

**CLARKE COUNTY RESERVOIR COMMISSION**  
**Clarke County Development Office**  
**115 East Washington Street, Osceola, IA 50213**  
**Thursday, April 8, 2010**  
**9:00 a.m.**

Sandy Kale, Chairperson (by phone)  
Jack Cooley, Vice Chairperson  
Fred Diehl, Secretary  
Dan McIntosh, Treasurer  
Frank Riley  
Norm Lust  
William Trickey  
Harold Allen, Jr.  
Scott Busick  
Anne Welker

Osceola Water Board  
Clarke County Supervisors  
City of Osceola  
SIRWA  
Clarke County Conservation Board  
Clarke Soil & Water Conservation District  
Clarke County Development Board  
City of Woodburn  
City of Murray  
Member at Large

Mike Kelly  
Jeanne Crees  
Don Price  
Thomas E. Andersen  
Robert Himschoot  
Jeremy Tipton  
John Dodge  
Melissa Brownrigg  
Marion James  
Mark DePoy  
Dennis Hilger  
Kathy Flam

Landowner  
Alternate, City of Murray  
Des Moines  
Clarke County Engineer  
GLB Enterprises, Cedar Rapids  
GLB Enterprises, Cedar Rapids  
GLB Enterprises, Cedar Rapids  
Osceola Sentinel-Tribune  
James Law Firm, Creston  
NRCS-USDA  
Southern Iowa RC&D, Inc.  
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. Ten Commissioners responded to roll call.

**APPROVE AGENDA**

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

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

**APPROVE MARCH 11, 2010 MEETING MINUTES**

A motion was made by Commissioner Dan McIntosh and seconded by Commissioner Harold Allen, Jr. to approve the March 11, 2010 meeting minutes as written. Motion carried on a roll call vote:

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

Abstain: Commissioners Fred Diehl and Frank Riley.

**TREASURER'S REPORT**

**TREASURER'S REPORT  
Clarke County Reservoir Commission  
April 8, 2010**

<b>CHECKING ACCOUNT</b>		<b>CK#</b>
<b>PREVIOUS BALANCE</b> (March 11, 2010)	<b>\$8,919.54</b>	
<b>REVENUE RECEIVED</b>		
3/31/2010 Interest for March 2010	<u>3.68</u>	
<b>TOTAL REVENUE RECEIVED</b>	<u><b>3.68</b></u>	
<b>CASH BALANCE</b> (April 8, 2010)	<b>\$8,923.22</b>	
<b>EXPENSES PRESENTED FOR PAYMENT</b>		
3/15/2010 Safety Deposit Box Rent	15.00	Auto
4/08/2010 Three C Design – design and set up of website	1,500.00	Ck #1115
4/08/2010 Southern Iowa RC&D (Lunarpages – 24 months @ 6.95 for Website)	166.80	Ck #1116
4/08/2010 InterCall – <i>conference call system</i>	24.75	Ck #1117
4/08/2010 Dennis Hilger – copies of Waste Management Plan in Squaw Creek	15.00	Ck #1118
4/08/2010 Creston Publishing – publish 2/11/2010 meeting minutes	<u>120.70</u>	Ck #1119
<b>TOTAL EXPENSES PRESENTED FOR PAYMENT</b>	<u><b>1,842.25</b></u>	
<b>ENDING BALANCE</b> (April 8, 2010)	<b>\$7,080.97</b>	

<b>SPECIAL ACCOUNT</b>		<b>CK#</b>
<i>(Opened 7/26/07)</i>		
<b>PREVIOUS BALANCE</b> (March 11, 2010)	<b>\$25.17</b>	
<b>REVENUE RECEIVED</b>	<u><b>0.00</b></u>	
<b>CASH BALANCE</b> (April 8, 2010)	<b>\$25.17</b>	
<b>EXPENSES PRESENTED FOR PAYMENT</b>	<u><b>0.00</b></u>	
<b>ENDING BALANCE</b> (April 8, 2010)	<b>\$25.17</b>	

