

**1. Call to Order**

David Riley, Chairman, called the regular meeting of the Des Moines County Conservation Board to order at 5:30 p.m. at the Starr's Cave Nature Center

**Those Members Present:** David Riley, Cathy Ziglar, James Steer, Stacey Rector and Jim Garnjobst

**Those Members Absent:** None

**Others Present:** Amy Beavers, Lyle Triska, Paul Ziglar, Amanda Delperdang, Chris & Hillary Lee, Kim Perlstein and Joel Behne

**2. Additions and Deletions to Agenda:**

a. Under old business added b. MVAC

Motion by Stacey Rector, seconded by Jim Steer, to add this item under Old Business. Motion passed unanimously by all members present.

b. New Business A. BMAC Agreement renewal was moved up.

Lyle Triska, President, was in attendance to represent BMAC for the agreement renewal. The updated yearly agreement was signed by both Lyle and Chairman Riley. Lyle presented the board with a picture of the carport that has been placed at the flying field as a shelter for their patrons and members. The board thanked Lyle for the picture and all of BMAC's hard work.

**3. Delegations/Public Input:**

None.

**4. Approval of Minutes:**

**#56** Motion by Stacey Rector, seconded by Jim Steer, to approve the minutes of the October 03, 2012 board meeting. Motion passed unanimously by all members present.

**#57** Motion by Cathy Ziglar, seconded by Jim Steer, to approve the minutes of the October 24, 2012 Special board meeting. Motion passed unanimously by all members present.

**5. Approval of Report of Activities for October 2012:**

**#58** a. Motion by Jim Steer, seconded by Cathy Ziglar, to approve the reports of activity for October 2012. Motion passed unanimously by all members present.

**6. Approval of Claims for October 2012:**

**#59** a. Motion by Stacey Rector, seconded by Jim Garnjobst, to approve the claims for October 2012. Motion passed unanimously by all members present.

**8. Acceptance of Donations:**

a. Dan Wiedemeier. Framed print of badgers. \$200.00 value.

b. Scott Sovern and other's. \$325.00 for the Mary Ann Sovern Memorial.

**9. Committee Reports:**

a. **Shooting Range:**

Jim Steer deferred to Old Business a. Shooting Range.

b. **Flint River Trails:**

Director Perlstein updated the board on the progress with the trail.

Approximately 500 feet of rock has been laid at the Flint Bottom, Prairie Grove Road end of the trail. They have a lot more to complete.

c. **Observatory:** Cathy Ziglar reported: Members are still conducting their busy schedule on a monthly basis.

- d. **REAP:** David Riley. No report.

**10. Project Updates:**

Operations Supervisor Lee:

- The bridge on the BH perimeter trail has been completed. Visitors, runners and hikers no longer need to go off of the BH property to complete their trip around the perimeter.
- Staff completed a timber burn in the area south of the RV campground. This burn is in conjunction with the Habitat Specialist who is working in the area thru a grant from the Fish and Wildlife Service that was secured recently by Natural Resource Manager Mason. When this is completed you will be able to view the lake from the RV Campground.
- Staff is starting to process their winter work schedules and preparing for next spring.

**11. Old Business:**

a. Shooting Range

Operations Supervisor Lee reported that he and several of the Board members had met with Ben Berka, Shooting Sports Coordinator for the IDNR, at the BH ranges on Tuesday October 30, 2010. Jim Steer then reported to the Board by reading the email that Ben had sent to Chris Lee after their meeting that morning.

Ben's email outlined a number of recommendations, many of which had been previously been recommended by the SRAC at an earlier meeting, and indicated that, "...Overall, I think you have put together a first-class operation to be proud of which can easily serve as a model for other non-supervised shooting range facilities."

Amy Beavers, Assistant Des Moines County Attorney, was present at this meeting to assist the Board in answering any legal questions they might have regarding the shooting range with a problem and/or solutions regarding the continued use of the range(s) specifically the 25 and 50 meter ranges.

