hugs and now that you're still around. I don't ever want anyone else to go through what I'm experiencing now. It's hard to put into words how this has affected my life and the rest of my family's life...You killed my brother. My parents lost their firstborn son. My grandparents lost their first grandson. By killing David, you took so much of us. You took my best friend," Woody said.

Woody expressed her gratitude and appreciation to the community of Estherville, to the state's attorneys for fighting for the McDowells regardless of the outcome.

Judge Hoffmeyer said after

considering the sentence that would provide the maximum opportunity for rehabilitation, that would protect the community, considering VanDerWilt's youthful age, his limited juvenile record, and the nature of his offense, he would impose the minimum fine of \$855 plus a 15% surcharge, and deny the request for probation.

VanDerWilt's sentence is for an indeterminate term of up to two years.

"There are occasions where with his record, a defendant certainly was well within their means in asking for the court to consider probation, but I also have to look at the offense of which the defendant was found guilty, and I can only consider the offense of which the defendant was found guilty, not the offense of which he was charged," Judge Hoffmeyer said.

The judge acknowledged that the evidence and testimony in the case was disjointed. "I don't envy the jury in trying to sort out some of these stories and conflicting stories, but the fact is we have these young men on a county road where David McDowell met his death and this degree of recklessness I've not seen," Judge Hoffmeyer said.

Hoffmeyer also stated VanDerWilt could become eligible for parole before the sentence is discharged through statutory earned time, work credits and other factors. VanDerWilt must also pay crime victim assistance payments, court costs, and the cost of his court-appointed attorney fees, which was \$8,892. VanDerWilt's attorneys, Adams and Jill Eimermann of Des Moines, applied for certification to have their fees

covered by the state. Judge Hoffmeyer said, "I will find and conclude that the defendant has the partial ability to pay and that a maximum of \$5,000 be paid toward this category of the restitution amounts...I have considered that the defendant has the ability to do so, anticipate that he will be employed."

The judge also indicated that VanDerWilt may need help in money management after his release due to the fact that he spent over \$100,000 within a year that had been held in trust for him, chiefly from social security survivor's benefits from the time he was five years old.

"I think this will help give him some structure that he will need in his life," Judge Hoffmeyer said.

The judge told VanDerWilt he hoped the sentence would help him make different decisions.

"I always hope our goal is that we never see you again. I know there are certainly people that are disappointed in the outcome of this trial and the death that happened from this, but the sentence is imposed simply to give you an opportunity for additional reflection," Judge Hoffmeyer said.

The judge also indicated that if VanDerWilt concluded that some of the individuals he ran around with were not the best individuals and some of his father's advice to him may have reflected the wiser course, he was already on the right track in his rehabilitation.

About a dozen friends and family members of VanDerWilt attended the sentencing. After the hearing was adjourned, VanDerWilt's younger brother, Kenny, moved to the front row next to embrace their father in a side hug.

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hearings over Summit's permit application.

Angela McKean said there are two key issues to be discussed at the Dec. 13 hearing. One issue deals with Summit's requirements to ensure public safety.

"The first [issue] is a federal preemption. The Iowa Utilities Board asked Summit to share the data for their emergency response plan. Summit pushed back and said that the federal government is the only entity with jurisdiction over safety. The lawyers are all going to argue over whether or not the State of Iowa has jurisdiction over safety and whether or not they can request additional items," Angela McKean said.

Among those who will be heard are Brian Jordi, attorney for Domina, who's representing the landowners, the Sierra Club of Iowa, Farm Bureau, and representatives from several counties on Summit's pipeline route.

Eleven landowners who have been contacted by Summit Carbon Solutions have not

signed easements for their land, according to the latest Schedule H map filed with the IUB. Schedule H is a map of land parcels belonging to landowners who have not filed voluntary easements.

"There's too many parcels of land that haven't signed an easement, and they won't proceed with the hearing, but that is what Summit and the IUB will discuss at the scheduling conference December 13," Angela McKean said.

