

Notice & Agenda

Swift County Board of Commissioners

Tuesday, August 5, 2014

9:00 AM

LEC Conference Room – 301 14th St N, Benson, MN

If you need any type of accommodation to participate in this meeting, please contact the County Administrator at 320-314-8399 at least 48 hours prior to the meeting. Times are only estimates and items may be taken out of order.

<u>Time</u>	<u>Reference</u>	<u>Item</u>
9:00 a.m.		Call to Order and Roll Call
9:01 a.m.		Approve Agenda
9:03 a.m.		Consent Agenda
	1-2	(1) Minutes from the July 15, 2015 Meeting
	3-5	(2) Consider approving property tax abatements on utility parcel
	6-7	(3) Consider appointing Animal Control Authority Hearing Officer
	8-14	(4) Consider amending contract language to ensure that Independent Contractors, when transporting foster children in an agency vehicle, are covered by MCIT liability insurance.
	15-16	(5) Consider giving consent for the Swift County HRA to apply a special assessment on property at 513 18th Street North, Benson in the amount of \$3,427.00
9:04 a.m.		Consider Approval of Commissioner warrants and review Auditor warrants reviewed
9:05 a.m.		Commissioner and Board reports
9:20 a.m.		County Administrator report
9:25 a.m.		Citizens Comments
9:25 a.m.	17-30	Public Hearing on and consider adopting an Ordinance providing for the regulation of public pools within Swift County in consortium with Big Stone, Chippewa, Lac Qui Parle and Yellow Medicine Counties
9:35 a.m.		Presentation from Karon White 8th Judicial District Drug Court Administrator
9:50 a.m.		Vicky Severson, HRA Executive Director
	31-32	Discuss the Swift County HRA 2015 preliminary levy
10:00 a.m.	33-39	Public Hearing Regarding Outlet into JD #19 and Removal of Property from JD #5
10:30 a.m.		Presentation from Midge Christenson, 6W Community Corrections Executive Director
11:15 a.m.		Discussion on PERA Correction Plan Election
11:30 a.m.		Presentation from Cheryl Glaeser, Southwest Initiative Foundation Program Officer
		Other Business
12:00 p.m.		Adjournment

SWIFT COUNTY BOARD MINUTES

July 15, 2014

Chairman Fox called the meeting to order at 11:00 AM with all members present as well as County Administrator Mike Pogge-Weaver, County Attorney Robin Finke, County Auditor Kim Saterbak and Amanda Ness.

Chairman Fox asked for any changes or additions to the agenda.

Commissioner Peterson asked to have a discussion regarding the museum added to Other Business.

07-15-14-01 Commissioner Peterson moved and Commissioner Hendrickx seconded to approve the agenda with the noted addition. Motion carried unanimously.

07-15-14-02 Commissioner Rudningen moved and Commissioner Peterson seconded to approve the Consent Agenda which consisted of: (1) Minutes from the July 1, 2014 Meeting and (2) Setting a special meeting on July 29, 2014 at 10:00 AM for a board workshop.

07-15-14-03 Commissioner Klemm moved and Commissioner Peterson seconded to approve the Commissioner warrants as follows: Revenue: \$148,281.17; Road and Bridge: \$164,077.73; Solid Waste: \$19,057.63; Welfare & Family Services: \$367.94; County Health Insurance Fund: \$1,040.00; and County Ditches Fund: \$8,945.23 which includes the following bills over \$2,000: Clifton Larson Allen LLP, \$25,300; Commerford Construction Inc, \$2,775.00; Commerford Gravel, \$83,448.66; Computer Professionals Unlimited Inc, \$5,383.00; Domat's Family Foods, \$2,484.77; Clifford W. Emmert, \$2,737.14; Kandiyohi County Sheriffs Dept, \$2,650.99; Pflipsen Trucking LLC, \$13,118.40; Ron Ringquist, \$3,842.00; SeaChange Printing & Marketing Services, \$5,176.35; Towmaster Inc, \$70,026.10; University of Minnesota, \$14,091.04; West Central Communications, \$66,163.16; and Ziegler Inc., \$5,628.92. Motion carried unanimously.

Board and Committee Reports were given as follows: Chairman Fox reported on Restorative Justice, Woodland Centers, and Pomme de Terre. Commissioner Klemm had no report. Commissioner Peterson reported on the Soil & Water Conservation District and Countryside Public Health. Commissioner Rudningen had no report. Commissioner Hendrickx reported on 6W Corrections.

Administrator Pogge-Weaver updated the board on the Classification and Compensation Study and a Youth Programs meeting with Liz Auch and reminded the board that he would be on vacation through next week.

Countryside Public Health Administrator Liz Auch and Environmentalist Kris Lee presented the board with the new Countywide Pool Ordinance and entertained questions from the board.

07-15-14-04 Commissioner Hendrickx moved and Commissioner Rudningen seconded to set a public hearing on the Countywide Pool Ordinance for August 5th at 9:00 AM. Motion carried unanimously.

County Engineer Andy Sander and Assistant Engineer Paul Petrick requested authorization of final payment of \$176,205.22 for SAP 076-625-013 concrete paving on CSAH 25 from TH 9 to CSAH 26.

07-15-14-05 Commissioner Peterson moved and Commissioner Hendrickx seconded to authorize final payment of SAP 076-625-013. Motion carried unanimously.

Mr. Sander and Mr. Petrick further requested authorization of final payment of \$15,357.99 for SAP 076-622-037 and SAP 076-626-006 sealcoat from CSAH 13 to the North County Line.

07-15-14-06 Commissioner Klemm moved and Commissioner Rudningen seconded to authorize final payment of SAP 076-622-037 and SAP 076-626-006. Motion carried unanimously.

Mr. Sander and Mr. Petrick also requested the approval of the purchase of a 6140R John Deere tractor and loader from Amundson Peterson for \$78,000.00.

07-15-14-07 Commissioner Hendrickx moved and Commissioner Rudningen seconded to authorize the purchase of the new mower tractor. Motion carried unanimously.

Mr. Sander and Mr. Petrick further recommended to the board to wait until 2015 to pave Swift County Highway 17 due to it being too wet. After much discussion it was decided to move forward with the process to get approval to pave in 2015 rather than 2014 as planned.

Environmental Services Director Scott Collins informed the board that the Swift County DAC has requested a workers wage increase per their contract and the state minimum wage increase.

Administrator Pogge-Weaver requested the approval of a contract with Ron Schade Construction for \$32,346 to build a three stall garage.

07-15-14-08 Commissioner Peterson moved and Commissioner Klemm seconded to approve the garage contract. Motion carried unanimously.

Commissioner Peterson informed the board that the Swift County Historical Society has sent out a proposal for bids for an air conditioning unit to help regulate the temperature and humidity in their building. They wanted to make the board aware of their intentions to add air conditioning as it may affect the utility consumption which is paid for by the County. Commissioner Peterson will relay to the Historical Society that the board does not have a concern with the utility consumption possibly increasing and suggest they apply for a legacy grant to help pay for the unit.

Administrator Pogge-Weaver began the 2015 preliminary budget discussion by reviewing factors that could impact the budget including health insurance, HVAC, GIS, classification and compensation study costs, and future ambulance purchases.

Chairman Fox adjourned the meeting at 12:22 PM.

