

**CLARKE COUNTY RESERVOIR COMMISSION**  
**Information Station**  
**Clarke County Development Office**  
**115 East Washington Street, Osceola, IA**  
**Thursday, August 7, 2008**  
**9:00 a.m.**

Sandy Kale, Chairperson	Osceola Water Board
Alternate Don Reasoner	Clarke County Board of Supervisors
Fred Diehl, Secretary	City of Osceola
Dan McIntosh, Treasurer	SIRWA
Rick Buesch	Clarke County Development Corporation
Frank Riley	Clarke County Conservation Board
Norm Lust	Clarke Soil & Water Conservation District
Scott Busick (arrived at 9:12 a.m.)	City of Murray
Harold Allen, Jr.	City of Woodburn
Anne Welker	Member at Large

Darlene Handrock	Landowner
Kathy Kelly	Landowner
Bill Mullins	Landowner
Kevin Sturtz	Landowner
Jeannie Crees	City of Murray
Don Reasoner	Clarke County Board of Supervisors
Anita Foland	Clarke County Conservation Board
Thomas B. Andersen, P.E.	Clarke County Engineer
Dave Beck	USDA NRCS – Des Moines
Daniel Shepherd	SIRWA
Marion James	James Law Firm
Judy Weese	Southern Iowa RC&D
Dennis Hilger	Southern Iowa RC&D/NRCS

- Not everyone who attended the meeting signed in.

**CALL MEETING TO ORDER**

Chairperson Sandy Kale called the Board of Directors’ meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:03 a.m. Eight (8) Commissioners and one alternate responded to roll call. Representative from City of Murray was absent.

**APPROVE AGENDA**

A motion to approve the agenda as written was made by Commissioner Dan McIntosh and seconded by Commissioner Fred Diehl. Motion carried with roll call vote:

Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Frank Riley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker and Alternate Don Reasoner.

Absent: City of Murray.

**APPROVE JULY 10, 2008 ANNUAL MEETING AND MONTHLY BUSINESS MEETING MINUTES**

Motion was made by Commissioner Norm Lust and seconded by Commissioner Harold Allen, Jr. to approve the July 10, 2008 Annual Meeting and monthly business meeting minutes as presented. Motion carried with roll call vote:

- Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh and Anne Welker.  
 Abstain: Commissioner Frank Riley and Alternate Don Reasoner.  
 Absent: Representative from City of Murray

**TREASURER'S REPORT**

**TREASURER'S REPORT  
 Clarke County Reservoir Commission  
 August 7, 2008**

<b><u>CHECKING ACCOUNT</u></b>		
<b>PREVIOUS BALANCE</b> (July 10, 2008)		<b>(\$6,105.59)</b>
<b>REVENUE RECEIVED</b>		
7/31/2008 Interest for July 2008	0.58	
<b>TOTAL REVENUE RECEIVED</b>		<b><u>0.58</u></b>
<b>CASH BALANCE</b>		<b><u>(\$6,105.01)</u></b>
<b>EXPENSES PRESENTED FOR PAYMENT</b>		
	<b><u>0.00</u></b>	
<b>TOTAL EXPENSES</b>		<b><u>\$ 0.00</u></b>
<b>ENDING BALANCE (August 7, 2008)</b>		<b>(\$6,105.01)</b>

Note: Invoices for FY 2009 contributions have been mailed to sponsoring organizations.

<b><u>SPECIAL ACCOUNT</u></b>		
<b>(Opened 7/26/2007)</b>		
<b>PREVIOUS BALANCE</b> (July 10, 2008)		<b>(\$12,335.42)</b>
<b>REVENUE RECEIVED</b>		
7/11/2008 Deposit (Casino Money) (checks mailed 7/11/2008)	12,335.42	
7/31/2008 No interest for July 2008	<u>0.00</u>	
<b>TOTAL REVENUE RECEIVED</b>		<b><u>\$12,335.42</u></b>
<b>CASH BALANCE (August 7, 2008)</b>		<b><u>\$ 0.00</u></b>
<b>EXPENSES PRESENTED FOR PAYMENT</b>		
8/7/2008 Ahlers & Cooney, P.C. – legal service June 23, 2008 – July 9, 2008	1,438.57	
8/7/2008 James Law Firm – legal service July 11, 2008 – August 5, 2008	<u>3,917.55</u>	
<b>TOTAL EXPENSES</b>		<b><u>\$ 5,356.12</u></b>
<b>ENDING BALANCE (August 7, 2008)</b>		<b>(\$5,356.12)</b>

Treasurer Dan McIntosh presented the Treasurer's Report. He noted that there would be a change starting with the next month's meeting in presenting the Treasurer's Report. The procedure has been that the commissioners receive a copy of the report and the report is reviewed/read by the Treasurer. The problem has been the audience did not have a copy of the report. Starting with the next meeting, a copy of the Treasurer's Report, stamped as "Draft Copy" will be available for the commissioners and the audience to review. This will save time in that the Treasurer will not read the reports at future meetings.