Board member Jim Garnjobst asked Attorney Beavers what, if any, personal liability a board member might have if it were perceived that the Board acted improperly as it applied to addressing or not addressing issues regarding the range. Attorney Beavers indicated to Jim and the Board that they as an appointed volunteer board, acting under the authority of the Board of Supervisors, were covered and indemnified from individual liability accordingly. Attorney Beavers advised the Board that the State of Iowa does not have any specific requirements for the operations of shooting ranges that the Board could be in violation of. The Board is attempting to address any and all situations that have or might arise as the result of operating the ranges safely. Based on that fact it would be improbable that anyone might bring a winning criminal lawsuit against the Board or any individual members as a result thereof. Attorney Beavers did remind the Board that anyone can bring a lawsuit against another for any reason. Attorney Beavers indicated to the Board that she was comfortable that they were acting in good faith and not in violation of any Iowa or Des Moines County Law.

Operations Supervisor Lee told the board that if they were comfortable with Attorney Beavers answers to their questions that he would like to start implementing the recommendations made by Mr. Berka and the SRAC. Jim Garnjobst asked Chris when the earthwork could be started and a cost to do it. Chris answered that Jerry Edle was ready to start and that the work would be able to be completed for approximately 6,000. Jim Steer asked if we had the money. Director Perlstein advised that we did have money in the budget that would be used for this project.

- #60** Motion by Jim Steer, seconded by Stacey Rector, to approve the request to raise the berms, adjust the angle of the 50 meter range and implement the other recommendations made by Mr. Berka and the SRAC. Motion passed unanimously by all members present.

**Old Business Continued:**

- b. MVAC was added to the agenda under Additions and Deletions a. For Informational purposes Amy Beavers, Assistant Des Moines County Attorney, made available a document from the Wisconsin Attorney General's Office representing the University of Wisconsin La Crosse/Mississippi Valley Archaeological Center (MVAC). This document was a notification that their office would file a lawsuit on November 08<sup>th</sup>, 2012 if payment for work agreed to in August of 2003 was not made.

Chairman Riley summarized for his fellow board members the events that might now possibly lead MVAC to litigation against the DMCCBD. It should be noted that Chairman Riley was the only member of the current DMCCBD that was on the DMCCBD at that time,

After hearing from Chairman Riley Attorney Beavers recommended to the board, as their legal advisor, that they not comment on this situation at this time in a public meeting. Attorney Beavers noted that although the item had been placed on the agenda for this meeting properly the public notice had not been give for the twenty-four hours prior to the meeting as required. No questions were asked nor answered.

Attorney Beavers recommended that Director Perlstein check with the Auditor to determine when a closed meeting might be scheduled with the Des Moines County Board of Supervisors in the upcoming near future.

**New Business:**

- a. BMAC Agreement Renewal – This item was taken care of under Additions and Deletions b.
- b. EE Fiscal Year Report. Delperdang.  
EE/PR Coordinator Delperdang gave an update of EE Events for FY 11-12.
- c. Delperdang Resignation  
EE/PR Coordinator Delperdang has given turned in her letter of resignation. Amanda will be leaving her position of four (4) years to be a stay-at-home Mom.  
The Board thanked Amanda for her service and dedication. They wished her well in her future endeavors.

**#61** Motion by Cathy Ziglar, seconded by Jim Steer, to approve the resignation of EE/PR Coordinator Amanda Delperdang. Motion passed unanimously by all members present.

- d. Director Perlstein Presented the board members with an updated job description for the EE/PR Managers Position. One of the primary changes was from Coordinator to Manager. Other wording has been re-written according to the ever changing requirements of the position.

**#62** Motion by Jim Steer, seconded by Cathy Ziglar, to approve the updated position description for the Environmental Education/Public Relations Manager. Motion passed unanimously by all members present.

**13. Informational Items/Correspondence/Board Comments:**

- a. Baker Property. IA Natural Heritage Foundation  
Director Perlstein updated the board on the progress regarding the potential completion of purchasing the Baker property from the IA Natural Heritage Foundation and the Grant Money and IDOT.

**14. Adjournment:**

- #63 a.** A motion by Jim Garnjobst, seconded by Jim Steer, to adjourn the November 07, 2012 board meeting. Motion passed unanimously by all members present. Meeting adjourned at 6:30 p.m.

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David Riley, Chair

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Cathy Ziglar, Secretary/Treasurer