

# Notice & Agenda

## Swift County Board of Commissioners

Tuesday, June 21, 2016

**5:30 PM**

Swift County Board Room – 301 14<sup>th</sup> 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>
5:30 p.m.		<b>Call to Order and Roll Call</b>
5:31 p.m.		<b>Approve Agenda</b>
5:33 p.m.		<b>Consent Agenda</b>
	1-3	(1) Consider approving the June 7, 2016 Regular Meeting Minutes
	4-7	(2) Consider approving Swift County Agricultural Inspector's Annual Report and Workplan Summary
	8-10	(3) Consider approving a premises permit application for gambling for Benson Hockey Association for the Brink's 104 Club located at 380 – 190 <sup>th</sup> Ave NE, Sunburg, MN 56289
	11-12	(4) Consider approving an Absentee Ballot Board Resolution for the 2016 Primary Election
5:34 p.m.		<b>Consider Approval of Commissioner warrants and review Auditor warrants reviewed</b>
5:35 p.m.		<b>Commissioner and Board reports</b>
5:50 p.m.		<b>County Administrator report</b>
5:55 p.m.		<b>Citizens Comments</b>
5:55 p.m.		<b>Liz Auch, Countryside Public Health</b>
		<b>Other Items</b>
	13-23	Review and discussion on an Economic Development Tax Abatement request from Do Mat's Family Foods for the development of their new retail facility in Benson, MN and possible consideration to set a public hearing on said request.
	24-27	Consider certifying for acquisition of an easement for Wildlife Habitat Protection on lands located in NW <sup>1</sup> / <sub>4</sub> of the SW <sup>1</sup> / <sub>4</sub> , Section 16, Camp Lake Township by the US Fish and Wildlife Service
	28-30	FYI: Letter from Briggs and Morgan related to potential SCBH bonding for assisted living project
6:40 p.m.		<b>Assessor Wayne Knutson</b> Assessor Office Updates
7:00 p.m. (approx.)		<b>Adjournment</b>

**Note:** Swift County Board of Assessment and Equalization will meet immediately after the adjournment of the Swift County Board of Commissioners meeting.

# SWIFT COUNTY BOARD MINUTES

June 7, 2016

Chairman Peter Peterson called the meeting to order at 9:00 AM with all members present except Commissioner Hendrickx. Also present were County Administrator Mike Pogge-Weaver, County Attorney Danielle Olson, Environmental Services Director Scott Collins, Curt Gabrielson, Gerald Aarhus, and Amanda Ness.

Chairman Peter Peterson asked if there were any changes to the agenda. Administrator Pogge-Weaver requested the removal of the item regarding the US Fish and Wildlife Service.

**06-07-16-01** Commissioner Rudningen moved and Commissioner Fox seconded to approve the agenda with the noted change. Motion carried unanimously.

**06-07-16-02** Commissioner Rudningen moved and Commissioner E. Pederson seconded to approve the Consent Agenda items: (1) Minutes from the May 17, 2016 Meeting, (2) Minutes from the May 31, 2016 Special Meeting, (3) Appointment of a Technical Support Specialist, (4) Approval of tobacco licenses for the following businesses: Ascheman Uni-Mart & Deli Corp., Casey's General Store #3268, Holloway Hideout, DeGraff Municipal Liquor Store, East Honebrink LLC, Brink's Beer Joint Bar & Grill, Kerkhoven Handi-Stop, and Don's Food Pride, (5) Approval of liquor licenses for the following businesses: East Honebrink LLC (dab Brinks 104 Club) and Brink's Beer Joint Bar & Grill, and (6) Consent for the Swift County HRA to apply a special assessment to the property at 214 10<sup>th</sup> Street North, Benson, in the amount of \$6,250.00. Motion carried unanimously.

**06-07-16-03** Commissioner Fox moved and Commissioner Rudningen seconded to approve the Commissioner warrants as follows: Revenue: \$50,565.95; Solid Waste: \$22,907.27; Road and Bridge: \$82,952.16; Revolving Loan Fund: \$48,037.00; Human Services: \$1,061.93; Debt Service: \$14,000.00; County Ditches: \$25,119.15; Health Insurance, \$394.42; Upper Minnesota Watershed: \$10,622.78; Region 6 West Agency: \$38,299.41; Townships & Cities Agency: \$3,080,108.70 which includes the following bills over \$2,000: Albany Recycling Center, \$5,712.54; Benson Municipal Utilities, \$8,194.87; Computer Professionals Unlimited Inc., \$5,048.24; Dooley Petroleum, Inc., \$2,049.32; Geyer Recycling, \$5,691.67; Horsch Appraisal & Consulting Inc., \$14,730.00; Lund Implement Co., \$8,850.00; MN Dept of Transportation, \$34,087.85; Royal Tire Inc., \$7,320.13; Standard & Poor's Rating Services, \$14,000.00; Swift County HRA, \$114,838.77; Swift County RDA, \$48,037.00; Tostenson Septic LLC, \$3,570.00; Appleton Township Treasurer, \$38,841.57; Benson Township Treasurer, \$30,268.26; Camp Lake Township Treasurer, \$47,700.01; Cashel Township Treasurer, \$54,919.75; City of Appleton Treasurer, \$806,503.39; City of Benson Treasurer, \$813,393.21; City of Clontarf Treasurer, \$35,572.44; City of Danvers Treasurer, \$37,182.63; City of DeGraff Treasurer, \$10,922.06; City of Holloway Treasurer, \$96,099.49; City of Kerkhoven Treasurer, \$180,338.23; City of Murdock Treasurer, \$75,031.66; Clontarf Township Treasurer, \$41,862.43; Dublin Township Treasurer, \$53,924.11; Edison Township Treasurer, \$35,330.49; Fairfield Township Treasurer, \$36,605.98; Hayes Township Treasurer, \$45,922.68; Hegbert Township Treasurer, \$37,814.07; Kerkhoven Township Treasurer, \$39,757.10; Kildare Township Treasurer, \$47,338.28; Marysland Township Treasurer, \$35,161.50; Moyer Township Treasurer, \$35,422.03; Pillsbury Township Treasurer, \$51,223.00; Shible Township Treasurer, \$26,481.85; Six Mile Grove Township Treasurer, \$35,517.00; Swenoda Township Treasurer, \$59,928.78; Tara Township Treasurer, \$41,022.48; Torning Township Treasurer, \$50,957.50; West Bank Township Treasurer, \$64,141.34; Upper MN River Watershed District, \$10,622.78; Upper MN Valley RDC, \$38,299.41; Van Heuveln General Contracting, Inc., \$23,162.20; Waste Management of Northern Minnesota, \$8,868.23; and Ziegler Inc., \$21,389.71. Motion carried unanimously.

Environmental Services Director Scott Collins requested approval of Conditional Use Permit #5284

requested by Duininck, Inc. (Lessee) and Gordon Farms (Owner) for setting up a temporary, portable hot mix asphalt plant operation located in the NE ½ of Section 3 of Dublin Township. The purpose of this portable hot mix plant will be to overlay U.S. Highway 12.

**06-07-16-04** Commissioner Rudningen moved and Commissioner Fox seconded to approve CUP #5284. Motion carried 3-1 with Commissioner E. Pederson opposing.

Citizen comments were raised regarding a 2013 CUP with Duinick, Inc. Curt Gabrielson and Gerald Aarhus of West Bank Township asked that the conditions of the conditional use permit be met by Duininck, Inc. by paying an invoice for repairs to township roads during the project totaling \$5156. It was recommended by the board that the township and Duinick, Inc. meet and come to an agreement.

Director Collins further updated the board on “Granny Pods” and zoning issues that could arise from them and the possible need for an ordinance by September.

Board and Committee Reports were given as follows: Commissioner Edward Pederson reported on the Historical Society. Commissioner Rudningen reported on Prairie Lakes Youth and the AMC District Meeting. Chairman Peter Peterson reported on the AMC District Meeting, Prison Meeting with Legislators, HRA, 6W Community Corrections, and Prairie Five CAC. Commissioner Fox reported on Hospital Finance Committee, SCBH, Appleton Solar Project Meeting, Chippewa River Watershed, and the AMC District Meeting.

Administrator Pogge-Weaver updated the board on the prison meeting in Appleton and the health insurance fund balance.

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

Land Records Director Mary Amundson requested approval of a contract with Tyler Technologies to put Swift County land records online.

**06-07-16-05** Commissioner Fox moved and Commissioner Rudningen seconded to approve the contract. Motion carried unanimously.

County Auditor Kim Saterbak presented the first quarter 2016 Executive Departmental Budget Reports for review.

Do-Mat’s Family Foods requested a tax abatement.

**06-07-16-06** Commissioner Rudningen moved and Commissioner Fox seconded to direct staff to return a memo on June 21<sup>st</sup> that outlines what is involved in the tax abatement. Motion carried unanimously.

A discussion was had on the county appointment to the SCBH Board of Directors.

Commissioner E. Pederson moved to appoint Administrator Pogge-Weaver to the board but withdrew the motion as it was not necessary.

**06-07-16-08** Commissioner Rudningen moved and Commissioner Fox seconded to adjourn. Motion carried unanimously.

Meeting adjourned at 10:22 AM.

WITNESSED:

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Peter Peterson, Chair

ATTEST:

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Michel Pogge-Weaver, Clerk of the Board

DRAFT



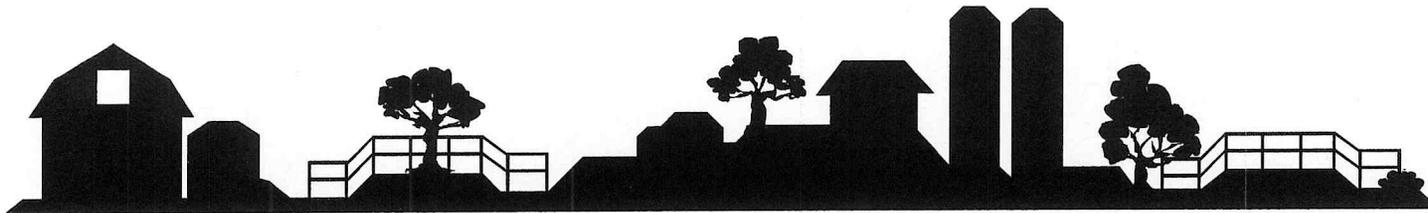
**Minnesota Department of Agriculture**  
Agronomy & Plant Protection Division

90 West Plato Boulevard • St. Paul Mn 55107-2094

Telephone 651\296-6123

Fax: 651\297-2271

# **Swift County Agricultural Inspector's Annual Report & Workplan Summary**



# SWIFT COUNTY AGRICULTURAL INSPECTOR'S ANNUAL REPORT FOR 2015

(Required by Minnesota Statutes Section 18.81)

**INSTRUCTIONS:** Write or print legibly using black ink. Answer all questions and enter "N/A" if there is no activity. Submit the completed report to the Board of County Commissioners and to the area field representative of the Seed and Noxious Weed Unit by July 1.

County Agricultural Inspector Training			
Hours:	<input checked="" type="checkbox"/> Short course	<input checked="" type="checkbox"/> Other (Specify):	
	<input checked="" type="checkbox"/> District meetings	<i>Multi-County Spurge Beetle Collection</i>	

Local Weed Insp. Training – Annual Weed Meeting Attendance			
County commissioners:	2	City mayors:	Township officers: <i>53</i> Other: <i>County Employees</i>

Administrative Activity			
Types of records:	<input checked="" type="checkbox"/> Activity	<input type="checkbox"/> Computerized	<input type="checkbox"/> Other (Specify):
	<input type="checkbox"/> Phone record	<input checked="" type="checkbox"/> Daily narrative	
Miles traveled as a county agricultural inspector:	<input type="checkbox"/> Personal vehicle	Miles:	<i>3000</i>
	<input checked="" type="checkbox"/> County vehicle:		
Hours worked per week:	County agricultural inspector duties: <i>35%</i>	Other duties (not as a CAI):	<i>65%</i>

Pesticide Program Activity			
Did you work on empty container or waste pesticide collection?	<input type="checkbox"/> Yes	If yes, what was your role?	
	<input checked="" type="checkbox"/> No		
Did you monitor applicator license tests?	<input checked="" type="checkbox"/> Yes	Hours:	Other pesticide program activities (Specify):
	<input type="checkbox"/> No	<i>14</i>	

General Education and Outreach Activity		
Did you have a county fair or other display booth?	<input checked="" type="checkbox"/> Yes	If yes, specify topic or theme: <i>General Information</i>
	<input type="checkbox"/> No	
Other education & outreach activity (Please list)		

Biocontrol Program Activity
Please specific tasks: <i>Leafy Spurge Collection, Relocation and Monitoring</i>

Noxious Weed Inspection		
No. of assistant weed inspectors appointed:	Townships: <i>2</i>	Cities: <i>4</i>
No. of noxious weed inspection tours:	Townships: <i>17</i>	Cities: <i>25</i>
Acres of wild or cultivated hemp:	Detected: <i>0</i>	Controlled: <i>0</i>

Noxious Weed Control and Violation Follow-up			
Was a "General Weed Notice" published?	<input checked="" type="checkbox"/> Yes	Cost:	<i>\$ 417.94</i>
	<input type="checkbox"/> No		
No. of landowner contacts (personal visit, telephone call, letter or postcard) made for voluntary compliance:			<i>4</i>
No. of cities with weed and grass control ordinances:	<i>7</i>	No. of notices served under ordinances:	<i>17</i>
No. of "Individual Notices" (Inspector's Notice #1):	Served: <i>0</i>	Appealed:	<i>0</i>
No. served:	Cooperative Weed Control Agreements: <i>1</i>	Inspector's Authorization:	Statement of Costs:

Seed, Fertilizer, and Feed Program Activity				
No. of Seed inspections:	<i>3</i>	No. of Screenings samples:		
No. of official seed samples obtained:	Total: <i>21</i>	Legal: <i>21</i>	Warning:	Violation:
No. of official fertilizer samples obtained:	Total: <i>0</i>	Pass:	Deficient:	Fail:
No. of official feed samples obtained:	Total: <i>0</i>	Pass:	Violation:	

Comments: \_\_\_\_\_

Signatures: *Thomas Orr*  
County Agricultural Inspector

\_\_\_\_\_  
Chairperson, Board of Commissioners (or Authorized Supervisor)

## Hours for Swift County CAI Position for Fiscal Year 2016

Seed	Hours	Noxious Weed	Hours	Pesticide	Hours	Fertilizer	Hours	Feed	Hours	Other	Hours
Seed Sampling	8	Noxious Weed Inspection	310	Pesticide Applicator Testing	20	Fertilizer Sampling		Feed Sampling		Biological Control Implementation	95
Seed Inspecting	3	Noxious Weed Control & Education	10	Waste Pesticide Collection		Number of Fertilizer Samples Per Year ( )		Number of Feed Samples Per Year ( )			
Seed Education	0	Noxious Weed Violation Follow-up	14	Empty Pesticide Container Collection		Fertilizer Administration		Feed Administration			
Seed Training	0	Township Officer Training	10	Pesticide Applicator License Checks							
Number of Seed Samples Per Year (10)		CAI Training	40	Retail Pesticide Inspections							
Seed Violation Follow-up	0	Noxious Weed Program Administration	25	Pesticide Administration	8						
Seed Program Administration	10										
<b>Seed Program Subtotal</b>	<b>21</b>	<b>Noxious Weed Program Subtotal</b>	<b>409</b>	<b>Pesticide Program Subtotal</b>	<b>28</b>	<b>Fertilizer Program Subtotal</b>		<b>Feed Program Subtotal</b>		<b>Other Programs Subtotal</b>	<b>95</b>
										<b>Grand Total Hours</b>	<b>553</b>

**Background Goal & Objective (Seed):** The CAI's objective is to inspect a sufficient number of seed retail facilities, sample a sufficient number of seed lots, review as many seed advertisements as possible, and take appropriate enforcement action, whenever possible, in order to provide effective and uniform administration of the seed law and rules.

**Background Goal & Objective (Noxious Weed):** A CAI's objective is to see that all lands within the county are inspected for noxious weeds annually and obtain as high a level of voluntary compliance as possible. Cooperation from local governments in the inspection and enforcement of the noxious weed law is necessary in order to maximize the level of voluntary compliance. If voluntary compliance is not achieved, established enforcement procedures are to be used to obtain uniform compliance with the law in the county.

**Background Goal & Objective (Fertilizer):** The CAI's objective is to obtain a sufficient number of fertilizer samples from each of the bulk fertilizer retail dealers in order to make sure that the fertilizer offered for sale meets the nutrient guarantees.

**Background Goal & Objective (Feed):** The CAI's objective is to obtain an adequate number of feed samples from feed lots at feed manufacturing and feed retail facilities in order to assure that the feed offered for sale meets label requirements and claims.

**Background Goal & Objective (Ag Chemical):** A CAI's objective is to assist MDA staff in making sure agricultural chemicals are properly stored, used, and handled. A CAI will assist in the collection of waste pesticides and empty pesticide containers at collection sites within the county. A CAI may assist MDA staff in making sure only properly licensed individuals are applying pesticides within the county. A CAI may inspect retail facilities to make sure only registered pesticides are offered for sale within the county. A CAI may monitor pesticide applicator license tests to make sure pesticide applications within the county are conducted by properly trained and licensed personnel.

2015

Please do the best you can to determine the following data. A summary of this data from all counties provides an important indication of the level of compliance with the noxious weed law on public lands. When compared to previous years, it can indicate a trend and that information is very useful for program planning.

	Miles Roadside Or Acres Noxious Weeds Controlled			Expenses For Noxious Weed Control	
	Mowed	Sprayed	Date Mowing Began	Spraying	Mowing
<b>Townships</b>	Miles	Miles		\$ 15,205.51	\$ 23,180.20
<b>Cities</b>	Miles	Miles		\$ 5,808.21	\$ 8,538.14
<b>Counties</b>	460.76 Miles	120 Miles		\$ 13,934.21	\$ 125,230.37
<b>County Parks</b>	Miles	Miles		\$ 0	\$ 0
<b>MNDOT</b>	Miles	Miles		\$	\$
<b>MNDNR</b>	Miles	Miles		\$	\$
<b>USFWS</b>	27.4 Acres Miles	57.8 Acres Miles		\$ 3,468.00	\$ 822.00



# Request for Board Action

BOARD MEETING DATE:  
June 21, 2016

## Commissioner's Report

### Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving a premises permit application for gambling for Benson Hockey Association for the Brink's 104 Club located at 380 – 190th Ave NE, Sunburg, MN 56289	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? no
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: Benson Hockey Association is request board signoff on an application for a premises permit application for gambling to conduct lawful gambling at the Brink's 104 Club located at 380 – 190th Ave NE, Sunburg.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?    None	

### Budget Information

FUNDING:    None
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### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review prior to the meeting	RECOMMENDATIONS: Approve
COMMENTS: None	COMMENTS: None

**REQUIRED ATTACHMENTS TO LG214**

- 1. If the premises is leased, attach a copy of your lease. Use **LG215 Lease for Lawful Gambling Activity**.
- 2. \$150 annual premises permit fee, for each permit (non-refundable). Make check payable to "State of Minnesota."

**Mail the application and required attachments to:**  
Minnesota Gambling Control Board  
1711 West County Road B, Suite 300 South  
Roseville, MN 55113

**Questions?** Call 651-539-1900 and ask for Licensing.

**ORGANIZATION INFORMATION**

Organization Name: Benson Hockey Association License Number: 01823  
Chief Executive Officer (CEO) Jeff DeHaan Daytime Phone: 320-808-7883  
Gambling Manager: Colleen Johnson Daytime Phone: 320-808-6173

**GAMBLING PREMISES INFORMATION**

Current name of site where gambling will be conducted: Brink's 104 Club  
List any previous names for this location:  
104 Club  
Street address where premises is located: 380-190<sup>th</sup> Ave NE  
(Do not use a P.O. box number or mailing address.)

City: Sunburg OR Township: \_\_\_\_\_ County: Swift Zip Code: 56289

Does your organization own the building where the gambling will be conducted?  
 Yes  No If no, attach LG215 Lease for Lawful Gambling Activity.

A lease is not required if only a raffle will be conducted.  
Is any other organization conducting gambling at this site?  Yes  No  Don't know

Note: Bar bingo can only be conducted at a site where another form of lawful gambling is being conducted by the applying organization or another permitted organization. Electronic games can only be conducted at a site where paper pull-tabs are played.

Has your organization previously conducted gambling at this site?  Yes  No  Don't know

**GAMBLING BANK ACCOUNT INFORMATION; MUST BE IN MINNESOTA**

Bank Name: First Security Bank Bank Account Number: [REDACTED]  
Bank Street Address: 215 S 13<sup>th</sup> St City: Benson State: MN Zip Code: 56215

**ALL TEMPORARY AND PERMANENT OFF-SITE STORAGE SPACES**

Address (Do not use a P.O. box number): 1901 Minnesota Ave City: Benson State: MN Zip Code: 56215  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ MN \_\_\_\_\_  
\_\_\_\_\_ MN \_\_\_\_\_

**ACKNOWLEDGMENT BY LOCAL UNIT OF GOVERNMENT: APPROVAL BY RESOLUTION**

<p><b>CITY APPROVAL</b> for a gambling premises located within city limits</p> <p>City Name: _____</p> <p>Date Approved by City Council: _____</p> <p>Resolution Number: _____ (If none, attach meeting minutes.)</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date Signed: _____</p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%; text-align: center;"> <p><b>Local unit of government must sign.</b></p> </div>	<p><b>COUNTY APPROVAL</b> for a gambling premises located in a township</p> <p>County Name: _____</p> <p>Date Approved by County Board: _____</p> <p>Resolution Number: _____ (If none, attach meeting minutes.)</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date Signed: _____</p> <p>TOWNSHIP NAME: _____</p> <p><b>Complete below only if required by the county.</b> On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date Signed: _____</p>
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**ACKNOWLEDGMENT AND OATH**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises.</li> <li>2. The Board and its agents, and the commissioners of revenue and public safety and their agents, are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law.</li> <li>3. I have read this application and all information submitted to the Board is true, accurate, and complete.</li> <li>4. All required information has been fully disclosed.</li> <li>5. I am the chief executive officer of the organization.</li> </ol> | <ol style="list-style-type: none"> <li>6. I assume full responsibility for the fair and lawful operation of all activities to be conducted.</li> <li>7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them.</li> <li>8. Any changes in application information will be submitted to the Board no later than ten days after the change has taken effect.</li> <li>9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license.</li> <li>10. I understand the fee is non-refundable regardless of license approval/denial.</li> </ol> |
|--|---|

\_\_\_\_\_

**Signature of Chief Executive Officer (designee may not sign)**
**Date**

<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application. Your organization's name and address will be public</p>	<p>information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to: Board members, Board staff whose work requires access to the information;</p>	<p>Minnesota's Department of Public Safety, Attorney General, Commissioners of Administration, Minnesota Management &amp; Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
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This form will be made available in alternative format, i.e. large print, braille, upon request.



# Request for Board Action

BOARD MEETING DATE:  
June 21, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Auditor	REQUESTOR: Kim Saterbak	REQUESTOR PHONE: 320-843-6108
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving an Absentee Ballot Board Resolution for the 2016 Primary Election	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: Board of Commissions must approve by resolution the establishment of the Absentee Ballot Board
BACKGROUND/JUSTIFICATION: Minnesota Statutes 203b.121, Subd. 1 requires the establishment of an Absentee Ballot Board. Minnesota Statutes 204B.19 to 204B.22 requires approval by the Board of Commissions to establish the Absentee Ballot Board.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

### Budget Information

FUNDING: n/a
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### Review/Recommendation

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

**RESOLUTION**

**ESTABLISHING AN ABSENTEE BALLOT BOARD**

Motion by Commissioner \_\_\_\_\_ Seconded by Commissioner \_\_\_\_\_

**WHEREAS**, Swift County is required by Minnesota Statutes 203B.121, Subd. 1 to establish an Absentee Ballot Board effective June 21, 2016; and

**WHEREAS**, this board will bring uniformity in the processing of accepting or rejecting return absentee ballots in Swift County; and

**WHEREAS**, the Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy county auditors trained in the processing and counting of absentee ballots;

**THEREFORE, BE IT RESOLVED THAT**, the Swift County Board of Commissioners hereby establishes an Absentee Ballot Board that would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy auditors to perform the task.

Swift County Board of Commissioners

\_\_\_\_\_  
Pete Peterson, Chairman

ATTEST:

\_\_\_\_\_  
Michel Pogge-Weaver, County Administrator

Fox \_\_\_

Hendrickx \_\_\_

E. Pederson \_\_\_

P. Peterson \_\_\_

Rudningen \_\_\_



# Request for Board Action

BOARD MEETING DATE:  
June 21, 2016

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: RDA	REQUESTOR: Jennifer Frost	REQUESTOR PHONE: 320-842-4769
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### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Review and discussion on an Economic Development Tax Abatement request from Do Mat's Family Foods for the development of their new retail facility in Benson, MN and possible consideration to set a public hearing on said request.	
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
<p>BACKGROUND/JUSTIFICATION:</p> <p>RDA staff believes the project meets the statutory standard to qualify for economic development tax abatement, however due to factors identified in attachment, RDA staff recommends against approval of the Economic Development Tax Abatement as requested at this time, and recommends tabling action until the other entities evaluating tax abatement requests have determined their course of action, and direct staff to complete an Abatement Needs Analysis based on up to date Sources and Uses.</p> <p>Should the Board wish to approve the Economic Development Tax Abatement as requested or in modified form, they must identify the details of the abatement, including the amount, terms and parcels for abatement; hold a public hearing in the County with at least a 10 day published notice, and is then required to adopt a resolution to approve the abatement which must include abatement details and findings of public benefit. Staff should also be instructed to prepare Economic Development Tax Abatement Agreement between the County and Business, and Business Subsidy Agreement if the abatement value is greater than \$150,000.</p> <p>For the County to grant an Economic Development Tax Abatement the Board must make a finding that the abatement benefits of the request are at least equal to the costs of the proposed agreement, and that the abatement is in the public interest for at least one of the following reasons:</p> <ul style="list-style-type: none"> <li>Increase or preserve tax base</li> <li>Provide employment opportunities</li> <li>Provide or help acquire or construct public facilities</li> <li>Redevelop or renew blighted areas</li> <li>Provide access to services for residents</li> <li>Provide public infrastructure</li> <li>Phase in a property tax increase, in specific circumstances</li> <li>Stabilize the tax base</li> </ul>	

While the RDA has determined the project can meet statutory requirements for economic development tax abatement, the RDA has assessed the appropriateness of using tax abatement as a tool in this case based on the RDA tax abatement policy used in the past for other developments, additional public purpose considerations, and was unable to perform a Needs Analysis until further financial information is received. Based on RDA analysis, a needs analysis should be performed in this case to ensure an abatement award will not create an unfair and significant competitive financial advantage over existing like-businesses in Swift County.

PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	Economic Development Tax Abatement requests are pending for the City of Benson, and Benson School District. Swift County RLF approved a pending \$125,000 loan at 3% for 10 years toward this project in 2015.
--	--

**Budget Information**

FUNDING: NA
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**Review/Recommendation**

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Will submit for approval to form prior to final action by the board	RECOMMENDATIONS: Review, discuss, and consider possible action
COMMENTS: n/a	COMMENTS: None

# Economic Development Tax Abatement Policy

## Swift County RDA Policy on Economic Development Tax Abatements for Starting and Growing Businesses

Counties are authorized pursuant to Minnesota Statutes §469.1812 through §469.1815 to provide tax abatements for economic development purposes. **Swift County RDA has traditionally provided a more conservative policy for economic development tax abatement than allowed by statute**, and is as follows:

### ***Tax Abatement***

With Tax Abatement, the County rebates its portion of property taxes back to the property owner who then uses them to help offset development and/or redevelopment costs.

### ***Limitations on Amount***

The availability of tax abatement is limited – in any given year, for all economic development projects taking place, the County can abate an amount equaling no more than \$200,000 per year.

The County may limit the amount of individual economic development abatement to the following:

- To a specific dollar amount per year or in total
- To the increase in Swift County tax resulting from the improvement of the property

### ***Eligibility***

- Tax abatements can be provided for any type of property, as long as it is not in a TIF District

### ***Requirements***

- All owners must be in compliance with Swift County ordinances, tax payments, or any other legal or financial obligations to Swift County.
- The benefits to the County must be at least equal to the costs of the economic development abatement
- The project must provide one or more of the following public benefits: it must increase or preserve tax base\*, result in job creation, redevelop blighted areas, and/or provide services not currently available to the residents of Swift County. *\*Increase or preservation of tax base cannot be the only public benefit.*

### ***Rates / Terms***

- Taxes can be abated for up to 10 years.
- A Tax Abatement Agreement with Swift County is required for all economic development tax abatements
- Economic development tax abatements that exceed \$150,000 are Business Subsidies and require a Business Subsidy Agreement with Swift County in addition to the Tax Abatement Agreement, as well as annual reporting (March 1) to the State for two years and until job and wage goals have been met.

### ***Approval Process***

The Swift County Board of Commissioners must approve all tax abatements. After identifying the details of the abatement, including the amount, terms and parcels for abatement; a public hearing with at least a 10 day published notice, must be held by the County. The County is then required to adopt a resolution to approve the abatement which must include abatement details and findings of public benefit.

Swift County has a long history of evaluating suitability of economic development incentives for projects by evaluating each project on its own merits; recognizing its importance and benefit to the community from all perspectives. In addition to the statutory and county guide noted in the Swift County RDA policy, RDA staff considers the following factors when recommending the use of tax abatements for economic development:

1. Equal consideration is given to existing business expansion and new businesses locating in the county.
2. Whether or not the new or existing business will provide services not already provided in the county, or will provide services that are needed or essential.
3. The extent to which the project results in an increase in new employment opportunities that provide good wages and benefits for employees, or the retention of good jobs. Projects that provide quality employment, which is paid above the minimum wage, and provides prospects for advancement, are preferred.
4. The extent to which the use of abatements would create an unfair and significant competitive financial advantage over existing businesses in Swift County.
5. The extent to which the project increases county costs for road construction, law enforcement, human services and other budgetary items.
6. If abatements will be used to facilitate relocation of commercial or industrial enterprises within the County, the effects of the relocation on the former location may be considered.
7. The extent to which other levels of local government are in support of the project.
8. The extent to which the project is receiving other forms of public economic assistance.
9. The nature and type of the new development and extent to which the project adds to, diversifies or preserves the county's net commercial, industrial or general tax base.
10. Consistency of the project with Swift County planning and land use policy.

RDA staff believes the project meets the statutory standard to qualify for economic development tax abatement, however due to factors that follow, RDA staff recommends against approval of the Economic Development Tax Abatement as requested at this time, and recommends tabling action until the other entities evaluating tax abatement requests have determined their course of action, and a current project cost and lender summary can be reviewed.

**1. The use of abatements could create an unfair and significant competitive financial advantage over existing businesses in Swift County:**

- a. Retail grocery is an essential service needed in the County. However, there are currently two full service grocery stores operating in Benson. Abating property taxes for an expanding grocery store could dilute public benefit from the expansion by creating an unfair financial competitive advantage for the grocery store receiving tax abatements.
  - i. The use of economic development tax abatements should not create a financial competitive advantage over a competitor. This would be the case if the other grocery store wanted to expand in Benson and requested tax abatements, as well as if a NEW grocery or retailer that carried many grocery items wanted tax abatements.

- ii. The County Board may find it reasonable to make favorable modifications to its existing loan approval for this project as a more suitable economic incentive. Or the board may wish to consider an alternative award amount than the requested 100% for 15 years, to a lower more moderate amount of abatement consistent with a “but for” analysis.
- 2. Current level of Swift County assistance:**
- a. \$125,000 loan at 3% for 10 years
    - i. This loan was approved in September 2015 and matches the largest loan approved by the County RLF. Our interest rate at 3% is the lowest offered to date and was 1% lower than the next lowest rate by any other lender. 1% rate value = \$7,026.75 over life of loan.
    - ii. Should cash-flow concerns arise, adjusting the amount or terms for this loan could be a reasonable alternative to abatement. (Swift County RLF has available to lend funds of approximately \$300,000 available in addition to the pending \$125k.)
- 3. Current level of other public assistance in the project/other public support for the project:**
- a. The request for tax abatement has been made to the City of Benson and Benson School District. (no decision has been made on those requests at date of summary)
    - i. Focusing on local support for the project it is important to note that the Benson EDA RLF has not been requested to participate in the project yet, whereas both Swift County and the regional UMRVDC have been asked and approved loans.
    - ii. It is reasonable to table the county request until the City of Benson determines if it will grant abatement or offers other assistance such as an EDA loan, before increasing public assistance through abatements at the county level, as the project is located in Benson.
- 4. Increase in employment opportunities and preference for higher wage/benefited jobs:**
- a. Based on the application, the business employs up to 34 people and expects to retain them all, possibly employing up to 5 more.
    - i. This business offers many full-time and part-time jobs averaging \$10/hour. While most are not higher wage positions, these opportunities are especially important for young people gaining first time job experience and/or transitional employment.
    - ii. Swift County has no minimum number of new jobs or wage requirements in its Business Subsidy policy#, however, Swift County has previously reserved economic development tax abatement to expanding employers creating new jobs with higher wages w/benefits - typically greater than \$15 hourly.

#While it is recognized that the creation of good paying jobs is a desirable goal which benefits the community, it must also be recognized that not all projects assisted with subsidies derive their public purposes and importance solely by virtue of job creation. In addition, the imposition of high job creation requirements and high wage levels may be unrealistic and counter-productive in the face of larger economic forces and the financial and competitive circumstances of an individual business

**Estimated Tax Abatement Calculation**

For Parcel #23-1319-000

Scenarios by RDA  
Based on estimated value by County Assessor  
& estimate tax by County Auditor

	2015 Tax	Next Yr Est. Tax
Land	63,700	82,900
Building	75,400	1,433,000
Less Exclusion	0	0
<b>Total Value</b>	<b>139,100</b>	<b>1,515,900</b>
 Tax Capacity	 2,087	 29,568

NTC Value	<u>2015</u>		<u>2016</u>		<u>2016 Difference</u>	
	Rate	Tax	Rate	Tax	Rate	Tax
		2,087		<b>29,568</b>		<b>27,481</b>
<b>County</b>	35.95%	750	37.63%	11,127	37.63%	<b>10,342</b>
Countywide	0.26%	5	0.27%	79	0.27%	73
City of Benson	69.88%	1,458	72.43%	21,416	72.43%	19,904
School District - NTC	4.37%	91	4.79%	1,416	4.79%	1,316
State Tax	50.84%	1,061	48.64%	14,382	48.64%	13,367
Extra Countywide	0.51%	11	0.89%	264	0.89%	246
School District - REF		373		3,930		3,930
		3,750		52,614		49,177

Scenarios	%	Est. Tax	Request calc at:				
			Years	Amount	75%	50%	25%
Tax Abatement Request	100.00%	11,127	15	166,905	125,178.75	83,452.50	41,726.25
Tax Abatement Request @ 10 yrs	100.00%	11,127	10	111,273	83,452.50	55,635.00	27,817.50
Tax Abatement Request @ 5 yrs	100.00%	11,127	5	55,637	41,726.25	27,817.50	13,908.75
RDA Policy 10 years & Difference	92.94%	10,342	10	103,420	77,565.00	51,710.00	25,855.00
5 year abatement of Difference	92.94%	10,342	5	51,710	38,782.50	25,855.00	12,927.50
				Difference calc:	7,756.50	5,171	2,585.50

Economic Development Tax Abatement as request would be estimated at \$11,127 assessed in 2016, payable in 2017  
With no escalation over 15 years, total abatement = \$166,905.

RDA Policy of 10 years and increased value or difference would be estimate at \$10,342 assessed in 2016, payable in 2017  
With no escalation over 10 years, total abatement = \$103,420

Additional scenarios are provided at different rates and terms

For example: Doing 50% for 5 years of the FULL tax amount would be \$5,563.50 assessed in 2016, payable in 2017  
with no escalation over 5 years, total abatement= \$27,817.50

Utilizing 50% of only increase in tax or Difference, the amount would be \$5,171 assessed in 2016, payable in 2017  
with no escalation over 5 years, total abatement= \$25,885

COUNTY OF SWIFT, STATE OF MINNESOTA

NOTICE OF PUBLIC HEARING

APPROVAL OF PROPERTY TAX ABATEMENT

NOTICE IS HEREBY GIVEN that the County of Swift, Minnesota will hold a public hearing on Tuesday, June 21, 2016 at 9:00 a.m. at the Swift County Board Room in the Swift County Courthouse at 301 14<sup>th</sup> St N, Benson, MN; relating to the use of property tax abatement for the purpose of funding up to \$166,905 of improvement costs associated with the development of Do Mat's Family Foods, pursuant to Minnesota Statutes, Section 469.1812 to 469.1815, inclusive, as amended. The tax abatement will be collected over a period of no more than 15 years, commencing in January 1, 2018. The following tax parcels are proposed to be included in the proposed tax abatement. Parcel ID # 23-1319-000. Copies of the Abatement Resolution as proposed to be adopted will be on file and available for public inspection at the office of the County Administrator. All interested persons may appear at the hearings and present their view orally or in writing. June 30, 2016 BY ORDER OF THE COUNTY BOARD  
Mike Pogge-Waver, County Administrator

SAMPLE

RESOLUTION AUTHORIZING TAX ABATEMENT OF PROPERTY WITHIN SWIFT COUNTY  
FOR THE PURPOSE OF ASSISTING THE NEW CONSTRUCTION EXPANSION OF  
DO MATS FAMILY FOODS IN BENSON, MINNESOTA

WHEREAS, the Board of Commissioners of Swift County, Minnesota (the "County"), has held a public hearing on July 18, 2016 on the proposed abatement, pursuant to Minnesota Statutes, Sections 469.1812 through and including 469.1815, to assist with the improvement costs associated with the expansion development of Do Mats Grocery Store within the City of Benson, Minnesota; and

WHEREAS, the County Board has proposed to abate up to \_\_\_\_\_ % per year - \$ \_\_\_\_\_ per year, for a period of up to \_\_\_\_\_ years, up to a maximum total project abatement of \$ \_\_\_\_\_ of the County share of new property taxes generated by development on the following parcel commencing with taxes assessed for 2017 and payable in the year 2018:

Parcel ID # 23-1319-000

Physical Address: 1701 and 1801 Minnesota Avenue, Benson, MN 56215

Legal description:

WHEREAS, the County Board expects that the public benefits derived by the use of tax abatement to the County to be at least equal to the costs associated with granting the abatement:

WHEREAS, the County Board finds that the proposed abatement is in the best interest of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Swift County, Minnesota, as follows:

- 1 Abatement: The Board of Commissioners hereby authorizes the abatement of up to \$ \_\_\_\_\_ of the County share of property taxes generated by new development on the aforementioned parcel in an amount not to exceed \$ \_\_\_\_\_ per year and \_\_\_\_\_ % of the new taxes per year, for \_\_\_\_\_ consecutive years commencing with taxes payable in 2018.
- 2 Purpose: The abatements will be used to assist with the land acquisition and site preparation costs associated with the expansion construction/development of Do Mat's Family Foods within the City of Benson, Swift County, Minnesota.
- 3 Public Benefit: The proposed abatements will benefit the public by:
  - a. increasing the property tax base of the County and
  - b. providing employment opportunities in the County of up to \_\_\_\_\_ FTE positions over the next \_\_\_\_\_ years with a minimum hourly wage of \$ \_\_\_\_\_ and one salaried position with an expected annual salary of \$ \_\_\_\_\_.
  - c. additional private investment by the company
  - d. providing an essential service to residents
- 4 Documents: County staff is hereby directed to prepare all necessary documents to perfect this Resolution. The Board Chair is hereby authorized to sign said documents.

Commissioner \_\_\_\_\_ hereby introduced the Resolution. The motion for adoption was duly seconded by

Commissioner \_\_\_\_\_ and upon a vote being taken thereon, the following voted in favor of adopting the Resolution:

And the following voted against the same:

Whereupon said Resolution was declared duly passed and adopted this \_\_\_\_ day of July, 2016

SAMPLE

## Property Tax Abatements for Economic Development

***What is economic development property tax abatement?***

Minnesota law authorizes political subdivisions to grant property tax abatements for economic development (e.g., to encourage a business to locate or expand at a location or to redevelop an area). [Minn. Stat. §§ 469.1813-469.1816](#).

Abatements may be either permanent forgiveness or temporary deferral of property tax. Abatements can serve similar purposes to tax increment financing (TIF), a widely used development tool. The legislature enacted the abatement law in 1997 to provide an alternative to TIF and to supplement it.

These economic development tax abatements should be distinguished from property tax abatements that are granted by the county board primarily to correct errors (e.g., to reduce the assessor's market value or to change the classification of the property). [Minn. Stat. § 375.192](#).

***For what purposes may abatements be used?***

The law allows abatements to be used for a broad range of projects and purposes, if the political subdivision finds that public benefits exceed the costs. Permitted uses of abatements include the following:

- General economic development, such as increasing the tax base or the number of jobs in the area
- Construction of public facilities or infrastructure (e.g., streets and roads)
- Redevelopment of blighted areas
- Providing access to services for residents (e.g., housing or retail would be common examples)
- Deferring or phasing in a large (over 50 percent) property tax increase
- Stabilizing the tax base resulting from the updated utility valuation administrative rules
- Providing relief for businesses with estimated market value of \$250,000 or less who have disrupted access due to public transportation projects

***Which local governments can grant abatements?***

Counties, cities, towns, and school districts may grant abatements of the taxes they impose. The governing body grants an abatement by resolution. For towns, action at the town meeting is not required. Taxes imposed by special taxing districts (e.g., watersheds or regional agencies) cannot be abated. Similarly, the state general property tax (on commercial/industrial and seasonal-recreational properties) cannot be abated. In the Twin Cities metropolitan area and on the Iron Range, the fiscal disparities tax cannot be explicitly abated. However, a political subdivision may increase its abatement amount to reflect the amount of the tax imposed under fiscal disparities. The abatement does not directly enter into the fiscal disparities calculations.

***How long does an abatement apply?***

The political subdivision sets the length of the abatement, which cannot exceed 15 years. The term can be extended to 20 years if only two of the three political subdivisions (city/town, county, and school district) grant an abatement.

***What is the limitation on abatements?***

The total amount of property taxes abated may not exceed the larger of:

- 10 percent of the net tax capacity of the political subdivision, or
- \$200,000.

***How do the mechanics of abatement work?***

The abatement resolution, approved by the political subdivision, specifies the duration and the amount of property taxes that will be abated. The political subdivision has considerable flexibility in setting the terms of the abatement; for example, it may set the abatement as a percentage of tax payable, a dollar amount, tax attributable to a portion of the parcel’s market value, or something else. The local government adds the abatement to its property tax levy for the year. (The abatement levy is not subject to levy limits.) The owner pays property tax on a parcel and the political subdivision uses the payments as provided by the abatement resolution. For example, the abatement may be used to pay bonds or be given back to the property owner.

***May abatements be used to pay bonds?***

The abatement law authorizes the issuance of bonds to be paid back with the abatements. For example, bonds could be issued to construct public improvements or to pay for a site for a business. As the property owners pay the abated taxes, they are used to pay the bonds. These bonds can be general obligation bonds or revenue bonds. The abatement bond provisions parallel those in the TIF law: the abatement bonds are not subject to referendum approval and are excluded from debt limits.

***How do abatements compare with TIF?***

The legislature designed the abatement law as an alternative to and a supplement to TIF. The two programs can be used for similar purposes and both rely upon property tax funding. Both programs have very similar bonding powers. However, abatement and TIF differ in important respects. Some differences include:

- TIF can be used for longer durations (up to 25 years in some cases) than abatements (typically 15 years)
- TIF requires approval only by the municipality (usually the city) to capture all local property taxes, while abatement requires each entity’s approval to capture its taxes and cannot capture special district taxes
- TIF use is subject to more legal restrictions than abatement. These include a blight test for redevelopment districts, but-for findings, and stricter limits on what increments may be spent on. Abatement is more flexible.

***How widely has abatement been used?***

The following amounts of abatement levies were reported for property taxes payable in 2011, as reported to the Departments of Revenue (cities and counties) and Education (schools).

	<b>Number</b>	<b>Amount</b>
Cities	62	\$8,152,836
Counties	31	3,211,570
Schools	8	881,069
Total	101	\$12,245,475

**For more information:** Contact legislative analyst Joel Michael at joel.michael@house.mn. Also see the House Research publication *Tax Increment Financing*, October 2011.

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.



# Request for Board Action

BOARD MEETING DATE:  
June 21, 2016

## Commissioner's Report

### Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Consider certifying for acquisition of an easement for Wildlife Habitat Protection on lands located in NW¼ of the SW¼, Section 16, Camp Lake Township by the US Fish and Wildlife Service	
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: This is a request from the US Fish and Wildlife Service for the Swift County board to certify the acquisition of an easement for Wildlife Habitat Protection on lands located in NW¼ of the SW¼, Section 16, Camp Lake Township. The attached outlines the request. Courtesy notices on this request have been mailed to adjacent property owners.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

### Budget Information

FUNDING: None
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### Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review prior to the meeting	RECOMMENDATIONS: Approve
COMMENTS: None	COMMENTS: None



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

18965 County Highway 82  
Fergus Falls, Minnesota 56537  
218-736-0622



RE – Minnesota W.A.  
Swift  
Tostenson, Lori J., et al

May 13, 2016

Mr. Mike Pogge-Weaver  
Swift County Administrator  
301 14<sup>th</sup> Street North  
Benson, Minnesota 56215

Dear Mr. Pogge-Weaver:

The U.S. Fish and Wildlife Service recently secured an easement for wildlife habitat protection from Lori J. Tostenson, a single person, of Benson, Minnesota, and Lynnea Y. Pritchett and Robert Pritchett, wife and husband, of Willmar, Minnesota. This is a habitat easement protecting wetlands and upland while allowing haying. The land is outlined on the attached photo and platbook page.

It is my intention to meet with the Swift County Board of Commissioners on June 7, 2016, at 9:25 a.m. to request certification of this tract.

Please forward this information to each of the county commissioners. Please contact me at 218-736-0622 if you have any questions.

Sincerely,

Lynn Sebek  
Realty Specialist

cc: Pamela L. Baldwin, Clerk of Camp Lake Township



**Lori Tostenson  
Lynnea Pritchert  
Habitat Easement  
Delineation**

County: Swift

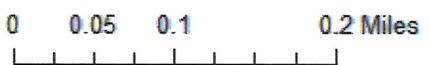
T122N, R38W, Sec. 16

Wet Acres: 17.875

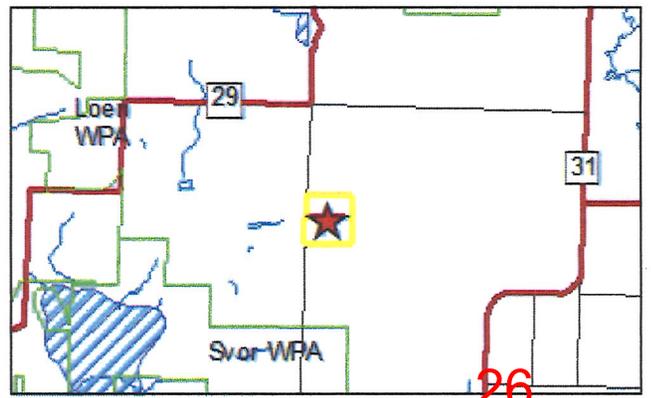
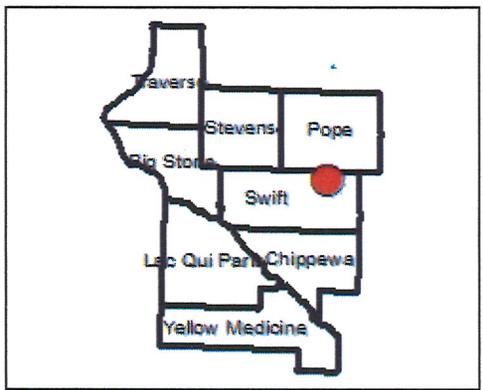
Total Acres:40.0



Submitted By \_\_\_\_\_ Date \_\_\_\_\_



- Legend**
- Acquisition Boundary
  - Waterfowl Production Areas
  - Habitat



# Your Ad Could Be Here

in the Next Plat and Directory Publication.

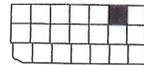
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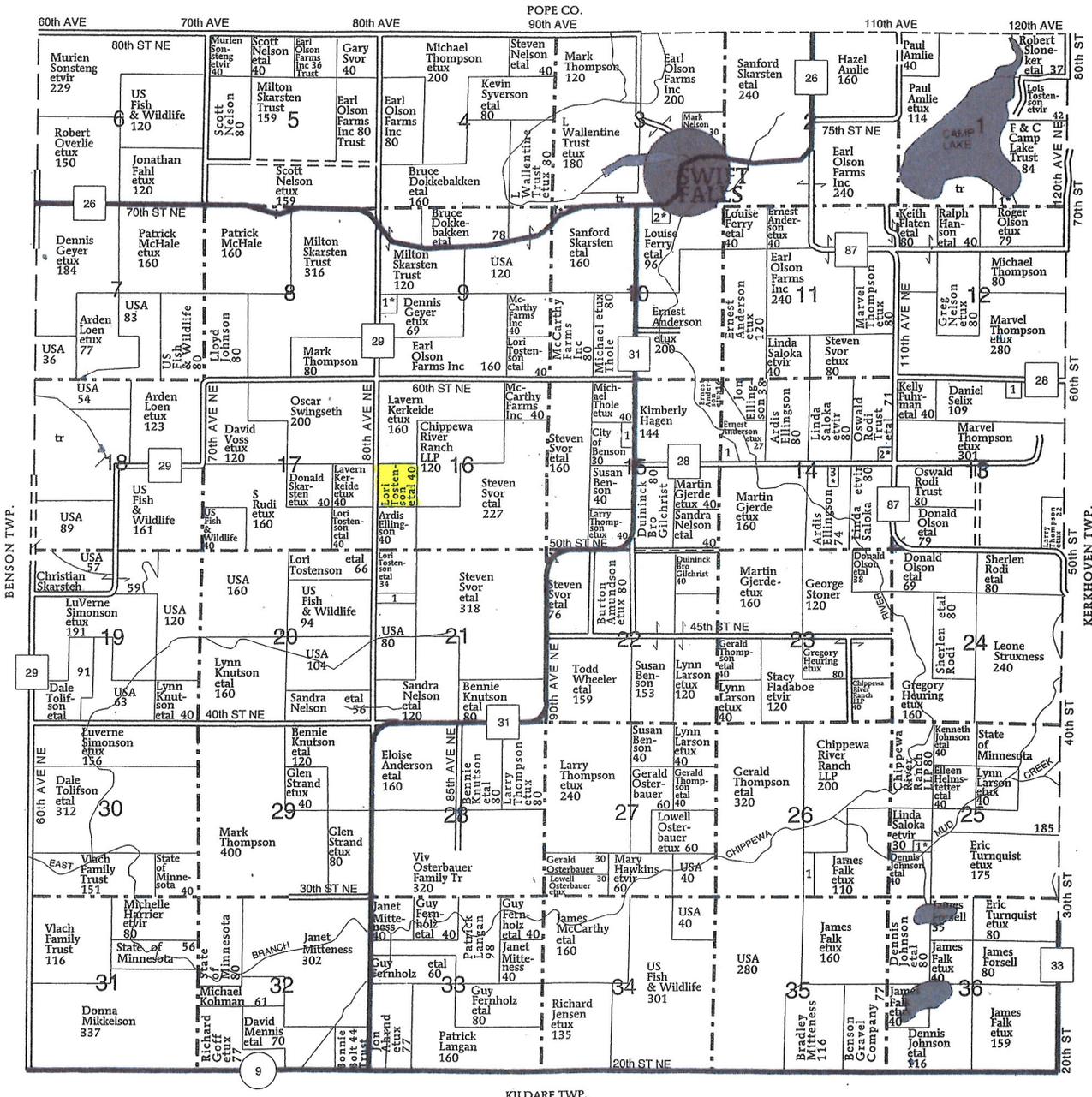
to get your business added to the next year's publication

T-122-N

## CAMP LAKE PLAT



R-38-W



- CAMP LAKE TOWNSHIP**
- SECTION 1**  
1. Olson, Roger 12
- SECTION 9**  
1. Geyer, Jason 11
- SECTION 10**  
1. Stensrud, Ellsworth 12  
2. Vanries, James 6

- SECTION 13**  
1. Anderson, Robert 9
- SECTION 14**  
1. Hagen, Kimberly 15  
2. Anderson, Jason 9  
3. Gronseth, Rick 6
- SECTION 15**  
1. County of Swift 10

- SECTION 21**  
1. US Fish & Wildlife 7
- SECTION 25**  
1. Grendahl, Phillip 10
- SECTION 26**  
1. Johnson, Edward 10

# BRIGGS

BRIGGS AND MORGAN

2200 IDS Center  
80 South 8th Street  
Minneapolis MN 55402-2157  
tel 612.977.8400  
fax 612.977.8650

# FYI

June 2, 2016

**Catherine J. Courtney**  
(612) 977-8765  
ccourtney@briggs.com

Dan Enderson  
Swift County-Benson Hospital District  
1815 Wisconsin Avenue  
Benson, MN 56215

Mike Pogge-Weaver  
County Administrator  
Swift County Courthouse  
P.O. Box 207  
Benson, MN 56215

**Re: Potential Senior Housing and Hospital Renovations Project**

Dear Gentlemen:

We have been asked to advise, as Bond Counsel, on a potential transaction involving the acquisition and construction of a senior housing facility and renovations of the hospital (the "Project") by the Swift County-Benson Hospital District (the "District"). Ultimately, it is possible that such project will be financed by tax-exempt bonds (the "Bonds") issued by the District. Swift County (the "County") may provide some support to the Project.

In our role as Bond Counsel in this matter, our client will be the District. Please be advised the County is also our client in matters unrelated to this matter. For the time being, it is our understanding that the County consents to the District being our client on this matter and that, despite the potential for County support of the Project, the County and the District, by acceptance of this letter, waive any conflict of interest on this matter. It is also our understanding that the County is currently unrepresented in this matter.

Our responsibility as Bond Counsel initially will be to assist in the analysis of the potential support of the County to the Project. Should a proposed transaction actually transpire, our principal responsibility will be to provide the District and certain other parties to such transaction an expert opinion (the "Bond Opinion"), upon which each of them may rely, as to (i) the effect on the tax-exempt status of the Bonds, (ii) the validity and enforceability of any obligations that the District may incur under any new financing documents, and (iii) the exemption of interest on any new obligations that may be issued from federal and Minnesota income taxes. We will also assume principal responsibility for drafting any transfer and/or financing documents and any security documents agreed to by the parties. You are also in agreement that we will not be acting as a municipal advisor in regards to this transaction.

We do not expect to give any opinion with respect to the status of title or the priority of any mortgage lien or security interest securing the Bonds or any other obligations issued by the District.

Briggs and Morgan, Professional Association  
Minneapolis | St. Paul | www.briggs.com

7734316v1

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Dan Enderson  
Mike Pogge-Weaver  
June 2, 2016  
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The Bond Opinion will be executed and delivered by us in written form on the date of closing of any agreed upon financing and will be based on facts and law existing as of that date. Upon delivery of the Bond Opinion, our responsibilities as Bond Counsel will be concluded with respect to this matter.

In rendering the Bond Opinion, we will rely upon representations of the District and the other parties to the transaction set forth in the documents, the certified proceedings, and other certifications of public officials, officials of the other parties, and other persons (including certifications as to the use of bond proceeds and various tax matters) without undertaking to verify the same by independent investigation. As Bond Counsel, we do not review the financial condition of the parties or the financial feasibility of the transaction, and we will express no opinion relating to the foregoing.

Depending on the appropriate structure ultimately determined for the Project, we may also be asked to assist the District in regards to the organization of a 501(c)(3) organization.

We understand that the District will be responsible for payment of our fees and disbursements as Bond Counsel. During the initial analysis phase, our fees and disbursements will be billed monthly at our usual hourly rates. We will also bill monthly at our usual hourly rates for any work related to the organization of a 501(c)(3) organization.

Should the matter result in a transaction, we will bill separately for our time on the transaction. Our fee in that case will be based upon (i) our current understanding of the terms, structure, size and schedule of the transaction and (ii) the time we anticipate devoting to the transaction. Such fee may vary (i) if the principal amount of any obligations actually issued differs significantly from the amount currently anticipated, (ii) if the manner in which any obligations are marketed (private placement, public offering, etc.) changes, (iii) if material changes in the structure of the transaction occur, or (iv) if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If the transaction in fact closes, we will submit our statements for services and disbursements to the District at or promptly after the closing.

However, our fees are not contingent on closing and if the transaction is cancelled before closing for whatever reason, we would then submit our bill to the District for the time expended and disbursements made by us to the date of termination at our standard hourly rates.

BRIGGS AND MORGAN

Dan Enderson  
Mike Pogge-Weaver  
June 2, 2016  
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If the foregoing omits or misstates any item, please contact me. Otherwise, we will assume our participation as Bond Counsel and the scope of our engagement as Bond Counsel are acceptable to you. We are pleased to be working on this matter and look forward to bringing it to a successful conclusion.

Very truly yours,



Catherine J. Courtney

CJC