

Notice & Agenda

Swift County Board of Commissioners

Tuesday, December 15, 2015

11:00 AM

Swift County Board 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> |
|-------------|------------------|---|
| 11:00 a.m. | | Call to Order and Roll Call |
| 11:01 a.m. | | Approve Agenda |
| 11:03 a.m. | | Consent Agenda |
| | 1-2 | (1) Minutes from the December 1, 2016 Regular Meeting |
| 11:04 a.m. | | Consider Approval of Commissioner warrants and review Auditor warrants reviewed |
| 11:05 a.m. | | Commissioner and Board reports |
| 11:20 a.m. | | County Administrator report |
| 11:25 a.m. | | Citizens Comments |
| 11:25 a.m. | 3-8 | 4-H Aquatic Robotics Presentation |
| 11:30 a.m. | 9-25 | Public Hearing on revisions to the County Tobacco Ordinance |
| 11:45 a.m. | | Kim Saterbak, County Auditor |
| | 26-42 | Consider approving payment to Alliance Pipeline L.P. based on revised assessment for taxes payable year 2014 |
| 11:45 a.m. | | Other Business |
| | 43-63 | Consider approving the second reading and final adoption of an Ordinance relating to heliport safety zoning ordinance for Benson Heliport |
| | 64-71 | Consider setting 2016 levy and final budget for Swift County |
| | 64 & 72 | Consider setting 2016 levy and final budget for the RDA |
| | 64 & 73 | Consider setting 2016 levy and final budget for the HRA |
| | 74-75 | Consider setting 2016 Commissioner salaries and schedule of per diem |
| | 76-79 | Discussion on 2016 board committee assignments |
| | None | Strategic Plan Update – January 19 th |
| 12:00 p.m. | | Adjournment |

SWIFT COUNTY BOARD MINUTES

December 1, 2015

Chairman Peter Peterson called the meeting to order at 4:00 PM with all present. Also in attendance were County Administrator Mike Pogge-Weaver, County Attorney Danielle Olson, County Auditor Kim Saterbak, RDA Director Jennifer Frost and Amanda Ness.

Chairman Peter Peterson asked if there were any changes to the agenda. There are none.

11-03-15-01 Commissioner Hendrickx moved and Commissioner Fox seconded to approve the agenda as presented. Motion carried unanimously.

11-03-15-02 Commissioner Fox moved and Commissioner Edward Pederson seconded to approve the Consent Agenda which consisted of: (1) Minutes from the November 17, 2015 Meeting. Motion carried unanimously.

11-03-15-03 Commissioner Hendrickx moved and Commissioner Edward Pederson seconded to approve the Commissioner warrants as follows: Revenue: \$78,518.32; Solid Waste: \$7,224.63; Road and Bridge: \$113,933.59; County Ditches: \$3,592.85; and Current/School District Agency, \$618,514.07 which includes the following bills over \$2,000: 2853 School District Treasurer, \$127,926.45; 768 School District Treasurer, \$37,270.90; 775 School District Treasurer, \$279,438.62; 777 School District Treasurer, \$172,827.40; Ascheman Oil, \$17,527.75; Crysteel Truck Equipment, \$7,656.97; Duinck Inc., \$60,868.30; Glacial Plains Cooperative, \$2,415.57; Holmgren Tree Spraying Service, \$13,800.00; MN Dept of Transportation, \$2,882.78; Royal Tire Inc., \$2,763.04; Safe Assure Consultants Inc., \$6,734.00; Soil Conservation Office, \$12,500.00; Springsted Inc., \$17,443.83; Swift County Fair Association, \$25,000.00; Ulmaniec Law Office PLLC, \$3,274.88; and Waste Management Of Northern Minnesota, \$7,169.63. Motion carried unanimously.

Board and Committee Reports were given as follows: Chairman Pete Peterson reported on Prairie Five, and Ditch #19. Commissioner Fox reported on the Chippewa River Watershed, SCBH and Ditch #19. Commissioner Edward Pederson reported on DAC, Historical Society and RDA. Commissioner Rudningen reported on Prairie Lakes Youth, Broadband Conference, and Ditch #19. Commissioner Hendrickx reported on SPCC, Broadband Conference, AMC Futures, and the Prison Tours.

Administrator Pogge-Weaver updated the board on the prison tours given to the Senate Bonding Committee Members and the Prison Population Task Force, and the Broadband Conference.

Chairman Pete Peterson asked for citizen comments. There were none.

Administrator Pogge-Weaver requested the board consider adopting an ordinance relating to heliport safety zoning ordinance for Benson Heliport.

11-03-15-04 Commissioner Rudningen moved and Commissioner Fox seconded to open the public hearing. Motion carried unanimously.

11-03-15-05 Commissioner Rudningen moved and Commissioner Edward Pederson seconded to close the public hearing. Motion carried unanimously.

11-03-15-06 Commissioner Rudningen moved and Commissioner Fox seconded to accept the first reading of the ordinance. Motion carried unanimously.

Administrator Pogge-Weaver presented the board with resolutions for the HRA and RDA to purchase employment services from Swift County.

11-03-15-07 Commissioner Fox moved and Commissioner Rudningen seconded to approve the resolutions. Motion carried unanimously.

Administrator Pogge-Weaver further presented the board with letter of agreements related to union classifications.

11-03-15-08 Commissioner Hendrickx moved and Commissioner Fox seconded to approve the letter of agreements. Motion carried unanimously.

A discussion was held on the next steps of the Broadband Grant.

Administrator Pogge-Weaver presented an update on the Wold Space Study.

A discussion was held on appointments to the SCBH Board.

The board recessed at 5:00 PM and reconvened at 6:00 PM.

Chairman Pete Peterson opened the public Truth-in-Taxation hearing.

Citizens in attendance: Allen Saunders and Janet Saunders.

Administrator Pogge-Weaver presented the 2016 Levy and Budget overview.

11-03-15-09 Commissioner Rudningen moved and Commissioner Edward Pederson seconded to adjourn. Motion carried unanimously.

Meeting adjourned at 6:55 PM.

WITNESSED:

Peter Peterson, Chair

ATTEST:

Michel Pogge-Weaver, Clerk of the Board



4-H AQUATIC ROBOTICS

Swift County

2015-2016 Program Goals

I. Monitor Our Lakes

- A.) Choose a location on Lake Hazel to take water samples to test for temperature and water quality
 - a. Mark location with GPS units
 - b. Take samples in Fall, Winter, Spring, Summer
- B.) Collect water samples from all lakes in Swift County and compare & test quality using our kits
- C.) Drop a block down in the water and continue to monitor for change.
 - a. Lake Hazel & Lake Oliver
 - b. Use ROV's and camera
 - c. Mark block with GPS

II. Educate Ourselves

- A.) Hear from Professionals
 - a. DNR—what types of fish live where
 - b. Local Fisherman—patterns they have overserved over the years
 - c. Watershed Professionals
 - d. Country Side Public Health—testing water quality
 - i. Water Quality
 - a. Learn about temperature, clarity and food sources that AIS need to survive so we know what to monitor for.
- B.) Geocaching
 - a. Learn to use GPS units
- C.) Scrapbook
 - a. Collect newspaper articles and clippings and put a book together
 - b. Each team member should bring an article each time we meet

III. Educate the Community

- A.) Talk with the Board of Commissioners 2-3 times a year
 - a. Tell them:
 - i. What we are doing
 - ii. What we have done
 - iii. How it is helping
 - b. Bring pictures, GPS unit markings, etc.
 - c. Meet with them on December 15th: re-cap the year and outline our future plan
- B.) Radio Spots & Newspaper Articles
 - a. Write one each time we meet for the media and give updates on what we are doing

IV. Recruit Youth

- A.) Make a slide show at school with Chrome Books to show students
- B.) Make bookmarks to pass out at school—Brian has a template
- C.) Travel to club meetings and do a demonstration using the ROV's and bring all of our equipment
- D.) Host another kick-off meeting/demonstration in the spring
 - a. Invite 4-Hers and public



4-H AQUATIC ROBOTICS

Swift County

2015-2016 Year Plan

NOVEMBER

- Geocaching
- Meeting
 - Work on presentation for Board of Commissioners
 - Updates
 - Tell them what we have done/are doing/bring future plan
 - Bring pictures/ribbons/GPS units
 - Develop a news article to send to papers
 - Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

DECEMBER

- Present to the Board of Commissioners on December 15th
- Collect water sample from Lake Hazel for winter research (late—Christmas break)
 - Choose a location and mark with a GPS—(from shore)
 - Start a notebook/log
 - Date & time of collection
 - Temp of water & air
 - Weather
 - Macroinvertebrates
 - Other observations—label samples!
- Develop a radio spot
- Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

JANUARY

- Meeting
 - Speaker: Topic TBD
 - Work on creating a slide show and promotional pieces to advertise our program and try to recruit (can work on this throughout the winter on Chrome Books at school)
 - Develop a news article to send to papers
 - Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

FEBRUARY

- Meeting
 - Water quality experiments using kits we purchased
 - Reflect on speaker topic from the last meeting
 - Finish slide show and promotional pieces to advertise our program and try to recruit (can work on this throughout the winter on Chrome Books at school)
 - Send book marks out to classes at school
 - Develop a radio spot
 - Put gathered clipping into scrapbook
- Demonstrations at club meetings
- Report activity on 4-H Aquatic Robotic Facebook page

MARCH

- Demonstrations at club meetings
- Collect water sample from Lake Hazel for Spring research (late March)
 - Go to same location
 - Log
 - Date & time of collection
 - Temp of water & air
 - Weather
 - Macroinvertebrates
 - Other observations—label samples!
- Compare and reflect on water samples—record differences/observations thus far
- Start to plan Kick-Off Meeting
- Develop a news article to send to papers
- Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

APRIL

- Spring Kick-Off Meeting to recruit/demonstrate to public
 - Open to 4-Hers and public
 - Spread the word!
- Meeting
 - Speaker: Topic TBD
 - Get ROV's and equipment ready for summer monitoring
 - Develop a radio spot
 - Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

MAY

- Field Trip: Explore lakes in Swift County
 - Take water samples from each lake
 - Compare & contrast
 - Choose one to monitor & start plan of action for monitoring
 - Bring ROV/camera/GPS
- Meeting
 - Maintenance/repair or ROV's and equipment inventory
 - Work on monitoring action plan
 - Develop a news article to send to papers
 - Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

JUNE

- Field Trip: Travel to lake we are going to monitor
 - Drop blocks down
 - Mark with GPS
 - Take notes
 - Set timeline for monitoring for change
- Meeting
 - Work on presentation for Board of Commissioners
 - Update our Board
 - Tell them what we have done/are doing/bring future plan
 - Bring pictures/ribbons/GPS units
 - Develop a radio spot
 - Put gathered clipping into scrapbook
- Give presentation at June Federation meeting
- Report activity on 4-H Aquatic Robotic Facebook page

JULY

- Monitor block dropped into lake
- Collect water sample from Lake Hazel for Summer research (early July)
 - Go to same location
 - Log
 - Date & time of collection
 - Temp of water & air
 - Weather
 - Macroinvertebrates
 - Other observations—label samples!
- Meeting
 - Compare and reflect on water samples—record differences/observations
 - Work on County Fair project
 - Develop a news article to send to papers
 - Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

AUGUST

- Monitor block dropped into lake
- Meeting
 - Maintenance/repair or ROV's and equipment inventory before county/state fair
 - Develop a radio spot
 - Put gathered clipping into scrapbook
- County Fair
- Report activity on 4-H Aquatic Robotic Facebook page

SEPTEMBER

- Monitor block dropped into lake
- State Fair
- Collect water sample from Lake Hazel for Fall research (late September)
 - Go to same location
 - Log
 - Date & time of collection
 - Temp of water & air
 - Weather
 - Macroinvertebrates
 - Other observations—label samples!
- Compare and reflect on water samples—record differences/observations
- Develop a news article to send to papers
- Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page

OCTOBER

- Monitor block dropped into lake
- Fall celebration and goal setting for next program year
 - Continue monitoring action plan
- Develop a radio spot
- Put gathered clipping into scrapbook
- Report activity on 4-H Aquatic Robotic Facebook page



Request for Board Action

BOARD MEETING DATE:
December 15, 2015

Commissioner's Report

Department Information

| | | |
|---|---------------------------------|----------------------------------|
| ORIGINATING DEPARTMENT: Administration | REQUESTOR: Mike Pogge-Weaver | REQUESTOR PHONE: 320-314-8399 |
|---|---------------------------------|----------------------------------|

Agenda Item Details

| | |
|---|---|
| BRIEF DESCRIPTION OF YOUR REQUEST: Public Hearing on revisions to the County Tobacco Ordinance | |
| AGENDA YOU ARE REQUESTING TIME ON: 11:30 am | ARE YOU SEEKING APPROVAL OF A CONTRACT? No |
| IS THIS MANDATED? No | EXPLANATION OF MANDATE: n/a |
| BACKGROUND/JUSTIFICATION: <p>Countryside Public Health has previously discussed possible changes to the County's tobacco ordinance. Attached are the proposed changes Countryside Public Health would like to discuss with the board and public.</p> <p>This is the initial public hearing on the topic. Notices of this public hearing were mailed to current tobacco resellers in the County. Due to my error, official notice was not published in the County's official newspaper. Notice will be published for a continued public hearing on December 31st. Staff requests that the board review the topic, take feedback from members of the public who are present, and continue the public hearing to December 31st.</p> | |
| PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? | |

Budget Information

| |
|---------------|
| FUNDING: None |
|---------------|

Review/Recommendation

| | |
|--|--|
| COUNTY ATTORNEY: Danielle Olson | COUNTY ADMINISTRATOR: Mike Pogge-Weaver |
| RECOMMENDATIONS: Was not submitted for review | RECOMMENDATIONS: Review and take public comments. Continue the public hearing to December 31, 2015. |
| COMMENTS: n/a | COMMENTS: None |

SWIFT COUNTY TOBACCO ORDINANCE

Proposed

SWIFT COUNTY TOBACCO ORDINANCE

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SWIFT COUNTY TOBACCO ORDINANCE

SECTION 1. PURPOSE

Because the County recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, and such sales, possession and use are violations of both state and federal laws; and because studies, which are hereby accepted and adopted (i.e. CDC, Minnesota Department of Public Health/ASSIST) have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who have reached the age of 18 years without having started smoking are significantly less likely to begin smoking; and because tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this Ordinance shall be intended to regulate the sale, possession, and use tobacco, tobacco related devices, **electronic delivery devices, and nicotine or lobelia delivery products**, for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco and related licensed products , and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statute 144.391.

