

CLARKE COUNTY RESERVOIR COMMISSION
Information Station
(Clarke County Development Office)
115 Washington Street
Osceola, IA
Thursday, August 8, 2013
9:00 a.m.

Sandy Kale, Chairperson	Osceola Water Board
Larry Keller, Alternate	Clarke County Supervisors
Fred Diehl, Secretary	City of Osceola
William Trickey, Alternate	Clarke County Development Corporation
Jeannie Crees, Alternate	Murray
Dan McIntosh	SIRWA
Harold Allen, Jr.	City of Woodburn
Frank Riley	Clarke County Conservation Board
Scott Busick (arrived at 8:05 a.m.)	City of Murray
Norm Lust	Clarke Soil & Water Conservation District
Anne Welker	Member at Large
Jeannie Crees, Alternate	City of Murray
Mary Klein, Alternate	Clarke Soil & Water Conservation District
Max Crawford, Alternate	SIRWA
Kathy Kelly	Landowner
Darlene Handrock	Landowner
Dixie Rinner	Clarke County Conservation Board
Nelson Fry	Landowner
David Walkup	Osceola City Council
Thomas B. Andersen	Clarke County Engineer
David Beck	SIRC&D, Inc.
Judy Weese	SIRC&D, Inc.

*Not everyone who attended the meeting signed in.

CALL MEETING TO ORDER

Chairperson Sandy Kale called the Board of Directors' meeting of the Clarke County Reservoir Commission (CCRC) to order at 9:01 a.m. Seven Commissioners and three Alternates responded to roll call.

APPROVE AGENDA

A motion to approve the August 8, 2013 meeting agenda as written and posted was made by Commissioner Dan McIntosh and seconded by Commissioner Frank Riley. Motion carried on roll call vote:

Ayes: Commissioners Dan McIntosh, Anne Welker, Sandy Kale, Frank Riley, Fred Diehl, Harold Allen, Jr., Norm Lust and Alternates William Trickey, Jeannie Crees and Larry Keller.

APPROVE JULY 11, 2013 ANNUAL MEETING MINUTES

A motion was made by Commissioner Fred Diehl and seconded by Commissioner Dan McIntosh to approve the July 11, 2013 Annual Meeting minutes as written. Motion carried on roll call vote:

Ayes: Commissioners Dan McIntosh, Anne Welker, Sandy Kale, Scott Busick, Fred Diehl, and Harold Allen, Jr.

Abstain: Commissioners Frank Riley, Norm Lust and Alternates William Trickey and Larry Keller.

APPROVE JULY 11, 2013 REGULAR MEETING MINUTES

A motion was made by Commissioner Dan McIntosh and seconded by Commissioner Fred Diehl to approve the July 11, 2013 Regular Business Meeting minutes as written. Motion carried on roll call vote:

Ayes: Commissioners Dan McIntosh, Anne Welker, Sandy Kale, Scott Busick, Fred Diehl, and Harold Allen, Jr.

Abstain: Commissioners Frank Riley, Norm Lust and Alternates William Trickey and Larry Keller.

TREASURER'S REPORT

**TREASURER'S REPORT
Clarke County Reservoir Commission
August 8, 2013**

GENERAL CHECKING ACCOUNT-SPONSOR CONTRIBUTION

PREVIOUS BALANCE (July 11, 2013)		\$ 38,265.84	
REVENUE RECEIVED/DEPOSITED			
07/31/2013 Interest for July 2013		<u>2.42</u>	
	TOTAL REVENUE RECEIVED	<u>2.42</u>	
CASH BALANCE (August 8, 2013)		\$38,268.26	
EXPENSES PRESENTED FOR PAYMENT			
08/08/2013 Creston/Clarke Publishing Co. June 2013 Mtg. minutes	50.67		Ck #1274
08/08/2013 SIRC&D – three C Design – update website	<u>20.00</u>		Ck# 1275
	TOTAL EXPENSES	<u>70.67</u>	
ENDING BALANCE (August 8, 2013)		<u>\$ 38,197.59</u>	

SPECIAL ACCOUNT

(Opened 7/26/2007)

PREVIOUS BALANCE (July 11, 2013)		\$ 25.30	
REVENUE RECEIVED/DEPOSITED			
07/07/2013 Interest for July 2013		<u>.01</u>	
	TOTAL REVENUE RECEIVED	<u>0.01</u>	
CASH BALANCE (August 8, 2013)		\$25.31	
	TOTAL EXPENSES	<u>0.00</u>	
ENDING BALANCE (August 8, 2013)		<u>\$25.31</u>	

LOSST 2008 CHECKING ACCOUNT*Account opened 10/09/2008*

PREVIOUS BALANCE (July 11, 2013)		\$20,733.26
REVENUE RECEIVED/DEPOSITED		
07/31/2013 Interest for July 2013	8.73	
08/07/2013 City of Woodburn – Ck #9844 (Sales tax period May 2013)	<u>1,853.00</u>	
TOTAL REVENUE RECEIVED		<u>1,861.73</u>
CASH BALANCE (August 8, 2013)		<u>\$22,594.99</u>
EXPENSES PRESENTED FOR PAYMENT		
08/08/2013 Howard R. Green – Preliminary Engineering Report	<u>2,472.00</u>	Ck #1060
TOTAL EXPENSES		<u>2,472.00</u>
ENDING BALANCE (August 8, 2013)		<u>\$20,122.99</u>

LOSST 2009 CHECKING ACCOUNT*Account opened 04/17/2009*

PREVIOUS BALANCE (July 11, 2013)		\$1,529,733.22
REVENUE RECEIVED/DEPOSITED		
07/31/2013 Interest for July 2013	<u>541.26</u>	
TOTAL REVENUE RECEIVED		<u>541.26</u>
CASH BALANCE (August 8, 2013)		<u>\$1,530,274.48</u>
EXPENSES PRESENTED FOR PAYMENT		
Voided check #1041		Ck #1041
08/08/2013 Ahlers & Cooney, P.C.- legal services	<u>3,455.15</u>	Ck #1042
TOTAL EXPENSES		<u>3,455.15</u>
ENDING BALANCE (August 8, 2013)		<u>\$1,526,819.33</u>

PREFERRED DIRECT SAVINGS ACCOUNT (MURRAY) (LOSST 2010) opened 9/8/2011

PREVIOUS BALANCE (July 11, 2013)		\$339,762.36
07/31/2013 Interest for July 2013	92.15	
08/07/2013 City of Murray – Ck #28187 (Sales tax period: May 2013)	<u>7,495.41</u>	
TOTAL REVENUE RECEIVED		<u>7,587.56</u>
ENDING BALANCE (August 8, 2013)		\$347,349.92

PREFERRED DIRECT SAVINGS ACCOUNT XXX774 (LOSST 2008) (opened 12/16/2010)*12/15/2009 Certificate of Deposit (2008 Local Option Sales & Service Tax)*

PREVIOUS BALANCE (July 11, 2013)		\$322,150.71
07/31/2013 Interest for July 2013	<u>119.42</u>	
TOTAL REVENUE RECEIVED		<u>119.42</u>
ENDING BALANCE (August 8, 2013)		\$322,270.13

PREFERRED DIRECT SAVINGS ACCOUNT XXX766 (LOSST 2009)(opened 12/16/2010)

12/15/2009 Certificate of Deposit (2009 Local Option Sales & Service Tax)

PREVIOUS BALANCE (July 11, 2013)		\$517,073.34
07/31/2013 Interest for July 2013		<u>191.67</u>
	TOTAL REVENUE RECEIVED	<u>191.67</u>
ENDING BALANCE (August 8, 2013)		\$517,265.01

PREFERRED DIRECT SAVINGS ACCOUNT XXX428 (LOSST 2009) (opened 7/14/2011)

07/14/2011 CD's (2009 LOSST) Plus Interest Invested Pref. Dir. Saving Acct

PREVIOUS BALANCE (July 11, 2013)		\$1,015,011.16
07/31/2013 Interest for July 2013		<u>275.30</u>
	TOTAL REVENUE RECEIVED	<u>275.30</u>
ENDING BALANCE (August 8, 2013)		\$1,015,286.46

SAVINGS ACCOUNT (EA-2) (opened 9/14/2012)

PREVIOUS BALANCE (July 11, 2013)		\$3,918,024.47
07/31/2013 Interest for July 2013		<u>1,452.35</u>
	TOTAL REVENUE RECEIVED	<u>1,452.35</u>
ENDING BALANCE (August 8, 2013)		\$3,919,476.82

SAVINGS ACCOUNT (CASINO FUND) (opened 2/6/2013)**ACCOUNT OPENED 02/06/2013**

PREVIOUS BALANCE (July 11, 2013)		\$104,414.42
07/05/2013		4,498.35
07/11/2013		5,709.42
07/20/2013		4,509.59
07/27/2013		4,753.65
07/31/2013 Interest for July		<u>42.55</u>
	TOTAL REVENUE RECEIVED	<u>19,513.56</u>
ENDING BALANCE (August 8 2013)		\$123,927.98

TOTAL ENDING BALANCE August 8, 2013	\$7,830,741.54
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Copies of the Treasurer's Report were made available for the 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 Anne Welker and seconded by Commissioner Scott Busick. Motion carried on roll call vote:

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

PUBLIC COMMENT

No comments were made.

NEW BUSINESS

APPROVE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC.

A motion was made by Commissioner William Trickey and seconded by Commissioner Norm Lust to approve the “Agreement for Expert Witness Services” with HDR Engineering, Inc. a Nebraska corporation, with principal offices at Omaha, Nebraska, for “expert witness and consulting services in connection with the legal proceeding known as CCRC Reservoir Declaratory Judgment (“Litigation”).” Motion carried on roll call vote:

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

PROJECT COORDINATOR REPORT

CCRC Project Coordinator David Beck reported there will be a scheduling conference in Clarke County District Court August 16, 2013. The court administrator decided that due to the complexity of the project that a status conference conducted by a judge was necessary. Dave Beck and Attorney Ivan Webber from Des Moines will attend the 9:30 conference along with responding attorneys. The purpose of the conference is for the judge and attorneys to discuss the status of the project and the amount of time still needed for discovery. A date for discovery to be completed and a date for the actual trial should be set during the August 16 conference. This is a significant piece of progress in the declaratory judgment process. This will be open court so anyone can attend.

Mr. Beck stated he had been working on the plan document basically taking the NRCS May 2011 document and editing out the information not relevant to the project and working on the appendices.

As part of the declaratory judgment process, Mr. Beck explained all landowners were contacted and had the opportunity to respond either directly or through their attorney. There is a Federal requirement for those landowners who did not respond. They must be contacted to determine/confirm they are not currently serving in the military service. There is an affidavit process which has to be completed prior to the judge going into the decision making process concerning the project. The goal is to have this requirement completed by the end of September.

SPONSOR REPORTS

Fred Diehl, City of Osceola, reported Osceola City Council approved to pay for the city of Osceola’s portion of the May 7 special election fees with exception of the legal fees. The council wanted an explanation for the legal fees and use of legal counsel.

Sandy Kale, Osceola Water Board, stated she wanted to meet after adjournment with Harold Allen, Jr., Fred Diehl, Larry Keller, and Dave Beck to clarify some project issues.

Frank Riley, Clarke County Conservation Board, reported that Anita Foland retired on July 26, 2013 after serving for 22 years as Director of the Clarke County Conservation Board. Currently board member Dixie Rinner will serve as the alternate. After a new director is hired, the CCCB will determine the board’s representative for the Clarke County Reservoir Commission.

Norm Lust, Clarke Soil & Water Conservation District, reported that as the lake plan develops, the Natural Resource Conservation Service and Soil and Water Conservation Districts will provide technicians from

four surrounding counties to assist with design and application of land practices around the lake and cost share programs for the area.

There were no other reports presented.

OTHER ITEMS TO BE DISCUSSED BY COMMISSION MEMBERS

The next CCRC meeting will be at 9:00 a.m. September 12, 2013.

ADJOURN MEETING

Upon motion made by Commissioner Fred Diehl seconded by Commissioner Harold Allen, Jr. the meeting was adjourned at 9:30 a.m. Motion carried on roll call vote:

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

Secretary

THE NEXT MEETING OF THE CLARKE COUNTY RESERVOIR COMMISSION WAS SCHEDULED FOR THURSDAY, SEPTEMBER 12, 2013 AT 9:00 A.M AT THE CLARKE COUNTY DEVELOPMENT OFFICE, OSCEOLA, IA.