

# Notice & Agenda

## Swift County Board of Commissioners

Tuesday, January 21, 2014

11:00 AM

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.

<u>Time</u>	<u>Reference</u>	<u>Item</u>
11:00 a.m.		<b>Call to Order and Roll Call</b>
11:01 a.m.		<b>Approve Agenda</b>
11:03 a.m.		<b>Consent Agenda</b>
	1-3	(1) Minutes from January 7, 2014
11:04 a.m.		<b>Consider Approval of Commissioner warrants</b>
11:05 a.m.		<b>Commissioner and Board reports</b>
11:20 a.m.		<b>County Administrator report</b>
11:25 a.m.		<b>Citizens Comments</b>
11:25 a.m.		<b>Parks and Drainage Supervisor Mike Johnson</b>
	4-5	Consider approval of rates for Swift Falls Park
	6-7	Consider approving a resolution to apply for State and Federal Off Highway Vehicle Grants for the Appleton Area Recreation Park
11:30 a.m.		<b>Environmental Services Director Scott Collins</b>
	8-9	Consider adoption of a resolution implementation the Swift County Local Water Management Plan
	10-13	Consider approving the Swift County D.A.C. Contract with Swift County Environmental Services
		<b>Other Business</b>
	14-17	Consider approval of a resolution transferring a tax forfeited property to the City of Holloway to be used as a public park.
	18-21	Consider approval of a MOU with LELS Local 10 related to Holiday Pay
	22-23	Consider approval of a resolution related to the proposed cut to the Renewable Fuel Standard
	24-25	Consider appointing a County Coroner
11:50 a.m.		<b>Adjournment</b>

# **SWIFT COUNTY BOARD MINUTES**

## **January 7, 2014**

County Administrator Mike Pogge-Weaver called the organizational meeting to order at 9:00 AM with all members present as well as County Auditor Kim Saterbak and Payroll Officer/General Assistant Amanda Ness.

Administrator Pogge-Weaver asked for nominations for Board Chair. Commissioner Hendrickx nominated Commissioner Fox for Board Chair. Administrator Pogge-Weaver asked for additional nominations and heard none.

**01-07-14-01** Motion by Commissioner Hendrickx and seconded by Commissioner Peterson to close nominations and cast a unanimous ballot for Commissioner Fox for Swift County Board Chair for 2014. Motion carried.

Administrator Pogge-Weaver turned the meeting over to Chairman Fox.

Chairman Fox called for nominations for Vice-Chair. Commissioner Peterson nominated Commissioner Hendrickx for Vice-Chair. Commissioner Hendrickx nominated Commissioner Rudningen for Vice-Chair. Chairman Fox asked for additional nominations and heard none.

**01-07-14-02** Motion by Commissioner Peterson and seconded by Commissioner Rudningen to close nominations and cast a unanimous ballot for Commissioner Peterson for Swift County Vice Board Chair for 2013. Motion carried.

**01-07-14-03** Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve the agenda. Motion carried unanimously.

**01-07-14-04** Commissioner Klemm moved and Commissioner Peterson seconded to approve the Consent Agenda which consisted of the Regular Board and Executive Session Meeting Minutes of December 31, 2013, and approval of police officer declarations for purposes of PERA benefits for Carmen Beninga and Derek Bendel. Motion carried unanimously.

**01-07-14-05** Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve the Commissioner warrants as follows: Revenue: \$25,544.39; Road and Bridge: \$5,213.83; and Welfare & Family Services: \$83.58 which includes the following bills over \$2,000: Emergency Communications Network, LLC, \$8,658.80; MN Counties Computer Cooperative, \$4,200.00; MN Sheriff's Association, \$3,166.00; Southwest Minnesota Workforce Council, \$2,500.00; and Ziegler Inc, \$2,556.85. Motion carried unanimously.