SECTION 2. DEFINITIONS AND INTERPRETATIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural, and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term “shall” means mandatory and the term “may” means permissive. The following terms shall have the definitions given them:

Subd. 1. Child-resistant packaging. “Child-resistant packaging” shall mean packaging that meets the definition as set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

Subd. 2. Compliance Checks. “Compliance Checks” shall mean the system the County uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. Compliance checks may involve the use of minors as authorized by this Ordinance. Compliance checks may also mean the use of minors who attempt to purchase licensed products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to licensed products.

Subd. 3. Electronic Delivery Device. “Electronic Delivery Device” shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose

Subd. 4. Indoor Area. “Indoor Area” shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard (0.011) gauge window screen is not considered a wall.

Subd. 5. Individually Packaged. “Individually Packaged” shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco.

Subd. 6. Licensed Products. “Licensed Products” shall mean any tobacco, tobacco related device, electronic delivery device, or nicotine or lobelia delivery device, as they are defined by this section.

Subd. 7. Loosies. “Loosies” shall mean the common term used to refer to a single or individually packaged cigarette, or any other tobacco product that has been removed from its packaging and sold individually.

Subd. 8. Minor. “Minor” shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 9. Moveable Place of Business. “Moveable Place of Business” shall refer to any form of business whose physical location is not permanent, including, but not limited to, any business operated out of a motorized vehicle, mobile sales kiosk, trailer, or other structure or equipment not permanently attached to the ground.

Subd. 10. Nicotine or Lobelia Delivery Products. “Nicotine or Lobelia Delivery Products” shall mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and

Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 11. Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

Subd. 12. Sale. A “Sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 13. Self-Service Merchandising. “Self-Service Merchandising” shall mean open displays of licensed products in any manner where any person shall have access to licensed products without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the licensed products between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 14. Smoke or Smoking. “Smoke” or “Smoking” shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking shall include being in possession of a lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product or an activated electronic delivery device intended for inhalation.

Subd. 15. Tobacco or Tobacco Products. “Tobacco” or “Tobacco Products” shall mean any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. 16. Tobacco Related Devices. “Tobacco Related Devices” shall mean any pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco related devices shall include accessories or components of tobacco related devices which may be marked or sold separately.

Subd. 17. Vending Machine. “Vending Machine” shall mean any mechanical, electric or electronic, or other type of device which dispenses licensed products, upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

SECTION 3. COUNTY TOBACCO RETAILER LICENSE

No person shall sell or offer to sell any tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, without first having obtained a license from the county.

Subd. 1. License Application. An application for a license to sell a licensed product shall be made on a form provided by the County. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information deemed necessary. Upon receipt of a completed application, the County Auditor shall forward the application to the County Board of Commissioners, or its designee for action at its next regularly scheduled meeting. If the County Auditor, or designee, shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2. Action on License. The County Board or its designee may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application it deems necessary. If the County Board shall approve the license, the County Auditor or designee shall issue the license to the applicant. If the license is denied, notice of the denial shall be given to the applicant along with the notice of the applicant’s right to appeal the decision.

Subd. 3. License Fees. Each application for a tobacco retailer’s license shall be accompanied by a fee as set by the Swift County Board of Commissioners. Application for licenses issued after June 30 of a calendar year shall be accompanied by a prorated fee.

Subd. 4. License Term. The licensing period begins on June 30 of a calendar year and ends June 30 of the following calendar year. Each license issued shall expire on June 30 of the calendar year unless sooner revoked by the County or unless the business with respect to which the license was issued is transferred. In either case the holder of the license shall immediately surrender it to the County Auditor or designee.

Subd. 5. Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least thirty days, but no more than sixty days before the expiration of the current license.

Subd. 6. Issuance as a Privilege and Not a Right. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 7. Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this Ordinance.

Subd. 8. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Subd. 9. Transfers. All licenses issued under this Ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.

Subd. 10. Revocation or Suspension. Any license issued under this Ordinance may be revoked or suspended as provided in Section 11 of the Ordinance.

SECTION 4. BASIS FOR DENIAL OF TOBACCO RETAILER'S LICENSE

The following shall be grounds for denying the issuance or renewal of a license under this Ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean the county must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- C. The applicant has had a license to sell tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, suspended or revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a license.

SECTION 5. LICENSEES RESPONSIBLE FOR ACTION OF EMPLOYEES

All licensees under this Ordinance shall be responsible for the actions of their employees in regard to the sale of licensed products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the County from also subjecting the clerk to whatever penalties are appropriate under this Ordinance, state or federal law, or other applicable law or regulation.

SECTION 6. MANDATORY COMPLIANCE CHECKS

All licensed premises shall be open to inspection by the Swift County Sheriff's Department or its designee, Countryside Public Health, or other authorized County official during regular business hours. From time to time, but at least once a year, the county shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years, but less than eighteen (18) years, to enter the licensed premise to attempt to purchase licensed products. Minors used for the purpose of compliance checks shall be supervised by designated law enforcement officers, Countryside Public Health personnel, or other authorized County personnel. Minors used for compliance checks shall not be guilty of the unlawful purchase, or attempted purchase, nor the unlawful possession of licensed products, when such items are obtained or attempted to be obtained as part of the compliance check. No minor used in compliance checks shall attempt to use false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or feral laws for education research, or training purposes, or required for the enforcement of a particular state or federal law. Compliance checks for the purpose of this Ordinance will not be performed in townships or municipalities where a similar ordinance meeting the minimum requirements of this statute exists.

SECTION 7. PROHIBITED SALES

Subd. 1. General. It shall be a violation of this Ordinance for any person to sell or offer to sell any licensed products:

- A. To any person under the age of eighteen (18) years.
- B. By means of loosies as defined in Section 2, Subd. 6 of this Ordinance.
- C. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances

except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intent of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

- D. By any other means, to any other person, in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

Subd. 2. Vending Machines. It shall be unlawful for any person licensed under this Ordinance to allow the sale of licensed products by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

Subd. 3. Self-Service Sales. It shall be unlawful for a licensee under this Ordinance to allow the sale licensed products by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the licensed products between the licensee or his or her clerk and the customer unless minors are at all times prohibited from entering the licensed establishment and unless ninety (90) percent or more of the licensed establishment are generated by the sale of tobacco and tobacco related products.

Subd. 4. Liquid Packaging. The sale of any liquid, whether or not such liquid contains nicotine, intended for human consumption and use in an electronic delivery device, that is not contained in child-resistant packaging is prohibited. All licensees under this chapter must ensure that any liquid intended for use in an electronic delivery device is sold in child-resistant packaging. Upon request, a licensee shall provide a copy of the certificate of compliance or the full protocol laboratory testing report for the packaging used.

SECTION 8. PROHIBITED ACTS

Unless otherwise provided, the following acts shall be a violation of this Ordinance:

Subd. 1. Illegal Sales. It shall be a violation of this Ordinance for any person to sell or otherwise provide any licensed products to any minor.

Subd. 2. Illegal Possession. It shall be a violation of this Ordinance for any minor to have in his or her possession any licensed products. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3. Illegal Use. It shall be a violation of this Ordinance for any minor to smoke, chew, sniff, or otherwise use any licensed products.

Subd. 4. Illegal Procurement by a Minor. It shall be a violation of this Ordinance for any minor to purchase or attempt to purchase or otherwise obtain any licensed products. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 5. Illegal Procurement. It shall be a violation of this Ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any licensed products. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 6. Use of False Identification. It shall be a violation of this Ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Subd. 7. Smoking. Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling licensed products is prohibited.

SECTION 9. EXCEPTIONS AND DEFENSES

Nothing in this Ordinance shall prevent the providing of tobacco or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to an alleged violation of this Ordinance for a person to have reasonably relied on proof of age as described by state law.

SECTION 10. ADMINISTRATIVE REVIEW

Subd. 1. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation. The citation shall provide notice that a hearing must be requested within ten (10) business days of receipt.

Subd. 2. Hearings. If a person accused of violating this Ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3. Hearing Officer. The Swift County Board or its designee shall serve as the hearing officer.

Subd. 4. Decision. If the hearing officer determines that a violation of this Ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under Section 11 of this Ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred, or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

Subd. 5. Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the jurisdiction of the county in which the alleged violation occurred.

Subd. 6. Misdemeanor Prosecution. Any violation of this Ordinance is a misdemeanor. Nothing in this section shall prohibit the county from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance. If the county elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

Subd. 7. Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

SECTION 11. ADMINISTRATIVE PENALTIES

Subd. 1. Licensees. Any licensee found to have violated this Ordinance, or whose employee shall have violated this Ordinance, shall be charged an administrative fee as follows:

| | |
|--|----------|
| First Offense: | \$ 75.00 |
| Second Offense/at same licensed premise within 24 months: | \$200.00 |
| Third and Subsequent Offense/at same licensed premise within 24 months and the license shall be suspended for not less than seven (7) days | \$250.00 |

Second and subsequent offenses occurring on the same licensed premises after 24 months or more of a previous violation shall be treated as if it were a first offense.

Subd. 2. Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, shall be charged an administrative penalty of \$25.00 and shall participate in an appropriate educational/diversion program. In second and subsequent offenses, minors shall be charged an administrative fee of **\$50.00.**

Subd. 3. Other Individuals. Other individuals, other than minors, regulated by subdivision 2 of this subsection, found to be in violation of this Ordinance shall be charged an administrative fee of \$50.00.

SECTION 12. SEVERABILITY AND SAVINGS CLAUSE

If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not invalidate the effectiveness of any other section or provision of this Ordinance.

SECTION 13. REPEAL OF PRIOR ORDINANCES

This Ordinance, upon its adoption, shall repeal the Swift County Tobacco Ordinance dated December 1, 1998.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication.

ADOPTION OF ORDINANCE

Passed and approved by the Board of County Commissioners, Swift County, Minnesota, this day of, 2015.

Chairperson

Attest: _____
Clerk of the Board

APPROVED AS TO FORM AND EXECUTION:

County Attorney

**SWIFT COUNTY
ELECTRONIC DELIVERY DEVICE
USE ORDINANCE**

Adopted _____
Effective _____

SWIFT COUNTY

ELECTRONIC DELIVERY DEVICE USE ORDINANCE

SECTION 1. PURPOSE AND INTENT

Because the County recognizes that e-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products; and because e-cigarette devices can be used with unregulated substances; and because their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions; this Ordinance shall be intended to prohibit the use of any electronic delivery device anywhere smoking is prohibited.

Unregulated electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA", Food and Drug Administration (FDA), July 22, 2009).

SECTION 2. ORDINANCE JURISDICTION - MUNICIPALITIES

Pursuant to Minnesota Statutes § 145A.05, this Ordinance applies throughout all Swift County, including the municipalities therein.

SECTION 3. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply:

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by

the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

Use. The inhaling or exhaling of vapor from any electronic delivery device. Use shall also mean carrying an electronic delivery device that is turned on or otherwise activated.

SECTION 4. PROHIBITION

The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Act, as it may be amended from time to time. Pursuant to Minnesota Statutes § 145A.05, this Ordinance applies throughout all Swift County, including the municipalities therein.

SECTION 5. OTHER APPLICABLE LAWS

This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes sections 144.411 to 144.417, as it may be amended from time to time. Nothing in this ordinance authorizes smoking or the use of an electronic delivery device in any location that is regulated by other applicable laws or regulations.

SECTION 6. VIOLATION AND PENALTIES

Subd. 1. Use Where Prohibited. It is a violation of this Ordinance for any person to use an electronic delivery device in an area where prohibited by this Ordinance, or to use an electronic delivery device in an area where prohibited by a private policy established by the proprietor or other person in charge of the area.

Subd. 2. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which the use of an electronic delivery device is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

Subd. 3. Penalties. A person who violates any provision of this Ordinance is guilty of a petty misdemeanor. Each day of violation constitutes a separate offense.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication.

ADOPTION OF ORDINANCE

Passed and approved by the Board of County Commissioners, Swift County,
Minnesota, this day of, 2015.

Chairmperson

Attest: _____
Clerk of the Board

APPROVED AS TO FORM AND EXECUTION:

County Attorney



Request for Board Action

BOARD MEETING DATE:
December 15, 2015

Commissioner's Report

Department Information

| | | |
|------------------------------------|----------------------------|----------------------------------|
| ORIGINATING DEPARTMENT: Auditor | REQUESTOR: Kim Saterbak | REQUESTOR PHONE: 320-843-4069 |
|------------------------------------|----------------------------|----------------------------------|

Agenda Item Details

| | |
|---|---|
| BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving payment to Alliance Pipeline L.P. based on revised assessment for taxes payable year 2014. | |
| AGENDA YOU ARE REQUESTING TIME ON: Agenda | ARE YOU SEEKING APPROVAL OF A CONTRACT? No |
| IS THIS MANDATED? No | EXPLANATION OF MANDATE: n/a |
| BACKGROUND/JUSTIFICATION: A Petition was filed by Alliance Pipeline L.P. for assessment year 2013 payable year 2014. The judgement was entered in favor of Alliance Pipeline. We received the new assessed values used to calculate the tax that should have been payable in 2014. Working with the Assessor's office, I have created a spreadsheet calculating this abatement amount. This abatement is broken down by taxing district for your review on the summary tab and in detail on the next tab. Upon approval, a check will be mailed to Alliance Pipeline for the full amount. We will then notify each of the taxing districts to discuss reimbursement of their portion of the abatement. | |
| PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? | |

Budget Information

| |
|--------------|
| FUNDING: n/a |
|--------------|

Review/Recommendation

| | |
|--|--|
| COUNTY ATTORNEY: Danielle Olson | COUNTY ADMINISTRATOR: Mike Pogge-Weaver |
| RECOMMENDATIONS: Was not submitted for review | RECOMMENDATIONS: Approve |
| COMMENTS: n/a | COMMENTS: None |

State of Minnesota
Swift County

District Court
Eighth Judicial District

Court File Number: 76-CV-14-167

Case Type: Tax Court

THOMAS R MUCK
FREDRIKSON & BYRON
200 S 6TH ST STE 4000
MINNEAPOLIS MN 554023397

Notice of:

- | | |
|-------------------------------------|------------------------------|
| <input checked="" type="checkbox"/> | Filing of Order |
| <input checked="" type="checkbox"/> | Entry of Judgment |
| <input type="checkbox"/> | Docketing of Judgment |

SEP 17 2015

In the Matter of the Petition of Alliance Pipeline L.P. vs. The Commissioner of Revenue in and for the State of Minnesota and the County of Swift for the Personal and/or Operating Property Taxes payable in 2014

You are hereby notified that the following occurred regarding the above-entitled matter:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | An Order was filed on August 28, 2015. |
| <input checked="" type="checkbox"/> | Judgment was entered on September 14, 2015. |
| <input type="checkbox"/> | You are notified that judgment was docketed on at in the amount of \$. Costs and interest will accrue on this amount from the date of entry until the judgment is satisfied in full. |

Dated: September 15, 2015

Debra Mueske
Court Administrator
Swift County District Court
301 14th Street North, Suite 6
Benson MN 56215
320-843-2744

cc: DANIELLE HEATHER OLSON

A true and correct copy of this Notice has been served pursuant to Minnesota Rules of Civil Procedure, Rule 77.04.

