

## POLICE & COURTS

### Cherokee woman gets short jail, probation sentences for drunk driving with children

A judge agreed to dismiss two charges of child endangerment against a Cherokee woman but sentenced her to two days in jail and a year probation after she pleaded guilty to driving while intoxicated.

Cherokee County District Associate Judge Kristi Busse handed down the sentence to Kasondra Drefke, 51, in an order April 27. Judge Busse ordered Drefke to serve two days of a 30-day jail sentence and enroll in a course for drinking drivers, according to the filing.

Drefke pleaded guilty to first-offense operating while under the influence, a serious misdemeanor, on April 11, according to a filing from her attorney, Maura Goaley of Council Bluffs.

Drefke was also charged with two counts of child endangerment with substantial risk, aggravated misdemeanors, according to trial information filed by Judge Busse in December. But Judge Busse later agreed to dismiss the charges in exchange for Drefke's guilty plea for operating while intoxicated.

Around 7 p.m. on Dec. 10, Cherokee police received a report that Drefke's red 2013 Ford Fusion was "running into the curb and possibly an intoxicated driver," according to an affidavit. An officer stopped Drefke's vehicle in a parking lot near the intersection of East Cedar and Union Street.

Drefke allegedly exhibited a "strong odor of an alcoholic beverage coming from her person, slurred speech and poor balance." She reportedly failed field sobriety tests and refused a preliminary breathalyzer test, according to the affidavit filed in district court. Drefke consented to datamas-

ter testing which reportedly showed a blood alcohol content of .210. She was allegedly driving with two 12-year-old children.

**Remsen woman charged for drunk driving with child**

A Remsen woman was arrested in Marcus for allegedly driving with her three-year-old child while intoxicated.

A Cherokee sheriff's deputy arrested Haley Pettit, 34, on April 25 and charged her with first-offense operating while intoxicated, a serious misdemeanor, and child endangerment, an aggravated misdemeanor, according to records filed in Cherokee County District Court.

District Associate Judge Kristi Busse scheduled a preliminary hearing for May 14 at 3 p.m.

On April 25, the deputy pulled over Pettit's 2006 Dodge Grand Caravan on D Avenue in Marcus for a reason unspecified in court documents. Pettit was allegedly driving with a three-year-old child while under the influence of alcohol, according to an affidavit filed by the sheriff's department. Pettit reportedly indicated a blood alcohol level of .111 during "chemical testing," according to the affidavit.

**CCUSO patient pleads guilty to assaulting employee**

An inmate at the Cherokee Civil Commitment Unit for Sex Offenders pleaded guilty to assaulting a staff member at the facility soon after he allegedly struck the employee in the leg during a restraint.

Terrance Dunn, 51, pleaded guilty to assault on persons in certain occupations, a serious misdemeanor, on April 30, according to a plea filed by Cassi Wigington of Cherokee. Magistrate Lisa Mazurek scheduled a preliminary hearing for May 8 but hasn't yet scheduled any plea-taking hearings.

On April 23, Dunn allegedly "struck" a CCUSO staff member in the leg and attempting to bite him while he

attempted to restrain Dunn, according to an affidavit filed by Cherokee police the next day. The employee reportedly initiated the restraint because Dunn "attempted to push through staff to strike (the employee) while making verbal threats," the affidavit alleges.

A Cherokee sheriff's deputy executed a warrant for Dunn's arrest April 7, according to district court records.

**Algona man ordered to \$8,900 court payment plan**

A judge dismissed a contempt of court charge against an Algona man who allegedly owes over \$8,900 to the Cherokee County District Court and instead ordered he abide by a payment plan until he fulfills his debt.

District Court Judge Shayne Mayer handed down the order to Donald Phipps, 47, on April 25. Judge Mayer has directed Phipps to pay the court \$50 every Friday until he pays off over \$8,900 in outstanding court debt stemming from two-year-old misdemeanor convictions, according to the order.

County Attorney Ryan Kolpin filed a charge of contempt of court against Phipps in early December, noting his debts and that he'd previously been ordered to another \$125-per-week payment plan, according to district court records.

