

CLARKE COUNTY RESERVOIR COMMISSION
Osceola, IA
Clarke County Fairgrounds Event Center Building
2070 Highway 34
Osceola, IA 50213
Thursday, June 11, 2009
9:00 a.m.

Sandy Kale, Chairperson
Jack Cooley, Vice Chairperson
Fred Diehl, Secretary
Dan McIntosh, Treasurer
Mary Klein, Alternate
Norm Lust (evening session)
Harold Allen, Jr.
Frank Riley
Bill Trickey
Jeannie Crees, Alternate
Scott Busick (arrived at 10.07 a.m.)
Bud Jones, Alternate

Daniel Shepherd, Alternate
Anita Foland, Alternate
Mike Kelly
Kathy Kelly
Ed Stoll
Edna Dunbar
Nelson L. & Sherry Fry
N. Joel Fry
Michael Patterson
Joe & Darlene Handrock
Eloise M. Luchtel
Lou & Peg Mayfield
Bruce & Kathy Simmons
Terry & Bev Heuton
Merle Klein
Brandon Patterson
Judy Braddock
Teresa Dunbar
Betty Allen
Randy Dunbar
Venita Escher
Kevin Sturtz
Barb Hyde
Carmen Maxwell
Robert Johnson
Jeffery Zimprich
Thomas B. Andersen, PE
Marion James, Attorney
Robert Himschoot

Osceola Water Board
Clarke County Supervisors
City of Osceola
Southern Iowa Rural Water Association
Clarke Soil & Water Conservation District
Clarke Soil & Water Conservation District
City of Woodburn
Clarke County Conservation Board
Clarke County Development Board
City of Murray
City of Murray
Member at Large

SIRWA
Clarke County Conservation Board
Landowner
Landowner
Osceola Police Department
Osceola
Osceola
Osceola
Osceola
Osceola
Landowner
Landowner
Landowner
Landowner
Osceola
Osceola
Osceola
Landowner
New Virginia
Osceola
Murray
Osceola
Osceola
Landowner
Osceola
USDA NRCS, Atlantic
Clarke County Engineer
Creston
Land Acquisition Contractor

Melissa Brownrigg
 Ron Wheeler
 William A. Kelly
 Rick Buesch
 Mark DePoy
 Dennis Hilger
 Judy Weese
 Kathy Flam

Osceola Sentinel-Tribune
 Clarke County Attorney
 Osceola City Administrator
 Banta Abstract Company
 USDA-NRCS/SIRC&D
 SIRC&D, Inc.
 SIRC&D, Inc.
 SIRC&D, Inc.

- Not everyone who attended the meeting signed in.

CALL MEETING TO ORDER

Chairman Sandy Kale called the meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:03 a.m. Seven Commissioners and three Alternates responded to roll call. Commissioner Norm Lust arrived for the 7:00 public hearing and Scott Busick arrived at 10:07 a.m.

APPROVE AGENDA

A motion to approve the June 11, 2009 meeting agenda as written and posted was made by Commissioner Fred Diehl and seconded by Commissioner Harold Allen, Jr. Motion carried with a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr. and Alternates Mary Klein, Bud Jones and Jeannie Crees

APPROVE MAY 23, 2009 MEETING MINUTES

Motion was made by Commissioner Dan McIntosh and seconded by Commissioner Frank Riley to approve the May 23, 2009 meeting minutes. Motion carried with roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr.

Abstain: Commissioner William Trickey and Alternates Mary Klein, Bud Jones and Jeannie Crees

TREASURER'S REPORT

TREASURER'S REPORT
Clarke County Reservoir Commission
June 11, 2009

CHECKING ACCOUNT		CK#
PREVIOUS BALANCE (May 14, 2009)		\$3,666.49
<i>Void ck# 1089 to Omaha World Herald-paid in April ck# 1085</i>		<u>465.16</u>
	CASH BALANCE (June 11, 2009)	\$4,131.65
REVENUE RECEIVED		
5/29/2009 Interest for May 2009		<u>2.41</u>
	TOTAL REVENUE RECEIVED	<u>2.41</u>
CASH BALANCE		\$4,134.06

EXPENSES PRESENTED FOR PAYMENT

5/14/2009	Clarke County Fairgrounds Event Center --rental fee for 5/14/09 (contract for 5/14/09 meeting approved by resolution at previous meeting)	300.00	Ck 1090
6/11/2009	Creston Publishing - publish 4/23/09 mtg. min.	42.60	Ck 1091
6/11/2009	SIRWA – conference call 4/22/2009	42.51	Ck 1092
6/11/2009	SIRWA – Water Needs Assessment by Garden & Associates, LTD	<u>1,579.60</u>	Ck 1093