WITNESSED:

Joe Fox, Chair

ATTEST:

Michel Pogge-Weaver, Clerk of the Board



Request for Board Action

BOARD MEETING DATE:
August 5, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Assessor	REQUESTOR: Wayne Knutson	REQUESTOR PHONE: 320-842-5891
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving property tax abatements on utility parcel	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? no
IS THIS MANDATED? yes	EXPLANATION OF MANDATE: Board review and approval for abatement
BACKGROUND/JUSTIFICATION: Parcel #36-2917203: Land value of \$122,500 was included as part of the tax calculation in error. State Assessed Pipeline tax calculation do not include the land value. The land owner has paid the tax associated with the parcel of land where the pipeline exists.	
PREVIOUS ACTION ON REQUEST / Click here to enter text. OTHER PARTIES INVOLVED?	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Did not review prior to meeting	RECOMMENDATIONS: Approve
COMMENTS: None	COMMENTS: None

Application for Property Tax Abatement

For Taxes Levied in Tax Year(s): 2013
 And Taxes Payable in Year(s): 2014

Applicant and Property Information

Applicant Information

Last Name Dome Pipeline Corp attn: Jim Davis@kindermorgan		First Name	Middle Initial
Property Address Tara township		Social Security Number 36-2917203	
City	State MN	Zip code 56215	County Swift
Parcel ID or legal description of property (from tax statement or valuation notice) 19-8000-000 Sec1 Twp122 Range41			School District Number 777

Applicant's Statement of Facts

If the assessed value is being contested, list approximate market value.

Land	Structures	Total
	157900	157900

If taxes, penalties, interest, or costs which are now a lien against the real estate are being contested, list below.

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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Explain why the above amount has not been paid

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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Explain why the above amount has not been paid

Year	Type (taxes, penalty, interest, or cost)	Amount Contested	Amount Paid
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Explain why the above amount has not been paid

Total Amount Contested \$6702 - paid 2014	Portion of total amount contested you are willing to pay \$3718 ✓
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Explain why you think this settlement is fair and reasonable

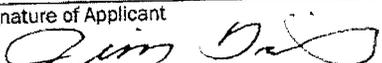
The LAND value of 122500 is in error and should not be taxed. As the total amount has been paid, a refund of \$2984 should be in order.

Applicant's Statement of Facts/Settlement

Sign Here

Signature of Applicant

Applicant requests that the portion of the contested amount in excess of said sum offered should be abated, canceled and refunded. This statement is a true and full statement of all facts known to the applicant relative to this matter.

Signature of Applicant 	Date 7/11/14
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Note: Minnesota Statutes, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of the statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000.00, or both."

Use of Information

In order to be considered for abatement, you must file this form.

The information on this form will be used to properly identify you and determine if you qualify for abatement of property taxes under M.S. 270C.86 or 270C.84. Your Social Security number is required. If you do not provide the required information, your application may be delayed or denied. Your County Assessor may also ask for additional verification of qualifications. Your Social Security number is considered private data.

For Office Use Only

I, the undersigned county auditor, hereby certify the following amounts are the values and taxes currently on our records.

Amounts on Record

Year	Market Value			Taxes	Penalties	Interest	Costs	Total
	Land	Improvements	Total					

Certifications of Approval

For this abatement to be granted by the Commissioner of Revenue, it must have been carefully investigated and receive the favorable recommendation of (i) either the assessor or the county treasurer; (ii) the county auditor; and (iii) the county board.

Recommendation of Assessor or Treasurer

Approved Denied

Signature: Wayne Knutson Title: County Assessor Date: 7-11-2014

Recommendation of County Auditor

Approved Denied

Signature: Kimberly A. Satubal Date: 7-12-2014

County Board of Commissioner's Action (to be completed by County Auditor)

Approved Denied

Signature: _____ Date: _____

Certifications of Final Approval

(complete only for approved abatements; to be completed by County Auditor)

I certify that the approval of this abatement will result in the following changes:

Total Tax, Penalty, and Interest \$ _____ Proposed Penalty Reduction \$ _____
 Proposed Tax Reduction \$ _____ Total Proposed Reduction \$ _____
 Proposed Interest Reduction \$ _____ Total Amount Payable \$ _____

Upon payment of \$ _____ by the applicant, all taxes, penalties, interest, and costs above in excess of the payment amount are abated and cancelled, and the payment will be accepted as a full settlement.

This approval was granted by the county board as an official action of that body or by the county auditor under a delegation from the board and has been entered upon the records of the county as a public record showing the names of the taxpayers, other concerned persons, and the amounts.

Signature of County Auditor: _____ Date: _____

DEPARTMENT OF REVENUE

The Commissioner of Revenue may grant these reductions or abatements of inequitable or unjust taxes, penalties, interest or special assessments not yet paid, and order the refund of taxes, penalties, interest or special assessments that have been erroneously or unjustly paid, (M.S. 270C.86, Subd. 1) Upon the favorable recommendation of the local officials, as certified above, the Commissioner of Revenue approves the abatement of the following amounts:

Proposed Penalty and Interest Reduction \$ _____
 Proposed Tax Reduction \$ _____
 Total Proposed Reduction \$ _____

Signature of Commissioner or Delegate: _____ Date: _____

Signature of Commissioner or Delegate: _____ Date: _____



Request for Board Action

BOARD MEETING DATE:
August 5, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider appointing Animal Control Authority Hearing Officer	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: The County Board previously appointed Byron Giese as the Animal Control Authority Hearing Officer for the County. Since Mr. Giese retired in 2013, the County has not had the need nor have we another official to the post. The Animal Control Authority Hearing Officer is generally an employee of the County but needs to be independent of the Sheriff or County Attorney's office. It is suggested that the County Administrator be appointed to fill this roll.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Approved to form	RECOMMENDATIONS: Review and take an action
COMMENTS: n/a	COMMENTS: None

RESOLUTION

ANIMAL CONTROL AUTHORITY HEARING OFFICER

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that Michel J. Pogge-Weaver is appointed the Animal Control Authority Hearing Officer for Swift County.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of July 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox	___	Hendrickx	___	Klemm	___
Peterson	___	Rudningen	___		



Request for Board Action

BOARD MEETING DATE:
August 5, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Human Services	REQUESTOR: Deanna Steckman	REQUESTOR PHONE: 320 843-6301
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider amending contract language to ensure that Independent Contractors, when transporting foster children in an agency vehicle, are covered by MCIT liability insurance.	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? Yes
IS THIS MANDATED? No	EXPLANATION OF MANDATE: N.A.
BACKGROUND/JUSTIFICATION: Human Services has contracted with independent visitation supervisors to supervise visits between children in foster care and their family members – this may include transporting the children. The original intention of transporting in agency vehicles was to ensure liability coverage for the contractor.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? Click here to enter text.	

Budget Information

FUNDING: Continues to be from Human Services budget.
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Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Will review prior to execution	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

Board Action

Motions ___ J Fox ___ G Hendrickx ___ G Klemm ___ P Peterson ___ E Rudningen	
Action	Vote

Amended Purchase Of Service Contract 703 - BW

2013-14

Swift County Human Services, 401-21st Street South, Benson, Minnesota, 56215, hereinafter referred to as the "Department" and **Rebecca Agnes Woitte, 1206 Oakwood Ave., Benson, MN, 56215**, hereinafter referred to as the "Contractor"; enter into this agreement for the period of **May 1, 2014, to December 31, 2014**, regardless of signature dates.