<b>LOSST 2008 CHECKING ACCOUNT</b>	<b>CK#</b>
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Account opened 10/9/2008

**PREVIOUS BALANCE** (March 11, 2010) **\$126,141.51**

**REVENUE RECEIVED**

3/11/2010	City of Woodburn – Check #9145 (Sales Tax Period: January 2010)	2,976.29
3/31/2010	Interest for March 2010	<u>17.03</u>

**TOTAL REVENUE RECEIVED TO DATE** **2993.32**  
**CASH BALANCE** (April 8, 2010) **\$ 129,134.83**

**EXPENSES PRESENTED FOR PAYMENT**

4/08/2010	James Law Firm – legal services	4,011.36	
4/08/2010	Ahlers & Cooney, P.C. – legal service	<u>923.02</u>	Ck #1046 Ck #1047

**TOTAL EXPENSES** **\$4,934.38**  
**ENDING BALANCE** (April 8, 2010) **\$124,200.45**

<b>LOSST 2009 CHECKING ACCOUNT</b>
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Account opened 4/17/2009

**PREVIOUS BALANCE** (March 11, 2010) **\$372,365.05**

**REVENUE RECEIVED**

3/11/2010	City of Osceola – Ck # 269422 (Sales Tax Period: January 2010)	68,640.70
3/31/2010	Interest for March 2010	<u>50.27</u>

**TOTAL REVENUE RECEIVED** **68,690.97**  
**CASH BALANCE** (April 8, 2010) **\$441,056.02**

**EXPENSES PRESENTED FOR PAYMENT**

4/08/2010	GLB Enterprises, LLC (land acquisition team activity for March 2010)	<u>7,344.00</u>	Ck # 1014
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**TOTAL EXPENSE** **7,344.00**  
**ENDING BALANCE** (April 8, 2010) **\$433,712.02**

<b>12 MONTH CERTIFICATE OF DEPOSIT</b>
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12/15/2009	Certificate of Deposit (2008 Local Option Sales & Service Tax) <i>Term: 1 year; CD matures 12/15/2010</i>	<b>\$311,477.73</b>
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12/15/2009	Certificate of Deposit (2009 Local Option Sales & Service Tax) <i>Term: 1 year; CD matures 12/15/2010</i>	<b>\$500,000.00</b>
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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, Dan McIntosh, Scott Busick and Frank Riley.

## **OLD BUSINESS**

### **LIABILITY INSURANCE**

CCRC Attorney Marion James gave an update on the liability insurance application submitted to Iowa Communities Assurance Pool (ICAP). ICAP will provide general liability coverage but will exclude coverage for eminent domain, pollution and zoning. Mr. James will review the ICAP proposal, which will include what they are going to exclude, and report back to the Commission at the May CCRC meeting.

## **NEW BUSINESS**

### **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, April 8, 2010*.

1. As discussed previously, analysis completed for the development of the preliminary second draft plan showed that Site 3.5 provided the greatest net benefits, and so that site was shown in the preliminary second draft plan as the National Economic Development (NED) Alternative. The preliminary second draft plan was reviewed by the NRCS National Water Management Center (NWMC).
2. During the time that the NWMC review was underway, a member of the public asked the Iowa Department of Natural Resources (IDNR) about the legality of Site 3.5, since part of the pool for this Site as currently configured would be located less than 1,000 feet from an existing livestock confinement structure. Iowa Code 459.310(c) (2) states "A major water source shall not be constructed, expanded, or diverted, if the major water source as constructed, expanded, or diverted is closer than one thousand feet from a confinement operation structure."
3. In the case of a reservoir used as a water source, the location of the reservoir is defined by its pool at the emergency spillway elevation. The term "emergency spillway" is roughly equivalent to the term "auxiliary spillway" used in the preliminary second draft plan. The pools of all three studied sites as evaluated at this time are closer than 1,000 feet to a known confinement operation structure.
4. Initial consultations with IDNR legal and livestock regulatory staff regarding the 1,000 ft. separation requirement indicated that a provision in the Iowa Administrative Code [576IAC 72.3(5)] provided for the use of a secondary containment barrier to mitigate for distances less than 1,000 feet. However, further research by the IDNR Legal Services Bureau led them to conclude that Iowa Code 459.310(c) (2) does not provide for mitigation through the use of secondary containment barriers.
5. Each of the three studied sites is being evaluated for potential design modifications that would result in the pools being at least 1,000 feet away from the known confinement operation structure. Some design modification options will require the concurrence of State regulators as to their conformance with Iowa Code 459.310(c)(2).
6. As discussed previously, the formal interagency and public comment period will follow completion of edits to the preliminary second draft plan. The technical and legal questions related to the confinement operation structure separation distances will delay final edits on the draft plan until they are resolved.