In February 2024, Phipps pleaded guilty to second-offense methamphetamine possession, an aggravated misdemeanor. District Court Judge Andy Smith then sentenced Phipps to two years in formal probation in lieu of jail time, according to an order filed last year. Judge Smith dismissed an additional aggravated misdemeanor charge of third-degree criminal mischief.

In May 2023, Cherokee police arrested Phipps at the Cherokee Washington High School graduation for being "very belligerent and physically aggressive," according to an affidavit filed in district court.



The Washta Class of 1950. Below: Students organized a protest. In the lower right hand corner is Alyce. Her sister is to the left.



### POWELL: Only member left from Class of 1950

*Continued from page one*

forgotten, she remembers his name and that he was "following kids around."

There's good and bad to remember.

The school itself was destroyed, but River Valley Elementary School remains in Washta.

Alyce has been living in her own home for 10 years. She is grateful for help from her granddaughter, also blessed with beautiful red hair.

There won't be a reunion for the 75th year, but Alyce, excellent memory still intact, carries the banner proudly for what was once a close knit class.

## SUPERVISORS: Solar ordinance to be reviewed by county attorney

*Continued from page one*

sion meeting and supervisors meeting, in which public comments were an influential factor.

But Tuesday's meeting saw a noticeable absence of involved project developers and landowners.

Glienke highlighted the fact that the 1,320 foot setback from properties not involved in a project was kept in the ordinance, saying that such a requirement would "bring everybody to the table."

During their previous discussion, the zoning commission pushed for a quarter-mile setback from homes not involved in a project and claimed that such a requirement could be worked around with a waiver or an agreement between developers and neighbors.

"That 1,320 is in there to protect the people that have lived on that land for 40 to 50 years and don't want a solar panel across the road from the house," Glienke said. "It can be negotiated to put them right across from their house, this is to protect those people that have lived there for 50 years of their lives and don't want to look at them every day."

But project developers, such as those with the proposed Maple River Solar project, have said such a contingency could all but delay a project if even one landowner opposes a development.

Glienke also pointed to the Holliday Creek Solar Farm in Webster County that he toured late last month with fellow commissioner Lloyd Mattoon, claiming that the county's zoning administrator Jeffrey Johnson applauded the lengthy setback.

He further claimed that Johnson admitted that residents living near the Holliday

Creek project were allegedly "paid off" by developer MidAmerican Energy in persuasion to shorten the setback of the project.

The legitimacy of those claims are unclear.

Despite the general approval of the proposed ordinance, supervisor Shane Bellefy offered the only pushback to the guidelines like the quarter-mile setback.

His main note was that the setback proposed in the ordinance was significantly larger than those in other ordinances he has reviewed, which are anywhere between 50 feet and 150 feet.

"I think we've heard enough from the developer and that's definitely going to be a conflict in terms of what they're trying to accomplish here," Bellefy said of the current setback.

Supervisors Cheryl Ellis reminded Bellefy that this ordinance was to be put in place for all future solar developments in the county, not just the Maple River project.

But Bellefy continued, further citing concerns with the negotiation aspect of the setback.

"If you have a developer potentially negotiating the deal with the landowner before it comes to the supervisors table and money going across hand or maybe getting paid off to get those setbacks closer, that concerns me a little bit," he said, alluding to the claims from Glienke about the Holliday Creek project.

He suggested the county require documentation of those agreements, out of concern for landowner rights and to protect county citizens.

Bellefy also pushed for further review of the ordinance by a legal council outside of the county to ensure the final product was reasonable, to which Ellis quickly rebutted, saying that this ordinance was based on others that have been reviewed and approved by attorneys.

"There are other county attorneys who have signed off on something very similar and it has held up. I don't see any need to delay just to have an-

other attorney look at it," Ellis said.

Glienke then expressed frustration with Bellefy's suggestion, saying the idea overlooks the zoning commission and the time and effort they spent drafting the ordinance.

"So if you're asking for an outside legal council to write a zoning ordinance, what is the purpose of us? We spent a year on this," he said.

He continued in defense of the current ordinance, saying that the commission did their best to be fair and make the county open for solar developments.

"There's a lot of counties around here that don't even allow them in their counties. I felt like we were really fair with this and negotiated a long ways up on this," Glienke said.

He pointed to counties like Plymouth and Cerro Gordo that have much more restrictive guidelines.