Witnesseth

WHEREAS, the Department, wishes to purchase visitation supervision, which may include transporting minor children in department's vehicle;

WHEREAS, funds are available for the purchase of such services; and

WHEREAS, the Department has identified child welfare needs for visitation supervision and the Department wishes to purchase these services from the Contractor; and

WHEREAS, the Contractor represents that it is duly qualified and willing to perform such services; and

WHEREAS, the Department, pursuant to M.S. 373.01, 373.02 and 256M wishes to enter into a Contract with the Contractor; and

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth, the Department and the Contractor agree as follows:

100 Definitions

Department's Designated Agent - The County Human Services Director shall be the Department's Designated Agent for the purpose of receiving notification under the terms of this Contract.

Visitation Supervision (11900 – Court related services) – Visitation supervision is necessary when the court orders supervised visits between parent/s and child/ren. A visitation supervisor oversees the visit, observes the interactions, halts inappropriate interaction, and documents the visit. The visitation supervisor may also be required to transport the children in the care/custody of Swift County Human Services to the site of the visit.

200 Purchase of Services

Code	Title	Unit Type	Unit Cost	Est
11900	Court related services	hour	\$15	

2. The total amount to be paid to the Contractor for purchased services shall not exceed **\$15,000** for the duration of the Contract.

3. The Department is agreeing to purchase and the Contractor is agreeing to provide visitation supervision services for Swift County Human Services. Additionally, the Contractor will coordinate with the appropriate social worker for the supervised visits.

300 Delivery of Services

1. Services will be provided by the Contractor within the guidelines of the court order and

case specific needs. In addition, the Contractor will follow the Agency's supervised visit guidelines.

2. The Contractor agrees to provide services in accordance with the amount, frequency, and duration based upon the appropriate court order and in coordination with the social worker.

3. Nothing in this Contract shall be construed as requiring the Contractor to provide services, or the Department to continue purchasing services from the Contractor for any eligible person upon cancellation or termination of the Contract.

400 Contractor Qualifications

A background study will be conducted to ensure the Contractor is appropriate to provide the supervision services to families with children.

500 Payment For Service

1. The Contractor agrees to submit, within 5 days after the end of the month of service, a standard **Vendor Service Voucher** for services provided during each month of this Contract. The **Voucher** shall include all necessary information required by the Department and be signed or approved by an individual authorized to approve the Contractor's invoices. The Department shall insure payment payments are made within 30 days of receipt of a properly completed **Voucher**.

600 Audit and Record Disclosure

1. The Contractor agrees to complete the Supervised Visitation Observation Form for the Department and testify in court hearings if necessary.

2. The Department's procedures for monitoring and evaluating the Contractor's performance under this contract may include, but are not limited to:

- review of written Supervised Visitation Observations, verbal consults with monitor, ongoing social worker's observations of visits and talking with collateral persons (foster care providers, daycare providers, therapists, etc.).

3. The Contractor agrees to allow no information gathered nor copies of documentation of services leave the agency. All forms, notes written, and observations documented will remain in the Swift County Human Services' building with the appropriate social worker or supervisor upon conclusion of supervised visit.

4. The Contractor agrees to comply with policies of the Minnesota Department of Human Services regarding social services recording and monitoring procedures as defined in the Department of Human Services Manual, SSM X.1000 to X.1400, and the administrative rules of the Department of Human Services.

700 Safeguard Of Client Information

1. The collection, maintenance, and dissemination of data pertaining to eligible persons shall be in accordance with Minnesota Statutes, Chapter 13.

2. The individual employed by the Contractor who is designated to assure compliance with the Minnesota Government Data Practices Act, in accordance with Minnesota Statutes, section 13.46, subd. 10, paragraph (d) shall be Rebecca Agnes Woitte.

800 Equal Employment Opportunity, Civil Rights and Non-Discrimination

1. When applicable, the Contractor agrees to comply with the Civil Rights Act of 1964, Title VII (42 USC 2000e); including Executive Order No. 11246, and Title VI (42 USC 2000d); and the Rehabilitation Act of 1973, as amended by Section 504; and all other federal regulations which prohibit discrimination in any program receiving federal financial assistance.

2. When applicable, the Contractor certifies that it has received a certificate of compliance from the Commissioner of Human Rights pursuant to Minnesota Statutes, section 363.073. This section shall not apply if the grant is for less than \$50,000, and the Contractor has employed 20 or less full-time employees during the previous 12 months. The Contractor also agrees to comply with all other applicable provisions in Minnesota Statutes, Chapter 363.

900 Fair Hearing and Grievance Procedures

The Department agrees to provide for a fair hearing and grievance procedure in conformance with Minnesota Statutes, section 256.045, and in conjunction with the Fair Hearing and Grievance Procedures established by administrative rules of the State Department of Human Services.

1000 Bonding and Related Matters

The Contractor agrees that she will at all times indemnify and hold harmless the Department from any and all liability for loss, damage or injuries arising from its performance under this Contract if:

- by reason of any service, a person suffers personal injury, death or property loss or damages either while participating in or receiving from the Contractor the care and services to be furnished by the Contractor under this Contract, or while on premises owned, leased, or operated by the Contractor, or while being transported to or from the premises in a vehicle owned, chartered, or otherwise contracted for by the Contractor or its assigns; or
- by reason of negligence or misconduct on the part of the Contractor, a person causes injury to, or damage to, the property of another person or individual during any time when the Contractor, the Contractor's assigns or employee thereof has undertaken or is furnishing the care or service called for under this Contract.

1100 Contractor Debarment, Suspension, and Responsibility Certification

Federal Regulation 45 CFR 92.35 prohibits the Agency from purchasing goods or services with Federal money from vendors who have been suspended or debarred by the Federal government. Similarly, Minnesota Statutes, Section 16C.02, subd. 2 provides the Commissioner of Administration with the authority to debar and suspend vendors who seek to contract with the Agency. Vendors may be suspended or debarred when it is determined, through a duly authorized hearing process, that they have abuse the public trust in a serious manner.

By signing this contract, the Contractor certifies that she:

- is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from transacting business by or with any Federal, State or local governmental department or agency;
- has not within a three-year period preceding this contract: 1) been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract; 2) violated any Federal or State antitrust statutes; or 3) committed embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;

- is not presently indicted or otherwise criminally or civilly charged by a governmental entity for: 1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction; 2) violating any Federal or State antitrust statutes; or 3) committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
- is not aware of any information and possesses no knowledge that any subcontractor(s) that may perform work pursuant to this contract are in violation of any of the certifications set forth above; and
- shall immediately give written notice to the Contracting Officer should Contractor come under investigation for allegations of fraud or a criminal offense in connection with obtaining, or performing: a public (Federal, State or local government) transaction; violating any Federal or State antitrust statutes; or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.

Directions for On Line Access to Excluded Providers - To ensure compliance with this regulation, identification of excluded entities and individuals can be found on the Office of Inspector General (OIG) website at www.dhhs.gov/progorg/oig/. If you do not have access to the website, and/or need the information in an alternative format, contact: Deanna Steckman, Director, Swift County Human Services, 410-21st Street South, Benson, Minnesota 56215, or call 320-843-3160.