Board and Committee Reports were given as follows: Chairman Fox reported on Pomme de Terre Watershed. Commissioner Hendrickx reported on 6W Corrections. There were no other Commissioner reports.

Administrator Pogge-Weaver updated the board on the switch to PreferredOne as well as some minor issues with Select Account.

Swift County Fair Board President Jon Panzer and Secretary Elaine Mitteness updated the board on the 2013 financials as well as the past and future activities of the fair board.

University of Minnesota Extension Educator Brian McNeill introduced the new Swift County 4-H Program Coordinator, Nicole Swenson, to the board.

**01-07-14-06** Commissioner Hendrickx moved and Commissioner Klemm seconded to adopt the 2014 Board Committee Representatives, Advisory Committee Representatives, and Joint Ditch Board Representatives as on file in the County Auditor's Office. Motion carried unanimously.

**01-07-14-07** Commissioner Hendrickx moved and Commissioner Rudningen seconded to appoint Dr. Bauer and all other County Doctors as the County Coroner for 2014. Motion carried unanimously.

**01-07-14-08** Commissioner Hendrickx moved and Commissioner Peterson seconded to approve setting the 2014 County Board meetings as follows: 1<sup>st</sup> Tuesday of the month at 9:00 AM and 3<sup>rd</sup> Tuesday of the month at 11:00 AM, with these exceptions: June 17, 2014 meeting will be at 5:00 PM for the Board of Equalization and the December 2, 2014 meeting will be at 4:00 PM for the TNT Hearing. The board will also hold the following special meeting: December 31, 2014 at 9:00 AM for the end of the year. Motion carried unanimously.

**01-07-14-09** Commissioner Rudningen moved and Commissioner Klemm seconded to approve setting the 2014 mileage reimbursement rate at the IRS rate of 56 cents per mile. Motion carried unanimously.

**01-07-14-10** Commissioner Hendrickx moved and Commissioner Rudningen seconded to adopt the Appleton Press as the County's official newspaper for 2014 with the Kerkhoven Banner as the secondary paper. Motion carried unanimously.

**01-07-14-11** Commissioner Hendrickx moved and Commissioner Peterson seconded to approve the County Treasurer, Sheriff, Attorney, and Commissioners as the Elected Officials designated to attend the annual conferences for their offices. Motion carried unanimously.

**01-07-14-12** Commissioner Peterson moved and Commissioner Rudningen seconded to approve the 2014 bounties as follows: pocket gopher bounty paid to the township as \$3.00 per gopher when the township pays a minimum of \$5.00 per gopher or \$2.00 per gopher when the township pays less than \$5.00 per gopher and the 2014 beaver bounty of \$75 for beaver in season and \$75 for beaver out of season in designated ditches only with the approval of the Parks and Drainage Supervisor. Motion carried unanimously.

**01-07-14-13** Commissioner Hendrickx moved and Commissioner Klemm seconded to approve allocating the cost of the County Attorney's services for Human Services to the Welfare Fund. Motion carried unanimously.

**01-07-14-14** Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve a resolution setting the corporate signatures for 2014. Motion carried unanimously.

**01-07-14-15** Commissioner Peterson moved and Commissioner Hendrickx seconded to approve a resolution for the designation of corporate depositories for 2014. Motion was revised to include Farmers and Merchants State Bank of Appleton. Motion carried unanimously.

**01-07-14-16** Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve a resolution on the definition of employee for purposes of Workers Compensation. Motion carried unanimously.

**01-07-14-17** Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve a resolution on 2014 wages of elected officials. Motion carried unanimously.

**01-07-14-18** Commissioner Peterson moved and Commissioner Rudningen seconded to approve a resolution setting the 2014 cost of living increases and other benefits for the County Engineer to be the same as those provided to non-union employees. Motion carried unanimously.

**01-07-14-19** Commissioner Klemm moved and Commissioner Hendrickx seconded to approve the 2014 appointments of Bruce Felt, John Gorres, Roger Schmidt, Margaret Voorhees, and Tom Walsh to the Planning Commission and Bruce Felt, John Gorres, Margaret Voorhees, and Tom Walsh to the Board of Adjustment. Motion carried unanimously.

**01-07-14-20** Commissioner Klemm moved and Commissioner Hendrickx seconded to approve the appointment of Dan Enderson to the SCBH Board of Directors. Motion carried unanimously.

**01-07-14-21** Commissioner Hendrickx moved and Commissioner Peterson seconded to approve the 2014 appointments of Nickie Swenson, Jon Panzer, and Mike Pogge-Weaver to the Swift County Rural Development Authority. Motion carried unanimously.

Chair Fox adjourned the meeting at 10:09 AM.

WITNESSED:

\_\_\_\_\_  
Joe Fox, Chair

ATTEST:

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



# Request for Board Action

BOARD MEETING DATE:  
January 21, 2014

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Parks, Drainage, and Wetlands	REQUESTOR: Michael Johnson	REQUESTOR PHONE: 320-843-5341
----------------------------------------------------------	-------------------------------	----------------------------------

### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving rate changes for Swift Falls Park effective with the 2014 season.													
AGENDA YOU ARE REQUESTING TIME ON: 11:25 a.m.	ARE YOU SEEKING APPROVAL OF A CONTRACT? No												
IS THIS MANDATED? No	EXPLANATION OF MANDATE: N/A												
BACKGROUND/JUSTIFICATION: It has been approximately 10 years since the last increase in rates for camping site and shelter rates at Swift Falls Park. Even with the rate change listed below, Swift Falls Park will still be slightly lower than the averages see at other area County Parks. The proposed changes are as follows:													
<table border="1"> <thead> <tr> <th>Item</th> <th>Previous Fee</th> <th>New Fee</th> </tr> </thead> <tbody> <tr> <td>Shelters</td> <td>\$25.00</td> <td>\$30.00</td> </tr> <tr> <td>Camper Sites</td> <td>\$15.00</td> <td>\$20.00</td> </tr> <tr> <td>Tent Sites</td> <td>\$5.00</td> <td>\$8.00</td> </tr> </tbody> </table>		Item	Previous Fee	New Fee	Shelters	\$25.00	\$30.00	Camper Sites	\$15.00	\$20.00	Tent Sites	\$5.00	\$8.00
Item	Previous Fee	New Fee											
Shelters	\$25.00	\$30.00											
Camper Sites	\$15.00	\$20.00											
Tent Sites	\$5.00	\$8.00											
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?													

### Budget Information

FUNDING: Fund will be primarily the Grant in Aid
--------------------------------------------------

### Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Did not review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

### Board Action

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

**RESOLUTION**

**ADOPTING A RATE SCHEDULE FOR SWIFT FALLS PARK**

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

**BE IT RESOLVED**, that the park rates for Swift Falls Park stating for the 2014 session be as follows:

<u>Item</u>	<u>New</u>
Shelters	\$30.00
Camper Sites	\$20.00
Tent Sites	\$8.00

Adopted on a \_\_\_\_\_ vote by the Swift County Board of County Commissioners the 21st day of January 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	___		

STATE OF MINNESOTA    )  
                                          )ss.  
COUNTY OF SWIFT        )

I, Michel J. Pogge-Weaver, County Administrator and Clerk of the Board, for the County of Swift, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Swift County, Minnesota at their session held on the 21st day of January, 2014, now on file in the Swift County Administrator’s Office, and have found the same to be a true and correct copy thereof.

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



# Request for Board Action

BOARD MEETING DATE:  
January 21, 2014

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Parks, Drainage, and Wetlands	REQUESTOR: Michael Johnson	REQUESTOR PHONE: 320-843-5341
----------------------------------------------------------	-------------------------------	----------------------------------

### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving a resolution to apply for State and Federal Off Highway Vehicle Grants for the Appleton Area Recreation Park.	
AGENDA YOU ARE REQUESTING TIME ON: 11:25 a.m.	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: N/A
BACKGROUND/JUSTIFICATION: AARP has gone through two expansions and working with area property owner and the Community we are looking for a third possible expansion.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

### Budget Information

FUNDING: Fund will be primarily the Grant in Aid
--------------------------------------------------

### Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Did not reiew	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

### Board Action

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

RESOLUTION

At a regular meeting of the Swift Board of Commissioners, duly held on the 21<sup>st</sup> day of January, 2014 the following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_

WHEREAS, the State of Minnesota has made available through the **Minnesota Trails Assistance Program**, for the purpose of constructing and maintaining an Off Highway Vehicle Park, and

WHEREAS, the County of Swift desires to make available to its citizens and visitors, such an area for the aforementioned purposes, in harmony and keeping with its recreational plan, and

WHEREAS, the County of Swift is willing to operate, maintain and safeguard the facility as set forth in the Application, attached hereto, and made a part thereof,

NOW THEREFORE, BE IT RESOLVED, that the Swift County Chairperson of the Board and the Swift County Administrator execute the aforesaid Application.

\_\_\_\_\_

Joe Fox

Swift County Board Chairperson

STATE OF MINNESOTA )

COUNTY OF SWIFT     )

I do hereby certify that at a regular meeting of the Board of County Commissioners, Swift County, Minnesota, on the 21<sup>st</sup> day of January, 2014, at which a majority of the members of the said Board were present, the foregoing resolution was adopted.

\_\_\_\_\_

Michel Pogge-Weaver

Clerk of the Board, Swift County, MN



# Request for Board Action

BOARD MEETING DATE:  
January 21, 2014

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Environmental Services	REQUESTOR: Scott Collins	REQUESTOR PHONE: 320-843-2356
---------------------------------------------------	-----------------------------	----------------------------------

### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Adoption and Implementation of the Swift County Local Water Management Plan Resolution	
AGENDA YOU ARE REQUESTING TIME ON: 11:30 am	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: The MN Board of Water & Soil Resources (BWSR) approved the revised Swift County Local Water Management Plan at its meeting on December 18, 2013. This update of the local Water Management Plan is effective for a ten-year period until December 18, 2023. This is a plan that presents water management goals, actions, and priorities of the county. With continued implementation of this water plan, the protection and management of Swift County's water resources will be enhanced. With the adoption of this resolution Swift County is in conformance with its local water management plan. The action steps outlined in the resolution are complete and no further action is required by the County or local governments in Swift County at this time.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

### Budget Information

FUNDING:
----------

### Review/Recommendation

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

### Board Action

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





# Request for Board Action

BOARD MEETING DATE:  
January 21, 2014

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Environmental Services	REQUESTOR: Scott Collins	REQUESTOR PHONE: 320-843-2356
---------------------------------------------------	-----------------------------	----------------------------------

### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving the Swift County D.A.C. Contract with Swift County Environmental Services	
AGENDA YOU ARE REQUESTING TIME ON: 10:30 am	ARE YOU SEEKING APPROVAL OF A CONTRACT? Yes
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: Contract with the Swift County D.A.C. & S.C.E.S. for recycling assistance	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

### Budget Information

FUNDING:
----------

### Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Approved to form	RECOMMENDATIONS: Approve
COMMENTS: None	COMMENTS: None

### Board Action

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



**COMMUNITY BASED EMPLOYMENT  
AGREEMENT  
Between  
SWIFT COUNTY ENVIRONMENTAL SERVICES and the  
SWIFT COUNTY DEVELOPMENTAL ACHIEVEMENT CENTER**

This agreement is entered into with the purpose of providing work to developmentally disabled adults (D.A.C. workers) and one supervisor at the Swift County Environmental Services.

A. D.A.C. Workers

1. The Swift County Developmental Achievement Center (D.A.C.), to the best of their ability, will provide four or five workers as needed, at Swift County Environmental Services (S.C.E.S.), for the position of recycling assistant.
2. D.A.C. workers will remain employees of the D.A.C.
3. D.A.C. workers will provide a level of quality and quantity of work worthy of the rate discussed in E.2.

B. Job Supervisor

1. The D.A.C. will provide a job supervisor to perform the job of foreman of the line.
2. The job supervisor will guarantee the quality and quantity of work S.C.E.S. requires.

C. Insurance and Indemnification

1. Job supervisors and D.A.C. workers while at S.C.E.S. will be covered by appropriate D.A.C. workers compensation insurance.
2. The D.A.C. agrees to hold Swift County harmless and indemnify Swift County, its directors, officers, employees, agents, successors, and assigns from and against all claims, losses, costs, and expenses, including reasonable attorneys' fees, arising out of or by reason of any damage or injury to person or property suffered as a result of wrongful acts or omissions of the D.A.C., its directors, officers, employees, agents, and successors.

D. Hours of Operation:

1. This program will operate within the business hours of S.C.E.S.. Work will begin by 9:30 a.m. and end by 2:45 p.m., with workers leaving the S.C.E.S. for lunch from 12:00 p.m. to 1:15 p.m. and staying at the S.C.E.S. for a 20 minute morning break, Monday through Thursday. When needed, Friday morning, beginning by 9:30 a.m. and ending by 12:00 p.m., with a 20 minute morning break at S.C.E.S.
2. All holidays observed by S.C.E.S. will also be observed by the D.A.C.
3. The workers will follow the D.A.C. calendar with regard to days off. These days off are planned annually with each new year. A calendar will be available for S.C.E.S.'s reference.
4. D.A.C. workers will not be expected to work hours other than those specified under D. 1.

E. Worker Wage Reimbursement

1. All reimbursement for D.A.C. workers' wages will be made by S.C.E.S. directly to the D.A.C. The D.A.C. will be responsible for D.A.C. worker payroll.
2. S.C.E.S. will pay the D.A.C. a rate of \$16.00 per hour for the D.A.C. workers and \$11.00 per hour for the D.A.C. supervisor for a total of \$27.00 per hour. In the event of a change in the minimum wage rate, the change will be reflected in the pay rate for D.A.C. workers and the D.A.C. supervisor in order to comply with Federal labor law requirements. This change will be negotiated between the two parties at the time of the change in the minimum wage.
3. The D.A.C. will provide workers for at least 18 hours per week.
4. S.C.E.S. will provide work the D.A.C. workers for at least 16 hours per week.

F. Training, Equipment, and Supplies

1. S.C.E.S. will provide the training and equipment.
2. Supplies necessary to complete the assigned duties will be the responsibility of the D.A.C.

G. Agreement Amendments

1. Any amendments to this agreement must be negotiated and added to this document with accompanying signatures of representatives of both parties.

H. Longevity and Termination of Program

1. Vocational services under the financial responsibility of the D.A.C. may be ongoing, duration to be determined by D.A.C. workers, the D.A.C. and S.C.E.S.
2. This program may be terminated by either S.C.E.S. or the D.A.C. by sixty days written notice of intent to terminate.

\_\_\_\_\_  
Joe Fox, Chairman  
Swift County Board of Commissioners

\_\_\_\_\_  
Emma Kvatum, Director  
Swift County D.A.C.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Michel J. Pogge-Weaver  
County Administrator & Clerk of the Board



# Request for Board Action

BOARD MEETING DATE:  
January 13, 2014

## Commissioner's Report

### Department Information

ORIGINATING DEPARTMENT: Auditor	REQUESTOR: Kim Saterbak	REQUESTOR PHONE: 320-843-6108
------------------------------------	----------------------------	----------------------------------

### Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving the Holloway resolution for tax-forfeited property.	
AGENDA YOU ARE REQUESTING TIME ON: Other Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: Tax-Forfeited Property must be approved by the Board of Commissioners
BACKGROUND/JUSTIFICATION: Parcel #27-0042-000 was tax-forfeited to the State of Minnesota for lack of property tax payment. Minnesota Statutes section 282.01, allows cities and townships to acquire this property, but restricts that this parcel must be for public use only.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? A resolution was passed on January 8, 2014 by the City of Holloway City Council.	

### Budget Information

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

### Review/Recommendation

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

### Board Action

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

# City of Holloway

P.O. Box 108  
Holloway, MN 56249  
(320) 394-2300 • Fax: (320) 394-2300  
Email: holloway@fedtel.net

---

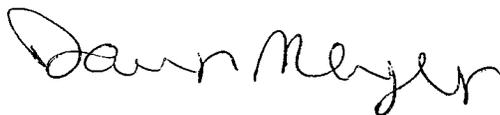
August 19, 2013

Kimberly A. Saterbak  
Swift County Auditor  
P.O. Box 288  
Benson, MN 56215

Dear Kimberly,

The City of Holloway received your letter concerning the tax forfeited property Parcel 27-0042-000 owned by Eduvilia Rodriguez, and the City is interested in becoming owners of this property.

Thank you,



Dawn Meyer  
Clerk/Treasurer  
City of Holloway

## RESOLUTION TO ACQUIRE TAX-FORFEITED LAND

**WHEREAS**, Minnesota Statutes section 282.01, Subd 1a permits a governmental subdivision of the State of Minnesota to acquire, for an authorized public use, nonconservation tax-forfeited property without monetary compensation or consideration other than payment of the conditional use deed fee proscribed by Minnesota Statutes section 282.01, Subd 1g; and,

**WHEREAS**, land described as the East 105 feet of Lots Six (6) through Ten (10), Block Three (3), Sages 1<sup>st</sup> Addition to the City of Holloway, Swift County, Minnesota, tax parcel number 27-0042-000, located at 340 Watson Street, Holloway, Minnesota is nonconservation tax- forfeited land held in trust and available for acquisition by the City of Holloway; and,

**WHEREAS**, the City of Holloway could make use of said land, if acquired, as a park both available to, and accessible by, the public and containing amenities such as a playground, athletic fields, trail or shelter, which use is an authorized public use as defined by Minnesota Statutes section 282.01, Subd 1(e)(2).

**NOW THEREFORE IT IS HEREBY RESOLVED**, that the City of Holloway shall make application in accordance with the provisions of Minnesota Statutes section 282.01, Subd 1a to acquire that certain nonconservation tax-forfeited land described as the East 105 feet of Lots Six (6) through Ten (10), Block Three (3), Sages 1<sup>st</sup> Addition to the City of Holloway, Swift County, Minnesota, tax parcel number 27-0042-000, located at 340 Watson Street, Holloway, Minnesota.

**RESOLVED FURTHER**, that if said land is acquired it will be used as a park both available to, and accessible by, the public and containing amenities such as a playground, athletic fields, trail or shelter.

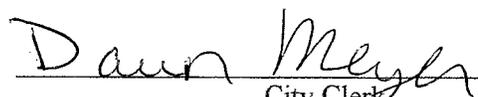
**RESOLVED FURTHER**, that the City Clerk is hereby authorized to prepare, execute and submit any documentation necessary to complete the application to acquire the above described property.

**RESOLVED FURTHER**, that the City of Holloway shall submit, along with the application, a conditional use deed fee of \$250 as required by Minnesota Statutes section 282.01, Subd 1g with the understanding that if the application is denied \$150 of this fee will be refunded.

## CERTIFICATE

The undersigned Clerk of the City of Holloway hereby certifies that the City Council of the City of Holloway, at its regular meeting held on the 8<sup>th</sup> day of January, 2014, at which a quorum was present, did adopt the foregoing resolutions and that said resolutions have not been revoked or amended in any way.

Dated this 8<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
City Clerk





# Request for Board Action

BOARD MEETING DATE:  
January 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 approval of a MOU with LELS Local 10 related to Holiday Pay	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: A grievance was recently filed by LELS concerning how Holiday Pay was calculated for individuals that were filling open shifts on a holiday. Staff believes approving the attached MOU settles the issue in the most cost effective manner. Moving forward, the 2014-2016 labor agreement that was recently approved includes revised holiday pay language that addresses this issue moving forward.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

### Budget Information

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

### Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Reviewed by the County's labor attorney and found to be acceptable to form.	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None



**MEMORANDUM OF UNDERSTANDING**

**Between  
Swift County  
and  
Law Enforcement Labor Services, Inc. Local #10**

WHEREAS, Law Enforcement Labor Services, Local No. 10, is the certified exclusive representative for essential personnel in the Swift County Sheriffs Department with job classifications of Communications & Corrections Officers and Deputy.

WHEREAS, There exists a Labor Agreement between Swift County and LELS, with said Labor Agreement in effect from January 1,2011, through December 31,2013.

WHEREAS, A grievance was filed January 3, 2014, entitled "Contractual Grievance" pertaining to issues related to holiday pay that occurred in 2013.

WHEREAS, To date, Swift County has alleged that the grievance is not proper and, further, has continued to deny the grievance.

WHEREAS, It is the intent of the parties that this Memorandum of Understanding completely resolves any and all outstanding issues pertaining to the pending grievance and that the Memorandum of Understanding set forth a process whereby other employees governed by the same Labor Agreement may address similar concerns.

WHEREAS, This Memorandum of Understanding is not an admission by either side as to the strength or correctness of their respective positions related to this grievance.

WHEREAS, It is the understanding of both sides that this Memorandum of Understanding, which is intended to resolve the issues of the parties, is not considered to be a past practice, cannot be considered to be evidence in any future issues pertaining to the parties, and cannot be used as evidence in any court or arbitration proceeding.

BE IT HEREBY RESOLVED, That the parties agree to the following:

**Kristin Molden**

Worked:	6 hours on Veterans Day
Previously paid:	1.5 x regular rate of pay for working x 6 hours for working Veterans Day
	8 hour of Holiday pay at 1 x regular rate of pay
Additional to be paid with this MOU:	Additional 1 x regular rate of pay for 6 hours

**Lisa Slaughter**

Worked:	6 hours on Veterans Day
Previously paid:	1.5 x regular rate of pay x 6 hours for working Veterans Day
	8 hour of Holiday pay at 1 x regular rate of pay
Additional to be paid with this MOU:	Additional 1 x regular rate of pay for 6 hours

**Jody Anderson**

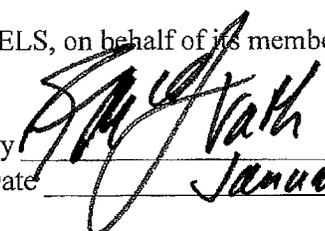
Worked:	12 hours on Christmas Day
Will be paid:	1.5 x regular rate of pay for working x 12 hours for working Christmas Day
	8 hour of Holiday pay at 1 x regular rate of pay
Additional to be paid with this MOU:	Additional 1 x regular rate of pay for 12 hours
	Additional 4 hours at 1 x regular rate of pay

Other employees governed by the Labor Agreement shall have a thirty (30) day window beginning January 7, 2014 and ending February 6, 2014, to raise claims relative to any 'holiday pay' issues. Claims cannot extend back more than 21 days from December 1, 2013, which was the first day of the last payroll that was paid on December 31, 2013. Those who fail to raise claims during this time period shall be barred from doing so for any work performed prior to the date of the signing of this MOU.

SWIFT COUNTY

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

LELS, on behalf of its members

By   
Date January 8, 2014



# Request for Board Action

BOARD MEETING DATE:  
January 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 approval of a resolution related to the proposed cut to the Renewable Fuel Standard	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: The RFS is a federal program signed into law by President George W. Bush under the Energy Policy Act of 2005 and then expanded by the Energy Independence and Security Act of 2007, or EISA. The original intent of the law was to enhance U.S. energy security by replacing some imported petroleum with domestically produced ethanol. The EPA, which oversees the country's Renewable Fuel Standard, proposed in November cutting the fuel requirement in 2014 to 15.2 billion gallons of ethanol and other biofuels – 3 billion gallons less than what Congress required in a 2007 law. The attached resolution supports keeping the RFS at the current levels outlined in 2007 and argues the importance of ethanol to the Swift County community.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

### Budget Information

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

### Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Did not review	RECOMMENDATIONS: Review and take an action
COMMENTS: n/a	COMMENTS: None

**Swift County  
Board of Commissions**



301 14<sup>th</sup> St N  
P.O. Box 288  
Benson, MN 56215

Phone (320) 314-8399  
Fax (320) 843-2275

*Gary Hendrickx, District 1  
Gary Klemm, District 2  
Pete Peterson, District 3  
Joe Fox, Chair, District 4  
Eric Rudingen, District 5*

**RESOLUTION**

**SUPPORTING THE RENEWABLE FUEL STANDARD**

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

**We, the County Commissioner of Swift County, Minnesota stand in strong support of the single most effective energy policy the United States of America has known – the Renewable Fuel Standard (RFS).**

**WHEREAS**, the RFS is a proven success nationally and here in Swift County; and,

**WHEREAS**, the RFS is a forward-looking policy that drives down the price of gasoline, creates jobs, sparks new business and has been a good investment nationally and here in Swift County by reducing our dependence on foreign oil; and,

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) has recently proposed reducing the RFS targets for ethanol, which will have serious negative consequences for our local consumers, businesses and community; and,

**WHEREAS**, the RFS drives down the price of gas, saving consumers an average of \$1.09 a gallon in 2011 and allowing our community members to keep more of their hard-earned money; and,

**WHEREAS**, ethanol can be produced here in Minnesota, which creates jobs and sparks new businesses and investment in our community, supporting over \$5 billion in economic activity and 12,500 jobs in Minnesota each year according to an independent study by the Minnesota Department of Agriculture; and,

**WHEREAS**, for Swift County, home of Chippewa Valley Ethanol Company of Benson, Minnesota, a reduction in ethanol production will have a substantial negative impact; and,

**WHEREAS**, using more Minnesota-made fuels reduces our dangerous dependence on foreign oil, keeping more of our money here at home instead of sending it overseas, often to countries hostile to the United States; and,

**WHEREAS**, ethanol is a cleaner-burning fuel than gasoline, reducing greenhouse gas emissions and protecting our air, land and water; and,

**THEREFORE BE IT RESOLVED**, that our community opposes any reduction in the RFS and calls on the EPA to protect current targets for ethanol production.

**BE IT FURTHER RESOLVED**, copies of this resolution shall be delivered to the EPA, President Barack Obama, and the Minnesota Congressional Delegation.

Adopted on a \_\_\_\_\_ vote by the Swift County Board of County Commissioners the 21st day of January 2014.

Swift County Board of Commissioners

\_\_\_\_\_  
Joe Fox, Chairman

ATTEST:

\_\_\_\_\_  
Michel J. Pogge-Weaver  
Clerk of the Board



# Request for Board Action

BOARD MEETING DATE:  
January 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 appointing a County Coroner	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: State Statute requires a County Coroner
BACKGROUND/JUSTIFICATION: With the pending retirement of Dr. Bauer, the County is in need of a new County Coroner. Staff has approached Dr. Dammeyer and he has agreed to serve as the County Coroner.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

### Budget Information

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

### Review/Recommendation

COUNTY ATTORNEY: Robin Finke	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Did not review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