RECEIVED

STATE OF MINNESOTA

AUG 19 2015

DISTRICT COURT

COUNTY OF SWIFT

MINNESOTA TAX COURT

EIGHTH JUDICIAL DISTRICT

Alliance Pipeline L.P.,

Court File No. 76-CV-14-167

Petitioner,

vs.

**CONSOLIDATION AND
SETTLEMENT STIPULATION,
ORDER, AND JUDGMENT
AND DECREE**

The Commissioner of Revenue in
and for the State of Minnesota, and
the County of Swift,

Respondents.

WHEREAS, Alliance Pipeline, L.P. ("Alliance") has an estate, right, title or interest or lien upon certain properties consisting of a natural gas pipeline and has timely commenced proceedings in the Tax Court to appeal the values issued by the Commissioner of Revenue (hereinafter "Commissioner") upon which are based its property taxes for the 2013/pay 2014 year;

WHEREAS, the appeals for assessment year 2013, payable in 2014 (the "2013 Assessment") consist of 14 cases, to-wit: Tax Court Docket No. 8650-R (commenced against the Commissioner); and the following appeals (commenced against the counties), Blue Earth County Court File No. 07-CV-14-1447, Chippewa County Court File No. 12-CV-14-219; Freeborn County Court File No. 24-CV-14-651; Kandiyohi County Court File No. 34-CV-14-202; Le Sueur County Court File No. 40-CV-14-385; Mower County Court File No. 50-CV-14-924; Nicollet County Court File No. 52-CV-14-252; Renville County Court File No. 65-CV-14-66; Sibley County Court File No. 72-CV-14-62; Stevens County Court File No. 75-CV-14-129;

| |
|---------------------|
| SWIFT COUNTY, MN |
| FILED |
| 8-25-15 |
| COURT ADMINISTRATOR |

Swift County Court File No. 76-CV-14-167; Traverse County Court File No. 78-CV-14-59; and
Waseca County Court File No. 81-CV-14-284;

WHEREAS, consolidation of the 14 actions relating to the 2013 Assessment would
conserve the resources of the Court and the parties;

WHEREAS, Alliance, the Commissioner, and each of the 13 counties in which the
Property is located (the "Counties"), have reached an agreement intended to resolve their
disagreements regarding the 2013 Assessment and wish to memorialize their agreement in this
stipulation;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of
which the parties hereby acknowledge, and in consideration of the recitals stated above, which
the parties agree are true and accurate, THE PARTIES EXECUTING THIS STIPULATION
HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. The above-referenced appeals may be consolidated.
2. Alliance system values for the 2013 Assessment shall be modified to be:

| <u>Year</u> | <u>Modified System Value</u> | <u>Apportionable Value</u> |
|-----------------------|------------------------------|----------------------------|
| 2013, payable in 2014 | \$881,710,000 | \$188,673,400 |

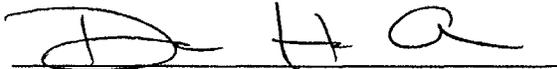
3. The Commissioner will apportion the allocation of the system values shown
above to the counties in which Alliance's pipeline is located as shown in Attachment A.
4. The County will recompute Alliance's tax for each of the years at issue on the
basis of the revised apportioned valued provided by the Commissioner pursuant to paragraph 2
hereof and shall refund to Alliance the tax it has overpaid as well as interest according to law.
5. Alliance's appeal of the 2013 Assessment shall be dismissed.
6. Judgment may be entered by the Court on the basis of the Stipulation immediately
and without further notice.

7. Each of the parties shall bear its own costs, disbursements, and attorney fees herein.

8. Nothing in this Stipulation shall constitute an admission by any part as to any issue of fact or law.

9. This Stipulation may be executed in counterparts, and the pages which together contain the signatures on behalf of all parties may be assembled to form a complete and enforceable Stipulation.

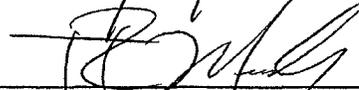
Dated: 4/30/15



Danielle H. Olson
SWIFT COUNTY ATTORNEY
211 - 11th Street North
Benson, MN 56215
(320) 843-2134

ATTORNEY FOR RESPONDENT

Dated: 4/14/15



Thomas R. Muck (#75851)
Masha M. Yevzelman (#387887)
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
(612) 492-7045

ATTORNEYS FOR PETITIONER

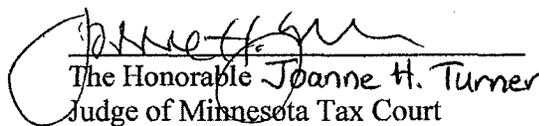
ORDER

IT IS HEREBY ORDERED that that (1) the 14 actions relating to the 2013 assessment are consolidated under the caption shown above; (2) the taxes payable for the 2013 Assessment shall be redetermined; and (3) that Judgment be entered for such taxes on the above Property in accordance with the terms of the foregoing Stipulation, without costs to any party.

LET JUDGMENT BE ENTERED FORTHWITH

BY THE COURT:

Dated: Aug. 24, 2015


The Honorable Joanne H. Turner
Judge of Minnesota Tax Court

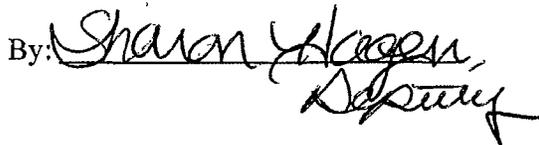
JUDGMENT AND DECREE

I HEREBY CERTIFY THAT THE FOREGOING ORDER CONSTITUTES THE JUDGMENT AND DECREE OF THIS COURT.

BY THE COURT:

Dated: 9-14-15

Court Administrator

By: 

2013/2014

TC

Department of Revenue Utility Data - Apportionment Worksheet for
Determining 2013 Market Values

FINAL

County of: SWIFT

ALLIANCE PIPELINE LP

Factor 0.464314

01/14/2015

| Utility Type Location/Property Description | Pipelines - Gas Transmission Prop Class | Last Yr Orig Cost | Calendar Yr Additions (+) | Calendar Yr Retirements (-) | Original Cost | Apportioned Mkt Val | Rounded/Equalized Value |
|---|--|----------------------|------------------------------|--------------------------------|------------------|------------------------|----------------------------|
| | | | | | | | 2013 Value |
| TWP CASHEL 1390060 04.8004.000 | SD 0777 Subcode CL 3A I 45 | \$2,098,291 | \$0 | \$0 | \$2,098,291 | \$974,266 | 1,119,600 \$974,300 |
| | | | | | | | 19,486 |
| TWP CASHEL 1390061 04.8005.000 | SD 0775 Subcode CL 3A I 45 | \$908,814 | \$0 | \$0 | \$908,814 | \$421,975 | 444,600 \$422,000 |
| | | | | | | | 8440 |
| TWP DUBLIN 1390062 06.8003.000 | SD 0775 Subcode CL 3A I 45 | \$9,596,005 | \$0 | \$0 | \$9,596,005 | \$4,455,559 | 4,662,850 \$4,455,600 |
| | | | | | | | 2250 86112 88,362 |
| TWP CLONTARF 1390057 05.8004.000 | SD 0777 Subcode CL 3A I 45 | \$8,032,311 | \$0 | \$0 | \$8,032,311 | \$3,729,514 | 3,903,000 \$3,729,500 |
| | | | | | | | 74,590 |
| TWP TARA 1390056 19.0046.100 | SD 0777 Subcode STRUCT 3A CL 3A MACH | \$3,702,080 | \$0 | \$0 | \$3,702,080 | \$1,718,928 | 1,891,200 \$1,718,900 |
| | | | | | | | 36202 |
| | | | | | | | land 66,000 1,810,100 |

New
TC

ATTACHMENT A
SWIFT

| | | | | | | | | |
|-------------|---------|-----------|-------------|-----|-----|-------------|-------------|-------------|
| TWP TORNING | SD 0777 | | | | | | | 4,195,200 |
| 1390059 | Subcode | CL 3A 145 | \$8,633,732 | \$0 | \$0 | \$8,633,732 | \$4,008,763 | \$4,008,800 |
| 20.8002.000 | | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

80,176

| | | | | | | | | |
|-------------------|---------|-----------|-------------|-----|-----|-------------|-------------|-------------|
| TWP SIX MILE GROV | SD 0777 | | | | | | | 1,753,400 |
| 1390058 | Subcode | CL 3A 145 | \$3,608,526 | \$0 | \$0 | \$3,608,526 | \$1,675,489 | \$1,675,500 |
| 17.8005.000 | | | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

33,510

| | | | | | | | | |
|--------------|--|--|--------------|-----|-----|--------------|--------------|--------------|
| County total | | | \$36,633,951 | \$0 | \$0 | \$36,633,951 | \$17,009,656 | \$17,009,800 |
|--------------|--|--|--------------|-----|-----|--------------|--------------|--------------|

ATTACHMENT A
Swift

Alliance Abatement
Tax Assessment Year 2013 Payable 2014

| | | | | |
|--------------|----|-------------|----------|---------------|
| County | \$ | (6,089.91) | (61.40) | \$ (6,151.31) |
| Countywide | | (45.09) | (0.45) | \$ (45.54) |
| Twp/City | | (928.47) | (9.36) | \$ (937.83) |
| State | | (8,251.71) | (83.20) | \$ (8,334.90) |
| Sch Voter | | (2,295.26) | (23.14) | \$ (2,318.40) |
| Sch Other | | (779.84) | (7.86) | \$ (787.70) |
| Fire | | (20.25) | (0.20) | \$ (20.46) |
| Extra CW | | (90.65) | (0.91) | \$ (91.56) |
| <hr/> | | | | |
| Total Change | \$ | (18,501.17) | (186.53) | (18,687.70) |

2013 Payable 2014

| | Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|------------------------------|-------------|-------------|----------|-----------|--------------|------------------|-------------|
| Proposed: Dublin Township | 06-8003-000 | | 775 | 4,455,600 | 88,362 | 101,962 | 115% |
| | | County | | | | 34,014.37 | 38% |
| | | Countywide | | | | 251.83 | 0% |
| | | Twp/City | | | | 4,204.27 | 5% |
| | | State | | | | 46,089.50 | 52% |
| | | Sch Voter | | | | 11,579.11 | 13% |
| | | Sch Other | | | | 5,316.66 | 6% |
| | | Extra CW | | | | 506.31 | 1% |
| | | | | | | <hr/> | |
| | | | | | | 101,962 | 115% |
| Cashel Township | 04-8005-000 | | 775 | 422,000 | 8,440 | 10,000 | 118% |
| | | County | | | | 3,248.96 | 38% |
| | | Countywide | | | | 24.05 | 0% |
| | | Twp/City | | | | 625.82 | 7% |
| | | State | | | | 4,402.30 | 52% |
| | | Sch Voter | | | | 1,266.59 | 15% |
| | | Sch Other | | | | 383.47 | 5% |
| | | Extra CW | | | | 48.36 | 1% |
| | | | | | | <hr/> | |
| | | | | | | 10,000 | 118% |
| Cashel Township | 04-8004-000 | | 777 | 974,300 | 19,486 | 23,087 | 118% |
| | | County | | | | 7,500.99 | 38% |
| | | Countywide | | | | 55.54 | 0% |
| | | Twp/City | | | | 1,444.89 | 7% |
| | | State | | | | 10,163.90 | 52% |
| | | Sch Voter | | | | 2,924.27 | 15% |

2013 Payable 2014

| Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|-------------------------|-------------|----------|-----------|--------------|------------------|-------------|
| | Sch Other | | | | 885.35 | 5% |
| | Extra CW | | | | 111.66 | 1% |
| | | | | | <hr/> | |
| | | | | | 23,087 | 118% |
| Torning Township | 20-8002-000 | 777 | 4,008,800 | 80,176 | 93,541 | 117% |
| | County | | | | 30,863.38 | 38% |
| | Countywide | | | | 228.51 | 0% |
| | Twp/City | | | | 4,494.67 | 6% |
| | State | | | | 41,819.81 | 52% |
| | Sch Voter | | | | 12,032.02 | 15% |
| | Sch Other | | | | 3,642.79 | 5% |
| | Extra CW | | | | 459.41 | 1% |
| | | | | | <hr/> | |
| | | | | | 93,541 | 117% |
| Six Mile Grove Township | 17-8005-000 | 777 | 1,675,500 | 33,510 | 39,337 | 117% |
| | County | | | | 12,900.54 | 38% |
| | Countywide | | | | 95.50 | 0% |
| | Twp/City | | | | 1,683.21 | 5% |
| | State | | | | 17,478.82 | 52% |
| | Sch Voter | | | | 5,028.84 | 15% |
| | Sch Other | | | | 1,522.53 | 5% |
| | Fire | | | | 435.63 | 1% |
| | Extra CW | | | | 192.01 | 1% |
| | | | | | <hr/> | |
| | | | | | 39,337 | 117% |
| Clontarf Township | 05-8004-000 | 777 | 3,729,500 | 74,590 | 88,000 | 118% |
| | County | | | | 28,713.40 | 38% |
| | Countywide | | | | 212.58 | 0% |
| | Twp/City | | | | 5,157.90 | 7% |
| | State | | | | 38,906.15 | 52% |