For the August report, Commissioner McIntosh explained that invoices for FY 2009 contributions (dues) had been mailed to sponsoring organizations. Upon receipt of the FY 2009 dues the negative balance of \$6,105.01 in the *Checking Account* would be eliminated. A request for Casino funds in the amount of \$5,356.12 for legal fees had been submitted and a deposit to the *Special Account* for that amount would be made the next day.

A motion to approve the Treasurer's report as presented was made by Commissioner Norm Lust and seconded by Commissioner Frank Riley. Motion carried on roll call vote:

Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Frank Riley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker, and Alternate Don Reasoner.

Absent: City of Murray

## **OLD BUSINESS**

### **REPORT ON INTERGOVERNMENTAL AGREEMENT FOR SALES TAX RECEIPTS**

Attorney Marion James reported that this item would have to be tabled. He had been conferring with Clarke County Attorney who had some questions on the agreement on behalf of the county. The City of Osceola also had some questions concerning the agreement and those questions had been resolved. Mr. James stated that the agreements can be complicated when various parties are involved. The county wants some additional language that would make the agreement more clear that, if the funds from tax receipts build up faster than anticipated, the money could be used to pay off bonds that had been issued, in advance of the payment schedule. He stated this item would have to be tabled until the wording is finalized.

Commissioner Scott Busick, representative for City of Murray, arrived at 9:12 a.m.

Attorney James explained that the agreement is very clear in that the tax receipts will go to one of two places. Tax receipts will go to the Clarke County Reservoir Commission (CCRC) directly and then as the (tax receipts) money is received under the new bond (referendum), the tax receipts will go to CCRC until bonds are issued. Then the tax receipts will be used to pay for the bonds. The language in the agreement will clarify the accelerated payment for the bonds. The only time the money will go to the county will be to pay off the bonds. There will be a second agreement to work out the terms of the bond issue.

Attorney James commented that the accounting will be set up to keep the funds (local option sales tax) received up to December 31, 2008 separate from the local option sales and services tax (LOSST) received after January 1, 2009, if the referendum passes. It was suggested the service provider set up the accounting to track the income and expenses for the two separate accounts. Mr. James indicated CCRC should confirm with a bonding attorney a checklist of authorized expenditures for each account. In the future there will be monthly reports explaining the income and expenses for all accounts.

**CONSIDER AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR CONDEMNATION/SHORT TERM FINANCING**

Attorney James explained the main purpose for the first amendment was to address ARTICLE IV *Acquisition of Property; Eminent Domain*. This clarifies that in the event eminent domain needs to be exercised for purpose of land acquisition, that can be done possibly by CCRC or done by member units of local government having the power of eminent domain, and in this case that would be primarily the county and/or the city. He stated that most likely the county board of supervisors would appoint an attorney to act on behalf of the county. The expense would be paid by CCRC. The litigation would be in the name of the county and carried out by CCRC.

Also the existing 28E intergovernmental agreement is not clear on the amendment process for the bylaws or for amendments to the 28E base agreement. The first amendment clarifies the intent of the intergovernmental agreement.

Motion was made by Commissioner Rick Buesch and seconded by Commissioner Dan McIntosh to accept the document as presented. Motion carried on roll call vote:

Ayes: Commissioners Scott Busick, Fred Diehl, Harold Allen, Jr., Frank Riley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker, and Alternate Don Reasoner.

Chairperson Kale passed out to each commissioner a packet containing the amendment (original document) along with 10 signature pages to be presented to each sponsoring organization for approval. Each sponsor would sign the ten (10) signature pages and return all signature pages to the SIRC&D office (service provider). The SIRC&D staff would then collate all the signature pages and return a complete original set to each sponsor.

**APPROVAL OF FY 2009 BUDGET**

It was noted that SIRWA, City of Murray, Clarke Soil and Water Conservation District, Clarke County Conservation Board, City of Osceola and Clarke County Board of Supervisors had approved the FY 2009 budget. The Osceola Water Board will consider the budget at its August meeting and the Clarke County Development Board will consider the budget at its next meeting. SIRC&D staff agreed to contact the City of Woodburn.