"There's a lot of counties in the state that have kept them completely out," Glienke said.

Supervisor Dave Skou praised the zoning commission for the ordinance they presented.

"I think we need to support the zoning commission," Skou said. "We put them in that position and I think they've done a damn good job. And in my opinion, I don't see anything wrong with the way this ordinance is written."

The ordinance will likely be reviewed by Cherokee County Attorney Ryan Kolpin before the supervisors either vote to approve it or send it back to the writers room.

## MARCUS BANK: Seeks foreclosure on former Harley Davidson shop

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and Ammo.

The lone defendant remaining in the lawsuit is Bryan Lam, Winchell's longtime business partner who has denied the bank's claims. Lam has denied the bank's claims and has blamed Winchell for exceeding the scope of his authority by obtaining another loan against the building that's also in default.

"Any obligations of Lam under the guarantees is not enforceable, because there has been a cardinal change in the underlying obligation that fundamentally altered the contractual undertaking," reads a filing submitted in March by Andrew Graeve, a Des Moines attorney representing Lam. "There was a material alteration of the underlying debt without notice to Lam."

Last Monday, the bank requested a judgment against Lam.

"Bryan T. Lam has failed to

raise any issue of fact or law that would prevent entry of summary judgment in favor of (Farmers State Bank) in this cause of action," reads a filing Natwick submitted last week. Judge Mayer is expected to hear the bank's summary judgment request in a hearing May 12.

Lam has yet to respond to the bank's summary judgment request.

He sued Winchell to force the sale of the building in lieu of a sheriff's sale. He claimed his business partner is stonewalling him to prevent the sale of the building. Graeve asked for a judge to appoint a corporate receiver that would broker a sale.

But a judge has yet to hear that lawsuit. All involved parties haven't been served. Dan Meloy, the registered agent of the LLC that owns the building, was served in March. Winchell has yet to receive service, according to court records.

Winchell has stopped responding to the lawsuits in which he's named. His last response was an affidavit filed on behalf of Holzhauser Motors, which was resisting the dealership's shareholders' attempts to pry into his com-

pany email.

No other responses have been filed in months.

He can't be located for service by law enforcement.

Jill Davis, a Spencer attorney representing Cherokee State Bank, ran a notice in the Cherokee Chronicle Times as a means of serving Winchell of a lawsuit the Cherokee bank filed against him and his ex-wife Barbara.

"Personal service on defendant Daniel D. Winchell cannot be had in the State of Iowa," Davis wrote in a filing in February after the Cherokee County Sheriff failed to locate Winchell at his house on St. Andrews Drive after multiple attempts.

The notice ran. Judge Andy Smith then found him in default for not responding to the Cherokee Bank's lawsuit and ordered him to pay \$423,000 the bank claims it's owed.

Judge Mayer also found him in default in a separate lawsuit Deere & Company filed against him for failing to pay a loan that was issued for a mower.

Winchell couldn't be reached for comment for this story.

Graeve, Lam's attorney, declined comment.

## STRICKLAND: Now in custody of U.S. Marshals Service

*Continued from page one*

investigated." Strickland also allegedly admitted that the pornographic materials showed minors under the age of 12.

Strickland is now being

held under the custody of the U.S. Marshals Service until sentencing. U.S. District Court Judge Leonard Strand will adjudicate Strickland's sentencing, which has yet to be scheduled.

For each count, Strickland faces a possible \$250,000 fine and up to 20 years in prison, plus a minimum five years of supervised release.

The Cherokee Police Department reportedly aided the DCI in investigating Strick-

land. Assistant U.S. Attorney Kraig Hamit is prosecuting the case. Bradley Ryan Hansen and Phil Rose of the federal public defender's office were tabbed to represent Strickland.

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### Mother's Day Brunch

Sunday, May 11th 9 AM to 2 PM

Ages 13 & up- \$26.50 Kids 4-12- \$16.50 Toddlers (1-3)- \$6.50

#### Buffet Menu

Pancakes, Biscuits & Gravy, Scrambled Eggs, Omelet Bar, Bacon, Sausage Links, Country Potatoes, Fresh Fruit, Pancake Topping Station

Roasted Pork, Fried Chicken, Mashed Potatoes, Gravy, Green Beans, Salad Bar, Dessert Station

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