Mark Soeth, who grew up south of Gruver, spoke at the meeting. Soeth is an engineer who has also worked on corporate finance. Soeth now lives in North Carolina.

Soeth said laying pipe under Iowa soil in Iowa's wide range of soil temperatures will create condensation. When the water condenses inside the pipe, the water combined with the CO2 will create carbonic acid, Soeth said.

"That's the stuff in high school chemistry that they used to dissolve a nail. It's a tricky reaction. It depends on tem-

perature, water vapor, and other factors," Soeth said.

From an engineering perspective, Soeth said, "All systems fail." From a perspective of working with consultants in corporate finance, Soeth said, "The consultant comes in and already knows the answer you want, so they're going to give you that answer...any information we get from the carbon pipeline places is probably true, but it's a sin of omission or it's cherry-picking whatever answer we're supposed to get."

Soeth said, "This is a friendly conversation, but [the pipeline company representatives] don't care about you. They don't care about right and wrong. They care about the law and doing everything they can within the law. This is just a piece of law."

Rich McKean discussed the pipeline representatives' presentation.

"I didn't want them in my house, so I gave them an address in Estherville; it just so happened the address was my attorney's office," McKean said.

"The consultant comes in and already knows the answer you want, so they're going to give you that answer...any information we get from the carbon pipeline places is probably true, but it's a sin of omission or it's cherry-picking whatever answer we're supposed to get."

—Mark Soeth

With his attorney and family members, McKean said he noted that while the presentation seemed simple, there were several items in the proposed easement agreement that were problematic, including, "The pipeline company will repair any damage to the property caused by its entry unless the repair of such damage would be impractical," McKean said.

Other issues include that the agreement for one easement actually incorporates four easements. If a landowner's property includes the site of a valve, McKean said there are extra acres the company will purchase to place the valve, and once that easement is grant-

ed, the landowner cannot drill or operate a well, access their mineral rights, plant trees or make any improvements that include that land. The companies' payment agreements are based on a 50 foot strip, but the easement may allow them to take over a 40-acre plot, McKean said.

McKean listed several requirements he would have to potentially grant any easement: the ability for himself and his tenant to fly drones over the entire property to check on crops.

McKean also urged landowners to consider if the project was abandoned.

"The landowner should reserve the right to determine

if the pipeline will really be removed or left in place...If it gets to the point of abandonment, you're going to be dealing with a bankrupt corporation that doesn't have any money and doesn't want to spend any money," McKean said.

A longtime tiler, McKean said, "I just want the right to make that decision at the time. If they come in after it's abandoned, they will destroy every bit of tile system that I've got out there and it'll be totally my costs out of my pocket to replace it," McKean said.

Dan Harvey of Gruver stated that Heartland Navigator's first offer on his property was \$13,612.31 per acre, but the offer has increased to \$20,000. Harvey, a Gruver volunteer firefighter, said there's a great deal of uncertainty about how the companies would be accountable for public safety should a pipe burst.

The Estherville News will have continuing coverage of the pipeline issue and what it will mean for Emmet County.

BENEFIT, Continued from Page 1A

felt the joy in the audience consuming the great Scandinavian food prepared by Jeanne Handeland and Lisa Hansen. Marcia Klingbeil, Rhonda Hand, Bev Brix, Kathy Graves and others donated food.

Berg Nelson was also grateful to everyone who attended, gave a free will offering or cash donation, and who purchased auction items.

"Without your support for our project, we would not have been so fortunate in our efforts," Berg Nelson said.

Interim directors of the bible camp, Pastor Renae and Brian Behrends, ran the sound and tech for the concerts. Renae Behrends told the Estherville News, "We are very excited to host the inaugural fundraiser for our neighbor, Peterson Point, and to partner with them in the future. It's exciting to know that many of the neighboring families of Ingham Lake grew up at our camp. With our new chapel, we have a lot of opportunities to reach out to our community."

