

CLARKE COUNTY RESERVOIR COMMISSION
Clarke County Development Office
115 East Washington Street, Osceola, IA 50213
Thursday, February 11, 2010
9:00 a.m.

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|-------------------------------------|---|
| Sandy Kale, Chairperson (by phone) | Osceola Water Board |
| Jack Cooley, Vice Chairperson | Clarke County Supervisors |
| Fred Diehl, Secretary | City of Osceola |
| Anita Foland, Alternate | Clarke County Conservation Board |
| Norm Lust | Clarke Soil & Water Conservation District |
| William Trickey | Clarke County Development Board |
| Harold Allen, Jr. | City of Woodburn |
| Scott Busick (arrived at 9:20 a.m.) | City of Murray |
| Jeannie Crees, Alternate | City of Murray |
| Brian Crawford, Alternate | Osceola Water Board |
| Anne Welker | Member at Large |
| | |
| Cort and Julie Jaeschke | Landowner |
| Nelson Fry | Landowner |
| Kathy Kelly | Landowner |
| Thomas E. Andersen | Clarke County Engineer |
| Robert Himschoot | GLB Enterprises, Cedar Rapids |
| Jeremy Tipton | GLB Enterprises, Cedar Rapids |
| John Dodge | GLB Enterprises, Cedar Rapids |
| Ed Stoll | Osceola |
| Melissa Brownrigg | Osceola Sentinel-Tribune |
| Marion James | James Law Firm, Creston |
| Dennis Hilger | Southern Iowa RC&D, Inc. |
| Judy Weese | Southern Iowa RC&D, Inc. |

- Not everyone who attended the meeting signed in.

CALL MEETING TO ORDER

Acting Chairperson Jack Cooley called the meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:04 a.m. Seven Commissioners and two Alternates responded to roll call. SIRWA representative was absent.

APPROVE AGENDA

A motion to approve the February 11, 2010 meeting agenda as written and posted was made by Commissioner Fred Diehl and seconded by Commissioner Harold Allen, Jr. Motion carried on a roll call vote:

Ayes: Commissioners Sandy Kale, Anne Welker, Fred Diehl, Harold Allen, Jr., Jack Cooley, William Trickey, Norm Lust, and Alternates Anita Foland and Jeannie Crees.
Absent: SIRWA representative.

APPROVE JANUARY 14, 2009 MEETING MINUTES

A motion was made by Commissioner Harold Allen, Jr. and seconded by Commissioner Fred Diehl to approve the January 14, 2009 meeting minutes as written. Motion carried on a roll call vote:

- Ayes: Commissioners Sandy Kale, Anne Welker, Fred Diehl, Harold Allen, Jr., Jack Cooley, Norm Lust, and Alternate Anita Foland
 Abstain: Commissioner William Trickey and Alternate Jeannie Crees.
 Absent: SIRWA representative.

TREASURER'S REPORT

**TREASURER'S REPORT
 Clarke County Reservoir Commission
 February 11, 2010**

| CHECKING ACCOUNT | | CK# |
|--|--------------------------|------------|
| PREVIOUS BALANCE (January 14, 2010) | 9,222.73 | |
| REVENUE RECEIVED | | |
| 1/31/2010 Interest for January 2010 | <u>3.88</u> | |
| TOTAL REVENUE RECEIVED | <u>3.88</u> | |
| CASH BALANCE (February 11, 2010) | \$9,226.61 | |
| EXPENSES PRESENTED FOR PAYMENT | | |
| 2/11/2010 Creston Publishing – publish 12/14/2009 Special Meeting. Minutes | 48.99 | Ck #1111 |
| 2/11/2010 InterCall – 12/14/09 Special Meeting – conference call system | <u>7.93</u> | Ck #1112 |
| TOTAL EXPENSES PRESENTED FOR PAYMENT | <u>56.92</u> | |
| ENDING BALANCE (February 11, 2010) | <u>\$9,169.69</u> | |

| SPECIAL ACCOUNT | | CK# |
|--|-------------------------|------------|
| | <i>(Opened 7/26/07)</i> | |
| PREVIOUS BALANCE (January 14, 2010) | \$25.17 | |
| REVENUE RECEIVED | <u>0.00</u> | |
| CASH BALANCE (February 11, 2010) | \$25.17 | |
| EXPENSES PRESENTED FOR PAYMENT | <u>0.00</u> | |
| ENDING BALANCE (February 11, 2010) | \$25.17 | |

| | |
|------------------------------------|------------|
| LOSST 2008 CHECKING ACCOUNT | CK# |
|------------------------------------|------------|