**NEW BUSINESS:**

**DETERMINE DEPOSITORY**

Treasurer Dan McIntosh reported that letters had been mailed to the three banks in Osceola to inquire about available banking services. After the letters were mailed, Mr. McIntosh received a form, *Soliciting for Bids for Banking Services*, which clarified the information that CCRC needed. He indicated that the form would be mailed to the three banks in Osceola requesting a reply by the next CCRC meeting.

**VENDOR CONTRACTS**

Chairperson Kale thanked Dennis Hilger for completing four of the five vendor contracts, which included contracts for the land acquisition coordinator, appraiser, review appraiser and the abstractor. The contracts are being reviewed and finalized by the land negotiation committee (Norm Lust, Jack Cooley and Harold Allen, Jr.).

Norm Lust reported that the advertising for the land acquisition coordinator was in place and the committee should have response from the ad in thirty days (30) to start the interview process.

**LOSST ELECTION COMMITTEE REPORT**

The SIRC&D staff reported that a summer employee had developed a poster for the LOSST (local options sales and services tax) election. The poster was being considered/reviewed by the LOSST committee.

**USDA NRCS UPDATE**

Dave Beck, Water Resources Planning Leader of USDA Natural Resources Conservation Service in Des Moines, reported that he could not at this time set a date for the open house/informational meeting.

He stated that flood relief funds have been released to NRCS from Congress, and NRCS had its allocation for technical assistance to do the work on flood recovery work. A vacancy announcement had been released to advertise for a full time position (coordinator) to assist the state office staff in the flood assessment duties. Mr. Beck plans to be back into his normal job duties by the first of November.

He stated that NRCS is making some progress in the project. He and Civil Engineer Mark McCurdy from NRCS in Des Moines met July 25 with Clarke County Supervisor Jack Cooley, Clarke County Engineer Thomas Andersen and with Bill Trickey on road issues/changes for the project.

A map concerning *Clarke County Water Supply Road Improvements* was distributed to the commissioners and to the audience. Mr. Beck explained the map and addressed questions from landowners.

Commissioner Dan McIntosh asked when CCRC should meet with the new State Conservationist Richard Sims. Mr. Beck stated that Mr. Sims had a very busy schedule and suggested that CCRC make an appointment to meet with Mr. Sims in Des Moines. Chairperson Kale asked Mr. Beck to schedule the meeting for CCRC, and also asked for the meeting to be scheduled in August if at all possible.

Chairperson Kale announced that the next meeting will be **Thursday, September 11, 2008 at 9:00 a.m.**

**SPONSOR REPORTS**

Commissioner Scott Busick, City of Murray, had nothing new to report.

Commissioner Fred Diehl, City of Osceola, had nothing new to report.

Commissioner Harold Allen, Jr., City of Woodburn, had nothing new to report.

Alternate Don Reasoner, Clarke County Board of Supervisors, had nothing new to report.

Commissioner Rick Buesch, Clarke County Development Board, had nothing new to report.

Frank Riley, Clarke County Conservation Board, had nothing to report.

Commissioner Norm Lust, Clarke Soil and Water Conservation District, reported Clarke SWCD had nothing new to report.

Commissioner Sandy Kale, Osceola Water Board, announced that she wanted the finance committee to meet after adjournment of the business meeting. She stated that Rick Buesch was also invited to attend the meeting.

Commissioner Dan McIntosh, SIRWA, reported that SIRWA was working on storm damage to the rural water system. The flood waters had caused washouts, and the system had 4,000 miles of water lines and 12,000 crossings to check.

Commissioner Anne Welker, Member at Large, had nothing to report.

**OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS**

No items were presented for discussion.

**OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD**

Attorney Marion James, Dave Beck and RC&D staff addressed questions presented by members in the audience.

**ADJOURN MEETING**

Upon motion made by Commissioner Rick Buesch, seconded by Commissioner Fred Diehl, the meeting was adjourned 10:00 a.m. Motion carried with a roll call vote:

Ayes: Commissioners Scott Busick, Fred Diehl, Harold Allen Jr., Rick Buesch, Norm Lust, Frank Riley, Sandy Kale, Dan McIntosh, Anne Welker and Alternate Don Reasoner

Fred Diehl  
Secretary

**THE NEXT REGULAR MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, September 11, 2008, 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE, 115 EAST WASHINGTON STREET, OSCEOLA, IA.**