2013 Payable 2014

| Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate | |
|-----------------|-------------|------------|-----------|--------------|------------------|-------------|------|
| | Sch Voter | | | | 11,193.73 | 15% | |
| | Sch Other | | | | 3,388.99 | 5% | |
| | Extra CW | | | | 427.40 | 1% | |
| | | | | | <hr/> | | |
| | | | | | 88,000 | 118% | |
| Tara Township | 19-0046-100 | | 1,718,900 | 36,202 | 42,615 | 118% | |
| | County | | | | 13,936.35 | 38% | |
| | Countywide | | | | 103.18 | 0% | |
| | Twp/City | | | | 2,407.07 | 7% | |
| | State | | | | 18,882.96 | 52% | |
| | Sch Voter | | | | 5,432.85 | 15% | |
| | Sch Other | | | | 1,644.83 | 5% | |
| | Extra CW | | | | 207.44 | 1% | |
| | | | | | <hr/> | | |
| | | | | | 42,615 | 118% | |
| Actual: | | | | | | | |
| Dublin Township | 06-8003-000 | Total | 775 | 4,662,800 | 92,506 | 106,744 | 115% |
| | | County | | | | 35,610 | 38% |
| | | Countywide | | | | 264 | 0% |
| | | Twp/City | | | | 4,401 | 5% |
| | | State | | | | 48,251 | 52% |
| | | Sch Voter | | | | 12,122 | 13% |
| | | Sch Other | | | | 5,566 | 6% |
| | | Extra CW | | | | 530 | 1% |
| | | | | | | <hr/> | |
| | | | | | | 106,744 | 115% |
| Cashel Township | 04-8005-000 | | 775 | 441,600 | 8,832 | 10,464 | 118% |

2013 Payable 2014

| Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|-------------------------|-------------|----------|-----------|--------------|------------------|-------------|
| | County | | | | 3,400 | 38% |
| | Countywide | | | | 25 | 0% |
| | Twp/City | | | | 655 | 7% |
| | State | | | | 4,607 | 52% |
| | Sch Voter | | | | 1,325 | 15% |
| | Sch Other | | | | 401 | 5% |
| | Extra CW | | | | 51 | 1% |
| | | | | | <hr/> | |
| | | | | | 10,464 | 118% |
| Cashel Township | 04-8004-000 | 777 | 1,019,600 | 20,392 | 24,160 | 118% |
| | County | | | | 7,850 | 38% |
| | Countywide | | | | 58 | 0% |
| | Twp/City | | | | 1,512 | 7% |
| | State | | | | 10,636 | 52% |
| | Sch Voter | | | | 3,060 | 15% |
| | Sch Other | | | | 927 | 5% |
| | Extra CW | | | | 117 | 1% |
| | | | | | <hr/> | |
| | | | | | 24,160 | 118% |
| Torning Township | 20-8002-000 | 777 | 4,195,200 | 83,904 | 97,890 | 117% |
| | County | | | | 32,298 | 38% |
| | Countywide | | | | 239 | 0% |
| | Twp/City | | | | 4,704 | 6% |
| | State | | | | 43,764 | 52% |
| | Sch Voter | | | | 12,591 | 15% |
| | Sch Other | | | | 3,812 | 5% |
| | Extra CW | | | | 481 | 1% |
| | | | | | <hr/> | |
| | | | | | 97,890 | 117% |
| Six Mile Grove Township | 17-8005-000 | 777 | 1,753,400 | 35,068 | 41,166 | 117% |

2013 Payable 2014

| Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|-------------------|-------------|----------|-----------|--------------|------------------|-------------|
| | County | | | | 13,500 | 38% |
| | Countywide | | | | 100 | 0% |
| | Twp/City | | | | 1,761 | 5% |
| | State | | | | 18,291 | 52% |
| | Sch Voter | | | | 5,263 | 15% |
| | Sch Other | | | | 1,593 | 5% |
| | Fire | | | | 456 | 1% |
| | Extra CW | | | | 201 | 1% |
| | | | | | <hr/> | |
| | | | | | 41,166 | 117% |
| Clontarf Township | 05-8004-000 | 777 | 3,903,000 | 78,060 | 92,094 | 118% |
| | County | | | | 30,049 | 38% |
| | Countywide | | | | 222 | 0% |
| | Twp/City | | | | 5,398 | 7% |
| | State | | | | 40,716 | 52% |
| | Sch Voter | | | | 11,714 | 15% |
| | Sch Other | | | | 3,547 | 5% |
| | Extra CW | | | | 447 | 1% |
| | | | | | <hr/> | |
| | | | | | 92,094 | 118% |
| Tara Township | 19-0046-100 | | 1,891,200 | 37,824 | 44,524 | 118% |
| | County | | | | 14,561 | 38% |
| | Countywide | | | | 108 | 0% |
| | Twp/City | | | | 2,515 | 7% |
| | State | | | | 19,729 | 52% |
| | Sch Voter | | | | 5,676 | 15% |
| | Sch Other | | | | 1,719 | 5% |
| | Extra CW | | | | 217 | 1% |
| | | | | | <hr/> | |
| | | | | | 44,524 | 118% |

2013 Payable 2014

| | Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|-----------------|-------------|-------------|----------|-----------|--------------|------------------|-------------|
| Dublin Township | 06-8003-000 | Total | 775 | (207,200) | (4,144) | (4,782) | - |
| | | County | | | | (1,595.21) | - |
| | | Countywide | | | | (11.81) | - |
| | | Twp/City | | | | (197.17) | - |
| Dublin Township | 06-8003-000 | State | | | | (2,161.50) | - |
| | | Sch Voter | | | | (543.04) | - |
| | | Sch Other | | | | (249.34) | - |
| | | Extra CW | | | | (23.75) | - |
| | | | | | | <hr/> | |
| | | | | | | (4,782) | - |
| Cashel Township | 04-8005-000 | | 775 | (19,600) | (392) | (464) | - |
| | | County | | | | (150.90) | - |
| | | Countywide | | | | (1.12) | - |
| | | Twp/City | | | | (29.07) | - |
| Cashel Township | 04-8005-000 | State | | | | (204.47) | - |
| | | Sch Voter | | | | (58.83) | - |
| | | Sch Other | | | | (17.81) | - |
| | | Extra CW | | | | (2.25) | - |
| | | | | | | <hr/> | |
| | | | | | | (464) | - |
| Cashel Township | 04-8004-000 | | 777 | (45,300) | (906) | (1,073) | 0 |
| | | County | | | | (348.76) | - |
| | | Countywide | | | | (2.58) | - |
| | | Twp/City | | | | (67.18) | - |
| Cashel Township | 04-8004-000 | State | | | | (472.57) | - |
| | | Sch Voter | | | | (135.96) | - |
| | | Sch Other | | | | (41.16) | - |
| | | Extra CW | | | | (5.19) | - |
| | | | | | | <hr/> | |
| | | | | | | | |

2013 Payable 2014

| | Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|-------------------------|-------------|-------------|----------|-----------|--------------|------------------|-------------|
| | | | | | | (1,073) | - |
| Torning Township | 20-8002-000 | | 777 | (186,400) | (3,728) | (4,349) | - |
| | | County | | | | (1,435.08) | - |
| | | Countywide | | | | (10.62) | - |
| | | Twp/City | | | | (208.99) | - |
| Torning Township | 20-8002-000 | State | | | | (1,944.52) | - |
| | | Sch Voter | | | | (559.46) | - |
| | | Sch Other | | | | (169.38) | - |
| | | Extra CW | | | | (21.36) | - |
| | | | | | | <hr/> | |
| | | | | | | (4,349) | - |
| Six Mile Grove Township | 17-8005-000 | | 777 | (77,900) | (1,558) | (1,829) | - |
| | | County | | | | (599.79) | - |
| | | Countywide | | | | (4.44) | - |
| | | Twp/City | | | | (78.26) | - |
| Six Mile Grove Township | 17-8005-000 | State | | | | (812.65) | - |
| | | Sch Voter | | | | (233.81) | - |
| | | Sch Other | | | | (70.79) | - |
| | | Fire | | | | (20.25) | - |
| | | Extra CW | | | | (8.93) | - |
| | | | | | | <hr/> | |
| | | | | | | (1,829) | - |
| Clontarf Township | 05-8004-000 | | 777 | (173,500) | (3,470) | (4,094) | - |
| | | County | | | | (1,335.78) | - |
| | | Countywide | | | | (9.89) | - |
| | | Twp/City | | | | (239.95) | - |
| Clontarf Township | 05-8004-000 | State | | | | (1,809.95) | - |
| | | Sch Voter | | | | (520.74) | - |
| | | Sch Other | | | | (157.66) | - |

2013 Payable 2014

| | Parcel # | Taxing Dist | Sch Dist | Mkt Value | Tax Capacity | Abatement Amount | Actual Rate |
|---------------|-------------|----------------|-------------|--------------|-----------------|---------------------|----------------|
| | | Extra CW | | | | (19.88) | - |
| | | | | | | (4,094) | - |
| Tara Township | 19-0046-100 | | | (172,300) | (1,622) | (1,909) | - |
| | | County | | | | (624.41) | - |
| | | Countywide | | | | (4.62) | - |
| | | Twp/City | | | | (107.85) | - |
| Tara Township | 19-0046-100 | State | | | | (846.04) | - |
| | | Sch Voter | | | | (243.41) | - |
| | | Sch Other | | | | (73.70) | - |
| | | Extra CW | | | | (9.29) | - |
| | | | | | | (1,909) | - |
| | | | | | Total | (18,501) | |
| | | | | | State Only | (8,251.71) | |



Request for Board Action

BOARD MEETING DATE:
December 15, 2015

Commissioner's Report

Department Information

| | | |
|---|---------------------------------|----------------------------------|
| ORIGINATING DEPARTMENT: Administration | REQUESTOR: Mike Pogge-Weaver | REQUESTOR PHONE: 320-314-8399 |
|---|---------------------------------|----------------------------------|

Agenda Item Details

| | |
|--|--|
| BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving the second reading and final adoption of an Ordinance relating to heliport safety zoning ordinance for Benson Heliport | |
| AGENDA YOU ARE REQUESTING TIME ON: Other Business | ARE YOU SEEKING APPROVAL OF A CONTRACT? No |
| IS THIS MANDATED? No | EXPLANATION OF MANDATE: n/a |
| BACKGROUND/JUSTIFICATION: The public hearing and first reading of the ordinance was approved on December 1, 2015. This is the second reading and final adoption of the ordinance. With the new SCBH heliport, a very small portion (approximately 100'x600') of the airspace protection area extends into Torning Township. Therefore a joint heliport safety zoning ordinance is required to be adopted. The high restrictions for the area within Torning Township is over 460 feet above the current ground level and is with the middle of a ag field. Torning Township has not objected to this change. | |
| PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? | This was reviewed at the board November 3rd board meeting at which time this public hearing was set. The public hearing and 1st reading was on December 1st. |

Budget Information

| |
|---------------|
| FUNDING: None |
|---------------|

Review/Recommendation

| | |
|---|--|
| COUNTY ATTORNEY: Danielle Olson | COUNTY ADMINISTRATOR: Mike Pogge-Weaver |
| RECOMMENDATIONS: Under review. Approval as to form required prior to final approval by the Commission. | RECOMMENDATIONS: Approve |
| COMMENTS: n/a | COMMENTS: None |

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

**Resolution No: _____
RELATING TO HELIPORT SAFETY ZONING ORDINANCE FOR
BENSON HELIPORT**

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 heliport safety zone for the Benson Heliport; and

WHEREAS, pursuant to Minnesota Statute Chapter 145A.05 and Minnesota Statute Chapter 375.51, county boards may adopt ordinances to regulate actual or potential threats to the public health; and

WHEREAS, pursuant to Minnesota Statute Chapter 360.063 the county board may specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow in order to protect designated airport hazard area; and

WHEREAS, it is the intention of the Swift County Board of Commissioners to approve the ordinance regulating the heliport safety zone for the Benson Heliport.

NOW THEREFORE, BE IT RESOLVED that the Swift County Board of Commissioners does hereby enact the attached ordinance regulating the heliport safety zone for the Benson Heliport.

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 E. Pederson | _____ | _____ |
| Commissioner P. Peterson | _____ | _____ |
| Commissioner Rudningen | _____ | _____ |

The motion was considered on and duly passed on _____, 2015.

Dated this _____ day of _____, 2015

SWIFT COUNTY

By: Peter Peterson
Its: Chairman of the County Board

ATTEST:

Michel J. Pogge-Weaver, Clerk of the Board

**HELIPORT SAFETY ZONING
ORDINANCE**

FOR

BENSON HELIPORT

((Provide Adoption Date))

THIS ORDINANCE AMENDS AND REPLACES

((Provide Ordinance Number, if one exists))

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TITLE AND INTRODUCTION

BENSON HELIPORT ZONING ORDINANCE

CITY OF BENSON AND SWIFT COUNTY JOINT ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE BENSON HELIPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE BENSON HELIPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE CITY OF BENSON AND SWIFT COUNTY JOINT HELIPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES SECTION 360.061 THROUGH 360.074, AS FOLLOWS:

SECTION I: PURPOSE AND AUTHORITY

The City of Benson and Swift County Joint Heliport Zoning Board, created and established by joint action of the City Council of the City of Benson, the Board of Commissioners of Swift County, and the Town Board of Torning Township, pursuant to the provisions and authority of Minnesota Statutes Section 360.063, hereby finds and declares that:

- A. A heliport hazard endangers the lives and property of users of the Benson Heliport, and property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of said heliport and the public investment therein.
- B. The creation or establishment of a heliport hazard is a public nuisance and an injury to the region served by the Benson Heliport.
- C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of heliport hazards.
- D. The prevention of these heliport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- E. The prevention of the creation or establishment of heliport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing heliport hazards are public purposes for which political subdivisions may raise and expend public funds.
- F. The heliport is an essential public facility that serves an important public transportation role and provides a public good.

