

**CLARKE COUNTY RESERVOIR COMMISSION
AMERICAN STATE BANK
Thursday, July 10, 2008
9:00 a.m.**

Sandy Kale, Chairperson	Osceola Water Board
Jack Cooley, Vice-Chairperson	Clarke County Board of Supervisors
Fred Diehl, Secretary	City of Osceola
Dan McIntosh, Treasurer	SIRWA
Rick Buesch	Clarke County Development Corporation
Alternate Anita Foland	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
Joseph E. Handrock	Landowner
Barb Hyde	Landowner
Mary Klein	Landowner
Mike Kelly	Landowner
Kathy Kelly	Landowner
Amy Lampe	Osceola
Dave Beck	USDA NRCS – Des Moines
Daniel Shepherd	SIRWA
Bill Ogbourne	Osceola
Marion James	James Law Firm
Kathy Flam	Southern Iowa RC&D
Judy Weese	Southern Iowa RC&D
Dennis Hilger	Southern Iowa RC&D/NRCS

- Not everyone who attended the meeting signed in.

ANNUAL MEETING

CALL MEETING TO ORDER

Chairperson Sandy Kale called the Annual Meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:02 a.m. Eight Commissioners and one alternate responded to roll call.

APPROVE ANNUAL MEETING AGENDA

A motion to approve the Annual Meeting agenda as written was made by Commissioner Fred Diehl and seconded by Commissioner Norm Lust. Motion carried with a roll call vote:

Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker and Alternate Anita Foland.

Representative from City of Murray was absent.

ELECT OFFICERS

Alternate Anita Foland made motion to re-elect Sandy Kale as Chairperson, re-elect Jack Cooley as Vice Chairperson, re-elect Fred Diehl as Secretary and re-elect Dan McIntosh as Treasurer for FY 2009. Motion was seconded by Commissioner Norm Lust and carried with roll call vote:

Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker and Alternate Anita Foland.

Representative from City of Murray was absent.

DETERMINE DEPOSITORY

Commissioner Rick Buesch made motion to solicit ‘proposals for services/participation’ from the three (3) Osceola banks including interest rates and cost of services and to have the information available for board of directors to review and consider at the August meeting. Motion was seconded by Commissioner Harold Allen, Jr. with roll call vote:

Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker and Alternate Anita Foland.

Representative from City of Murray was absent.

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

DETERMINE CHECK SIGNERS

Commissioner Harold Allen, Jr. moved to keep the check signers the same (any of four officers can sign, with two signatures required). Motion was seconded by Commissioner Anne Welker and carried with roll call vote:

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

ADJOURN ANNUAL MEETING

Upon motion made by Commissioner Fred Diehl, seconded by Commissioner Dan McIntosh, the Annual Meeting was adjourned at 9:10 a.m. Motion carried with roll call vote:

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

BOARD OF DIRECTORS REGULAR MONTHLY BUSINESS MEETING

CALL MEETING TO ORDER

Chairperson Sandy Kale called the Board of Directors' meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:10 a.m. Nine (9) Commissioners and one alternate responded to roll call.

APPROVE AGENDA

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

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

APPROVE JUNE 5, 2008 SPECIAL MEETING MINUTES

Motion was made by Commissioner Fred Diehl and seconded by Commissioner Harold Allen, Jr. to approve the June 5, 2008 meeting minutes as presented. Motion carried with roll call vote:

Ayes: Commissioners Fred Diehl, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Sandy Kale, and Anne Welker.

Abstain: Commissioners Scott Busick, Dan McIntosh and Alternate Anita Foland.

APPROVE JUNE 12, 2008 MEETING MINUTES

Motion was made by Commissioner Rick Buesch and seconded by Commissioner Jack Cooley to approve the June 12, 2008 meeting minutes as presented. Motion carried with roll call vote:

Ayes: Commissioners Scott Busick, Fred Diehl, Harold Allen, Jr., Jack Cooley, Rick Buesch, Sandy Kale, and Anne Welker.

Abstain: Commissioners Norm Lust and Dan McIntosh and Alternate Anita Foland.

APPROVE JUNE 25, 2008 SPECIAL MEETING MINUTES

Motion was made by Commissioner Dan McIntosh and seconded by Commissioner Norm Lust to approve the June 25, 2008 meeting minutes as presented. Motion carried with roll call vote;

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

Abstain: Commissioner Rick Buesch

TREASURER'S REPORT

TREASURER'S REPORT
Clarke County Reservoir Commission
 July 10, 2008

CHECKING ACCOUNT		
PREVIOUS BALANCE (June 12, 2008)		\$ 1,516.49
REVENUE RECEIVED		
6/30/2008 Interest for June 2008	<u>1.17</u>	
TOTAL REVENUE RECEIVED		<u>1.17</u>
CASH BALANCE		\$ 1,517.66
EXPENSES PRESENTED FOR PAYMENT		
7/10/2008 Southern Iowa RC&D Area, Inc. – June, July & August 2008 services	7,500.00	
7/10/2008 Southern Iowa RC&D Area, Inc. – postage expense	<u>123.25</u>	
TOTAL EXPENSES		\$ <u>7,623.25</u>
ENDING BALANCE (July 10, 2008)		(\$6,105.59)

SPECIAL ACCOUNT		
(Opened 7/26/2007)		
PREVIOUS BALANCE (June 12, 2008)		(\$7,091.69)
REVENUE RECEIVED		
6/11/2008 Deposit (Casino Money) (checks mailed 6/12/2008)	7,091.69	
6/30/2008 Interest for June 2008	<u>0.00</u>	
TOTAL REVENUE RECEIVED		\$ <u>7,091.69</u>
CASH BALANCE (July 10, 2008)		\$ 0.00
EXPENSES PRESENTED FOR PAYMENT		
7/10/2008 Ahlers & Cooney, P.C. – legal service May 20 – June 18, 2008	6,232.45	
7/10/2008 James Law Firm – legal service May 27 – June 25, 2008	<u>6,102.97</u>	
TOTAL EXPENSES		\$ <u>12,335.42</u>
ENDING BALANCE (July 10, 2008)		(\$12,335.42)

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Treasurer Dan McIntosh presented the Treasurer's Report. The two bills presented for payment from the *Checking Account* totaled to \$7,623.23 leaving a negative balance of \$6,105.99. He stated these bills would be paid with FY 2009 revenue and paid upon receipt of FY 2009 dues from sponsors. He explained that a request for Casino funds in the amount of \$12,335.42 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 Fred Diehl and seconded by Commissioner Anne Welker. Motion carried on roll call vote:

Ayes Commissioners Scott Busick, Fred Diehl, Harold Allen, Jr., Jack Cooley, Rick Buesch, Norm Lust, Sandy Kale, Dan McIntosh, Anne Welker, and Alternate Anita Foland.

Chairperson Kale asked Commissioners if the FY 2009 budget had been presented to the CCRC sponsoring organizations. It was reported that City of Murray, Clarke SWCD and SIRWA had approved the budget/payment of dues. The Commissioners indicated that the remaining sponsoring organizations had the budget included on future meeting agendas.

Chairperson Kale also asked for input from Commissioners regarding the use for meeting packets provided by the service provider. The Commissioners agreed that any information received ahead of the meeting date by email, FAX and/or mail would be sufficient for the meeting, therefore, they would not need the same information provided again in a meeting packet. The service provider was asked to have one copy of the meeting materials available at the meeting.

NEW BUSINESS:

CONSIDER INTERGOVERNMENTAL AGREEMENT FOR SALES TAX RECEIPTS

Attorney Marion James reported that all LOST funds collected under the 2007 ballot election are being held by the county and will be turned over to CCRC upon approval of the intergovernmental agreement. Those funds will be administered by CCRC under language of the 2007 ballot election.

Funds received after January 1, 2009, which will be effective date of collection under the new ballot that is now pending for the new election, will continue to be paid to the CCRC until an addendum to this agreement is prepared for the purpose of issuing bonds. At that point the county, on behalf of CCRC, will be issuing bonds for the purpose of obtaining money to be used for land acquisition and other purposes for the project. At that point the sales tax receipts will then be paid to the county as secondary recipient to be held by the county for the benefit of CCRC to be used to pay for bonds.

The administration of the project is clearly in the hands of the CCRC. If CCRC wants to borrow money, it can use those funds to be consistent with the purposes stated in the language of the ballot. The LOST money (receipts) will be paid to CCRC by the City of Woodburn and City of Osceola within 15 days after money is received and paid directly to CCRC until the addendum is drawn up for the purpose of issuing bonds.

Attorney James stated that this agreement is listed on the next meeting agendas for the City of Osceola, City of Woodburn and Clarke County Board of Supervisors. Upon approval of this intergovernmental agreement by CCRC and the cities of Osceola and Woodburn and Clarke County, the funds can be transferred over to CCRC.

Motion was made by Commissioner Sandy Kale to approve the Intergovernmental Agreement for Sales Tax Receipts as presented in the handout. Motion was seconded by Commissioner Dan McIntosh and carried with roll call vote:

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

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

Chairperson Sandy Kale reported that the agreement was in draft form and would not be discussed until the next meeting. Chairperson Kale presented the agreement to the Commissioners. She asked the Commissioners to respond with comments within one week and then the finance committee will meet before the August meeting to review the changes and forward to Attorney James. The finance committee will present an opinion on the revised agreement at the August meeting

The process includes the Commissioners approving the agreement at the August meeting and then copies of the agreement will be sent to all the sponsoring organizations for approval and signature. All sponsors will have to pass the agreement.

Attorney James explained that this agreement addressed the issue of power of eminent domain under Iowa law and the responsibility for completing the water supply project.

Chairperson Kale announced that the next meeting would be **August 7, 2008** (a change from regular meeting date).

PRESENTATION OF RECOMMENDED PLAN

Dave Beck, Water Resources Planning Leader of USDA Natural Resources Conservation Service in Des Moines, gave a presentation (power point) discussing the draft of the Recommended Plan for the Clarke County Water Supply Project, which had been compared to other prudent and feasible alternatives. He explained the project purposes of the NRCS Draft Recommended Plan as follows:

- **Provide 3.0 million gallons per day water supply.**
Mr. Beck noted this is the primary objective of the project.
- **Provide water quality protection from agricultural sources of pollution**
Mr. Beck added, “This will result in building up to 47 sediment structures designed for 100 years in the Squaw Creek Watershed on landowner’s property who wish to participate.” Commissioner Norm Lust, representing Clarke Soil and Water Conservation District (SWCD) commented that SWCD will probably set a higher priority on the basins with a higher cost share rate.
- **Provide water-based recreation**

Maps shown in the power point presentation identified the realigned Truro Road, Site 4B acquisition area, Site 4B permanent pool, dam and spillway, Site 4B basin dams and basin pools and Site 45 Dam. One summary slide included in the power point presentation listed requirements of Site 4B as listed below:

Permanent Pool (Acres)	900
Water Storage @ Principal Spillway Elev. (ac-ft)	16,070
Minimum Land Acquisition Area (acres)	2,227
Additional Acquisition (acres)	1,401
Total Estimated Land Acquisition (acres) (includes easements)	3,628
Total # of Estimated Residence Relocations	10

Other information provided during the presentation included total project cost as listed:

Multiple-purpose Dam (includes site 45)	\$ 28,317,900
Water Intake Structure	3,063,800
Raw Water Line	3,139,400
Basic Recreation Facilities	5,574,300
47 Sediment Basins	<u>1,944,500</u>
GRAND TOTAL	\$42,039,900

Mr. Beck continued his presentation by discussing the National Economic Development (NED) benefits of the project. The Cost Ratio was 3.0:1.0, and he expressed that this was the best ratio he had worked with or seen during his career. He then reviewed the steps in finalizing the plan.

- NRCS Finalizes Draft Plan
(Note: NRCS is currently editing plan, which has 150 – 200 pages)
- Release Draft Plan for Public Review (interagency review)
- 45 Day Comment Period
(Note: No estimate of date due to staff being involved in flood damage assessments)
- NRCS Reviews Comments, Revises Plan as Appropriate and Responds to Comments
- Final Plan Released to EPA and Others
- CCRC and NRCS State Conservationist Sign Plan
- State Conservationist Forwards Plan to NRCS Chief, USDA, OMB and Congress

Chairperson Kale allowed the audience to ask questions regarding Mr. Beck's presentation.

Mr. Beck explained that due to extensive flooding in Iowa and the fact that NRCS has national responsibilities for 'flood recovery' work, some NRCS staff members have been directed to work on flood damage assessments; and therefore, some staff could not work on the Clarke County project at this time. This is part of the Emergency Watershed Protection Program (EWP). As a result of the temporary change in work schedules, NRCS is not available to host its NRCS Public Meeting that had been scheduled for July 31 at Terrible's Lakeside Casino. The purpose of the public meeting was to review the Draft Recommended Plan and solicit comments from the public. This delay, in turn, caused delay for CCRC's Public Hearing that had been scheduled for August 4 at Terrible's Lakeside Casino.

(Note: under federal guidelines where federal monies are involved, NRCS needs to complete the recommended plan and public meeting, first, before the CCRC has its public hearing. Limited staff is continuing to work on the plan.)

LOST CLARIFICATION ELECTION

Chairperson Sandy Kale noted that the public election to clarify the results of the 2007 Local Option Sales Tax election is still planned for September 30, 2008.

SPONSOR REPORTS

Commissioner Scott Busick, City of Murray, reported that Murray had approved the FY 2009 budget.

Commissioner Fred Diehl, City of Osceola, reported the CCRC FY 2009 Budget was on agenda for the next meeting.

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

Commissioner Jack Cooley, Clarke County Board of Supervisors, reported he and the County Engineer met in Centerville to request financial assistance for upland treatment in the watershed area.

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

Alternate Anita Foland, Clarke County Conservation Board, had nothing to report.

Commissioner Norm Lust, Clarke Soil and Water Conservation District, reported Clarke SWCD had approved the FY 2009 budget. Clarke SWCD had changed the priority of county projects and would finalize the priorities at its next meeting.

Commissioner Sandy Kale, Osceola Water Board, had nothing to report.

Commissioner Dan McIntosh, SIRWA, reported that SIRWA was working with City of Creston on water production issues and with damages resulting from the recent storms.

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

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

Chairperson Kale announced that she wanted the finance committee to meet after adjournment of the business meeting.

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 Dan McIntosh, seconded by Commissioner Norm Lust, the meeting was adjourned at 10:50 a.m. Motion carried with a roll call vote:

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

Fred Diehl
Secretary

THE NEXT REGULAR MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, August 7, 2008 AT 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE, 115 EAST WASHINGTON STREET, OSCEOLA, IA.