

CLARKE COUNTY RESERVOIR COMMISSION
Information Station
(Clarke County Development Office)
115 East Washington Street
Osceola, IA
Thursday, February 12, 2009
9:00 a.m.

Sandy Kale, Chairperson (by phone)	Osceola Water Board
Jack Cooley, Vice Chairperson	Clarke County Supervisors
William A. Kelly*, substitute Alternate	City of Osceola
Dan McIntosh, Treasurer (left at 10:03 a.m.)	Southern Iowa Rural Water Association
Daniel Shepherd, Alternate (participated after 10:03 a.m.)	Southern Iowa Rural Water Association
Rick Buesch	Clarke County Development Board
Norm Lust	Clarke Soil & Water Conservation District
Harold Allen, Jr.	City of Woodburn
Anne Welker	Member at Large
Anita Foland, Alternate	Clarke County Conservation Board
Scott Busick	City of Murray
Mike Kelly	Landowner
Bob Anderson	Landowner
Jerry Webb	
Jeannie Crees	City of Murray
Bob Brown	Union County Board of Supervisor
Ed Stoll	Osceola Police Department
Martin Adkins	NRCS
Thomas B. Andersen, PE	Clarke County Engineer
Marion James, Attorney	Creston
Dennis Hilger	SIRC&D, Inc.
Judy Weese	SIRC&D, Inc.
Kathy Flam	SIRC&D, Inc.

*William A. Kelly was appointed and approved by the Osceola City Council February 10, 2009 to act as substitute Alternate for the City of Osceola due to the absence of Alternate Charles Morgan.

- Not everyone who attended the meeting signed in.

CALL MEETING TO ORDER

Vice Chairperson Jack Cooley called the meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:09 a.m. Seven Commissioners, one (1) Alternate and one (1) substitute Alternate responded to roll call. Commissioner Sandy Kale was present by telephone.

APPROVE AGENDA

A motion to approve the February 12, 2009 amended agenda as written and posted was made by Commissioner Dan McIntosh and seconded by Commissioner Anne Welker. Motion carried with a roll call vote.

Ayes: Commissioners Scott Busick, Harold Allen, Jr., Jack Cooley, Rick Buesch, Dan McIntosh, Anne Welker, Sandy Kale, Norm Lust, Alternate Anita Foland and substitute Alternate William A. Kelly

APPROVE JANUARY 8, 2009 MEETING MINUTES

Motion was made by Commissioner Norm Lust and seconded by Commissioner Harold Allen, Jr. to approve the January 8, 2009 meeting minutes. Motion carried with roll call vote.

Ayes: Commissioners Sandy Kale, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust and Anne Welker.
Abstain: Commissioners Dan McIntosh, Scott Busick, Alternate Anita Foland, and substitute Alternate William A. Kelly

APPROVE JANUARY 12, 2009 SPECIAL MEETING MINUTES

Motion was made by Commissioner Rick Buesch and seconded by Norm Lust to approve the January 12, 2009 meeting minutes. Motion carried with roll call vote.

Ayes: Commissioners Sandy Kale, Harold Allen, Jr., Jack Cooley, Norm Lust, Anne Welker, Scott Busick and Alternate Anita Foland.
Abstain: Commissioners Dan McIntosh, Rick Buesch and substitute Alternate William A. Kelly

TREASURER'S REPORT

**TREASURER'S REPORT
Clarke County Reservoir Commission
February 12, 2009**

<u>CHECKING ACCOUNT</u>	
PREVIOUS BALANCE (January 8, 2009)	\$15,280.84
REVENUE RECEIVED	
1/31/2009 Interest for January 2009	<u>8.17</u>
TOTAL REVENUE RECEIVED	<u>8.17</u>
CASH BALANCE	\$15,289.01
EXPENSES PRESENTED FOR PAYMENT	
1/8/2009 Clarke Co. Fairgrounds Event Center (deposit to reserve bldg) Ck. 1073	250.00
2/9/2009 Clarke Co. Pub – pub of 12/11/08 & 1/8/09 meetings Ck. 1074	120.02
2/9/2009 Ted Willets, CPA – FY 2008 review of financial statements Ck. 1075	<u>500.00</u>
TOTAL EXPENSES PRESENTED FOR PAYMENT	<u>870.02</u>
ENDING BALANCE (February 12, 2009)	\$14,418.99

SPECIAL ACCOUNT

(Opened 7/26/07)

PREVIOUS BALANCE (January 8, 2009)	\$25.17
REVENUE RECEIVED	
TOTAL REVENUE RECEIVED	<u>\$0.00</u>
CASH BALANCE (February 12, 2009)	\$25.17
EXPENSES PRESENTED FOR PAYMENT	
TOTAL EXPENSES	<u>\$0.00</u>
ENDING BALANCE (February 12, 2009)	\$25.17

LOSST 2008 CHECKING ACCOUNT

Account opened 10/9/2008

PREVIOUS BALANCE (January 8, 2009)	\$82,513.82
TOTAL REVENUE RECEIVED TO DATE	
01/08/2009 City of Osceola – 2008 LOSST receipts	67,561.18
01/31/2009 Interest for January 2009	92.68
02/12/2009 City of Osceola – 2008 LOSST receipts (2 checks)	135,122.36
02/12/2009 City of Woodburn – 2008 LOSST receipts (2 checks)	<u>5,858.98</u>
TOTAL REVENUE RECEIVED TO DATE	\$208,635.20
CASH BALANCE (Feb. 12, 2009)	<u>\$291,149.02</u>
EXPENSES PRESENTED FOR PAYMENT	
02/09/2009 James Law Firm- <i>legal services</i> (Ck#1008)	<u>4,087.59</u>
TOTAL EXPENSES	4,087.59
ENDING BALANCE (February 12, 2009)	<u>\$287,061.43</u>

Commissioner Dan McIntosh noted that copies of the Treasurers Report were available for the Commissioners and audience to review. A motion to approve the Treasurer’s Report and to pay the bills as presented was made by Commissioner Norm Lust and seconded by Commissioner Rick Buesch. Motion carried on a roll call vote.

- Ayes: Commissioners Dan McIntosh, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Anne Welker, Scott Busick, Alternate Anita Foland and substitute Alternate William A. Kelly
- Abstain: Commissioner Sandy Kale

OLD BUSINESS

MODIFICATIONS TO NRCS REIMBURSEMENT AGREEMENT

Commissioner Dan McIntosh passed out a modification of the NRCS Reimbursement Agreement. The time schedule on the back has been changed as well as some technical requirements, but nothing in the context of the agreement has been changed. Commissioner Dan McIntosh moved to accept the modified NRCS Reimbursement Agreement. Commissioner Harold Allen, Jr. seconded the motion. Motion carried with a roll call vote.

Ayes: Commissioners Dan McIntosh, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Anne Welker, Scott Busick, Sandy Kale, Alternate Anita Foland and substitute Alternate William A. Kelly

NRCS PUBLIC INFORMATION MEETING

Assistant State Conservationist Martin Adkins, Natural Resource Conservation Service (NRCS), reported that letters were mailed February 11, 2009 to all land owners and residents of the Squaw Creek Watershed inviting them to an open house for the Clarke County Water Supply Draft Watershed Plan and Environmental Impact Statement to be held at the Clarke County Fairgrounds on February 26, 2009 from 3:00 p.m. to 8:00 p.m. Notices have also been sent to the *Creston News Advertiser*, *Osceola Sentinel-Tribune* and *The Shopper*.

NEW BUSINESS

OPERATION/MAINTENANCE OF 3-MILE/LITTLE RIVER LAKES

Union County Board of Supervisor Bob Brown (who was Chairperson of the Three-Mile Lake Board) spoke to the Commissioners regarding two watershed issues: watershed control for flooding, erosion and water quality; and, ownership and maintenance of Three Mile Lake in Union County. Mr. Brown commended some of the key people, who helped complete Three Mile Reservoir: that included former Union County Conservation Director John Tapken (who was also the land negotiator), Three Mile Lake Attorney Marion James, SIRC&D Board and RC&D employees Dennis Hilger and Judy Weese. Upon completion of Three-Mile Lake, ownership and maintenance of the lake were turned over to the State of Iowa. Union County, acting through the Union County Conservation Board, agreed to manage the 300 plus acre Three Mile Recreation Area. The state manages the pool area and its fishery and 2000 plus acre open space lands surrounding the reservoir. The transfer from the Three Mile Agency to the State of Iowa was a special type of transfer (Transfer in Trust) which means that the State of Iowa can never sell Three Mile Lake or use it for private development. This arrangement has worked very well for the State of Iowa and Union County.

Decatur County Board of Supervisor J. R. Cornett spoke to the Commissioners on the management and maintenance of Little River Lake in Decatur County. Little River Lake is an 800 acre lake that was built twenty five years ago, with five original sponsors, and is owned by Decatur County and managed by the Decatur County Conservation Board. Decatur County has ownership of the lake but also has a contract with the State of Iowa in which the State of Iowa and Decatur County each control part of the lake. "With ownership of the Lake, comes control but also a lot of responsibility and expenses," Cornett noted. One of the expenses was rip rap rock around the lakes shoreline and where adequate rip rap does not exist, there have been water quality problems due to shoreline erosion. Another problem with local ownership is not having the finances to hire the people that have the expertise to do proper management on water

quality of the lake and the surrounding area when compared to State ownership. Decatur County Board of Supervisor Cornett reported the camping and fishing at Little River Lake brings in a tremendous amount of revenue to Decatur County. Mr. Cornett cautioned the Commissioners to not be cutting any corners on the CCRC project because money is harder to come by after a project is completed, plus the inflation factor. Mr. Cornett recommended to the CCRC Commissioners that the State take ownership of their lake with some type of agreement that the County or City would manage some or part of the lake.

Dennis Hilger (SIRC&D), Sandy Kale (CCRC Chairperson) and Jack Cooley (Acting CCRC Chairperson) thanked Bob Brown and J.R. Cornett for sharing their experiences regarding Three-Mile and Little River Lakes with the Commissioners. A congratulation was also given to J.R. Cornett on his recent re-election to the Decatur County Board of Supervisors. Congratulations were also given to Dan McIntosh on being named Iowa Rural Water Association Manager of the Year for 2008.

Dan McIntosh left the meeting at 10:03 a.m. and Alternate Daniel Shepherd participated in the rest of the meeting.

HIRING COMMITTEE REPORT/LAND ACQUISITION COORDINATOR RECOMMENDATION

CCRC Hiring Committee Chairperson Norm Lust reported that the CCRC Hiring Committee is in the final process of finalizing the contract for the CCRC Land Appraiser.

Mr. Lust was unable to attend the January 29, 2009 meeting and thanked the Hiring Committee members for making a recommendation for the Land Acquisition Coordinator. Mr. Lust read a recommendation letter to the Commissioners informing them that the Hiring Committee had received inquiries from thirty-nine businesses with five firms completing the Request for Proposal or a full application. Three firms were interviewed with the final two interviewed a second time on January 29, 2009. After careful consideration and consultation with CCRC's attorney and service provider, the CCRC Hiring Committee unanimously recommends GLB Enterprises, LLC. In reading the letter, CCRC Commissioner Lust reported a number of items regarding Land Acquisition Coordinator candidate Robert Himshoot, some of which included GLB Enterprises was founded by attorney Robert Himschoot, who specializes in commercial and real estate law. Mr. Himshoot is one of the founders of the Department of Real Estate at the University of Northern Iowa and as an instructor has developed four 3-hour real estate classes at UNI. As an Iowa farm boy, Mr. Himschoot is comfortable in negotiating the acquisition of Iowa land. Mr. Himschoot will be the lead land acquisition coordinator/negotiator in acquiring property for the CCRC and will be assisted by graduates in real estate and finance at UNI.

Alternate Daniel Shepherd moved, based on the recommendation of the CCRC Hiring Committee, to proceed with the hiring and contracting of GLB Enterprises, LLC as the CCRC Land Acquisition Coordinator. Harold Allen, Jr. seconded the motion. Motion carried on a roll call vote.

Ayes: Commissioners Scott Busick, Jack Cooley, Norm Lust, Harold Allen, Jr., Anne Welker, Rick Buesch, Sandy Kale, and Alternates Anita Foland, Daniel Shepherd and substitute Alternate William A. Kelly

USDA NRCS UPDATE

Chairperson Sandy Kale thanked Assistant State Conservationist Martin Adkins and his staff for their extremely hard work in preparing the CCRC Watershed Plan and sending it off to the National Registry.

SCHEDULING CCRC PUBLIC HEARING FOR SITE SELECTION

Commissioner Norm Lust moved to adopt *RESOLUTION AUTHORIZING PUBLIC HEARING ON INTENT TO COMMENCE A PUBLIC IMPROVEMENT PROJECT TO CONSTRUCT A RESERVOIR, AND TO ACQUIRE AGRICULTURAL LAND FOR THE PROJECT*. This Resolution states the CCRC public hearing will be held at the Clarke County Fairgrounds Event Center building, Osceola, IA on April 23, 2009 at 7:00 p.m. Following the public hearing, the CCRC Commissioners will consider adoption of resolutions initiating the project and authorizing the acquisition of private property for the project. Commissioner Anne Welker seconded the motion. Motion carried on a roll call vote.

Ayes: Commissioner Scott Busick, Jack Cooley, Norm Lust, Harold Allen, Jr., Anne Welker, Rick Buesch, Sandy Kale, and Alternates Anita Foland, Daniel Shepherd and substitute Alternate William A. Kelly

Letters will be sent to all land owners thirty days prior to the public hearing, pursuant to Iowa Code Chapter 6B (2009) which requires that when a governmental body proposes to acquire agricultural land under the power of eminent domain for a public improvement project, notice of the intent to commence the project must be given to all owners of such agricultural land whose properties may be acquired, in whole or in part, for the Project. Notice will also be published in the newspapers.

LOCATION AND RENT PAYMENT FOR THREE PUBLIC MEETINGS

The location of the NRCS Public/Information Meeting (2/26/09), the Site Selection CCRC Public Hearing (4/23/09) and the CCRC Public Hearing per Eminent domain (date to be determined at the March meeting) will all be held at the Clarke County Fairgrounds Event Center in Osceola, IA. The building rental fee for each of these meetings will be \$300.00.

SPONSORS REPORTS

Commissioner Norm Lust, Clarke Soil & Water Conservation District, reported that the CCRC Hiring Committee will begin the process of advertising for a follow up appraiser and abstractor.

Commissioner Sandy Kale, Osceola Water Board, thanked the CCRC Hiring Committee for the super job they are doing and was very impressed with the experienced Land Acquisition Coordinator the CCRC Hiring Committee recommended.

There was nothing new to report from the other sponsors.

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

Vice Chairperson Jack Cooley inquired about sponsor contributions and local option sales tax.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD

NRCS Assistant State Conservationist for Planning and Programs Martin Adkins and CCRC Attorney Marion James answered a few questions presented by the audience.

ADJOURN MEETING

Upon motion made by Alternate Anita Foland seconded by Commissioner Norm Lust, the meeting was adjourned at 10:30 a.m. Motion carried with a roll call vote.

Ayes: Commissioners Scott Busick, Jack Cooley, Norm Lust, Harold Allen, Jr., Rick Buesch, Anne Welker, Sandy Kale and Alternates Daniel Shepherd, Anita Foland and Substitute Alternate William A. Kelly

Secretary

THE NEXT MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 12, 2009 AT 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE, 115 EAST WASHINGTON STREET, OSCEOLA, IA.