SECTION II: SHORT TITLE

This Ordinance shall be known as the “Benson Heliport Zoning Ordinance.” Those sections of land affected by this Ordinance are indicated in Exhibit “A”, which is attached to this Ordinance.

SECTION III: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

“*HELIPORT*” means the Benson Heliport located in Lot 2, Block One, Benson Industrial Park.

“*HELIPORT ELEVATION*” means the established elevation of the center of the heliport which is established to be 1033.0 (NAVD88)

“*HELIPORT HAZARD*” means any structure, tree, or use of land which obstructs the air space required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the heliport; and any use of land which is hazardous to persons or property because of its proximity to the heliport.

“*APPROACH/DEPARTURE PATH*” is the flight track helicopters follow when landing at or departing from the heliport.

“*APPROACH SURFACE*” begins at each end of the primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet, where its width is 500 feet. The slope of the approach surface is 8:1.

“*COMMISSIONER*” means the Commissioner of the Minnesota Department of Transportation.

“*CONFORMING USE*” means any structure, tree, or object of natural growth, or use of land that complies with all the applicable provisions of this Ordinance or any amendment to this ordinance.

“*DWELLING*” means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

“*FINAL APPROACH AND TAKEOFF AREA*” or “*FATO*” means the defined area over which the pilot completes the final phase of the approach to a hover or a landing and from which the pilot initiates takeoff.

“*HEIGHT*,” for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be NAVD88.

“*NONCONFORMING USE*” means any pre-existing structure, tree, natural growth, or land use which is inconsistent with the provisions of this Ordinance or an amendment hereto.

“*PERSON*” means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

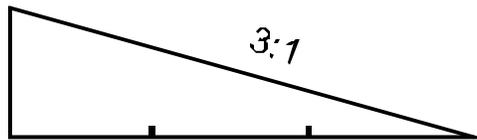
“*PLANNED*,” as used in this Ordinance, refers only to those proposed future heliport developments that are so indicated on a planning document having the approval of the Federal

Aviation Administration, Minnesota Department of Transportation Office of Aeronautics, and the City of Benson.

“PRIMARY SURFACE” is the area that coincides in size and shape with the designated final approach and takeoff (FATO). This surface is a horizontal plane at the elevation of the established heliport elevation.

PRIOR PERMISSION REQUIRED (PPR) HELIPORT is a heliport developed for exclusive use of the owner and persons authorized by the owner and about which the owner and operator ensure all authorized pilots are thoroughly knowledgeable. These features include, but are not limited to: approach/departure path characteristics, preferred heading, facility limitations, lighting, obstacles in the area, and size and weight capacity of the facility.

SLOPE” means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



Slope = 3:1 = 3 feet horizontal to 1 foot vertical

“*STRUCTURE*” means an object constructed or installed by man, including, but without limitations, buildings, towers, smokestacks, earth formations, and overhead transmission lines.

“*TOUCHDOWN AND LIFTOFF AREA*” or “*TLOF*” is a load-bearing, paved area centered on the FATO, on which the helicopter lands and/or takes off.

“*TRANSITIONAL SURFACES*” are imaginary surfaces that extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

“*TREE*” means any object of natural growth.

“*WATER SURFACES*” for the purpose of this ordinance, shall have the same meaning as land for the establishment of protected zones.

SECTION IV: AIR SPACE OBSTRUCTION ZONING

A. AIR SPACE ZONES: In order to carry out the purpose of this Ordinance, as set forth above, the following air space zones are hereby established: Primary Zone, Approach Zone, and Transitional Zone, and whose locations and dimensions are as follows:

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface that coincides in size and shape with the Final Approach and Takeoff Area (FATO).
2. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline of each approach surface. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the end of the primary surface. The approach surface inclines upward and outward at a slope of 8:1 and extends for a distance of 4,000 feet. The approach zone expands uniformly to a width of 500 feet.
3. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending upward and outward from the lateral boundaries of the primary surface and the approach surface at a slope of 2:1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as necessary and incidental to heliport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any air space zone created in SECTION IV A so as to project above any of the imaginary air space surfaces described in said SECTION IV A hereof.

SECTION V: LAND USE SAFETY ZONING

A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, as set forth above, to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Benson Heliport, and, furthermore, to limit population and building density in the heliport approach areas, thereby creating sufficient open space to protect life and property in case of an accident, there are hereby created and established the following land use safety zones:

1. SAFETY ZONE A: All land in the primary and approach zones, as defined in SECTION IV A hereof.

2. SAFETY ZONE B: All land in the transition zones, as defined in SECTION IV A hereof.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in SECTION IV B, no use shall be made of any land in any of the safety zones defined in SECTION V A which creates or causes interference with the operations of radio or electronic facilities on the heliport or with radio or electronic communications between the heliport and aircraft, make it difficult for pilots to distinguish between heliport lights and other lights, results in glare in the eyes of pilots using the heliport, impairs visibility in the vicinity of the heliport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. ZONES A and B: Subject at all times to the height restrictions set forth in Subsection IV B and to the general restrictions contained in Subsection V B 1, any proposals for above-ground improvements, including structures, trees and other such natural growth, or land use, proposed in areas designated as Zone A and/or Zone B shall be submitted to the heliport zoning administrator for review prior to commencement of the project. The heliport zoning administrator shall determine whether the project is permitted or would be require to obtain a variance prior to commencement. The proposed project, if allowed, shall be permitted in accordance with SECTION VIII.

SECTION VI: HELIPORT MAP

The several zones herein established are shown on the Benson Heliport Zoning Map consisting of one sheet, prepared by Landteam, Inc., and dated January 1, 2015, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

SECTION VII: NONCONFORMING USES

Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any

change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance.

SECTION VIII: PERMITS

- A. **FUTURE USES:** Except as specifically provided in Paragraphs 1 hereunder, no material change shall be made in the use of land and no structure shall be erected, altered, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the zoning administrator, hereinafter, provided for. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
1. Nothing contained herein shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this ordinance as set forth in SECTION IV and the land use limitations set forth in SECTION V.
- B. **EXISTING USES:** Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of a heliport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. **NONCONFORMING USES ABANDONED OR DESTROYED:** Whenever the zoning administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the zoning administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this Ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order

for ten days after receipt of written notice of such order, the zoning administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

SECTION IX: VARIANCES

Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations.

If a person submits an application for a variance by certified mail to the Airport Zoning Administrator and the Board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the Board.

When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner, by certified mail, that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective sixty days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this Ordinance provided any variance so allowed may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to effectuate the purpose of this Ordinance.

The Board of Adjustment may request review of a variance application by the Mn/DOT Heliport Zoning Director prior to making a decision.

SECTION X: HAZARD MARKING AND LIGHTING

- A. **NONCONFORMING USES:** The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the zoning administrator, to indicate to the operators of aircraft in the vicinity of the heliport the presence of such heliport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Benson.
- B. **PERMITS AND VARIANCES:** Any permit or variance deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, and granted by the zoning administrator or Board, shall require the owner of the structure or tree in question, at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an heliport hazard.

SECTION XI: HELIPORT ZONING ADMINISTRATOR

It shall be the duty of the City Manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City Manager upon a form furnished by them. Permit applications shall be promptly considered and granted or denied by them in accordance with the regulations prescribed herein. Variance applications shall be forthwith transmitted by the City Manager for action by the Board hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

- A. **ESTABLISHMENT:** The Board of Adjustment shall consist of five members appointed by the City of Benson and Swift County Joint Heliport Zoning Board, and each shall serve for a term of three years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of one year, two for a term of two years, and two for a term for three years. Upon their appointment, the members shall select a chairperson to act at the pleasure of the Board. Members shall be removable by the Joint Heliport Zoning Board for cause, upon written charges, after a public hearing.
- B. **POWERS:** The Board of Adjustment shall have and exercise the following powers:
1. Hear and decide appeals from any order, requirement, decision, or determination made by the administrator in the enforcement of this Ordinance.

2. Hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass.
3. Hear and decide specific variances.

C. PROCEDURES:

1. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the zoning administrator and shall be a public record.
2. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.
3. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the zoning administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

SECTION XIII: APPEALS

- A. Any person aggrieved, or any taxpayer affected by any decision of the zoning administrator made in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county, or heliport zoning board, which is of the opinion that a decision of the zoning administrator is an improper application of this Ordinance as it concerns such governing body or board.
- B. All appeals hereunder must be commenced within 30 days of the zoning administrator's decision, by filing with the zoning administrator a notice of appeal specifying the grounds

thereof. The zoning administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the zoning administrator made in his administration of this Ordinance who desires to appeal such decision shall submit an application for a variance, by certified mail, to the members of the Board of Adjustment in the manner set forth in Minnesota Statutes Section 360.068, Subdivision 2.

- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the zoning administrator and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
- E. The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the zoning administrator.

SECTION XIV: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or heliport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal may present to the District Court of Swift County a verified petition setting forth that the decision or action is illegal, in whole or in part,

and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XV: PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this Ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The heliport zoning administrator may enforce all provisions of this Ordinance through such proceedings for injunctive relief and other relief as may be proper under the laws of Minnesota Statutes Section 360.073 and other applicable law.

SECTION XVI: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

SECTION XVII: SEVERABILITY

A. In any case in which the provision of this Ordinance, although generally reasonable, is held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.

B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XVIII: EFFECTIVE DATE

This ordinance shall take effect on the _____ day of _____, 20____.

Copies thereof shall be filed with the Commissioner through the Office of Aeronautics, State of Minnesota and the Register of Deeds, Swift County(s), Minnesota.

Passed and adopted after public hearing by the City of Benson and Swift County Joint Heliport Zoning Board this _____ day of _____, 20____.

Chairperson

Member

Member

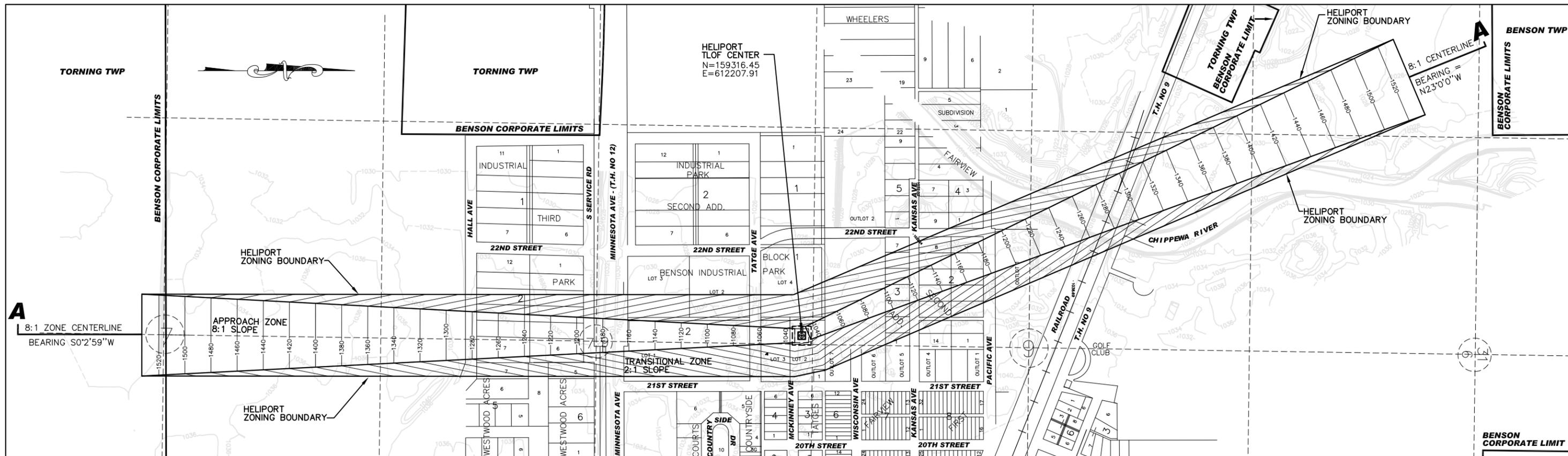
Member

Member

EXHIBIT A
BENSON HELIPORT ZONING ORDINANCE

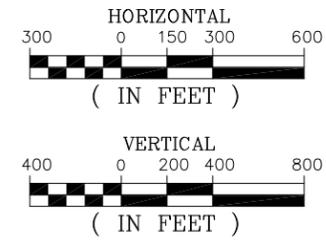
This Ordinance affects all or a portion of the following sections of land:

| NAME AND NUMBER OF TOWNSHIP | AIR SPACE OBSTRUCTION ZONING: Section IV of Ordinance; Page 1 of Zoning Map. | LAND USE SAFETY ZONING: Section V of Ordinance; Page 1 of Zoning Map. |
|---------------------------------------|---|--|
| Torning Township T121N R39W | Sections: 6, 7 | Sections: 6, 7 |
| _____ Township T____N R____W | Sections: | Sections: |



ZONING PLAN

SCALES

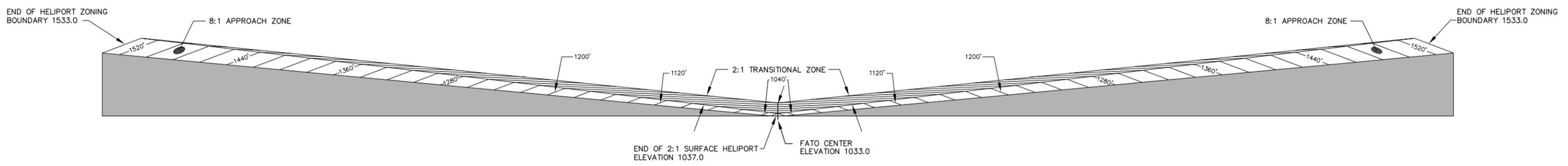


NOTES

1. THE AERIAL CONTOURS ILLUSTRATE THE HEIGHT LIMITATIONS WITHIN EACH ZONE.
2. A SLOPE, SUCH AS 8:1, EXPRESSES THE HORIZONTAL DISTANCE OF 8 FEET TO THE VERTICAL DISTANCE OF 1 FOOT.
3. EXISTING CONTOUR INTERVAL = 2 FEET.
4. HELIPORT SURFACE CONTOUR = 20 FEET.
5. HORIZONTAL COORINDATES ARE BASED ON SWIFT COUNTY DATUM (NAVD83).
6. VERTICAL DATUM IS NAVD88.