1200 Conditions Of The Parties' Obligations

1. This Contract may be canceled by either party at any time, with or without cause, upon 30 days notice, in writing, delivered by mail or in person. During this contract term, services are needed only to meet court-required visitations and this contract does not imply services will be needed on a regular basis.
2. Before the termination date specified in this contract, the Department may evaluate the performance of the Contractor in regard to terms of this Contract to determine whether such performance merits renewal of this Contract. This paragraph does not create an option for renewal of this Contract.
3. Any alterations, variations, modifications, or waivers of provisions of this Contract shall be valid only when they have been reduced to writing, and properly executed by both parties.
4. If the Department determines that funds are not being administered in accordance with the approved service plan, budget, or that services are not being properly provided according to the terms of this Contract, the Department may terminate this Contract after notice has been provided to the Contractor.

1300 Subcontracting

1. The Contractor agrees not to enter into subcontracts for any of the work contemplated under this Contract without prior written approval of the Department.
2. All subcontractors shall be subject to and shall meet all requirement of this Contract.
3. The Contractor shall ensure that any and all subcontracts to provide services under this Contract shall contain the following language:

"The subcontractor acknowledges and agrees that the Minnesota Department of Human

Services is a third-party beneficiary, and as a third-party beneficiary, is an affected party under this Contract. The subcontractor specifically acknowledges and agrees that the Minnesota Department of Human Services has standing to take any appropriate administrative action or sue the subcontractor for any appropriate relief in law or equity, including but not limited to, rescission, damages, or specific performance, of all or any part of the Contract between the County Board and the Contractor. The subcontractor specifically acknowledges that the County Board and the Minnesota Department of Human Services are entitled to any may recover from the subcontractor reasonable attorney's fees, costs, and disbursements associated with any action taken under this paragraph that is successfully maintained. This provision shall not be construed to limit the rights of any party to the Contract or any other third-party beneficiary, nor shall it be construed as a waiver of immunity under the Eleventh Amendment to the United States Constitution or any other waiver of immunity."

4. The Contractor agrees to be responsible for the performance of any subcontractor to ensure compliance with the subcontract.

1400 Noncompliance

1. If the Contractor or subcontractor fails to comply with the provisions of this Contract, the Department may seek any available legal remedy.

2. Either party shall notify the other party within 30 days when a party has reasonable grounds to believe that this Contract has been, or will be breached in a material manner. The party receiving such notification shall have 30 days, or such other reasonable period of time as mutually agreed to by the parties, to cure the breach or anticipatory breach.

1500 HIPAA Protocol

The Contractor provides assurances to the Department that it will comply with Health Information Portability and Accountability Act (HIPAA) requirements necessary to protect individual identifying health information (IIHI). Use and disclosure will require that all IIHI be: appropriately safeguarded; any misuse of IIHI will be reported to the Department; secure satisfactory assurances from any subcontractor; grant individuals access and ability to amend their IIHI; make available an accounting of disclosures; release applicable records to the Department or Department of Human Services if requested; and upon termination, return or destroy all IIHI in accordance with conventional record destruction practices.

1600 Miscellaneous

The Contractor acknowledges and agrees that the Minnesota Department of Human Services is a third-party beneficiary, and as a third party beneficiary, is an affected party under this Contract. The Contractor specifically acknowledges and agrees that the Minnesota Department of Human Services has standing to take any appropriate administrative action or sue the Contractor for any appropriate relief in law or equity, including but not limited to, rescission, damages, or specific performance, of all or any part of the Contract between the County Board and the Contractor. The Contractor specifically acknowledges that the County Board and the Minnesota Department of Human Services are entitled to and may recover from the Contractor reasonable attorney's fees, costs, and disbursements associated with any action taken under this paragraph that is successfully maintained. This provision shall not be construed to limit the rights of any party to the Contract or any other third-party beneficiary, nor shall it be construed as a waiver of immunity under the Eleventh Amendment to the United States Constitution or any other waiver of immunity.

1700 Entire Agreement

It is understood and agreed that the entire Contract of the parties is contained herein and that this Contract supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof, as well as any previous agreements presently in effect between the Contractor and any county social service agency relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

Signatures

1. Rebecca Woitte 7-25-2014
Contractor, Rebecca Agnes Woitte Date

2. Deanna Steckman 7-28-2014
Director of SCHS, Deanna Steckman Date

3. _____
Joe Fox, Board Chair Date
ATTEST:

Michel J. Pogge-Weaver, Clerk of the Board

Approved As To Form And Execution:

4. _____
Swift County Attorney, Robin Finke Date



Request for Board Action

BOARD MEETING DATE:
August 5, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Swift County HRA	REQUESTOR: Vicki Syverson	REQUESTOR PHONE: 320-843-4676
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider giving consent for the Swift County HRA to apply a special assessment on property at 513 18th Street North, Benson in the amount of \$3,427.00	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: The Swift County HRA desires to make an emergency loan to the home owners at 513 18th Street North in Benson in order that they can complete repairs to the sanitary sewer servicing property. The property owners have attempted but have been unable to obtain traditional financing for the project due to the low amount involved. The Swift County HRA is request the Board consent for the ability to place a special assessment on property in the name of Swift County to secure the loan.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

Budget Information

FUNDING: The loan is being made with funding from the HRA.
--

Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Reviewed and approved the loan to form.	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None



Request for Board Action

BOARD MEETING DATE:
August 5, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Public Hearing on and Consider Adopting an Ordinance providing for the regulation of public pools within Swift County in consortium with Big Stone, Chippewa, Lac Qui Parle and Yellow Medicine Counties	
AGENDA YOU ARE REQUESTING TIME ON: 9:25 AM	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: Countryside Public Health, Environmental Health, has regulated and inspected Public Pools within their five member Counties for many years and they have applied the State Public Pool statutes and rules to those pools. During a recent review, it was discovered that the correct ordinance delegating the inspection authority to Countryside Public Health was not adopted by their member Counties. Adoption of these rules by ordinance is required to continue to have these pools inspected locally. The propose ordinance adopts the State of Minnesota Statutes and Rules regarding Public Pools, along with adopting enforcement tools that are consistent with other Countryside Ordinances. This ordinance is consistent with the way Countryside has been inspecting pools and should not result in any change.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: Click here to enter text.
--

Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Will approved to form prior to final adoption	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

**BOARD OF COUNTY COMMISSIONERS
SWIFT COUNTY, MINNESOTA**

**Resolution No: _____
RELATING TO PUBLIC POOLS**

WHEREAS, the Swift County Board of Commissioners intends to protect and provide for the public health, safety and general welfare of the County of Swift by regulating the public pools throughout said county; and

WHEREAS, pursuant to Minnesota Statute Chapter 145A.05 and Minnesota Statute Chapter 371.59, county boards may adopt ordinances to regulate actual or potential threats to the public health; and

WHEREAS, Countryside Public Health is a joint powers board of health organized under Minnesota Statute Chapter 145A.03 and Minnesota Statute Chapter 471.59 by Big Stone, Chippewa, Lac qui Parle, Swift and Yellow Medicine Counties; and

WHEREAS, the Minnesota Commissioner of Health has delegated authority to Countryside Public Health under Minnesota Statute Chapter 145A.07, Subd. 1, for the licensing, inspection, reporting and enforcement duties authorized under Minnesota Statute 144.1222 and Minnesota Rules 4717.0150 to 4717.3970 relating to rules and standards for public pools.; and

WHEREAS, it is the intention of the Swift County Board of Commissioners to approve the ordinance regulating public pools.

