

CLARKE COUNTY RESERVOIR COMMISSION
Clarke County Development Office
115 East Washington Street, Osceola, IA 50213
Wednesday, June 23, 2010
11:00 a.m.

Sandy Kale, Chairperson	Osceola Water Board
Jack Cooley, Vice Chairperson	Clarke County Supervisors
Fred Diehl, Secretary	City of Osceola
Dan McIntosh, Treasurer	Southern Iowa Rural Water Association
Frank Riley	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	City of Murray
Anne Welker	Member at Large
Alternate Daniel Shepherd	Southern Iowa Rural Water Association
Alternate Anita Foland	Clarke County Conservation Board
Alternate Jeannie Crees	Murray City Council
Marion James	James Law Firm, Creston
Mark DePoy	USDA NRCS Creston
Judy Weese	Southern Iowa RC&D, Inc.

CALL MEETING TO ORDER

Chairperson Sandy Kale called the special meeting of the Clarke County Reservoir Commission (CCRC) to order at 11:05 a.m. Ten Commissioners responded to roll call.

APPROVE AGENDA

A motion to approve the June 23, 2010 special meeting agenda as written and posted was made by Commissioner Dan McIntosh and seconded by Commissioner Scott Busick. Motion carried on a roll call vote:

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

NEW BUSINESS

CERTIFICATE OF DEPOSIT

Treasurer Dan McIntosh presented a handout comparing quotes, on certificate of deposit (CD) interest rates, received from Clarke County State Bank, American State Bank and Great Western Bank at Osceola.

A motion was made by Commissioner Bill Trickey to invest funds from the 2009 LOSST account and to purchase two (2) \$250,000 flex CDs at American State Bank contingent that the rate is the same that was quoted for one (1) \$500,000 CD. Motion was seconded by Commissioner Fred Diehl and carried on roll call vote:

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

Abstain: Commissioner Sandy Kale.

PROPERTY APPRAISALS

RC&D Coordinator Mark DePoy reported that Mark Williams, Appraiser for Williams & Associates, had completed seven of the 16 appraisals on properties located in common foot print of the proposed sites. The original purpose for completing these appraisals was to provide information concerning property values for the prudent and feasibility study and for borrowing project funds.

The Land Committee had previously recommended that the completed appraisals would be delivered to the landowner by the land acquisition team, who would also answer landowners' questions. At a later date a determination was made that, in accordance to federal/state regulations, the review appraisal must be completed prior to the appraisal being delivered to the landowner. The appraisal and review appraisal would be valid information for approximately six months; therefore, this process could create extra cost as CCRC will not be in the position to purchase land within the six month time frame.

One review appraisal had been completed by Review Appraiser Paul Maynes of Lenox for a fee of \$1,585.00. The fee for Mr. Maynes to complete the 16 review appraisals would total to an estimated cost of \$25,000 - \$30,000. With the six month time frame and cost to consider, CCRC could consider having the land acquisition team prepare a competitive market analysis for each landowner. With this approach, the landowner would receive the market analysis (information gleaned from the appraisal) with a letter explaining the analysis was for information only and was not for negotiation purpose. The market analysis would be approximately two pages in length. If CCRC elected to have the market analysis completed rather than the review appraisals, the landowner would not receive the appraisal.

The Commissioners asked questions regarding the project time frame. Mr. DePoy explained the project time frame starting with the prudent and feasibility study, decision from NRCS on the letter of request for an exception to the NED Alternative, completion of the draft plan and environmental impact statement, 45-day comment period, analysis of comments, etc. Commissioners asked Mr. DePoy to share the project time frame in a written format. Mr. DePoy commented the information will be included in the CCRC power point presentation.

Chairperson Sandy Kale asked that the first presentation be given to the Clarke County Development Corporation and that other requests for the presentation be directed to the service provider.

Attorney Marion James commented that CCRC is not at a place where it has decided to build a reservoir legally; therefore, CCRC has no obligation at this time to give out the appraisals. Until the feasibility study is completed, CCRC cannot make a decision. The appraisals at this time are for information. When there is a public purpose to legally purchase the land, then the landowner has the right to have the appraisal.

A motion was made by Commissioner William Trickey to delay the review appraisals until CCRC starts the land acquisition process. Motion was seconded by Commissioner Fred Diehl. Motion passed on roll call vote:

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

Commissioner Jack Cooley left the meeting at 12:12 p.m.

Commissioner William Trickey made a second motion to authorize the completion of the market analysis on the 16 appraisals and the transmittal of the market analysis to the prospective sellers. Motion was seconded by Commissioner Fred Diehl. The Commissioners did not vote on this motion.

After a lengthy discussion, Commissioner William Trickey withdrew his second motion. He stated he wanted to make a new motion to *reverse* his original/first motion that was passed by the Commissioners.

A motion was made by Commissioner William Trickey to *reverse* the original motion **from** *approving the delay of review appraisals until CCRC starts the land acquisition process* **to** approving/authorizing the review appraiser to complete all review appraisals (15 remaining) and for the land acquisition team to deliver the documents and to communicate with the landowners involved in the 16 appraisals and review appraisals. Motion was seconded by Commissioner Frank Riley and carried on roll call vote:

Ayes: Commissioners Anne Welker, Scott Busick, Fred Diehl, Harold Allen, Jr., Frank Riley, William Trickey, and Norm Lust.

Nays: Commissioners Sandy Kale and Dan McIntosh.