LEGEND

- 1390 --- EXISTING CONTOUR
- 1390 — HELIPORT SURFACE CONTOUR
- - - SECTION LINE
- ⊙ 31 ⊙ SECTION NUMBER
- PROPERTY LINE
- RIGHT OF WAY
- +—+— RAILROAD



ISOMETRIC VIEW OF SECTION A - A



Request for Board Action

BOARD MEETING DATE:
December 15, 2015

Commissioner's Report

Department Information

| | | |
|---|---------------------------------|----------------------------------|
| ORIGINATING DEPARTMENT: Administration | REQUESTOR: Mike Pogge-Weaver | REQUESTOR PHONE: 320-314-8399 |
|---|---------------------------------|----------------------------------|

Agenda Item Details

| | | | | | | | | | | | | | |
|--|---|---------|--------------|-----------------|--------------|----------------|--------------|---------|------------|-------------|------|----------------------|--------------|
| BRIEF DESCRIPTION OF YOUR REQUEST: Review the final 2016 Budgets and Levies for the County, HRA, and RDA and consider the following actions: <ol style="list-style-type: none"> 1. Consider approving a resolution on the 2016 Budget and Levy for the County 2. Consider approving a resolution on the 2016 Budget and Levy for the HRA 3. Consider approving a resolution on the 2016 Budget and Levy for the RDA | | | | | | | | | | | | | |
| AGENDA YOU ARE REQUESTING TIME ON: Other Business | ARE YOU SEEKING APPROVAL OF A CONTRACT? No | | | | | | | | | | | | |
| IS THIS MANDATED? Yes | EXPLANATION OF MANDATE: The County Board is required to approve final levies and budgets prior to December 30. | | | | | | | | | | | | |
| BACKGROUND/JUSTIFICATION: <p>The attached budget is substantially similar to the preliminary budget approved by the board in September. Staff is proposing a total of \$19,000 in reductions from the preliminary budget which stems from lower than anticipated bids for the GIS parcel mapping project. The board approved \$121,976 in the preliminary budget for possible technology improvements for Human Services. Staff will review details of this with the board at the Human Services board meeting. Staff is proposing that this funding be used in three areas 1) countywide software improvements and standardization; 2) a new IT staff member; and 3) setting the remaining funding aside for future EDMS purchase.</p> <p>The overall final net levy increase between 2015 and 2016 is 4.3% (the approved preliminary net levy increase was 4.5%) The proposed 2016 budget contains revenues of \$20,639,265 and expenditures of \$21,083,723. Of the \$20,639,265 in revenue, \$9,811,278 is proposed in property taxes and \$188,286 is expected in County Program Aids (CPA) for a total 2016 levy of \$9,969,943. The remaining revenues are from user fees, federal & state reimbursements, and the solid waste assessment. The 2016 levy is proposed to be distributed as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Revenue</td> <td style="text-align: right;">\$ 5,146,253</td> </tr> <tr> <td>Road and Bridge</td> <td style="text-align: right;">\$ 1,905,027</td> </tr> <tr> <td>Human Services</td> <td style="text-align: right;">\$ 2,786,576</td> </tr> <tr> <td>Library</td> <td style="text-align: right;">\$ 124,087</td> </tr> <tr> <td>Solid Waste</td> <td style="text-align: right;">\$ 0</td> </tr> <tr> <td style="border-top: 1px solid black;">Total Final Net Levy</td> <td style="text-align: right; border-top: 1px solid black;">\$ 9,961,943</td> </tr> </table> <p>The RDA levy is proposed to be \$87,000 in 2015 while the HRA is proposed to be \$145,000.</p> | | Revenue | \$ 5,146,253 | Road and Bridge | \$ 1,905,027 | Human Services | \$ 2,786,576 | Library | \$ 124,087 | Solid Waste | \$ 0 | Total Final Net Levy | \$ 9,961,943 |
| Revenue | \$ 5,146,253 | | | | | | | | | | | | |
| Road and Bridge | \$ 1,905,027 | | | | | | | | | | | | |
| Human Services | \$ 2,786,576 | | | | | | | | | | | | |
| Library | \$ 124,087 | | | | | | | | | | | | |
| Solid Waste | \$ 0 | | | | | | | | | | | | |
| Total Final Net Levy | \$ 9,961,943 | | | | | | | | | | | | |
| PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None | | | | | | | | | | | | | |

Budget Information

| |
|---|
| FUNDING: These actions set the 2016 final budget and levies for the County, HRA, and RDA. |
|---|

Review/Recommendation

| | |
|---|---|
| COUNTY ATTORNEY: Danielle Olson | COUNTY ADMINISTRATOR: Mike Pogge-Weaver |
| RECOMMENDATIONS: Was not submitted for review | RECOMMENDATIONS: Approve |
| COMMENTS: n/a | COMMENTS: None |

2016 Budget Summary - Staff Proposed Final Budget

| | | | 2013 Actual | 2014 Actual | 2014 Budget | 2015 Budget | 2016 Budget | |
|---|----|------------------------|--------------|------------------|------------------|------------------|------------------|------------------|
| 1 | 3 | General Government | Revenues | (\$5,459,791.41) | (\$6,298,190.09) | (\$5,383,557.00) | (\$5,611,296.00) | (\$5,708,047.00) |
| | | | Expenditures | \$315,977.59 | \$475,144.63 | \$0.00 | \$0.00 | \$0.00 |
| | | | Net | (\$5,143,813.82) | (\$5,823,045.46) | (\$5,383,557.00) | (\$5,611,296.00) | (\$5,708,047.00) |
| 1 | 5 | Board Of Commissioners | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$232,765.79 | \$211,263.67 | \$235,225.00 | \$241,220.00 | \$248,010.00 |
| | | | Net | \$232,765.79 | \$211,263.67 | \$235,225.00 | \$241,220.00 | \$248,010.00 |
| 1 | 21 | Law Library | Revenues | (\$14,730.00) | (\$21,116.36) | (\$15,500.00) | (\$14,000.00) | (\$14,000.00) |
| | | | Expenditures | \$24,410.76 | \$25,576.46 | \$23,475.00 | \$23,475.00 | \$18,800.00 |
| | | | Net | \$9,680.76 | \$4,460.10 | \$7,975.00 | \$9,475.00 | \$4,800.00 |
| 1 | 31 | County Administration | Revenues | (\$225.00) | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$162,187.79 | \$204,838.86 | \$207,565.00 | \$214,615.00 | \$229,005.00 |
| | | | Net | \$161,962.79 | \$204,838.86 | \$207,565.00 | \$214,615.00 | \$229,005.00 |
| 1 | 40 | County Auditor | Revenues | (\$51,854.49) | (\$15.00) | (\$57,200.00) | (\$25,000.00) | (\$6,000.00) |
| | | | Expenditures | \$228,551.79 | \$165,125.63 | \$175,700.00 | \$182,290.00 | \$182,300.00 |
| | | | Net | \$176,697.30 | \$165,110.63 | \$118,500.00 | \$157,290.00 | \$176,300.00 |
| 1 | 41 | County Treasurer | Revenues | (\$15,666.00) | (\$16,751.00) | (\$12,600.00) | (\$12,600.00) | (\$12,500.00) |
| | | | Expenditures | \$181,877.52 | \$191,109.11 | \$197,820.00 | \$202,830.00 | \$207,950.00 |
| | | | Net | \$166,211.52 | \$174,358.11 | \$185,220.00 | \$190,230.00 | \$195,450.00 |
| 1 | 42 | County Assessor | Revenues | (\$38,767.50) | (\$38,816.92) | (\$38,500.00) | (\$38,700.00) | (\$38,700.00) |
| | | | Expenditures | \$230,614.42 | \$209,339.26 | \$223,405.00 | \$275,395.00 | \$320,620.00 |
| | | | Net | \$191,846.92 | \$170,522.34 | \$184,905.00 | \$236,695.00 | \$281,920.00 |
| 1 | 43 | Public Examiners | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$63,946.32 | \$64,176.00 | \$60,000.00 | \$63,800.00 | \$68,250.00 |
| | | | Net | \$63,946.32 | \$64,176.00 | \$60,000.00 | \$63,800.00 | \$68,250.00 |
| 1 | 44 | Licenses And Permits | Revenues | (\$4,670.00) | (\$2,790.00) | (\$4,100.00) | (\$4,150.00) | (\$3,390.00) |
| | | | Expenditures | \$1,375.00 | \$1,125.00 | \$0.00 | \$1,375.00 | \$1,350.00 |
| | | | Net | (\$3,295.00) | (\$1,665.00) | (\$4,100.00) | (\$2,775.00) | (\$2,040.00) |
| 1 | 60 | Data Processing | Revenues | (\$25,768.00) | (\$3,529.41) | (\$24,142.00) | (\$24,142.00) | (\$1,680.00) |
| | | | Expenditures | \$65,054.61 | \$64,792.77 | \$70,000.00 | \$93,800.00 | \$99,800.00 |
| | | | Net | \$39,286.61 | \$61,263.36 | \$45,858.00 | \$69,658.00 | \$98,120.00 |
| 1 | 89 | Elections | Revenues | (\$13,310.89) | (\$1,032.00) | (\$37,200.00) | (\$3,850.00) | (\$16,850.00) |
| | | | Expenditures | \$7,346.89 | \$51,334.20 | \$57,990.00 | \$7,700.00 | \$63,475.00 |
| | | | Net | (\$5,964.00) | \$50,302.20 | \$20,790.00 | \$3,850.00 | \$46,625.00 |
| 1 | 90 | County Attorney | Revenues | (\$39,159.34) | (\$29,476.77) | (\$13,000.00) | (\$5,000.00) | (\$4,000.00) |
| | | | Expenditures | \$390,507.02 | \$400,748.80 | \$400,750.00 | \$415,840.00 | \$414,610.00 |
| | | | Net | \$351,347.68 | \$371,272.03 | \$387,750.00 | \$410,840.00 | \$410,610.00 |

| | | | 2013 Actual | 2014 Actual | 2014 Budget | 2015 Budget | 2016 Budget | |
|---|-----|----------------------------------|--------------|------------------|----------------|----------------|----------------|----------------|
| 1 | 100 | Land Records | Revenues | (\$119,357.22) | (\$84,906.81) | (\$196,000.00) | (\$172,500.00) | (\$130,900.00) |
| | | | Expenditures | \$208,346.16 | \$194,344.39 | \$284,680.00 | \$456,220.00 | \$399,630.00 |
| | | | Net | \$88,988.94 | \$109,437.58 | \$88,680.00 | \$283,720.00 | \$268,730.00 |
| 1 | 110 | Courthouse | Revenues | (\$2,004.74) | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$155,306.84 | \$208,052.38 | \$231,120.00 | \$205,120.00 | \$207,160.00 |
| | | | Net | \$153,302.10 | \$208,052.38 | \$231,120.00 | \$205,120.00 | \$207,160.00 |
| 1 | 111 | County Museum building | Revenues | (\$25.00) | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$44,576.39 | \$13,721.61 | \$52,555.00 | \$34,920.00 | \$34,980.00 |
| | | | Net | \$44,551.39 | \$13,721.61 | \$52,555.00 | \$34,920.00 | \$34,980.00 |
| 1 | 112 | CPHS Building | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$7,186.36 | \$14,705.19 | \$43,080.00 | \$50,050.00 | \$50,050.00 |
| | | | Net | \$7,186.36 | \$14,705.19 | \$43,080.00 | \$50,050.00 | \$50,050.00 |
| 1 | 113 | Prairie 5 Counsel Assoc Building | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$5,637.92 | \$19,509.65 | \$52,555.00 | \$49,200.00 | \$49,200.00 |
| | | | Net | \$5,637.92 | \$19,509.65 | \$52,555.00 | \$49,200.00 | \$49,200.00 |
| 1 | 114 | Rental House | Revenues | \$0.00 | (\$500.00) | \$0.00 | (\$6,000.00) | (\$6,000.00) |
| | | | Expenditures | \$0.00 | \$0.00 | \$0.00 | \$1,347.00 | \$1,347.00 |
| | | | Net | \$0.00 | (\$500.00) | \$0.00 | (\$4,653.00) | (\$4,653.00) |
| 1 | 120 | County Medical Insurance | Revenues | (\$1,487,010.18) | (\$1,565.50) | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$1,513,656.97 | (\$25,996.73) | \$0.00 | \$0.00 | \$0.00 |
| | | | Net | \$26,646.79 | (\$27,562.23) | \$0.00 | \$0.00 | \$0.00 |
| 1 | 122 | Veterans Service | Revenues | (\$16,826.00) | (\$17,139.07) | (\$4,000.00) | (\$17,250.00) | (\$16,500.00) |
| | | | Expenditures | \$133,824.77 | \$118,542.46 | \$132,290.00 | \$154,795.00 | \$158,985.00 |
| | | | Net | \$116,998.77 | \$101,403.39 | \$128,290.00 | \$137,545.00 | \$142,485.00 |
| 1 | 123 | Planning And Zoning | Revenues | (\$88,469.00) | (\$83,089.94) | (\$78,590.00) | (\$80,000.00) | (\$81,348.00) |
| | | | Expenditures | \$64,124.77 | \$75,475.60 | \$82,375.00 | \$87,750.00 | \$87,598.00 |
| | | | Net | (\$24,344.23) | (\$7,614.34) | \$3,785.00 | \$7,750.00 | \$6,250.00 |
| 1 | 148 | Technology Committee | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$24,600.51 | \$2,849.17 | \$19,600.00 | \$21,400.00 | \$12,500.00 |
| | | | Net | \$24,600.51 | \$2,849.17 | \$19,600.00 | \$21,400.00 | \$12,500.00 |
| 1 | 149 | Technical Support | Revenues | (\$165,308.63) | (\$163,237.16) | (\$148,000.00) | (\$148,000.00) | (\$148,000.00) |
| | | | Expenditures | \$166,109.34 | \$172,128.78 | \$180,350.00 | \$182,920.00 | \$189,630.00 |
| | | | Net | \$800.71 | \$8,891.62 | \$32,350.00 | \$34,920.00 | \$41,630.00 |
| 1 | 150 | Missing Heirs | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Net | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 1 | 200 | Sheriff | Revenues | (\$183,837.79) | (\$165,821.33) | (\$145,625.00) | (\$95,625.00) | (\$74,900.00) |
| | | | Expenditures | \$1,237,892.78 | \$1,562,733.63 | \$1,517,680.00 | \$1,259,407.00 | \$1,324,838.00 |
| | | | Net | \$1,054,054.99 | \$1,396,912.30 | \$1,372,055.00 | \$1,163,782.00 | \$1,249,938.00 |