NOW THEREFORE, BE IT RESOLVED that the Swift County Board of Commissioners does hereby enact the attached ordinance regulating public pools.

Commissioner _____ moved to adopt the above resolution

Commissioner _____ seconded the motion

Record of Vote:	<u>AYE:</u>	<u>NAY:</u>
Commissioner Fox	_____	_____
Commissioner Hendrickx	_____	_____
Commissioner Klemm	_____	_____
Commissioner Peterson	_____	_____
Commissioner Rudningen	_____	_____

The motion was considered on and duly passed on _____, 2014.

Dated this _____ day of _____, 2014

SWIFT COUNTY

By: Joe Fox
Its: Chairman of the County Board

ATTEST:

Michel J. Pogge-Weaver, Clerk of the Board

**COUNTY OF SWIFT
STATE OF MINNESOTA**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF
PUBLIC POOLS WITHIN SWIFT COUNTY IN
CONSORTIUM WITH BIG STONE, CHIPPEWA, LAC QUI
PARLE AND YELLOW MEDICINE COUNTIES**

AS

COUNTRYSIDE PUBLIC HEALTH SERVICE

EFFECTIVE:_____

INDEX

Section I	General Provisions
Section II	Definitions
Section III	Public Pool Standards
Section IV	Embargo, Condemnation and Tagging
Section V	Plan Review of Future Construction
Section VI	Licenses
Section VII	Repeal of Previous Ordinance
Section VIII	Effective Date

THE COUNTY BOARD OF COMMISSIONERS OF SWIFT COUNTY DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION I – GENERAL PROVISIONS

- 1.1 Purpose. To protect and provide for the public health, safety, and general welfare of the County of Swift by licensing and inspecting public pools, regulating their operation and maintenance; and providing for the enforcement of the regulations herein throughout the County.
- 1.2 Legal Authority. Countryside Public Health is a joint powers board of health organized under Minnesota Statute Chapter 145A.03 and Minnesota Statute Chapter 471.59 by Big Stone, Chippewa, Lac Qui Parle, Swift and Yellow Medicine Counties. This ordinance is enacted pursuant to Minnesota Statute Chapter 145A.05 and Minnesota Statute Chapter 371.59 under which county boards may adopt ordinances to regulate actual or potential threats to the public health and is related to a delegation of authority by the Minnesota Commissioner of Health to Countryside Public Health under Minnesota Statute Chapter 145A.07, Subd. 1, for the licensing, inspection, reporting, and enforcement duties authorized under Minnesota Laws, Chapter 144 relating to rules and standards for public pools. Countryside Community Health Board is authorized to enforce this ordinance.
- 1.3 Jurisdiction. This ordinance shall be applicable in Swift County to all public pools as defined in Minnesota Statute 144.1222, and all amendments or additions thereto.
- 1.4 Compatibility. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance, or any other applicable law, ordinance, rule or regulation, the provision which establishes the higher standards for the promotion of the public health, safety, and general welfare shall prevail.
- 1.5 Severability. The provisions of this ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this ordinance be declared invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION II – DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

- 2.1 Board means Countryside Public Health (CPH) Community Health Board acting as the Board of Health under the provisions of Minn. Stat. 145A.10, and all amendments or additions thereto.

- 2.2 Environmental Health Department means the Countryside Public Health (CPH) Community Health Board and its Environmental Health staff.
- 2.3 Environmental Health Director means the Countryside Public Health (CPH) Community Health Board’s Environmental Health Director and any related staff acting under the Board’s authority.
- 2.4 Notice means a written instrument delivered personally, mailed to the last known address of the responsible party entitled to notice, or posting the notice at the entry to the establishment.
- 2.5 Mail means a mailing by United States First Class Mail with return receipt requested directed to the recipient’s last known address. A return of such mailing for any purpose shall not void the notice.

SECTION III – PUBLIC POOL STANDARDS

- 3.1 All public pools within Swift County shall comply with the standards for public pools as set forth in Minnesota Statute 144.1222 and in Minnesota Rules 4717.0150 through 4717.3970 and all amendments or additions thereto. Specifically, Minnesota Statutes 144.1222 and Minnesota Rules 4717.0150 through 4717.3970, inclusive, and amendments or additions, are hereby incorporated herein by reference and made a part of this ordinance. Any reference to the Commissioner shall mean the Countryside Public Health (CPH) Community Health Board and its designated agents, as may be delegated.

SECTION IV – EMBARGO, CONDEMNATION, AND TAGGING

- 4.1 General. The Environmental Health Director may condemn and cause to be removed, embargo, and/or tag any item deemed to be in violation of this ordinance.

SECTION V – PLAN REVIEW OF FUTURE CONSTRUCTION

- 5.1 General. The Commissioner of the Minnesota Department of Health has jurisdiction over pool construction. When a public pool in Swift County, licensed or to be licensed under the provisions of this ordinance, is hereafter constructed or remodeled, the entity shall submit to the Commissioner of the Minnesota Department of Health all required specifications and materials.

SECTION VI – LICENSES

- 6.1 Licenses Needed. It shall be unlawful for any person to operate a public pool within Swift County without a valid license issued by the Environmental Health Department.

Issuance and retention of a license is dependent upon compliance with the requirements of this ordinance. Licenses are specific to each public pool. The license must be posted at the pool. The regular license shall run on a calendar year from January 1st to December 31st of that year. For seasonal public pools a license shall run from May 1st to the next April 30th. The school license year shall run from July 1st to the next June 30th. Licenses expire at 11:59 p.m. on the last day the license is in effect.

6.2 Application for License.

- A. Any person desiring to operate a public pool shall make a written application on forms provided by the Environmental Health Department.
- B. Such application shall include: The applicant's full name and address and whether such applicant is an individual, firm, partnership or corporation; the location and description of the public pool, as well as a signature of the applicant or applicants. The Environmental Health Department may require such additional information as it may find necessary.
- C. Application for a new public pool and the appropriate license fee shall be submitted to the Environmental Health Department at least ten (10) days prior to the desired date of operation.
- D. Renewal applications and the license fee shall be submitted to the Environmental Health Department on or before December 1 prior to the expiration of the current year's license. Penalties shall not accrue until after expiration of the current year's license.
- E. Applications for renewal of schools and affiliated establishments shall apply for license no later than June 1 each year. Penalties shall not accrue until after expiration of the current year's license.
- F. Applicants for the renewal of seasonal licensed establishments shall apply no later than April 1 each year. Penalties shall not accrue until after expiration of the current year's license.
- G. Countryside Community Health Board is authorized to collect annual license fees and all other related fees. The amount of the annual license fee, any penalties or other fees required shall be specified by resolution of the Countryside Community Health Board and may be adjusted from time to time as the Board deems appropriate. Fees paid shall be retained by the Community Health Board regardless of whether there is approval or denial of the license.
- H. If an application is made for the calendar year whereby the license begins on or after October 1st of that year, the license fee for new applicants or new operators shall be one-half of the appropriate annual license fees, plus any penalty which may be required. The provision for one-half of the license fee shall apply to any new

applicant or licensee applying on or after February 1st for seasonal licenses or on or after April 1st for school year licenses.