Berg Nelson announced July 29, 2023 as the date a group from Norway who will travel to Wisconsin for Nordic Fest is planning to visit Peterson Point. Berg Nelson said the board and volunteers plan a day of hospitality for the guests with an old fashioned Iowa picnic and music.

Last week, Steve Wilke-Shapiro of Sequel Architecture in Des Moines provided the State Historical Society's required field service consulta-



DeeAnn Bates performed what she described as her favorite song, "Christmas Hallelujah," which is Leonard Cohen's "Hallelujah" set to Christmas lyrics.

Photo by Amy H. Peterson

tion.

Berg Nelson said, "We are so blessed to have someone with such extensive experience and incredible knowledge spearheading this [project]." The architect will eventually go through each building to make a list of which repairs must be done immediately and which can wait.

Saturday from 1-4 p.m., Peterson Point will host Christmas on the Farm with wagon and sleigh rides, more Scandinavian treats, folk art demonstrations and Christmas songs in the parlor with \$5/person or \$20/family admission.

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Lorenzia "Lo" Henderson, a Marine and Army Veteran, and they'll be assisting our Veteran students in pursuing scholarship opportunities," Latona said.

A number of Veterans pursue post-service education at Iowa Lakes due to the aviation program.

"Because of the grant, we can purchase aviation headsets to loan them while they're in our program. We can do the same with computer equipment, iPads, and other supplies, which will save them thousands of dollars," Latona said.

Veteran students will also benefit from coordinated services from academic and success support, financial resources, and also social support, encouragement, and access to activities to benefit their physical health.

"We're really just trying to support the most students; it

can be a vulnerable population," Latona said - and she has first-hand experience with the military population.

"I know that this generation has been impacted by combat; it impacted my family, and we're really trying to address that at Iowa Lakes by providing the support that they need," Latona said. Latona was married to a military pilot and worked for more than 10 years with active-duty soldiers and Veterans in previous community college instructional and leadership roles at Ft. Hood, Texas, Joint Base Lewis-McChord in Washington, and in Irvine, California.

"I've lived pretty much everywhere but the East Coast," Latona said. "Those experiences have been beneficial in developing a wise scope in terms of my perspective and my approach to issues, and Iowa Lakes has been receptive to

that perspective, Latona said.

Latona's older son, Jacob, 28, is a web developer. Gavin, the younger brother, is a senior at Creighton University in Omaha, majoring in pre-med and neuroscience.

"I'm very proud of both of them and they're wonderful, wonderful young men. So I wanted to give them a little plug - I'm just grateful to be here," Latona said.

"I always have my door open. I'm always kind of walking around saying hello to students. I want them to feel comfortable; it's important to me that students have a good experience not only academically but also on the human level," Latona said.

That human level is a major feature of concurrent enrollment at Iowa Lakes and across the community college system.

High school students taking college courses comprise a major share of community college students now, according to the state's enrollment report.

"I think there are parts of transitioning to college that are really tricky, and I think the community college has them in college, but not learning those hard lessons in that big-school environment. Here we try to do a little more scaffolding because we know it's a transitory period. With community college being open-access, we know that we're dealing with all levels of aptitude, and we're prepared to deal with what we come across," Latona said.

Latona was a brand new Iowa Lakes dean when she took the stage at fall orientation. "The one piece of advice I gave students was, 'don't be afraid to ask questions and don't be

afraid to ask for help."

Latona said one of her latest projects was working with Kyle Norris, new dean of the Emmetsburg campus, on updating and modernizing the college's academic programs and making them consistent across campuses.

Latona said one thing that surprised her about Iowa Lakes when she visited was how much it feels like a four-year, residential college.

"It feels like a four-year college with dorms, sports teams,

great vocal music and bands, activities going on all the time," Latona said.

Latona, however, is a commuter for now.

"Just before I was hired here, I moved from Spencer to Ashton to be closer to [her former job at Northwest Iowa Community College in Sheldon]. So I have a lease in Ashton, but I look forward to being in Estherville," Latona said, adding that the drive is not bad traveling north, and then east on Highway 9.

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