| | | | 2013 Actual | 2014 Actual | 2014 Budget | 2015 Budget | 2016 Budget | |
|---|-----|----------------------------------|--------------|----------------|---------------|----------------|----------------|----------------|
| 1 | 202 | 911 Distribution | Revenues | (\$83,238.45) | (\$87,664.98) | (\$197,000.00) | (\$197,000.00) | (\$211,060.00) |
| | | | Expenditures | \$15,534.31 | \$39,373.73 | \$197,000.00 | \$197,000.00 | \$130,000.00 |
| | | | Net | (\$67,704.14) | (\$48,291.25) | \$0.00 | \$0.00 | (\$81,060.00) |
| 1 | 204 | Coroner | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$11,914.36 | \$6,870.60 | \$15,000.00 | \$14,000.00 | \$12,000.00 |
| | | | Net | \$11,914.36 | \$6,870.60 | \$15,000.00 | \$14,000.00 | \$12,000.00 |
| 1 | 205 | Jail | Revenues | (\$29,162.48) | (\$30,845.21) | (\$19,000.00) | (\$22,000.00) | (\$32,000.00) |
| | | | Expenditures | \$817,930.97 | \$822,708.28 | \$898,145.00 | \$909,800.00 | \$1,017,730.00 |
| | | | Net | \$788,768.49 | \$791,863.07 | \$879,145.00 | \$887,800.00 | \$985,730.00 |
| 1 | 251 | Grants 6W Community Corrections | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$161,583.86 | \$180,803.46 | \$180,804.00 | \$210,405.00 | \$212,509.00 |
| | | | Net | \$161,583.86 | \$180,803.46 | \$180,804.00 | \$210,405.00 | \$212,509.00 |
| 1 | 261 | Restorative Justice | Revenues | (\$17,894.94) | (\$496.14) | (\$2,000.00) | (\$500.00) | (\$500.00) |
| | | | Expenditures | \$49,600.04 | \$49,802.35 | \$54,985.00 | \$56,695.00 | \$63,110.00 |
| | | | Net | \$31,705.10 | \$49,306.21 | \$52,985.00 | \$56,195.00 | \$62,610.00 |
| 1 | 280 | Emergency Management | Revenues | (\$25,804.54) | (\$17,394.99) | (\$16,500.00) | (\$16,500.00) | (\$17,000.00) |
| | | | Expenditures | \$69,336.07 | \$70,143.41 | \$72,420.00 | \$74,070.00 | \$78,159.00 |
| | | | Net | \$43,531.53 | \$52,748.42 | \$55,920.00 | \$57,570.00 | \$61,159.00 |
| 1 | 400 | Countyside Public Health Service | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$130,558.00 | \$44,381.00 | \$88,762.00 | \$91,425.00 | \$97,825.00 |
| | | | Net | \$130,558.00 | \$44,381.00 | \$88,762.00 | \$91,425.00 | \$97,825.00 |
| 1 | 406 | Youth Programs | Revenues | (\$329.00) | (\$189.49) | (\$300.00) | (\$300.00) | \$0.00 |
| | | | Expenditures | \$99,417.82 | \$100,994.99 | \$104,160.00 | \$30,300.00 | \$0.00 |
| | | | Net | \$99,088.82 | \$100,805.50 | \$103,860.00 | \$30,000.00 | \$0.00 |
| 1 | 490 | Ambulance | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$118,885.00 |
| | | | Net | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$118,885.00 |
| 1 | 520 | County Parks | Revenues | (\$101,031.10) | (\$29,634.11) | (\$428,000.00) | (\$10,500.00) | (\$32,500.00) |
| | | | Expenditures | \$98,744.58 | \$20,998.75 | \$435,000.00 | \$21,500.00 | \$72,000.00 |
| | | | Net | (\$2,286.52) | (\$8,635.36) | \$7,000.00 | \$11,000.00 | \$39,500.00 |
| 1 | 521 | Parks And Drainage | Revenues | (\$135,682.59) | (\$12,118.00) | (\$113,778.00) | (\$122,118.00) | (\$152,118.00) |
| | | | Expenditures | \$174,256.13 | \$201,911.01 | \$223,128.00 | \$198,438.00 | \$206,591.00 |
| | | | Net | \$38,573.54 | \$189,793.01 | \$109,350.00 | \$76,320.00 | \$54,473.00 |
| 1 | 600 | Extension | Revenues | (\$1,422.13) | (\$1,655.04) | (\$1,000.00) | (\$1,000.00) | (\$1,000.00) |
| | | | Expenditures | \$127,338.58 | \$128,685.65 | \$136,355.00 | \$140,310.00 | \$150,961.00 |
| | | | Net | \$125,916.45 | \$127,030.61 | \$135,355.00 | \$139,310.00 | \$149,961.00 |
| 1 | 602 | Agriculture Inspector | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$13,500.00 | \$13,500.00 | \$13,500.00 | \$13,500.00 | \$13,500.00 |
| | | | Net | \$13,500.00 | \$13,500.00 | \$13,500.00 | \$13,500.00 | \$13,500.00 |

| | | | 2013 Actual | 2014 Actual | 2014 Budget | 2015 Budget | 2016 Budget | |
|----------------|-----|-------------------------------|--------------|------------------|------------------|------------------|------------------|------------------|
| 1 | 603 | Predator Control | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$7,975.00 | \$10,319.00 | \$8,000.00 | \$8,000.00 | \$10,000.00 |
| | | | Net | \$7,975.00 | \$10,319.00 | \$8,000.00 | \$8,000.00 | \$10,000.00 |
| 1 | 703 | Grants And Appropriations | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$596,550.59 | \$391,740.60 | \$440,163.00 | \$442,419.00 | \$448,657.00 |
| | | | Net | \$596,550.59 | \$391,740.60 | \$440,163.00 | \$442,419.00 | \$448,657.00 |
| Fund Total - 1 | | | Revenues | (\$8,121,346.42) | (\$7,107,975.32) | (\$6,935,592.00) | (\$6,628,031.00) | (\$6,708,993.00) |
| | | | Expenditures | \$7,840,118.62 | \$6,502,873.35 | \$7,115,637.00 | \$6,633,331.00 | \$7,002,015.00 |
| | | | Net | (\$281,227.80) | (\$605,101.97) | \$180,045.00 | \$5,300.00 | \$293,022.00 |
| 2 | 390 | Environmental Services | Revenues | (\$859,954.98) | (\$1,044,276.52) | (\$824,550.00) | (\$818,750.00) | (\$816,250.00) |
| | | | Expenditures | \$929,104.31 | \$921,758.26 | \$884,570.00 | \$1,036,270.00 | \$989,900.00 |
| | | | Net | \$69,149.33 | (\$122,518.26) | \$60,020.00 | \$217,520.00 | \$173,650.00 |
| Fund Total - 2 | | | Revenues | (\$859,954.98) | (\$1,044,276.52) | (\$824,550.00) | (\$818,750.00) | (\$816,250.00) |
| | | | Expenditures | \$929,104.31 | \$921,758.26 | \$884,570.00 | \$1,036,270.00 | \$989,900.00 |
| | | | Net | \$69,149.33 | (\$122,518.26) | \$60,020.00 | \$217,520.00 | \$173,650.00 |
| 3 | 300 | Highway Administration | Revenues | (\$5,501,053.27) | (\$6,193,304.58) | (\$5,259,449.00) | (\$5,198,670.00) | (\$7,764,129.00) |
| | | | Expenditures | \$1,006,599.46 | \$180,101.67 | \$200,784.00 | \$208,014.00 | \$198,345.00 |
| | | | Net | (\$4,494,453.81) | (\$6,013,202.91) | (\$5,058,665.00) | (\$4,990,656.00) | (\$7,565,784.00) |
| 3 | 301 | Shared County Engineer | Revenues | (\$86,243.03) | (\$74,692.72) | (\$83,286.00) | (\$90,209.00) | (\$88,942.00) |
| | | | Expenditures | \$153,094.45 | \$154,150.37 | \$166,572.00 | \$180,058.00 | \$177,884.00 |
| | | | Net | \$66,851.42 | \$79,457.65 | \$83,286.00 | \$89,849.00 | \$88,942.00 |
| 3 | 310 | Maintenance | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$659,955.10 | \$1,816,395.39 | \$1,695,341.00 | \$1,836,394.00 | \$1,868,863.00 |
| | | | Net | \$659,955.10 | \$1,816,395.39 | \$1,695,341.00 | \$1,836,394.00 | \$1,868,863.00 |
| 3 | 311 | Authorized Work Contributions | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$144,170.47 | \$29,465.68 | \$0.00 | \$0.00 | \$12,990.00 |
| | | | Net | \$144,170.47 | \$29,465.68 | \$0.00 | \$0.00 | \$12,990.00 |
| 3 | 315 | Engineering | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$28,149.94 | \$102,424.84 | \$72,730.00 | \$122,765.00 | \$96,954.00 |
| | | | Net | \$28,149.94 | \$102,424.84 | \$72,730.00 | \$122,765.00 | \$96,954.00 |
| 3 | 320 | Construction | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$1,950,710.67 | \$2,864,062.46 | \$1,837,838.00 | \$1,711,729.00 | \$4,269,148.00 |
| | | | Net | \$1,950,710.67 | \$2,864,062.46 | \$1,837,838.00 | \$1,711,729.00 | \$4,269,148.00 |
| 3 | 330 | Equipment & Maintenance Shops | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$665,738.93 | \$763,065.70 | \$799,729.00 | \$720,311.00 | \$791,355.00 |
| | | | Net | \$665,738.93 | \$763,065.70 | \$799,729.00 | \$720,311.00 | \$791,355.00 |

| | | | 2013 Actual | 2014 Actual | 2014 Budget | 2015 Budget | 2016 Budget | |
|-----------------|-----|----------------------------|--------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 3 | 350 | Other (Highway) | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$10,131.00 | \$8,417.00 | \$10,000.00 | \$11,000.00 | \$11,000.00 |
| | | | Net | \$10,131.00 | \$8,417.00 | \$10,000.00 | \$11,000.00 | \$11,000.00 |
| 3 | 360 | Accounts Receivable | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$5,079.53 | \$4,501.06 | \$0.00 | \$0.00 | \$3,397.00 |
| | | | Net | \$5,079.53 | \$4,501.06 | \$0.00 | \$0.00 | \$3,397.00 |
| 3 | 370 | Inter-Governmental Expense | Revenues | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | | | Expenditures | \$366,435.00 | \$379,520.00 | \$366,435.00 | \$379,520.00 | \$400,921.00 |
| | | | Net | \$366,435.00 | \$379,520.00 | \$366,435.00 | \$379,520.00 | \$400,921.00 |
| Fund Total - 3 | | | Revenues | (\$5,587,296.30) | (\$6,267,997.30) | (\$5,342,735.00) | (\$5,288,879.00) | (\$7,853,071.00) |
| | | | Expenditures | \$4,990,064.55 | \$6,302,104.17 | \$5,149,429.00 | \$5,169,791.00 | \$7,830,857.00 |
| | | | Net | (\$597,231.75) | \$34,106.87 | (\$193,306.00) | (\$119,088.00) | (\$22,214.00) |
| 11 | 404 | Income Maintenance | Revenues | (\$1,155,828.21) | (\$1,262,416.57) | (\$1,261,040.00) | (\$1,208,815.00) | (\$1,345,691.00) |
| | | | Expenditures | \$1,134,587.63 | \$1,103,325.62 | \$1,261,040.00 | \$1,208,815.00 | \$1,345,691.00 |
| | | | Net | (\$21,240.58) | (\$159,090.95) | \$0.00 | \$0.00 | \$0.00 |
| 11 | 405 | Social Services | Revenues | (\$3,314,412.51) | (\$3,154,779.79) | (\$3,249,910.00) | (\$3,404,460.00) | (\$3,915,260.00) |
| | | | Expenditures | \$3,298,358.08 | \$3,234,519.03 | \$3,249,910.00 | \$3,423,710.00 | \$3,915,260.00 |
| | | | Net | (\$16,054.43) | \$79,739.24 | \$0.00 | \$19,250.00 | \$0.00 |
| Fund Total - 11 | | | Revenues | (\$4,470,240.72) | (\$4,417,196.36) | (\$4,510,950.00) | (\$4,613,275.00) | (\$5,260,951.00) |
| | | | Expenditures | \$4,432,945.71 | \$4,337,844.65 | \$4,510,950.00 | \$4,632,525.00 | \$5,260,951.00 |
| | | | Net | (\$37,295.01) | (\$79,351.71) | \$0.00 | \$19,250.00 | \$0.00 |
| Grand Total | | | Revenues | (\$19,038,838.42) | (\$18,837,445.50) | (\$17,613,827.00) | (\$17,348,935.00) | (\$20,639,265.00) |
| | | | Expenditures | \$18,192,233.19 | \$18,064,580.43 | \$17,660,586.00 | \$17,471,917.00 | \$21,083,723.00 |
| | | | Net | (\$846,605.23) | (\$772,865.07) | \$46,759.00 | \$122,982.00 | \$444,458.00 |

**RESOLUTION
ADOPTING FINAL SWIFT COUNTY
2016 BUDGET & LEVY**

Motion by Commissioner _____

Seconded by Commissioner _____

WHEREAS, pursuant to statute and rule of the Minnesota Department of Revenue, the County's 2016 Final Budget and Levy must be adopted by December 30, 2015; and

WHEREAS, the Swift County Board of Commissioner held its Truth-In-Taxation Public Hearing on December 1, 2015 at 6:00 pm in the Board Room in the Swift County Courthouse.