6.3 Inspection and Correction.

- A. The Environmental Health Department shall inspect public pools to assure compliance with the requirements of this ordinance.
- B. The person or entity operating a public pool shall, upon request of the Environmental Health Department, and after proper identification, permit access to all areas of the public pool for inspection. Further, the operator shall provide such documents and records required to ensure compliance with the provisions of this ordinance.
- C. Further, operators shall furnish or permit sampling, free of charge, samples which may be needed by the Environmental Health Department for laboratory analysis.
- D. Whenever an inspection of a public pool is made, the findings shall be recorded on an inspection report form. One copy shall be provided to the operator of the public pool. The inspection report is a public document and shall be available to the public unless the report is a part of a pending litigation, or unless there are scheduled follow up inspections.
- E. The inspection report form shall specify a specific and reasonable period of time for correction of the violation, EXCEPT certain violations may require immediate action or suspension of operations of the public pool as public safety may require.

6.4 Suspension of License.

- A. Licenses may be suspended temporarily by the Environmental Health Director, or staff, at any time for:
 - 1. Failure by the holder to comply with the requirements of the ordinance.
 - 2. Failure to timely comply with any notice requiring corrective action.
 - 3. Failure to comply with Minnesota Statute 144.1222 and Minnesota Rules 4717.0150 through 4717.3970, and as amended, and any additions thereto.
- B. A license holder or operator shall be provided notice that the license has been suspended and that an opportunity for a hearing before the Appeals Board will be provided if a written request for an appeal is filed timely with the Environmental Health Director.
- C. Notwithstanding the other provisions of this ordinance, whenever the Environmental Health Director or other qualified specialist, employee or agent of Countryside Public Health find conditions in the operation of the public pool which in their judgment may constitute a substantial hazard to the public health, a written notice to the license

holder/operator may be issued citing such condition(s) specifying corrective action to be taken, specify a time period which such action must be taken, specify the corrective action to be taken, and specify the time period within which such action must be completed. If deemed necessary, such order shall state that the license is immediately suspended and may require that public pool operations be immediately discontinued and persons affected by such action may obtain review of this action by filing a written petition for appeal with the Environmental Health Director.

- D. Any person whose license has been suspended may at any time make an application for reinspection for the purpose of reinstatement of the license. The application for reinspection shall be in writing and include a summary of the applicant's remedial action and that the condition(s) causing suspension of license have been corrected within ten (10) days of the application. The premises shall be reinspected, and if the applicant is in compliance with the requirements of the ordinance, the license shall be reinstated.

6.5 Revocation of License. For serious or repeated violations of any of the requirements of this ordinance, the license may be permanently revoked. Prior to such action, the Environmental Health Director shall notify the license holder in writing, advising that the license shall be permanently revoked five (5) days after the issuance of said notice. The license holder shall be advised at the same time that a hearing before the Appeals Board will be provided if a written request for appeal is filed with the Environmental Health Director.

6.6 Appeals.

- A. An appeal may be brought under the provisions of this section to address any objection to the enforcement of this ordinance.
- B. Any affected person may pursue an appeal where the enforcement of a provision of this ordinance causes undue hardship or is believed to be unreasonable, impractical or not feasible.
- C. Appeals shall be presided over by an Appeals Board.
- D. The membership of the Appeals Board shall consist of the Chairperson of the Countryside Public Health Board, a County Commissioner, the Executive Director of Countryside Public Health, and the Environmental Health Director for Countryside Public Health. Any of these members may designate an alternate to serve on the Appeals Board.
- E. The Appeals Board shall be chaired by the Chairperson of the Countryside Public Health Board.

- F. The Appeals Board shall have the power to affirm, reverse or modify the enforcement action of Countryside Public Health Service, its departments and its agents.
- G. An Appeal shall be commenced by a request to the Appeals Board for a hearing. Such requests shall be filed with the Countryside Public Health Office in Benson, Minnesota. The request shall be in the form of a written petition and shall set forth a statement of the issues. Said petition shall be filed within thirty (30) days after the enforcement issue arises.
- H. A hearing shall be held within ten (10) days after the date on which the appeal was filed. The Chairperson of the Appeals Board may postpone the date of the hearing for a reasonable time if, in the chairperson's judgment, a good and sufficient reason exists for such postponement.
- I. Countryside Public Health shall provide five (5) days written notice of the hearing to the appellant.
- J. At the hearing, Countryside Public Health Service shall present a detailed, written statement of findings supporting the decision of Countryside Public Health Service. The appellant, his/her agent, or attorney shall then be given an opportunity to show cause why the enforcement action taken by Countryside Public Health Service should be reversed or modified. The hearing may be continued if, in the chairperson's judgment, due process requires or other good and sufficient reason exists for such continuance.
- K. The Appeals Board shall render its decision in the form of findings and conclusions set forth in writing within three (3) days after the close of the hearing. A copy of the decision of the Appeals Board shall be served by mail or in person on the appellant/designee. Any person aggrieved by the decision of the Appeals Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.
- L. A recording may be made of any hearing before the Appeals Board and if so, it shall be retained in the office of Countryside Public Health Service for a period of not less than one (1) year after the close of the hearing. All written records relating to an appeal shall likewise be retained in the office of Countryside Public Health Service for a period of not less than one (1) year after the close of the hearing.
- M. The terms of any notice served pursuant to the provisions of this ordinance shall become final if a written petition for a hearing is not filed with the Environmental Health Director within ten (10) days after the date of mailing.

6.7 Enforcement.

- A. Nothing herein shall limit the option of seeking civil relief in an action to enjoin violations of this ordinance.

- B. Injunctive actions shall be conducted by the county attorney or other designee.
- C. No person shall make a false statement in a document required to be submitted under the provisions hereof.
- D. Each day that a violation exists shall constitute a separate offense.
- E. Administrative Enforcement.
 - 1. The use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for ordinance violations.
 - 2. A violation of a provision of this ordinance may be subject to an administrative citation and civil penalties.
 - 3. The Countryside Public Health Community Health Board may adopt by resolution a schedule of fines for offenses initiated by administrative citation. Said schedule shall be modified by said Board as it deems appropriate.
 - 4. The Environmental Health Director may issue a written administrative citation upon belief that a violation of this ordinance has occurred. The citation must be delivered in person or by mail to the person responsible for the violation. The citation must state the nature of the offense, the name of the issuing officer, the amount of the fine, and the manner of paying the fine.
 - 5. The person responsible for the violation shall pay the fine within thirty (30) days after issuance of the citation. Payment of the fine constitutes admission of the violation. A late payment of ten percent (10%) of the fine amount may be imposed.
 - 6. Administrative enforcement shall be conducted by the Environmental Health Department or its designee.
 - 7. Appeal from a citation shall be made in accordance with the appeal provisions provided hereinabove.
 - 8. Upon a failure to pay an administrative fine noted above within the above said 30 days, the citation may be dismissed and Countryside Public Health may refer the violation to prosecuting attorney for criminal prosecution.

F. Criminal Enforcement.

1. Criminal prosecution shall be conducted by the county attorney.
2. Whoever fails to comply with any of the provisions hereof shall be guilty of a misdemeanor.
3. Upon conviction of any violation of this ordinance, a person shall be subject to the statutory penalties for misdemeanors.

SECTION VII – REPEAL OF PREVIOUS ORDINANCE

- 7.1 This ordinance repeals and replaces in its entirety all prior public pool ordinances adopted by this county.