Account opened 10/9/2008

PREVIOUS BALANCE (January 14, 2010) **\$164,867.98**

REVENUE RECEIVED

| | | |
|-----------|---|-----------------|
| 1/31/2010 | Interest for January 2010 | 16.68 |
| 2/11/2010 | City of Woodburn – Check #9113 (<i>Sales Tax Period: November 2009</i>) | <u>3,440.79</u> |

TOTAL REVENUE RECEIVED TO DATE **3,457.47**

CASH BALANCE (February 11, 2010) **\$ 168,325.45**

EXPENSES PRESENTED FOR PAYMENT

| | | | |
|-----------|--|------------------|----------|
| 2/11/2010 | James Law Firm – legal services | 4,625.40 | |
| 2/11/2010 | Ahlers & Cooney, P.C. – legal service | 344.50 | Ck #1037 |
| 2/11/2010 | Howard R. Green – <i>Professional Service through December 4, 2009</i> | 1,387.00 | Ck #1039 |
| 2/11/2010 | USDA NRCS – Technical Service 10/20/2009 to 01/02/2010 | <u>18,795.34</u> | Ck #1040 |

TOTAL EXPENSES **25,152.24**

ENDING BALANCE (February 11, 2010) **\$143,173.21**

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|------------------------------------|
| LOSST 2009 CHECKING ACCOUNT |
|------------------------------------|

Account opened 4/17/2009

PREVIOUS BALANCE (January 14, 2010) **\$227,750.61**

REVENUE RECEIVED

| | | |
|-----------|---|------------------|
| 1/31/2010 | Interest for January 2010 | 21.00 |
| 2/11/2010 | City of Osceola – Ck #269071 (<i>Sales Tax Period: November 2009</i>) | 79,353.20 |
| 2/11/2010 | City of Osceola – Ck #269186 (<i>Sales Tax Period: December 2009</i>) | <u>79,353.21</u> |

TOTAL REVENUE RECEIVED **158,727.41**

CASH BALANCE (February 11, 2010) **\$386,478.02**

EXPENSES PRESENTED FOR PAYMENT

| | | | |
|-----------|---|-----------------|--|
| 2/11/2010 | GLB Enterprises, LLC (land acquisition team activity for Jan. 2010) | <u>7,444.00</u> | |
|-----------|---|-----------------|--|

TOTAL EXPENSE **7,444.00**

ENDING BALANCE (February 11, 2010) **\$379,034.02**

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|--|
| 12 MONTH CERTIFICATE OF DEPOSIT |
|--|

| | | |
|------------|---|---------------------|
| 12/15/2009 | Certificate of Deposit (<i>2008 Local Option Sales & Service Tax</i>) <i>Term: 1 year; CD matures 12/15/2010</i> | \$311,477.73 |
|------------|---|---------------------|

| | | |
|------------|---|---------------------|
| 12/15/2009 | Certificate of Deposit (<i>2009 Local Option Sales & Service Tax</i>) <i>Term: 1 year; CD matures 12/15/2010</i> | \$500,000.00 |
|------------|---|---------------------|

Copies of the Treasurer's Report were made available for audience to review. Commissioners had received the Treasurer's Report and copies of all bills to review prior to the meeting.

A motion to approve the Treasurer's Report and to pay the bills as presented was made by Commissioner William Trickey, seconded by Commissioner Norm Lust and carried on roll call vote:

Ayes: Commissioners Sandy Kale, Anne Welker, Fred Diehl, Harold Allen, Jr., Jack Cooley, William Trickey, Norm Lust, and Alternates Anita Foland and Jeannie Crees.
Absent: SIRWA representative.