NOW, THEREFORE BE IT RESOLVED that the Swift County Board of Commissioners hereby adopts its 2016 final budget, dated December 11, 2015 and attached hereto as Appendix A revenues of \$20,639,265 and expenditures of \$21,083,723.

BE IT FURTHER RESOLVED that the 2016 levy be set as follows:

| | |
|-------------------------------|---------------------|
| Revenue | \$ 5,146,253 |
| Road and Bridge | \$ 1,905,027 |
| Human Services | \$ 2,786,576 |
| Library | \$ 124,087 |
| Solid Waste | \$ 0 |
| <u>Total Final Gross Levy</u> | <u>\$ 9,961,943</u> |

BE IT FURTHER RESOLVED that the final levy payable in 2016 be set as follows:

| | |
|-----------------------------|---------------------|
| Gross Levy | \$ 9,961,943 |
| CPA | \$ 188,286 |
| <u>Operating Levy</u> | <u>\$ 9,773,657</u> |
| <u>Special Levies</u> | <u>\$ 37,621</u> |
| <u>Total Final Net Levy</u> | <u>\$ 9,811,278</u> |

Adopted on a _____ vote by the Swift County Board of County Commissioners the _____ day of December 2015.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel Pogge-Weaver, County Administrator

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

**CONSENTING TO THE SPECIAL BENEFIT TAX FOR
THE SWIFT COUNTY RURAL DEVELOPMENT AUTHORITY**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, the Swift County Rural Development Authority (RDA) desires to levy such a special benefit tax in the amount of \$87,000, within the RDA’s area of operation; and

WHEREAS, the levy of such a special benefit tax is subject to the consent of the Board of Commissioners of Swift County, Minnesota; and

WHEREAS, the RDA is also required to, in connection with the levy of such a special benefit tax, formulate and file a budget in accordance with the budget procedure of the County in the same manner as required of the executive departments of the County, and the amount of the tax levy for the following year shall be based on that budget and approved by the Board Commissioners of Swift County;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swift County, Minnesota hereby accepts the 2016 budget and consents to the levy of a special benefit tax for taxes payable in 2016 within the Authority’s taxing jurisdiction in the amount of \$87,000.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 15th day of December 2015.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel Pogge-Weaver, County Administrator

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION
APPROVING THE AUTHORIZATION OF THE SPECIAL BENEFIT TAX
PURSUANT TO MINNESOTA STATUTES 469.033, SUBD.6 FOR
THE HOUSING AND REDEVELOPMENT AUTHORITY OF SWIFT COUNTY, MN

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, the Housing and Redevelopment Authority of Swift County, Minnesota (the HRA) was created by the Swift County Board of Commissioners pursuant to Minnesota Statutes, Section 469.004; and

WHEREAS, pursuant to such action, the HRA was granted all powers and duties of a Housing and Redevelopment Authority under the provisions of the Municipal Housing and Redevelopment Act, Minnesota Statutes, Section 469.001 to 469.047 (formally 462.411-462.711) (“The Act”) and

WHEREAS, the HRA desires to levy such a special benefit tax in the amount of \$145,000 which is less than 0.0185% of taxable market value upon all taxable property, both real and personal, within the HRA’s area of operation; and

WHEREAS, the levy of such a special benefit tax is subject to the consent of the Board of Commissioners of Swift County, Minnesota; and

WHEREAS, the HRA is also required pursuant to Section 469.033, Subd. 6, of the Act to, in connection with the levy of such a special benefit tax, formulate and file a budget in accordance with the budget procedure of the County in the same manner as required of the executive departments of the County, and the amount of the tax levy for the following year shall be based on that budget and approved by the Board Commissioners of Swift County;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swift County, Minnesota hereby accepts the 2016 budget and consents to the levy of a special benefit tax for taxes payable in 2016 within the Authority’s taxing jurisdiction in the amount of \$145,000 for purposes outlined and authorized by Minnesota Statutes 469.001 to 469.047, but in no case shall the dollar levy for the HRA exceed the limitations prescribed by Minnesota Statutes, Section 469.027 to 469.033.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 15th day of December 2015.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

Michel Pogge-Weaver, County Administrator

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____



Request for Board Action

BOARD MEETING DATE:
December 15, 2015

Commissioner's Report

Department Information

| | | |
|---|---------------------------------|----------------------------------|
| ORIGINATING DEPARTMENT: Administration | REQUESTOR: Mike Pogge-Weaver | REQUESTOR PHONE: 320-314-8399 |
|---|---------------------------------|----------------------------------|

Agenda Item Details

| | |
|--|---|
| BRIEF DESCRIPTION OF YOUR REQUEST: Consider setting 2016 Commissioner salaries and schedule of per diem | |
| AGENDA YOU ARE REQUESTING TIME ON: Other Business | ARE YOU SEEKING APPROVAL OF A CONTRACT? No |
| IS THIS MANDATED? No | EXPLANATION OF MANDATE: n/a |
| BACKGROUND/JUSTIFICATION: The Board is required to annually set Commissioner salaries and schedule of per diems prior to December 31 st of each year. For 2015 the Commissioner salaries and per diems were set as follows: \$19,040 Commissioner \$19,540 Chair (Commissioner salary plus \$500.00) \$70.00 per meeting (maximum 1 per diem per day) The approved general wage increase for County employees for 2016 is 1.5%. A 1.5% increase in Commissioner salaries would be as follows: \$19,325 Commissioner \$19,825 Chair (Commissioner salary plus \$500.00) | |
| PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None | |

Budget Information

| |
|---|
| FUNDING: This increase is planned in the 2016 budget |
|---|

Review/Recommendation

| | |
|--|---|
| COUNTY ATTORNEY: Danielle Olson | COUNTY ADMINISTRATOR: Mike Pogge-Weaver |
| RECOMMENDATIONS: Was not submitted for review | RECOMMENDATIONS: Review and take an action |
| COMMENTS: n/a | COMMENTS: None |

RESOLUTION
SETTING SWIFT COUNTY BOARD OF COMMISSIONERS SALARIES FOR 2016

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, Minnesota Statute § 375.055 requires the Commission to set the salary and schedule of per diem for the Commission annually.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swift County, set the Commission salaries and schedule of per diem for 2016 is as follows:

| | |
|---------------------|--|
| Chair | \$ _____ |
| Other Commissioners | \$ _____ |
| Per diem | \$ <u>70.00</u> per meeting (maximum 1 per diem per day) |

Adopted on a _____ vote by the Swift County Board of County Commissioners the 15th day of December 2015.

Swift County Board of Commissioners

Joe Fox, Chair

ATTEST:

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

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___

2015 BOARD REPRESENTATION

| COMMITTEE/GROUP | REPRESENTATIVE | DAY OF MEETING | MEETING TIME | PLACE |
|-----------------------------|---------------------------------|-------------------|------------------------------------|--------------|
| BOARD COMMITTEES: | | | | |
| Policy Committee | Peterson Rudningen | As needed | 10:30 a.m. | Board Room |
| Technology Committee | Rudningen | 4th Friday | 9:00 a.m. | Board Room |
| Personnel Committee | Hendrickx Rudningen | Mon after 1st Tue | 10:00 a.m. | Board Room |
| Solid Waste Committee | Peterson Fox | As needed | 9:00 a.m. | Enivron Ser. |
| Building Committee | Peterson Pederson | As needed | 9:00 a.m. | Board Room |
| Health Insurace Committee | Hendrickx Rudningen | As needed | | |
| Well-being Committee | Fox Rudningen | As needed | | |
| ADVISORY COMMITTEES: | | | | |
| Appleton Park Board | Hendrickx | | | |
| Revolving Loan Fund | Entire Board | | | |
| Extension Committee | Pederson Rudningen | 4th Wednesday | Quarterly Jan, April, July, Oct | |
| RDA/GROW Boards | Pederson Peterson/Alternate | 3rd Thursday | | DeToy's |
| Swift County Law Library | Peterson | | | |
| Planning Commission | Rudningen | | | |
| Prairie V CAC Board | Peterson | 4th Monday | 10:00 a.m. | Montevideo |
| Prairie Lakes Detention Bd | Rudningen Peterson/Alternate | 3rd Wednesday | 9:00 a.m. | |
| SCEMO | Pederson Rudningen | bi-monthly | | |
| Swift County DAC Board | Pederson | 3rd Wednesday | 12:00 Noon | |
| Swift County Youth Program | Vacant | | | |

2015 BOARD REPRESENTATION

| COMMITTEE/GROUP | REPRESENTATIVE | DAY OF MEETING | MEETING TIME | PLACE |
|------------------------------|-----------------------|---------------------------------|--------------|------------|
| Upper Mn Val Reg Dev Com | Hendrickx | 4th Tuesdays | Evenings | |
| Water Planning Committee | Pederson | | | |
| Jobs Training/Private Ind.Co | Fox | | Quarterly | |
| Pioneerland Library System | Pogge-Weaver | 3rd Thursday | Quarterly | |
| Safety | Pederson | | | |
| Historical Society | Peterson | 4th Thursday | | |
| Countryside Public Health | Peterson | 2nd Wednesday | Monthly | Montevideo |
| West Minn Revolving Loan | Fox | | | |
| Swift Falls Park Board | Rudningen | | | |
| SW Mental Health Bd | Fox | | | |
| RIDES Advisory Council | Peterson | | | |
| Region 6W FEMA Board | Peterson | | Annually | |
| Chippewa River Watershed | Fox | 3rd Friday | Monthly | |
| Pomme de Terre Watershed | Fox | 2nd Friday | | |
| Hospital Government Group | Pederson Peterson | As needed - 2 or 3 times a year | | |
| Glacial Trail Scenic Biway | Rudningen | 4th Monday | | |
| Woodland Centers | Hendrickx Fox | 2nd Thursday | | |
| HRA Board | Peterson | | | |
| Joint Engineer Committee | Peterson Rudningen | As needed | | |
| SWCD | Pederson | 2nd Thursday | 8AM | Benson |
| Restorative Justice | Fox | 2nd Tuesday | | |
| Sheriff's Task Force | Pederson Peterson | | | |
| Swift County Benson Hospital | Fox | | | |

2015 BOARD REPRESENTATION

| COMMITTEE/GROUP | REPRESENTATIVE | DAY OF MEETING | MEETING TIME | PLACE |
|---------------------------------|--------------------|----------------------|--------------|-------|
| C 6 Drug Task Force | Rudningen | | | |
| | | | | |
| Prairie Waters Tourism | Hendrickx | | | |
| | | | | |
| RDA Loan Committee | Peterson | | | |
| | Pederson | | | |
| | | | | |
| 6W Corrections | Hendrickx | 1st Thursday | | |
| | Peterson | | | |
| | | | | |
| Radio Board | Rudningen | | | |
| | Peterson/Alternate | | | |
| | | | | |
| Nurse Family Partnership | Peterson | Quarterly 2nd Monday | | |
| | | 1,4,7,10 | | |
| Southern Prairie Community Care | Hendrickx | 4th Friday | | |
| | Fox Alternate | | | |
| | | | | |
| MN Public Sector Collaborative | Rudningen | Quarterly | | |

2015 JOINT COUNTY DITCH BOARDS

| JOINT COUNTY DITCH BOARDS | | | | |
|--------------------------------------|----------------|----------------|--------------|-------|
| JOINT COUNTY DITCH BOARD | REPRESENTATIVE | DAY OF MEETING | MEETING TIME | PLACE |
| JT CO DITCH NO. 2 (S & S) | Hendrickx | | | |
| | Fox | | | |
| JT CO DITCH NO. 3 (C & S) | Pederson | | | |
| | Fox | | | |
| JT CO DITCH NO. 4 (S & P) | Peterson | | | |
| | Hendrickx | | | |
| | Rudningen | | | |
| JT CO DITCH NO. 6 (C & S) | Peterson | | | |
| | Fox | | | |
| JT CO DITCH NO. 8 (C & S) | Fox | | | |
| | Rudningen | | | |
| JT CO DITCH NO. 9 (S, S, & P) | Rudningen | | | |
| | Fox | | | |
| JT CO DITCH NO. 18 (S,K, & C) | Fox | | | |
| | Pederson | | | |
| | Hendrickx | | | |
| LAT B OF JT CO DITCH NO. 18 (S & C) | Fox | | | |
| | Pederson | | | |
| | Hendrickx | | | |
| LAT C OF JT CO DITCH NO. 18 (S,K,&C) | Fox | | | |
| | Pederson | | | |
| | Hendrickx | | | |
| JT CO DITCH NO. 19 (S & K) | Hendrickx | | | |
| | Peterson | | | |
| | Rudningen | | | |
| | Fox | | | |
| JT CO DITCH NO. 21 (S, K, & C) | Hendrickx | | | |
| | Peterson | | | |
| | Rudningen | | | |
| JT CO DITCH NO. 22 (S, K & C) | Hendrickx | | | |
| | Rudningen | | | |

November, 17, 2015

TO: County Auditor

FROM: Minnesota Department of Revenue: Property Tax

SUBJECT: Notification to the County Auditor of the Filing in Tax Court under Chapters 271, 273, and 278 for the 2015 Utility Property Tax Valuation – CenterPoint Energy Resources Corp., dba CenterPoint Energy Minnesota Gas, aka CenterPoint Energy Minnegasco v. Commissioner of Revenue

This memorandum pertains to the Notice of Appeal served upon the Commissioner of Revenue on September 16, 2015 as referenced above.

CenterPoint Energy Resources Corp., dba CenterPoint Energy Minnesota Gas, aka CenterPoint Energy Minnegasco has appealed to the Minnesota Tax Court the Commissioner of Revenue’s ordered or recommended property values for tax year 2015 for taxes payable in 2016, as authorized under Minnesota Statutes §273.372. The Attorney General will represent the Commissioner of Revenue in the appeal. A decision in this case could be binding on counties. You will need to consider what your next steps should be, if any.

If you have questions regarding this notice, or to request an electronic copy of the petition, please contact us at sa.property@state.mn.us or 651-556-6105.



Cynthia Rowley
Director, Property Tax