SECTION VIII – EFFECTIVE DATE

- 8.1 This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Board of Commissioners of Swift County, Minnesota the _____ day of _____, 2014

SWIFT COUNTY BOARD OF COMMISSIONERS

By: Joe Fox

Its: Chairman of the County Board

Attest:

Clerk of the Board



Request for Board Action

BOARD MEETING DATE:
August 5, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Swift County HRA	REQUESTOR: Vicki Syverson	REQUESTOR PHONE: 320-843-4676
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Discuss the Swift County HRA 2015 preliminary levy.	
AGENDA YOU ARE REQUESTING TIME ON: 9:50 am	ARE YOU SEEKING APPROVAL OF A CONTRACT? no
IS THIS MANDATED? no	EXPLANATION OF MANDATE: NA
BACKGROUND/JUSTIFICATION: Swift County HRA would like to request \$45,000 for our 2015 Levy; the same dollar amount as 2014. Swift County HRA is allowed a maximum levy request of \$473,771; MN Statute, Section 469.001 - 469.047.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? no	

Budget Information

FUNDING: 2015 Proposed Budget is attached.
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Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Did not review	RECOMMENDATIONS: Review and discuss
COMMENTS: n/a	COMMENTS: n/a

**BEFORE THE SWIFT COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY
FOR JUDICIAL DITCH #19 AND JUDICIAL DITCH #5**

AGENDA

**Public Hearing Regarding Outlet into JD #19 and Removal of Property from JD #5
August 5, 2014, 10:00 a.m.**

- I. Opening of Public Hearing – *Board Chairperson*
- II. Purpose of Public Hearing – *Kurt Deter*
- III. Notice Requirements – *Mike Johnson*
- IV. Presentation by Petitioner – *Peter Hemberger and Petitioner*
- V. Public Comment & Questions
- VI. Possible Approval of Outlet, if:
 - a. The Drainage Authority determines that JD #19 has sufficient capacity.
 - b. Discussion of outlet fee and benefits.
 - c. Possible approval of Removal from JD #5, if:
 - 1) The waters from Petitioners’ property have been diverted from the drainage system or the property cannot significantly or regularly use the drainage system.
 - 2) The property is not benefited by the drainage system.
 - 3) That removing the property from the drainage system will not prejudice the property owners and property remaining in the system.

GISLASON & HUNTER LLP

ATTORNEYS AT LAW

NEW ULM MINNEAPOLIS MANKATO MAPLETON HUTCHINSON DES MOINES

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Also admitted in:
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² Wisconsin
³ Admitted only in Virginia
⁴ Admitted only in Iowa

* Civil Trial Specialist
† Qualified ADR Neutral

Sidney P. Gislason
(1908-1985)
Robert M. Halvorson
(1945-1993)
C. Allen Dosland
(Retired)
James H. Malecki
(Retired)
Donald F. Hunter
(Retired)

April 29, 2014

VIA U.S. MAIL AND EMAIL

kim.satervak@co.swift.mn.us

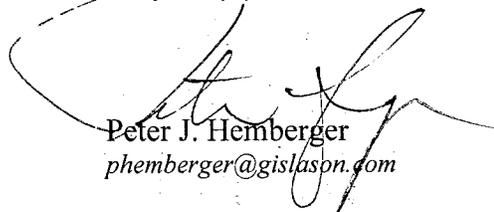
Swift County Board of Commissioners Acting as the Drainage Authority for
Swift County Judicial Ditch No. 19 and Judicial No. 5
c/o County Auditor
Kim Satervak
Swift County Courthouse
301 14th Street North
P.O. Box 288
Benson, MN 56215

Re: Swift Judicial Ditch #19
Our File No. 29974-001

Dear County Auditor:

Enclosed for filing is a Petition for Outlet into Judicial Ditch No. 19 and to Remove Property from Judicial Ditch No. 5 brought by Petitioners David Yost and Kimberlee Yost. Please contact me with any questions or concerns. Thank you for your consideration.

Very truly yours,



Peter J. Hemberger
pemberger@gislason.com

PJH:tmd

Enc.

cc: Mike Yost (via email – w/enc.)

1559246.1

STATE OF MINNESOTA
COUNTY OF SWIFT

In re: Swift County Judicial Ditch No. 19,
and Judicial Ditch No. 5,
Swift County, Minnesota.

**PETITION FOR OUTLET INTO JUDICIAL DITCH NO. 19
AND TO REMOVE PROPERTY FROM JUDICIAL DITCH NO. 5**

TO: SWIFT COUNTY BOARD OF COMMISSIONERS ACTING AS THE DRAINAGE
AUTHORITY FOR SWIFT COUNTY JUDICIAL DITCH NO. 19 AND JUDICIAL
DITCH NO. 5, SWIFT COUNTY, MINNESOTA.

Petitioners respectfully represent, state and request the following:

1. Swift County Judicial Ditch No. 19 ("JD 19") is a public drainage system in Swift County, Minnesota.
2. Swift County Judicial Ditch No. 5 ("JD 5") is a public drainage system in Swift County, Minnesota.
3. The Swift County Board of Commissioners is the drainage authority for JD 19 and JD 5.
4. Petitioners own property in the vicinity of JD 19 and JD 5.
5. The JD 19 drainage system includes Lateral D to JD 19, which runs through the NE1/4 of Section 12, Township 120 North (Dublin Township), Range 38 West, Swift County, Minnesota.
6. Petitioners propose to construct a private tile line running to the south from Lateral D through the NE1/4 of Section 12 in order to drain properties located in the SE1/4 of Section 12, Township 120 North (Dublin Township), Range 38 West, Swift County, Minnesota; specifically, 21 acres in the NE1/4 SE1/4 of Section 12, 5 acres in the SE1/4

SE1/4 of Section 12, and 5 acres in the NW1/4 SE1/4 of Section 12; a total of 31 acres (the "Petitioned for Acres"). Attached to this Petition as **Exhibit A** is a sketch of the route of the proposed tile line running into the Petitioned for Acres.

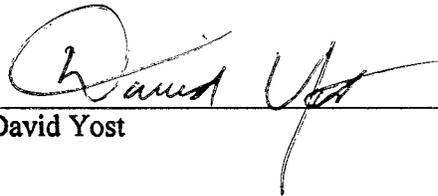
7. Petitioners own additional property in Section 12, including a total of 34 acres that are already assessed into the JD 19 system through Lateral D.
8. All lands to be drained by the proposed private tile line are either currently assessed benefits for the JD 19 drainage system or are petitioned to be assessed benefits as a result of this petition process.
9. JD 19 has sufficient capacity and is an adequate outlet for the proposed private tile line.
10. This petition is brought pursuant to Minn. Stat. § 103E.401, to seek authority to use JD 19 as an outlet for the proposed private tile system and for the benefit of the Petitioned for Acres.
11. A portion or all of the Petitioned for Acres are currently assessed into JD 5.
12. Upon entry of the Petitioned for Acres into JD 19, the waters drained from the Petitioned for Acres will be directed from the drainage system, or the Petitioned for Acres cannot significantly or regularly use the JD 5 drainage system. There is currently a main tile line that outlets into the JD 5 drainage system lying generally in the southeast portion of the Petitioners' property, which includes the Petitioned for Acres. This main tile line will be plugged by Petitioners or their agents upon gaining access to JD 19 and completion of the installation and construction of the proposed private tile line.
13. After waters are directed away from JD 5 and to JD 19 as described above, the acres owned by Petitioners that are currently assessed into JD 5 will not be benefited by JD 5.