OLD BUSINESS

LIABILITY INSURANCE

Douglas Miller, Agent with Friday Insurance Agency, Inc., reported that he was considering the Iowa Communities Assurance Pool (ICAP) as the liability insurance carrier to recommend to CCRC. He asked for information concerning CCRC. The Service Provider, Southern Iowa RC&D staff, agreed to provide the required information including the 28E Intergovernmental Agreement, Constitution and Bylaws and amendments. Mr. Miller stated no action was needed at this time from CCRC.

NEW BUSINESS

DISCUSSION PER REVIEW OF PIPELINE REPORT & FINAL APPROVAL

Mark Duben, Howard R. Green Co., Des Moines, Iowa stated he was in attendance to answer any questions/comments remaining on the "Preliminary Design Memorandum" he completed and provided to CCRC in December 2009. Mr. Duben commented that if there were no more questions/comments, the Commissioners should consider approving the report.

Commissioner William Trickey made a motion to approve the "Preliminary Design Memorandum" (Pipeline from DMWW to Osceola WTP Alternative) completed December 4, 2009 by Mark Duben, Professional Engineer at Howard R. Green Co., Des Moines. The motion was seconded by Commissioner Fred Diehl and carried on roll call vote:

Ayes: Commissioners Sandy Kale, Anne Welker, Fred Diehl, Harold Allen, Jr., Jack Cooley, William Trickey, Norm Lust, and Alternate Anita Foland.
Abstain: Alternate Jeannie Crees.
Absent: SIRWA Representative

Mr. Duben stated he will provide CCRC with an official signed copy of the report dated February 11, 2010.

USDA NRCS REPORT

Marty Adkins, Assistant State Conservationist from USDA-Natural Resources Conservation Service Water Resources Staff in Des Moines, presented the Commissioners and audience a written report entitled *NRCS Progress Report, February 11, 2010*.

1. Preparation of the second draft plan continues. Our target for submittal of the draft for technical review is still

next week. Right now work is focused on economic and environmental analysis and habitat mitigation estimates.

2. Recently questions have been raised about the cost for the three reservoir sites being considered relative to the revised cost estimate for a water pipeline from Des Moines. In response to those questions, we have broken out cost elements for the three sites to include only those elements strictly required for water supply. These DRAFT estimates do not include any costs associated with developed recreation. The cost estimates are still subject to technical review. If any of the potential sites are built, it can be expected that cost estimates will be revised during the design process.

The DRAFT water-supply-only cost estimates for the three sites are:

- Site 3.5: \$24.3 Million,
- Site 4B: \$30.4 Million,
- Site 5: \$30.2 Million.

3. Cost estimates in the second draft *Clarke County Water Supply Plan and Environmental Impact Statement* will include additional costs associated with developed recreation and agricultural pollution control. Economic analyses and cost allocations for the purposes of the Watershed Protection and Flood Prevention Program (PL-566) will be conducted using comprehensive cost estimates.
4. We met with County Engineer Thomas Andersen and the Clarke County Board of Supervisors to discuss potential road relocation and modification issues associated with each of the three potential sites. Information from these discussion is being used in the development of cost estimates for each of the three potential reservoir sites.
5. A net-conference for the purpose of identifying stream mitigation measures and costs for the three potential sites was held on January 15. This meeting included representatives of the NRCS, the U.S. Army Corps of Engineers, the U. S. Environmental Protection Agency, the U.S. Fish and wildlife Service, and the Iowa Department of Natural Resources. Based on that discussion, strategies for compensating for stream miles that would be inundated by each of the three potential reservoir sites are being developed. The main strategy being studied involves reconnecting old meandered stream channels to active streams where they had been straightened in the past. Locations being considered are on existing public lands being used for wildlife habitat in southern Iowa.
6. As discussed last month, the NRCS National Water Management Center has been asked to schedule a review of the draft plan beginning in mid-February. Given a 30-day review period, a public review meeting would be targeted for the end of March. The formal interagency and public comment period would be targeted for early April.

Commissioner Scott Busick arrived at 9:20 a.m. and participated in the remainder of the meeting.

LAND COMMITTEE ADVISORY STUDY REPORT

Committee Chairperson Norm Lust reported that there will not be any purchase of land or an “option to buy” until an “alternative” for water supply needed for Clarke County is selected.