Absent: Commissioner Jack Cooley.

It was noted by Mark DePoy that the Land Committee will meet June 30, 2010. At that meeting the committee will discuss costs with the appraiser and review appraiser for redoing the appraisals and review appraisals after the six month period.

WILLIAMS AND ASSOCIATES APPRAISAL FEES

RC&D Coordinator Mark DePoy reported Marion James received a letter from Mark Williams, Appraiser with Williams & Associates. The letter explained that when CCRC entered into contract with Williams and Associates, the contract price was based on fees for 2009, the year in which the company was told the majority of the appraisals would be completed. In January of 2010, due to increase costs in items such as printing, insurance, etc., the firm found it necessary to increase its appraisal fees 11.5% across the board for all projects. Due to revised fees, CCRC was asked to consider a revised contract.

A motion was made by Commissioner Fred Diehl to approve the 11.5% increase in appraisal fees in contract with Williams & Associates. Motion was seconded by Commissioner Sandy Kale and carried on roll call vote:

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

Absent: Commissioner Jack Cooley.

RURAL CLARKE COUNTY LOCAL OPTION SALES AND SERVICES TAX REFERENDUM

The Commissioners discussed the rules associated with having an election for a rural (non-incorporated) Clarke County Local Option Sales and Services Tax Referendum. The General Election is held the first Tuesday after the first Monday in November so General Election in 2010 will be November 2. A special election for a local option sales and services tax referendum must be held 90 days prior to January 1 or July 1, and the request for a special election must be submitted 120 days prior to the election date.

A motion was made by Commissioner Dan McIntosh that CCRC submit a request to the Clarke County Board of Supervisors for the Supervisors to pass a resolution to have the "Rural Clarke County Local Option Sales and Services Tax Referendum" on the ballot for the General Election November 2, 2010. Motion was seconded by Commissioner Norm Lust and carried on roll call vote:

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

Absent: Commissioner Jack Cooley.

The necessary contacts will be made by Attorney Marion James.

COMMISSION MEETING PUBLIC PARTICIPATION

The Commissioners had adopted a public input policy December 18, 2003 that allowed individuals, who wished to address the board, to have five (5) minutes after the business meeting was completed; and, if they wish to address the board for longer than five (5) minutes they would make a request to be on the agenda. A sample public participation policy was given to the Commissioners to review prior to the meeting that included a broader policy for public input.

A motion was made by Commissioner Norm Lust to keep the current policy and to expand with the following items:

- (1) Persons wishing to make a statement at a CCRC meeting may sign a sheet at the entrance to the meeting room and will appear during the final agenda item titled "Public Comment". This segment is not intended to be a debatable item.
- (2) Anyone who wishes to appear during a specific agenda item and/or distribute material should submit a written request to CCRC not later than ten business days before the scheduled meeting. This segment of the policy is intended to provide adequate time to appropriately prepare for presentations.

Motion was seconded by Commissioner Sandy Kale and passed on roll call vote:

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

Absent: Commissioner Jack Cooley.

It was noted by the service provider that the public participation policy will be prepared and provided to the CCRC Commissioners to critique/review prior to the July 8, 2010 meeting. It was also noted that the final adopted public participation policy will be posted at each meeting by the registration (sign-in) sheet.

GLB ENTERPRISES LLC SERVICES

RC&D Coordinator Mark DePoy reported that the Extended Contract for Land Acquisition Coordinator Services was approved by CCRC April 8, 2010 for services to be provided by GLB Enterprises, LLC to Clarke County Reservoir Commission effective January 1, 2010, through and including June 30, 2010. The extended contract will expire on June 30, 2010. Mr. DePoy stated Mr. Himschoot was willing to present some alternatives to be considered by the Commissioners for continuation of services.

A motion was made by Commissioner William Trickey to have the Land Committee meet with Land Acquisition Coordinator Robert Himschoot, review the alternatives and present a recommendation to the Commissioners. The motion was seconded by Commissioner Frank Riley and carried on a roll call vote:

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

Absent: Commissioner Jack Cooley.

RC&D Coordinator Mark DePoy announced that the next Land Committee meeting had been scheduled for Wednesday, June 30, 2010.

MEDIA COMMITTEE POWER POINT PRESENTATION

RC&D Coordinator Mark DePoy reported he had completed a power point presentation for the media committee.

The committee will meet 2:00 p.m. on Monday, June 28, 2010 at the Clarke County Development Office to critique the presentation. All Commissioners were invited to attend.

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

Chairperson Sandy Kale reported that Mark DePoy, lead contact person between the Clarke County Reservoir Commission (CCRC) and the Southern Iowa Resource Conservation and Development, did not receive approval from his employer, USDA Natural Resources Conservation Service, to have access to a cell phone for CCRC project activity. He could, however, receive approval to possess a cell phone owned by CCRC to use only for activity related to the CCRC water development project. Mr. DePoy was approved to secure a cell phone for CCRC and use it for project activity and share its usage when necessary with the Commissioners.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD

No questions were presented for discussion.

ADJOURN MEETING

Motion was made by Commissioner Norm Lust and seconded by Commissioner Dan McIntosh to adjourn the meeting at 1:20 p.m. Motion carried with all ayes.

Secretary

THE NEXT MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION IS SCHEDULED FOR THURSDAY, JULY 8, 2010 AT 9:00 A.M. AT THE CLARKE COUNTY DEVELOPMENT OFFICE.