TOTAL EXPENSES PRESENTED FOR PAYMENT **\$1,964.71**

ENDING BALANCE (June 11, 2009) **\$ 2,169.35**

SPECIAL ACCOUNT	CK#
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(Opened 7/26/07)

PREVIOUS BALANCE (May 14, 2009) **\$25.17**

REVENUE RECEIVED **0.00**

CASH BALANCE (June 11, 2009) **\$25.17**

EXPENSES PRESENTED FOR PAYMENT **0.00**

ENDING BALANCE (June 11, 2009) **\$25.17**

LOSST 2008 CHECKING ACCOUNT	CK#
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Account opened 10/9/2008

PREVIOUS BALANCE (May 14, 2009) **\$ 246,843.66**

REVENUE RECEIVED

5/29/2009	Interest for May 2009	189.91
6/11/2009	City of Woodburn – Check #8965 (Sales tax period: March 2009)	2,949.45
6/11/2009	City of Woodburn – Check #8966 (Sales tax period: April 2009)	<u>3,365.52</u>

TOTAL REVENUE RECEIVED TO DATE **\$6,504.88**

CASH BALANCE (June 11, 2009) **\$253,348.54**

EXPENSES PRESENTED FOR PAYMENT

6/11/2009	James Law Firm – legal services	6,758.90	Ck 1013
6/11/2009	Southern Iowa RC&D Area – service fee for June, July, Aug 2009	13,300.00	Ck 1014
6/11/2009	Southern Iowa RC&D Area – postage expense	<u>250.13</u>	Ck 1015

TOTAL EXPENSES **\$20,309.03**

ENDING BALANCE (June 11, 2009) **\$233,039.51**

LOSST 2009 CHECKING ACCOUNT

Account opened 4/17/2009

PREVIOUS BALANCE (May 14, 2009) **\$136,066.58**

REVENUE RECEIVED

5/31/2009 Interest for May	99.98	
6/11/2009 City of Osceola – Check #266908 (Sales tax period March 2009)	68,021.55	
6/11/2009 City of Osceola - Check #267149 (Sales tax period April 2009)	<u>77,617.14</u>	

TOTAL REVENUE RECEIVED **\$145,738.67**

CASH BALANCE (June 11, 2009) **\$281,805.25**

EXPENSES PRESENTED FOR PAYMENT

6/11/2009 GLB Enterprises, LLC – mobilization fee pending approval of contract	<u>15,000.00</u>	
TOTAL EXPENSE	<u>\$15,000.00</u>	Ck 1001

ENDING BALANCE (June 11, 2009) **\$266,805.25**

12 MONTH CERTIFICATE OF DEPOSIT

12/11/2008 Time Certificate of Deposit (2008 Local Option Sales & Service Tax) **\$300,000.00**

Treasurer Dan McIntosh noted that copies of the Treasurer’s 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 Jack Cooley and seconded by Commissioner Fred Diehl. Motion carried on a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr. and Alternates Mary Klein, Bud Jones and Jeannie Crees

OLD BUSINESS

FY 2010 BUDGET PER 28E AGREEMENT

The FY 2010 Budget per the 28E Agreement has been approved by all of the sponsoring entities.

NEW BUSINESS

LAND ACQUISITION COORDINATOR CONTRACT

CCRC Attorney Marion James reviewed the Land Acquisition Coordinator contract with the Commissioners. Motion was made by Commissioner Harold Allen, Jr., seconded by Commissioner Fred Diehl, to approve the *Land Acquisition Coordinator Contract* with Robert Himschoot, GLB Enterprises, LLC. Motion carried on a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr., and Alternates Mary Klein and Jeannie Crees
Abstain: Alternate Bud Jones

REVIEW APPRAISER CONTRACT

CCRC Attorney Marion James reviewed the *Review Appraiser Contract* with the Commissioners. Motion was made by Commissioner Dan McIntosh, seconded by Commissioner Fred Diehl, to approve the Review Appraiser Contract with Paul Maynes of Maynes Real Estate. Motion carried on a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr. and Alternates Mary Klein, Bud Jones and Jeannie Crees

ABTRACTOR CONTRACT

CCRC Attorney Marion James informed the Commissioners that only one application was received for the Abstractor position. Motion was made by Commissioner Jack Cooley, seconded by Commissioner Harold Allen, Jr., to approve the *Abstractor Contract* with Rick Buesch of Banta Abstract Company of Osceola. Motion carried with a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr. and Alternates Mary Klein, Bud Jones and Jeannie Crees
Abstain: William Trickey

SUSPENSION OF CCRC PUBLIC INPUT POLICY FOR JUNE 11, 2009 MEETING

Chairperson Sandy Kale announced that the CCRC Commissioners will be suspending the five minute time limit speaking rule only for the public hearing tonight (June 11).

