

CLARKE COUNTY RESERVOIR COMMISSION
Clarke County Development Office
115 East Washington Street, Osceola, IA 50213
Thursday, January 14, 2010
9:00 a.m.

Sandy Kale, Chairperson (by phone)
Jack Cooley, Vice Chairperson
Fred Diehl, Secretary
Dan McIntosh, Treasurer
Anita Foland, Alternate
Norm Lust
Lyle Persells, Alternate
Harold Allen, Jr.
Scott Busick
Anne Welker

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

Brian Crawford
Curtis Allen
Nelson Fry
Thomas E. Andersen
Robert Himschoot
Jeremy Tipton
John Dodge
Jeannie Crees
Ed Stoll
Melissa Brownrigg
Mark McCurdy
Alan Lauver
Jeffrey Zimprich
Marion James
Dennis Hilger
Judy Weese

Alternate, Osceola Water Board
Landowner
Landowner
Clarke County Engineer
GLB Enterprises, Cedar Rapids
GLB Enterprises, Cedar Rapids
GLB Enterprises, Cedar Rapids
Alternate, City of Murray
Osceola
Osceola Sentinel-Tribune
USDA NRCS, Des Moines
USDA NRCS, Des Moines
USDA NRCS, Atlantic
James Law Firm, Creston
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. Eight Commissioners and two Alternates responded to roll call.

APPROVE AGENDA

A motion to approve the January 14, 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 Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persells.

APPROVE November 12, 2009 MEETING MINUTES

A motion was made by Commissioner Norm Lust and seconded by Commissioner Dan McIntosh to approve the November 12, 2009 meeting minutes as written. Motion carried on a roll call vote:

Ayes: Commissioners Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternate Anita Foland
 Abstain: Commissioner Fred Diehl and Alternate Lyle Persels.

APPROVE December 14, 2009 SPECIAL MEETING MINUTES

A motion was made by Commissioner Dan McIntosh and seconded by Commissioner Norm Lust to approve the December 14, 2009 Special Meeting Minutes. Motion carried on a roll call vote:

Ayes: Commissioners Fred Diehl, Dan McIntosh (by phone), Anne Welker (by phone), Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), Alternate Anita Foland
 Abstain: Commissioner Scott Busick and Alternate Lyle Persels.

TREASURER'S REPORT

**TREASURER'S REPORT
 Clarke County Reservoir Commission
 January 14, 2010**

CHECKING ACCOUNT		CK#
PREVIOUS BALANCE (December 14, 2009)	9,301.28	
REVENUE RECEIVED		
12/31/2009 Interest for December 2009	<u>10.56</u>	
TOTAL REVENUE RECEIVED	<u>10.56</u>	
CASH BALANCE (January 14, 2010)	\$9,311.84	
EXPENSES PRESENTED FOR PAYMENT		
1/14/2010 Creston Publishing – publish 11/12/2009 Mtg. Minutes	<u>89.11</u>	Ck #1110
TOTAL EXPENSES PRESENTED FOR PAYMENT	<u>89.11</u>	
ENDING BALANCE (January 14, 2010)	<u>\$9,222.73</u>	
SPECIAL ACCOUNT		CK#
<i>(Opened 7/26/07)</i>		
PREVIOUS BALANCE (December 14, 2009)	\$25.17	
REVENUE RECEIVED	<u>0.00</u>	

CASH BALANCE (January 14, 2010)	\$25.17
EXPENSES PRESENTED FOR PAYMENT	<u>0.00</u>
ENDING BALANCE (January 14, 2010)	\$25.17

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

PREVIOUS BALANCE (December 14, 2010)	\$ 190,017.32
REVENUE RECEIVED	
12/31/2009 Interest for December 2009	12.92
1/14/2010 City of Woodburn – Check #9089 (<i>Sales Tax Period: October 2009</i>)	<u>3,918.90</u>
TOTAL REVENUE RECEIVED TO DATE	<u>3,931.82</u>
CASH BALANCE (January 14, 2010)	\$ 193,949.14

EXPENSES PRESENTED FOR PAYMENT		
1/14/2010 James Law Firm – legal services	1,684.41	Ck #1033
1/14/2010 Ahlers & Cooney, P.C. – legal service	220.50	Ck #1034
1/14/2010 Howard R. Green – <i>Professional Service through December 4, 2009</i>	24,506.25	Ck #1035
1/14/2010 Howard R. Green – <i>Professional Service through December 25, 2009</i>	<u>2,670.00</u>	Ck #1036
TOTAL EXPENSES		<u>29,081.16</u>
ENDING BALANCE (January 14, 2010)		\$164,867.98

LOSST 2009 CHECKING ACCOUNT

Account opened 4/17/2009

PREVIOUS BALANCE (December 14, 2009)	\$734,212.65
REVENUE RECEIVED	
12/31/2009 Interest for December 2009	<u>29.96</u>
TOTAL REVENUE RECEIVED	<u>29.96</u>
CASH BALANCE (January 14, 2010)	\$734,242.61

EXPENSES PRESENTED FOR PAYMENT		
12/16/2010 Purchase Certificate of Deposit at Great Western Bank <i>(Approved at CCRC Special Meeting December 14, 2009)</i>	500,000.00	Ck # 1009
1/14/2010 GLB Enterprises, LLC (land acquisition team activity for Dec. 2009)	4,764.00	Ck # 1010
1/14/2010 GLB Enterprises, LLC (invoice error for October 2009)	<u>1,728.00</u>	Ck #1011
TOTAL EXPENSE		<u>506,492.00</u>
ENDING BALANCE (November 12, 2009)		\$227,750.61

12 MONTH CERTIFICATE OF DEPOSIT
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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>	\$311,477.73
12/15/2009	Certificate of Deposit (2009 Local Option Sales & Service Tax) <i>Term: 1 year; CD matures 12/15/2010</i>	\$500,000.00

Treasurer Dan McIntosh noted that copies of the Treasurer’s Report were available for the Commissioners and audience to review. He made recommendation that CCRC invest in renting a lock box at the local bank to store important documents such as the Certificates of Deposits and assign one key to Vice President Jack Cooley and the second key to Service Provider (Southern Iowa RC&D staff). There was no objection by Commissioners to this recommendation.

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

Ayes: Commissioners Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

NEW BUSINESS

DESIGN MEMORANDUM DRAWINGS & PROBABLE COSTS OF PIPELINE

Mark Duben, Howard R. Green Co., Des Moines, Iowa discussed the Preliminary Design Memorandum report he completed December 4, 2009 for CCRC. Mr. Duben was contracted by CCRC in September 2009 to complete a preliminary design and opinion of probable construction cost for a finished water pipeline from Des Moines Water Works to the Osceola Water Treatment Plant. Copies of the report were provided to the Commissioners for their review. (For additional information, contact the Service Provider, Southern Iowa RC&D Area, Inc., at Creston for a copy of the report.)

USDA NRCS REPORT

Marty Adkins, Assistant State Conservationist from USDA NRCS Water Resources Staff in Des Moines, presented the Commissioners and audience a written report entitled *NRCS Progress Report, January 14, 2010*.

1. An additional potential reservoir site (labeled Site 5) is being evaluated. The centerline of the dam for Site 5 lies approximately 3,200 feet upstream of the centerline of the dam for Site 4B. Site 5 is being considered for these reasons:
 - a. Site 5 potentially has lower road relocation/modification costs associated with it compared to Site 4B; and
 - b. Site 5 has a larger drainage area to pool area ratio than Site 3.5.

2. Planning-level designs have been completed for sites 3.5, 4B and 5. Dam construction cost estimates are being developed at this time. Dam construction costs will be added to costs for:
 - a. engineering,
 - b. real property rights (including road and utility modification),
 - c. relocation,
 - d. habitat and cultural resources mitigation,
 - e. recreation facilities, and

- f. raw water intake and pipeline costs, for purposes of project cost allocations and cost-benefit analyses. (An attached aerial photo was provided to show locations of potential sites 3.5, 4B and 5.)
3. A meeting was scheduled later that day (January 14, 2010) for NRCS staff to meet with County Engineer Thomas Andersen to discuss potential road relocation and modification issues associated with each of the three potential sites.
4. A net-conference for the purpose of identifying habitat mitigation measures and costs for the three potential sites will be held January 15. This meeting will include representatives of 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.
5. 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.

Jeff Zimprich, USDA NRCS Area Administrator from Atlantic, announced that he will be detailed to work at the National Headquarters of the NRCS in Washington, D.C. February 1, 2010 through April 2010. During that time period, NRCS will appoint someone to be contact person for Jeff's position. Mr. Zimprich advised/suggested the key personnel to contact for this project would be Marty Adkins for planning activities and RC&D Coordinator Mark DePoy for other project activities.

EDUCATION PRESENTATION

Alan Lauver, Agricultural Economist from USDA NRCS Water Resources Planning Staff in Des Moines, presented a handout entitled *Evaluating Effects of Alternative Plans – Part 2 National and Regional Economic Development Accounts*. He explained four accounts are established to facilitate evaluation and display of the effects of alternative plans. These accounts are: national economic development (NED), regional economic development (RED), environmental quality (EQ) and other social effects (OSE).

He stated from the report that the NED account is the only required account. This account identifies beneficial and adverse effects on the economy, and he discussed a listing of beneficial effects and adverse effects. He also commented on the Regional Economic Development Account (RED) which records changes in the regional economic activities that result from each alternative plan.

LAND COMMITTEE ADVISORY STUDY REPORT

Land Committee Chairperson Norm Lust reported the committee was at an important crossroad, and one of the things the committee wants to accomplish at this point is to clarify two purposes and to do so with a motion. The land committee is to come up with the following:

- (1) the basis for voluntary negotiating land sales, and
- (2) the gathering of information on land values for pertinent and feasible studies.

In relationship to what has been transpiring at this time for the land committee, Commissioner Norm Lust made a motion for land committee to have authorization to order appraisals for selected identifiable parcels only.

He explained that these people (landowners) would be those who want to work with CCRC and want CCRC to work with them, and this process would generate facts and figures (per potential land sales) that the land committee needs in order to make other necessary studies. The committee would have actual facts and not have to continue guessing at the facts. These parcels would be common to all project sites. Motion was seconded by Commissioner Fred Diehl and carried on roll call vote:

Ayes: Commissioners Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

Mr. Lust commented that the land acquisition team was out working to contact people and to work with them and to answer questions. He stated that landowners are voluntarily helping the land acquisition team and, therefore, the team is gathering actual facts and figures instead of guessing.

LAND ACQUISITION TEAM REPORT

John Dodge, GLB Enterprises at Cedar Rapids, reported the team met December 18 with the land committee at which time NRCS provided the team with maps with overlay of Sites 4B and 3.5. This allowed the team to identify those landowners common to both sites. NRCS had asked the team to identify those parcels of landowners who would voluntarily enter negotiations for sale for the project, recreation use and mitigation use. The team has been meeting and visiting with those landowners. They have met with over one-half of the landowners affected by both sites. More meetings with landowners have been scheduled.

LIABILITY INSURANCE

Attorney Marion James reported he needed more information before he could finalize a recommendation to present to the board and requested this agenda item be tabled until the next meeting. Mr. James has requested the additional information from the insurance agency.

A motion was made by Commissioner Fred Diehl, seconded by Commissioner Norm Lust to table this agenda item until next meeting. Motion carried on roll call vote:

Ayes: Commissioners Fred Diehl, Dan McIntosh, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels
Absent: Commissioner Anne Welker (temporarily out of room).

Attorney Marion James raised a question concerning a motion made earlier concerning the land committee ordering appraisals on selected identifiable parcels.

In response to the question per clarity of the previous motion, Commissioner Norm Lust made the motion to amend the original motion so that the land committee has authorization to order and include appraisals and also final/review appraisals on selected identifiable parcels only. Motion was seconded by Commissioner Dan McIntosh. Motion carried on roll call vote:

Ayes: Commissioners Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

For the protection of the board, Commissioner Norm Lust made the motion that the request for appraisals go through CCRC Attorney Marion James. Motion was seconded by Commissioner Anne Welker and carried on roll call vote:

Ayes: Commissioners Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

MEDIA COMMITTEE REPORT

Scott Busick reported members of the media committee include Commissioners Frank Riley, Bill Trickey, and Scott Busick, along with Dennis Hilger of the Southern Iowa RC&D Area and Mark DePoy of USDA NRCS.

The committee is currently working on “Water Facts” articles for four months into the future. The next article will be in the local shopper in January.

The tri-fold brochure had been placed in numerous locations in the community, and the committee continues to receive positive comments on the brochure.

Some mock ups of websites in three colors were distributed to the Commissioners. The Commissioners were asked to respond to the committee as to how much personal information they wanted on the web site. It was suggested that a page be included that would have a picture of the board in action with information explaining the purpose of the organization. The Commissioners were encouraged to respond with their ideas and comments.

SPONSORS REPORTS

Commissioner Dan McIntosh reported that Daniel Shepherd, SIRWA Alternate, was improving daily from his recent illness.

No other reports were presented.

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

The next meeting will be February 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 Anne Welker and seconded by Commissioner Dan McIntosh to go into closed session at 10:25 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: Commissioners Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

The Commissioners of Clarke County Reservoir Commission returned from closed session and resumed open session at 11:00 a.m. Those responding to roll call included Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

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

A motion was made by Commissioner Fred Diehl and seconded by Commissioner Harold Allen, Jr. that authorization be given to land acquisition team to proceed on negotiations with landowners once adequate information is received. Motion carried on roll call vote:

Ayes: Commissioners Fred Diehl, Dan McIntosh, Anne Welker, Scott Busick, Harold Allen, Jr., Jack Cooley, Norm Lust, Sandy Kale (by phone), and Alternates Anita Foland and Lyle Persels.

ADJOURN MEETING

Motion was made by Commissioner Dan McIntosh and seconded by Commissioner Norm Lust to adjourn the meeting at 11:02 a.m. Motion carried with all ayes.

Secretary

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