**CONTRACT EXTENSION WITH GLB ENTERPRISES, LLC**

Commissioner William Trickey moved to approve the recommendation of the Land Committee that Clarke County Reservoir Commission enter into an extension of the June 11, 2009 Contract for Land Acquisition Coordinator Services with GLB Enterprises. This contract is extended effective January 1, 2010 through and including June 30, 2010. Harold Allen, Jr. seconded the motion. Motion carried on a roll call vote:

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

Commissioner Dan McIntosh expressed his concern in not receiving this Contract Extension in a more timely matter and in the future requests documents at least one week in advance.

Chairman Norm Lust reported that John Dodge and Jeremy Tipton of GLB Enterprises have been in contact with some of the landowners and personally thanked them for the good job they have done.

**LAND COMMITTEE ADVISORY REPORT**

Land Committee Chairperson Norm Lust reported that 15 appraisals with 13 landowners have been completed. Mr. Lust also stated that since CCRC is a client of Appraiser Mark Williams, Mr. Williams has requested a "release" from CCRC that authorizes him to communicate with the landowners should they have questions about the appraisals. Motion was made by William Trickey for Attorney Marion James to prepare this release for Mr. Williams. Harold Allen, Jr. seconded the motion and carried on a roll call vote:

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

Chairperson Lust also reported that the Land Committee or the staff will not be involved in the "day to day" operation of the land acquisition since GLB Enterprise was contracted to complete this operation.

**LAND ACQUISITION TEAM REPORT**

Robert Himschoot reported that his team worked with Appraiser Mark Williams on 15 parcel appraisals with 13 landowners. Mr. Himschoot said that things went very well and the appraisers were very enjoyable to work with and they did a great job. To date no actual finished appraisals have been received, but should be available in two weeks. It is the land acquisition team's expectations that when the appraisals are available, they will deliver them to the affected landowner however the landowner wants it delivered.

**MEDIA COMMITTEE REPORT**

Scott Busick reported the web site is almost complete and expenditures were within the authorized \$2200.00. SIRC&D Coordinator Mark DePoy will be writing the water facts article once a month. SIRC&D Development Specialist Dennis Hilger reported on information listed on the web site and commended the Commissioners on many of their accomplishments.

**SPONSORS REPORTS**

Commissioner Fred Diehl, City of Osceola, reported he had received a call from Washington DC wanting to know what budget year CCRC will be requesting funding.

Commissioner William Trickey, Clarke County Development Corporation, questioned what constitutes a hog confinement and what if someone else builds a confinement in the near future?

Commissioner Norm Lust, Clarke Soil & Water Conservation District, informed everyone about the April 2010 National Geographic Issue on **WATER**, which should be mandatory reading. Mr. Lust also thanked the Land Committee for their hard work.

There were no other reports.

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

The next meeting will be May 13, 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.

**ADJOURN MEETING**

Motion was made by Commissioner Norm Lust and seconded by Commissioner Dan McIntosh to adjourn the meeting at 10:15 a.m. Motion carried with all ayes.

Secretary

**THE NEXT MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, MAY 13, 2010 AT 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE.**