14. Removing the Petitioned for Acres from the JD 5 system will not prejudice the property owners and property remaining in that system.
15. Therefore, petitioners respectfully request the following:
 - a. That the auditor set a time and location for hearing on the above petition provide notice of the hearing by mail and publication pursuant Minn. Stat. § 103E.401, subd. 3 and § 103E.805, subd. 3.
 - b. That the drainage authority conduct a hearing on the above petition pursuant to Minn. Stat. § 103E.401, subd. 4, and § 103E.805, subd. 3, and that the drainage authority consider the capacity of JD 19 as an outlet for the proposed private tile line and make a determination that the outlet is adequate.
 - c. That the drainage authority grant its expressed permission to use JD 19 as the outlet for the proposed private tile line for the benefit of the Petitioned for Acres as described herein and that the drainage authority state the terms and conditions for use of the established drainage system as an outlet and set the amount to be paid, if any, as an outlet fee, pursuant to Minn. Stat. § 103E.401, subd. 4.
 - d. That the drainage authority describe and state in its order the property to be benefited by the drainage system and the amount of benefits to the property for the outlet on the basis of the benefits as if the benefits had been determined in the order establishing the JD 19 drainage system.

- e. That the drainage authority make findings and order that the Petitioned for Acres be removed from the JD 5 drainage system in accordance with this Petition and Minn. Stat. § 103E.805.

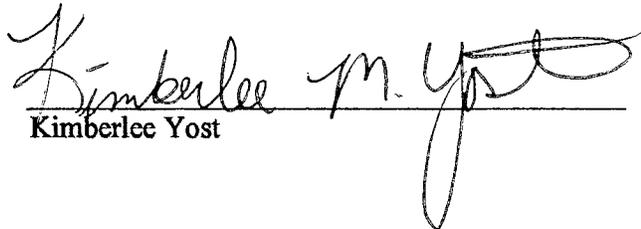
PETITIONERS

Dated: 4/25, 2014



David Yost

Dated: 4/25, 2014



Kimberlee Yost

1518443.1



United States Department of Agriculture

Swift

Kandiyohi County, Minnesota

Farm 9109

Tract 11077



2014 Program Year

Map Created November 19, 2013

Common Land Unit

Cropland

Non-cropland

Conservation Reserve

Wetland Determination Identifier

Restricted Use

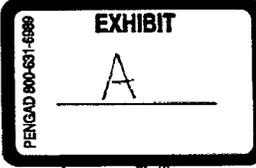
Limited Restrictions

Exempt from Conservation

Compliance Provisions

Tract Boundary

Section Line



1:5,042



Unless otherwise noted: crops are non-irrigated

Corn = yellow for grain

Soybeans = common soybeans for grain

Wheat = HRS for grain or HRW for grain

Oats and Barley = Spring for grain

Rye = for grain

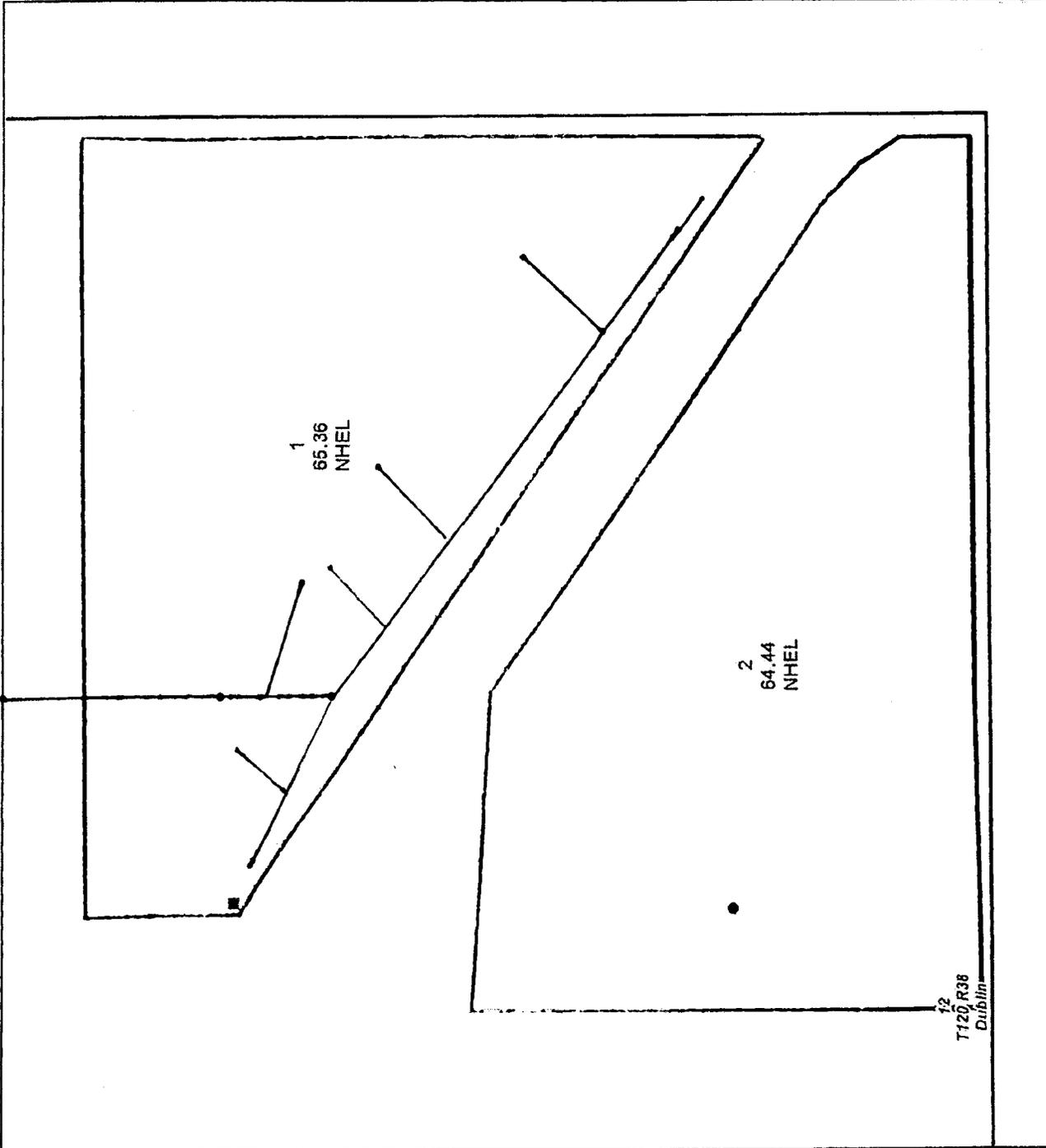
Peas = process

Alfalfa, Mixed Forage AGM, GMA, IGS = for forage

Beans = Dry Edible

Canola = Spring for seed

Sunflower = oil or non-oil for grain



USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2013 NAIP imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact NRCS.



SWIFT COUNTY ADMINISTRATION

Historic Courthouse
301 14th Street N
P.O. Box 288
Benson, MN 56215

Memo

To: Board of Commissioners
From: Mike Pogge-Weaver, County Administrator *MPW*
Date: July 31, 2014
Re: Employment Updates

The following individuals were appointed since July 1, 2014:

- None

The following positions were approved to begin advertising since July 1, 2014:

- None

The following individuals tendered their resignation since July 1, 2014:

- Margaret Thomas, Part-time CCO, Sheriff Department