USDA NRCS REPORT

NRCS Assistant State Conservationist Martin Adkins informed the Commissioners that his office is working through the review process of the CCRC draft watershed plan and environmental impact statement which includes working through the comments and making edits. There are two main issues his staff is addressing.

1. The interpretation of the Ten State Standards, which is being used for the sizing of the proposed Reservoir is one of the main issues.
2. The second issue is related to the mitigation requirements, specifically stream mitigation.

SPONSORS REPORTS

Commissioner Dan McIntosh, SIRWA, reported that SIRWA is finishing up with their FEMA repairs which included 177 washouts caused by last year's rains. SIRWA had over 2.5 million dollars in damage from the rains.

There were no reports from other Commissioners.

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

The Commissioners set the CCRC Annual Meeting for 9:00 a.m. on July 9, 2009 at the Clarke County Development Office.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD

Questions presented were addressed by NRCS Assistant State Conservationist Martin Adkins, CCRC Attorney Marion James and the Commissioners.

JULY ANNUAL MEETING AND REGULAR BUSINESS MEETING

The July annual meeting and regular business meeting will be at 9:00 a.m. on July 9, 2009 in the Information Station at the Clarke County Development Office.

RECESS OF REGULAR BUSINESS MEETING

Upon motion made by Commissioner Fred Diehl, seconded by Commissioner Dan McIntosh, the meeting was recessed at 10:05 a.m. Motion carried with a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Sandy Kale, Dan McIntosh, Fred Diehl, Harold Allen, Jr. and Alternates Mary Klein, Bud Jones and Jeannie Crees

RECONVENE REGULAR BUSINESS MEETING

Chairperson Sandy Kale reconvened the CCRC meeting at 10:20 a.m. for the *PUBLIC INFORMATION SESSION*.

LAND ACQUISITION PROCESS

Speakers for this public information session were Robert Himschoot, Land Acquisition Coordinator, Rick Hansen, IDNR Review Appraiser, Jerry Gibson, IDNR Senior Realty Specialist & Relocation Supervisor and CCRC Attorney Marion James.

RECESS OF REGULAR BUSINESS MEETING

The public information session recessed at 11:27 a.m.

RECONVENE REGULAR BUSINESS MEETING

Commissioner Fred Diehl moved to reconvene the CCRC regular business meeting at 7:00 p.m. Dan McIntosh seconded the motion. Motion carried with a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Norm Lust, Sandy Kale, Dan McIntosh, Scott Busick, Fred Diehl and Harold Allen, Jr.

Absent: Anne Welker

INTRODUCTIONS

Chairperson Sandy Kale introduced USDA NRCS employees Mark DePoy and Jeff Zimprich and prefaced the meeting by saying that this meeting is a formality that CCRC is required to hold. CCRC Commissioners do not intend to use eminent domain unless it is absolutely necessary.

OPEN PUBLIC HEARING ON INTENT TO APPROVE ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR A LAKE AS A SURFACE DRINKING WATER SOURCE

Motion was made by Commissioner Dan McIntosh, seconded by Commissioner Fred Diehl, to open the *Public Hearing on Intent to Approve Acquisition of Property by Eminent Domain for a Lake as a Surface Drinking Water Source*. Motion carried on a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Norm Lust, Sandy Kale, Dan McIntosh, Scott Busick, Fred Diehl and Harold Allen, Jr.
Absent: Anne Welker

QUESTIONS AND ANSWERS AND PUBLIC INPUT

Questions presented were addressed by NRCS State Conservationist for Field Operations Jeff Zimprich and CCRC Commissioners.

CLOSE PUBLIC HEARING

Commissioner Fred Diehl moved to close the public hearing. Commissioner Harold Allen, Jr. seconded the motion. Motion carried with a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Norm Lust, Sandy Kale, Dan McIntosh, Scott Busick, Fred Diehl and Harold Allen, Jr.
Absent: Anne Welker

CONSIDERATION OF RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR A LAKE AS A SURFACE DRINKING WATER SOURCE

Motion was made by Commissioner Jack Cooley, seconded by Commissioner Fred Diehl to adopt *Resolution Authorizing the Acquisition of Property by Eminent Domain for a Lake as a Surface Drinking Water Source*. Motion carried on a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Norm Lust, Sandy Kale, Dan McIntosh, Scott Busick, Fred Diehl and Harold Allen, Jr.
Absent: Anne Welker

ADJOURN MEETING

Motion was made by Commissioner Dan McIntosh, seconded by Harold Allen, Jr. to adjourn at 8:32 p.m. Motion carried on a roll call vote.

Ayes: Commissioners Jack Cooley, Frank Riley, William Trickey, Norm Lust, Sandy Kale, Dan McIntosh, Scott Busick, Fred Diehl and Harold Allen, Jr.

Absent: Anne Welker

Secretary

THE NEXT MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, JULY 9, 2009 AT 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE.