

Notice & Agenda

Swift County Board of Commissioners

Tuesday, October 21, 2014

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 October 7, 2014 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 |
| | | Other Business |
| | 3-7 | Consider adopting a resolution supporting Federated Telephone Cooperative Border to Border Broadband Development Grant and commit to financially backing the project subject to certain terms. |
| | | Closed session to consider strategy on pending litigation |
| | | Consider approving a closed session to engage in confidential attorney-client communications related to pending litigation regarding medical insurance issues pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b). |
| | | Closed session to consider strategy pending litigation |
| | | Adjourn close session and return to open session |
| 12:00 p.m. | | Adjournment |

SWIFT COUNTY BOARD MINUTES

October 7, 2014

Chairman Fox called the meeting to order at 9:00 AM with all members present as well as County Administrator Mike Pogge-Weaver, County Auditor Kim Saterbak, and Amanda Ness.

Chairman Fox noted an addition to the consent agenda for approval of the comments on the definition of the Waters of the United States.

10-07-14-01 Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve the agenda with the noted addition. Motion carried unanimously.

10-07-14-02 Commissioner Rudningen moved and Commissioner Klemm seconded to approve the Consent Agenda which consisted of: (1) Minutes from the September 16, 2014 Meeting (2) Approval of a Mission Alignment and Name Change for Restorative Justice (3) Approval of Health Insurance Premiums and County Contributions Effective January 1, 2015 (4) Appointment of a Medical Examiner (5) Approval of a request to the State Auditor requesting release from State Examiners (6) Approval of the purchase of a router and (7) Approval of the comments on the definition of the Waters of the United States.

10-07-14-03 Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve the Commissioner warrants as follows: Revenue: \$45,889.46; Road and Bridge: \$20,994.91; Solid Waste: \$8,483.39; Welfare & Family Services: \$83.58; and County Ditches Fund: \$28,065.30 which includes the following bills over \$2,000: Computer Professionals Unlimited Inc, \$5,287.00; Dome Pipeline Corp, \$2,984.00; Dooley Petroleum, Inc., \$3,127.02; Clifford W Emmert, \$2,451.67; Royal Tire Inc, \$4,181.33; SeaChange Printing & Marketing Services, \$6,214.80; Van Heuveln General Contracting Inc, \$20,156.50; Waste Management of Northern Minnesota, \$8,469.11; Widseth Smith Nolting & Assoc Inc, \$4,005.50; and Yellow Medicine County Jail, \$6,921.17. Motion carried unanimously.

Board and Committee Reports were given as follows: Chairman Fox reported on Chippewa River Watershed, Ditch #2 Meeting, Well-being Committee, Hospital Finance Board, Hospital Board, SPCC, and Pomme de Terre Watershed. Commissioner Klemm reported on Prairie Lakes Youth, DAC, Youth Programs, RDA Loan Committee, and RDA. Commissioner Peterson reported on 6W Corrections and Prairie Five Community Action Council. Commissioner Rudningen reported on CEE-VI Drug Task Force, Well-being Committee, and Technology Committee. Commissioner Hendrickx reported on SPCC, Prairie Waters, RDC, and 6W Corrections.

Administrator Pogge-Weaver updated the board on the health insurance fund balance, the wellness survey, the GIS program, and an AMC committee regarding state assessed utilities.

An update was given by Dr. Richard Lee, CEO of Woodland Centers.

Kevin Beyer of Federated Telephone and Jacki Anderson of the Upper Minnesota Valley Regional Development Commission presented the board with a grant opportunity to provide unserved and underserved areas of the county with broadband service.

Parks, Drainage, and Wetland Supervisor Mike Johnson presented the board with the proposed 2015 ditch assessments.

10-07-14-04 Commissioner Hendrickx moved and Commissioner Peterson seconded to approve the 2015 ditch assessments. Motion carried unanimously.

Chairman Fox adjourned the meeting at 10:33 AM.

WITNESSED:

Joe Fox, Chair

ATTEST:

Michel Pogge-Weaver, Clerk of the Board



Request for Board Action

BOARD MEETING DATE:
October 21, 2014

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 adopting a resolution supporting Federated Telephone Cooperative Border to Border Broadband Development Grant and commit to financially backing the project subject to certain terms. | |
| 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: As reviewed at the board's October 7 th meeting, Federated Telephone Cooperative is making application to the State of Minnesota for a Border to Border Broadband Development Grant. The project would install fiber to the premise to each property in the eastern half of the county as show in red and purple on the attached map. The areas in light blue (Cities of Clontarf, Benson, Murdock, and Kerkhoven) are considered served and not eligible for funding through the grant. The grant, if awarded, would cover up to 50% of the project cost. Federated Telephone Cooperative is requesting that the County use its tax abatement bonding authority to cover the remaining through a loan to Federated Telephone Cooperative. The bond would be repaid over 20 years and Federated Telephone Cooperative has committed to make the bond payments. The request has been reviewed by the County's bonding counsel who has determined that the County has the authority to make such a commitment, if the Board elects to proceed with the project. In order to proceed; the attached resolution needs to be adopted by the board by the grant's October 28 th deadline. | |
| PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? | Reviewed the request at the board's Oct 7, 2014 meeting. |

Budget Information

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|----------|---|
| FUNDING: | The County's portion of the project (approximately \$5,000,000) would be covered via a tax abatement bond and Federated Telephone Cooperative has committed to repay the bonds. |
|----------|---|

Review/Recommendation

| | |
|--|--|
| COUNTY ATTORNEY: Robin Finke | COUNTY ADMINISTRATOR: Mike Pogge-Weaver |
| RECOMMENDATIONS: Reviewed in consultation with the County's bonding council and finds the County has the authority to proceed with the project if the board so chooses. | RECOMMENDATIONS: Review and take an action. |
| COMMENTS: None | COMMENTS: None |

RESOLUTION

**SUPPORTING FEDERATED TELEPHONE COOPERATIVE
BORDER TO BORDER BROADBAND DEVELOPMENT GRANT – OCTOBER 2014**

WHEREAS, SWIFT COUNTY is aware of Federated Telephone Company’s intent to apply for the Broadband Development Grant Program to be submitted to the State of Minnesota in October 2014 for funding to provide fiber to the premise in rural SWIFT COUNTY to areas that are underserved or unserved with broadband;

WHEREAS, SWIFT COUNTY agrees that broadband is an essential part of community infrastructure because it offers many opportunities including but not limited to: promoting access to government resources and information such as GIS, tax records, permits, or paying taxes online; opportunities to buy and sell goods especially for home-based businesses, offers access to healthcare including VA medical records for veterans and expands educational opportunities for all age;

WHEREAS, the SWIFT COUNTY BOARD OF COMMISSIONERS feel it is in the best interest of the County to endorse said project because having a variety of broadband options is an expectation of future residents and business and is directly connected to opportunities that could increase the economic prosperity in the County;

WHEREAS, the BOARD OF COMMISSIONERS OF SWIFT COUNTY realize that financing of broadband infrastructure is challenging and as a result are willing to be a financial partner in the above identified project;

WHEREAS, the BOARD OF COMMISSIONERS OF SWIFT COUNTY have determined that they have the financial capacity to assist with this project and will move forward with a bonding process of up to five million dollars (\$5,000,000.00) if grant funds are awarded;

NOW, THEREFORE, BE IT RESOLVED, that the SWIFT COUNTY BOARD OF COMMISSIONERS hereby endorses Federated Telephone Cooperative’s SWIFT COUNTY Fiber to the Premise project, supports their efforts to increase broadband access in SWIFT COUNTY and as a financial partner commits to the bonding and lending process on behalf of the project and through a designated lending organization, acceptable to the County will lend proceeds, subject to the provisions of Minnesota Statutes including but not limited to Sections 469.1812 to 469.1815, to Federative Telephone Cooperative upon successful lender and County review.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 21st day of October 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

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

Fox ___ Hendrickx ___ Klemm ___
Peterson ___ Rudningen ___

Broadband Service Inventory
Areas Unserviced by Wireline Broadband at 10 Mbps Download/5 Mbps Upload
Swift County
Minnesota
 Published September 12, 2014

BETA Version
 Submit questions or recommend changes to
map@connectmn.org



This map was developed to show "Underserved Areas" and "Unserviced Areas" as defined by Minnesota Statute 139.094 using data collected under the purview of the Federal State Broadband Initiative (FSBI) grant program. More broadband service inventory maps are available that include additional broadband services as defined by the FSBI grant program. Maps are available at <http://www.connectmn.org/imaping/rstats>.

As required by the US Department of Commerce's State Broadband Initiative, if broadband service is available to at least one household in a census block, then for mapping purposes, that census block is reported to have some level of broadband availability. As such, broadband availability at an exact address location cannot be guaranteed. Providers supplying more specific data than census block are displayed as such.

This map represents areas of broadband service availability determined by ongoing, in-depth technical analysis of provider networks and accommodations for the impact of external factors on service quality.

Map users are encouraged to participate in improving broadband data granularity through data validation and field testing efforts. Learn more about this and other broadband mapping facts at www.connectmn.org.

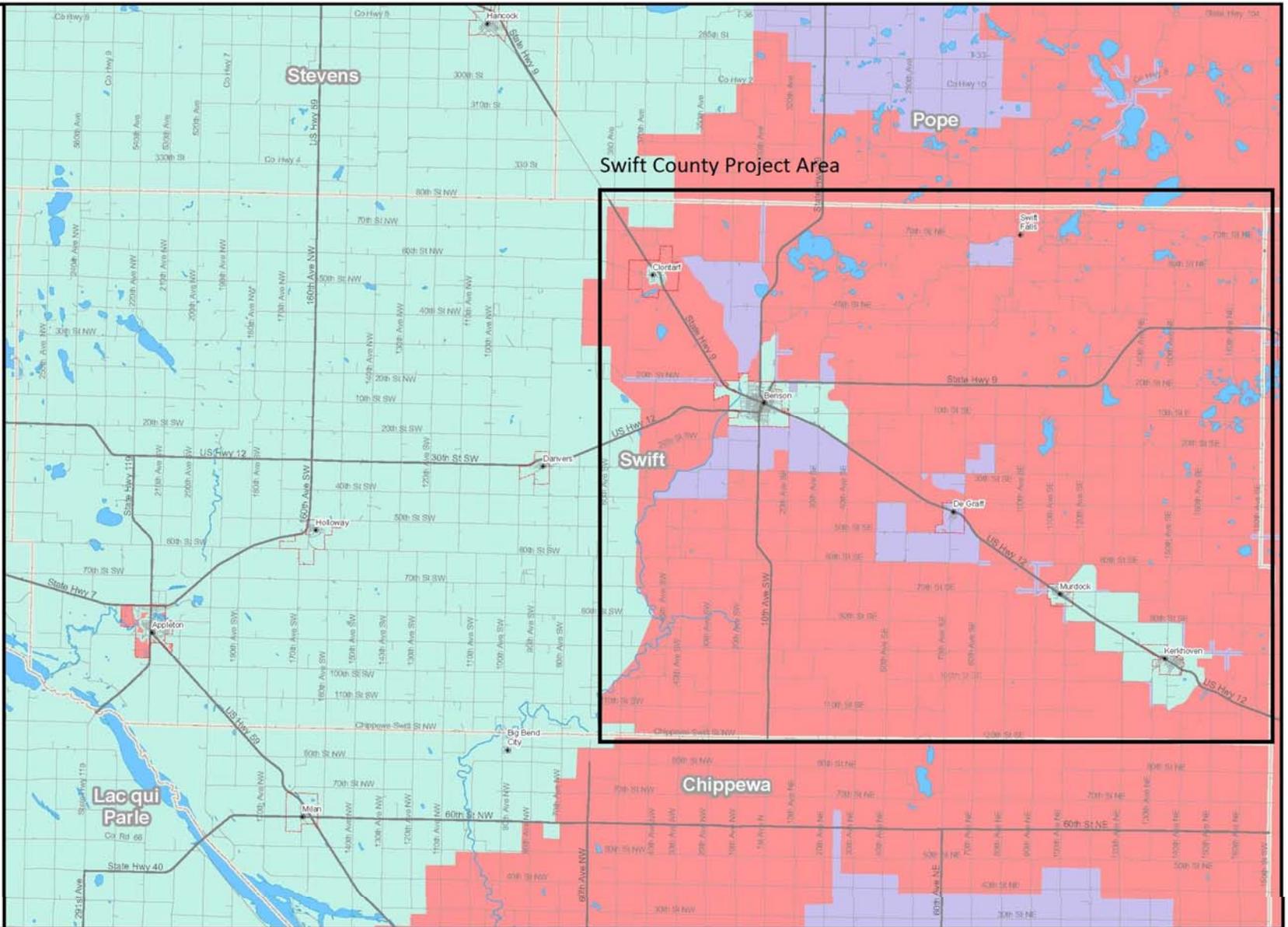


0 1 2 4 Miles

Symbology

- City
- Interstate
- US Road
- Local Road
- Municipal/CDP Boundary
- County Boundary
- Water
- Wireline Broadband at 10M/5M
- Underserved Area (Wireline Broadband of At Least 3M/768K but Less Than 10M/5M)
- Unserviced Area (No Wireline Broadband of At Least 3M/768K)

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October 14, 2014

Mary L. Ippel
(651) 808-6620
mippel@briggs.com

VIA E-MAIL

Mr. Mike Pogge-Weaver
Swift County Administrator

Re: General Obligation Tax Abatement Bonds

Dear Mike:

You've asked the question as to the statutory authority for Swift County to issue bonds and loan the proceeds to Federated Telephone for the installation of fiber optics within Swift County.

Swift County has the legal authority to issue General Obligation Tax Abatement Bonds provided that the abatements adopted by the County are not less than the principal amount of the bonds. Swift County has the legal authority to grant an abatement on identified properties in the County for up to 15 years. The abatement can be increased from 15 to 20 years if the County requests in writing that the other political subdivisions in which the parcels are located grant an abatement for the identified properties. If one of the other political subdivisions declines in writing to grant an abatement or if 90 days passes after the receipt of the request to grant an abatement without a written response from one of the political subdivisions, the duration limit for an abatement is increased to 20 years. Swift County may approve an abatement only after holding a public hearing on the abatement and the notice of public hearing must be published in a newspaper of general circulation in the County at least once more than 10 days but less than 30 days before the hearing. The notice must indicate that the governing body will consider granting the property tax abatement, identify the properties for which an abatement is under consideration, and the total estimated amount of the abatement. In any year the total amount of the property taxes abated by Swift County may not exceed (1) 10% of the net tax capacity of the County for the taxes payable year to which the abatement applies or (2) \$200,000, whichever is greater. After the holding of the public hearing and the adoption of the abatement resolution adopting the abatements the County has the legal authority to issue General Obligation Tax Abatement Bonds and loan the proceeds of the bonds to Federated Telephone for the cost of the installation of fiber optics.

Depending upon when the County needs the bond proceeds it is possible to structure the bond sale to be held the same evening as the public hearing is held on the abatements. The time frame for the issuance of the bonds from the start of the process to the receipt of the bond

B R I G G S A N D M O R G A N

Mr. Mike Pogge-Weaver
October 14, 2014
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proceeds is approximately 90 days but can be reduced to 60 days depending on the needs of the County.

If you have any other questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Mary L. Ippel".

Mary L. Ippel

MLI/jmc