LAND ACQUISITION TEAM REPORT

Robert Himschoot, GLB Enterprises at Cedar Rapids, reported (since the last meeting) the team had met with three (3) landowners under the request to identify voluntary sellers. One is a voluntary seller and two have not made a final decision. A list of potential voluntary sellers has been prepared and will be given to Attorney Marion James, who will contact the appraiser. CCRC cannot enter into negotiations until a site is selected, but the information gained from the appraisals will provide valuable information for future decisions.

MEDIA COMMITTEE REPORT

Scott Busick reported members of the media committee consist of: Commissioners Frank Riley, Bill Trickey, and Scott Busick and committee ex-officials Mark DePoy (NRCS) and Dennis Hilger (SIRC&D).

The CCRC Website is being developed and should be ready later this month to test. Many hours will be dedicated to copying and/or writing materials for the website. Biographical information from CCRC Commissioners will be included on the website.

An article entitled "Water Facts" was provided the first week of February to *The Advertiser*. Chairperson Sandy Kale had asked that the Service Provider send a CCRC brochure to each of the 150 Iowa legislators. The Service Provider will be working with Chairperson Kale to complete this task.

SPONSORS REPORTS

Commissioner William Trickey reported that the local Hormel Food Processing Plant had added an additional product to its line and additional staff (jobs).

No other reports were presented.

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

The next meeting will be March 11, 2010 at the Clarke County Development Office in Osceola.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD

Questions presented from the audience were addressed by NRCS staff and the Commissioners.

CLOSED SESSION TO DISCUSS LAND ACQUISITION FOR PROPERTIES COMMON TO ALL RESERVOIR SITES UNDER CONSTRUCTION

A motion was made by Commissioner Norm Lust and seconded by Commissioner Scott Busick to go into closed session at 10:00 a.m. as authorized by Iowa Code 21.5, Subsection j, to discuss land acquisition for properties common to all reservoir sites under construction. Motion carried on roll call vote:

Ayes: Sandy Kale, Anne Welker, Fred Diehl, Harold Allen, Jr., Jack Cooley, William Trickey, Norm Lust, Scott Busick and Alternate Anita Foland

Absent: SIRWA representative.

The Commissioners of Clarke County Reservoir Commission returned from closed session and resumed open session at 10:21 a.m. Those responding to roll call included Anne Welker, Fred Diehl, Scott Busick, Harold Allen, Jr., Jack Cooley, William Trickey, Norm Lust, and Alternates Anita Foland and Brian Crawford (participated as alternate for Sandy Kale after closed session). SIRWA representative was absent.

Acting Chairperson Jack Cooley announced he would entertain any motion related to the closed session.

Commissioner Norm Lust presented:

CLARKE COUNTY RESERVOIR COMMISSION RESOLUTION CLARIFYING COMPLIANCE WITH PROCEDURAL REQUIREMENTS FOR LAND ACQUISITION.

WHEREAS, a motion was passed by the Clarke County Reservoir Commission at its January 14, 2010, meeting granting authorization for the "land acquisition team to proceed on negotiations with the landowners once adequate information is received";

WHEREAS, the foregoing motion is in need of further clarification to assure compliance with all statutory requirements for land acquisition.

NOW, THEREFORE, BE IT RESOLVED that prior to entering into negotiations with landowners for the acquisition of certain land rights as may be needed for the reservoir project, the Clarke County Reservoir Commission shall first determine whether a lake development or creation is reasonable and necessary as a surface drinking water source, in compliance with Iowa Code Chapter 6A.22 (2010), and shall hold a public hearing before making a decision to fund the final site-specific design for a reservoir project as required by Iowa Code Chapter 6B (2010).

This Resolution was offered by Commissioner Norm Lust and seconded by Alternate Anita Foland, who moved its adoption. On roll call, the following voted:

Ayes: Anne Welker, Fred Diehl, Harold Allen, Jr., Jack Cooley, William Trickey, Norm Lust, Scott Busick and Alternates Anita Foland and Brian Crawford.

Absent: Commissioner Dan McIntosh.

ADJOURN MEETING

Motion was made by Commissioner Fred Diehl and seconded by Commissioner Anne Welker to adjourn the meeting at 10:55 a.m. Motion carried with all ayes.

Secretary

THE NEXT MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, MARCH 11, 2010 AT 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE.