

Notice & Agenda

Swift County Board of Commissioners

Tuesday, September 2, 2014

9:00 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>
9:00 a.m.		Call to Order and Roll Call
9:01 a.m.		Approve Agenda
9:03 a.m.		Consent Agenda
	1-2	(1) Minutes from the August 19, 2015 Meeting
	3-9	(2) Human Services Contract
	10-11	(3) Consider giving consent for the Swift County HRA to apply a special assessment on property at 501 16th Street South, Benson in the amount of \$4,221.00
	12-13	(4) Consider approving a resolution authorizing Lac Qui Parle County Snowmobile Trails in Swift County
9:04 a.m.		Consider Approval of Commissioner warrants and review Auditor warrants reviewed
9:05 a.m.		Commissioner and Board reports
9:20 a.m.		County Administrator report
9:25 a.m.		Citizens Comments
9:25 a.m.	14	Audit presentation by Doug Host and Sarah Utsch of Clifton Larson Allen (Copy of the Audit is available on the County's website)
9:45 a.m.	15-18	Presentation from the Swift County Soil and Water Conservation District
10:00 a.m.		Rob Lee, Director of Technology Support
	19-28	Review and consider accepting the Technology Plan developed by the Technology Committee.
10:15 a.m.		Jacque Larson, Restorative Justice Coordinator
	29-30	Discuss and consider approving grant applications for 2015
10:20 a.m.		Mike Johnson, Parks and Drainage Supervisor
	31-45	Discussion on Waters of the US Rule Making

Swift County Board of Commissioners
September 2, 2014 Meeting Agenda
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<u>Time</u>	<u>Reference</u>	<u>Item</u>
		Other Business
	46	Presentation, review, and discussion of Swift County's Preliminary 2015 Budget and Levy (Action on September 16, 2014)
	47-49	Consider approving a resolution on the 2014 Budget and Levy for the HRA
	47&50-51	Consider approving a resolution on the 2014 Budget and Levy for the RDA
		Closed session to consider strategy on proposed litigation
		Consider approving a closed session to engage in confidential attorney-client communications related to a proposed litigation matter pursuant to Minnesota Statutes, Section 13D.05, subdivision 3(b).
		Closed session to consider strategy proposed litigation
		Adjourn close session and return to open session
11:30 a.m.		Adjournment

SWIFT COUNTY BOARD MINUTES

August 19, 2014

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

Chairman Fox asked for any changes or additions to the agenda. None were requested.

08-19-14-01 Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve the agenda as presented.

08-19-14-02 Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve the Consent Agenda which consisted of: (1) Minutes from the July 29, 2014 Special Meeting (2) Minutes from the August 5, 2014 Regular Meeting (3) Approval of the Central Minnesota Emergency Services Board Joint Powers Agreement and (4) Approval of a maintenance bituminous patch on County Road 76.

08-19-14-03 Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve the Commissioner warrants as follows: Revenue: \$74,360.61; Road and Bridge: \$1,192,393.32; Solid Waste: \$26,017.19; Welfare & Family Services: \$470.52; County Health Insurance Fund: \$530.00; State Fund Agency: \$19.50; and County Ditches Fund: \$13,466.04 which includes the following bills over \$2,000: Merlyn Beekman, \$2,485.00; CliftonLarsonAllen LLP, \$16,100.00; Comm of Finance, \$2,859.50; Computer Professionals Unlimited Inc, \$5,094.00; Duinick Inc, \$150,260.41; Election Systems & Software Inc, \$3,450.89; Clifford W Emmert, \$3,649.52; Kandiyohi County Sheriffs Dept, \$5,933.96; Koehl Excavating LLC, \$84,230.11; Nolan Baker Ford Sales, \$30,594.05; Nuss Truck Group Inc, \$71,229.06; Pflipsen Trucking LLC, \$13,987.59; Riley Brothers Companies, \$660,307.07; Ron Ringquist, \$6,300.40; Shafer Contracting Co, \$176,205.22; Soil Conservation Office, \$2,431.07; Titan Machinery, \$3,895.78; Viking Office Supply Inc, \$3,437.32; Waste Management of Northern Minnesota, \$10,380.36; WEX Bank, \$5,322.21; and Yellow Medicine County Jail, \$7,600.89. Motion carried unanimously.

Board and Committee Reports were given as follows: Chairman Fox reported on Pomme de Terre Watershed, Chippewa River Watershed, Woodland Centers, and Restorative Justice. Commissioner Klemm reported on Prairie Lakes Youth. Commissioner Peterson reported on Policy Committee, 6W Corrections, and Countryside Public Health. Commissioner Rudningen reported on Policy Committee, the 4-H Program Coordinator Search, Treasurer Referendum Committee, and Glacial Ridge Scenic Byway. Commissioner Hendrickx reported on 6W Corrections, Woodland Centers, Prairie Waters, and SPCC.

Administrator Pogge-Weaver updated the board on the progress of the 2015 budget, the reinsurance rates, the option to possibly reclaim dollars left at the Service Co-op, meetings setup with city councils regarding the County's reorganization study, and the progress of the new commissioners meeting room.

Swift County Librarians Cindy Hendrickx, Vicki Bartz, and Dawn Erickson of the Pioneerland Library System updated the board on the products, services, and programming they offer Swift County residents and asked the board for their future support in order to purchase and upgrade their technology.

County Treasurer Ron Vadnais presented the board with the 2014 second quarter Financial Report.

County Auditor Kim Saterbak reviewed the second quarter 2014 Executive Departmental Budget Report.

The board recessed for lunch.

The board reconvened at 1:00 PM.

Veteran Services Officer Dave Barrett presented the board with the fiscal year 2015 MN Department of Veterans

Affairs Enhancement Grant, which he believes has been key to the effectiveness of the Swift County Veteran Services Office in the past.

08-19-14-04 Commissioner Hendrickx moved and Commissioner Peterson seconded to approve the FY15 Veterans Enhancement Grant. Motion carried unanimously.

VSO Barrett proceeded to present the board with the Veteran Services Office 2013 Annual Report.

Environmental Services Director Scott Collins asked the board to consider approving the Swift County D.A.C. Contract Amendment with Swift County Environmental Services.

08-19-14-05 Commissioner Rudningen moved and Commissioner Klemm seconded to approve the amendment to the contract between the Swift County D.A.C. and Environmental Services. Motion carried unanimously.

Director Collins further presented the board with the 2013 Swift County Environmental Services Annual Report.

Administrator Pogge-Weaver asked the board to consider approving a contract with Brimeyer Fursman Group to complete a Strategic and Organization Development Plan for Swift County at a cost between \$9,500 and \$16,500 plus up to \$2,500 for out of pocket expenses to come from the board discretionary fund.

08-19-14-06 Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve a contract with Brimeyer Fursman Group. Motion carried unanimously.

Mr. Pogge-Weaver further presented the board with a resolution setting a referendum on the question to have the Swift County Treasurer appointed rather than elected.

08-19-14-07 Commissioner Peterson moved and Commissioner Hendrickx seconded to approve a resolution setting the referendum. Motion carried unanimously.

Mr. Pogge-Weaver proceeded to present the board with a resolution selecting a referendum voting method for the PERA Local Government Correctional Service Employees Retirement Plan Social Security Administration Voluntary Section 218 Agreement.

08-19-14-08 Commissioner Hendrickx moved and Commissioner Peterson seconded to approve the resolution selecting the Majority Vote Referendum method. Motion carried unanimously.

Chairman Fox adjourned the meeting at 1:45 PM.

WITNESSED:

Joe Fox, Chair

ATTEST:

Michel Pogge-Weaver, Clerk of the Board



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Transportation contract for supervised visitations	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? Yes
IS THIS MANDATED? Not specifically	EXPLANATION OF MANDATE: N.A.
BACKGROUND/JUSTIFICATION: The court orders supervised visits, we need to ensure that all parties can be in the same room.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? N.A.	

Budget Information

FUNDING: Child Protection/Welfare

Review/Recommendation

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

Board Action

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

Purchase Of Service Contract 703 - PH

2014-15

Swift County Human Services, 401-21st Street South, Benson, Minnesota, 56215, hereinafter referred to as the "Department" and Paul and/or Renee Hayden, 701 10th Street South, Benson, MN, 56215, hereinafter referred to as the "Contractor"; enter into this agreement for the period of August 20, 2014, to December 31, 2015, regardless of signature dates.

Witnesseth

WHEREAS, the Department, wishes to purchase visitation supervision, which may include transporting minor children;

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

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

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

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

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

100 Definitions

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

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

200 Purchase of Services

Code	Title	Unit Type	Unit Cost	Est Cost
11900	Court related services (transportation in agency car)	hour	\$15	

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

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

300 Delivery of Services

1. The Contractor agrees to provide services in accordance with the amount, frequency, and

duration based upon the appropriate court order and in coordination with the social worker.

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

400 Contractor Qualifications

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

500 Payment For Service

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

600 Audit and Record Disclosure

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

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

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

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

700 Safeguard Of Client Information

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

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

800 Equal Employment Opportunity, Civil Rights and Non-Discrimination

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

2. When applicable, the Contractor certifies that it has received a certificate of compliance

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

900 Fair Hearing and Grievance Procedures

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

1000 Bonding and Related Matters

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

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

1100 Contractor Debarment, Suspension, and Responsibility Certification

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

By signing this contract, the Contractor certifies that she:

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

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

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

1200 Conditions Of The Parties' Obligations

1. This Contract may be canceled by either party at any time, with or without cause, upon 30 days notice, in writing, delivered by mail or in person. During this contract term, services are needed only to meet court-required visitations and this contract does not imply services will be needed on a regular basis.

2. Before the termination date specified in this contract, the Department may evaluate the performance of the Contractor in regard to terms of this Contract to determine whether such performance merits renewal of this Contract. This paragraph does not create an option for renewal of this Contract.

3. Any alterations, variations, modifications, or waivers of provisions of this Contract shall be valid only when they have been reduced to writing, and properly executed by both parties.

4. If the Department determines that funds are not being administered in accordance with the approved service plan, budget, or that services are not being properly provided according to the terms of this Contract, the Department may terminate this Contract after notice has been provided to the Contractor.

1300 Subcontracting

1. The Contractor agrees not to enter into subcontracts for any of the work contemplated under this Contract without prior written approval of the Department.

2. All subcontractors shall be subject to and shall meet all requirement of this Contract.

3. The Contractor shall ensure that any and all subcontracts to provide services under this Contract shall contain the following language:

"The subcontractor acknowledges and agrees that the Minnesota Department of Human Services is a third-party beneficiary, and as a third-party beneficiary, is an affected party under this Contract. The subcontractor specifically acknowledges and agrees that the Minnesota Department of Human Services has standing to take any appropriate administrative action or sue the subcontractor for any appropriate relief in law or equity, including but not limited to, rescission, damages, or specific performance, of all or any part of the Contract between the County Board and the Contractor. The subcontractor

specifically acknowledges that the County Board and the Minnesota Department of Human Services are entitled to any may recover from the subcontractor reasonable attorney's fees, costs, and disbursements associated with any action taken under this paragraph that is successfully maintained. This provision shall not be construed to limit the rights of any party to the Contract or any other third-party beneficiary, nor shall it be construed as a waiver of immunity under the Eleventh Amendment to the United States Constitution or any other waiver of immunity."

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

1400 Noncompliance

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

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

1500 HIPAA Protocol

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

1600 Miscellaneous

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

1700 Entire Agreement

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

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

Signatures

1A. Paul F. Hayden 8-24-14
Contractor, Paul Hayden Date

1B. Renee M. Hayden 8-24-14
Contractor, Renee Hayden Date

2. Deanna Steckman 08-20-2014
Director of SCHS, Deanna Steckman Date

3. _____ 09-02-2014
Joe Fox, Board Chair Date
ATTEST:

_____ 09-02-2014
Michel J. Pogge-Weaver, Clerk of the Board Date

Approved As To Form And Execution:

1. _____ 09-02-2014
Swift County Attorney, Robin Finke Date



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Consider giving consent for the Swift County HRA to apply a special assessment on property at 501 16th Street South, Benson in the amount of \$4,221.00	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: The Swift County HRA desires to make a revolving loan to the home owner at 501 16th Street North in Benson in order that they can complete repairs to their property. Additional funds for this project are being leveraged by Small City funds. The property owners have attempted but have been unable to obtain traditional financing for the project due to the low amount involved. The Swift County HRA is request the Board consent for the ability to place a special assessment on property in the name of Swift County to secure the loan.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

Budget Information

FUNDING: The loan is being made with funding from the HRA.
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Review/Recommendation

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

RESOLUTION

**CONSENT FOR THE SWIFT COUNTY HRA TO APPLY A
SPECIAL ASSESSMENT ON CERTAIN PROPERTY**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, the Swift County HRA desires to make a revolving loan, in conjunction with the Benson Small City Development Grant Program, at 501 16th Street South, Benson, MN; and

WHEREAS, the property owner has not been able to obtain financing for the project from other possible lenders.

BE IT RESOLVED, that the Swift County Board of Commissioners consents to the Swift County HRA applying a special assessment on property located at 501 16th Street South, Benson with a parcel number 23-0486-000 in the name of Swift County.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 2nd day of September 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

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

Fox ___ Hendrickx ___ Klemm ___
Peterson ___ Rudningen ___



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving a resolution authorizing Lac Qui Parle County Snowmobile Trails in Swift County	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? NO
IS THIS MANDATED? NO	EXPLANATION OF MANDATE: N/A
BACKGROUND/JUSTIFICATION: The Ridge Runners Snowmobile group maintains trail links within Swift County. In order to receive grant funding from the state to operate these trails they need approval from the County Board. They are requesting that the attached resolution be approved so they may continue to receive state funding to maintain these snowmobile trails.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

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

RESOLUTION

**AUTHORIZING LAC QUI PARLE COUNTY SNOWMOBILE TRAILS
IN SWIFT COUNTY**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, the Ridge Runners Snowmobile Trail has links through Lac Qui Parle County, Swift County and connects to surrounding counties; and,

WHEREAS, Lac Qui Parle County serves as the fiscal agent for state grant and aid funds for the Ridge Runners Snowmobile Trail; and,

WHEREAS, the Ridge Runners organization, with approval from the Lac Qui Parle County Board, have approached the Swift County Board for approval to maintain and operate the Ridge Runners Snowmobile Trail in Swift County.

THEREFORE BE IT RESOLVED, that the Swift County Board of Commissioners does hereby authorize Lac Qui Parle County to utilize state appropriate funds for the Ridge Runners Snowmobile Trail located in Lac Qui Parle and Swift Counties; and,

BE IT FURTHER RESOLVED, that the Swift County Board of Commissioners does hereby specifically authorize Lac Qui Parle County to utilize the Appleton Area Off-Highway Vehicle Park and the ditch along County Road 17 between US Highway 12 and 40th St SW as part of the Ridge Runners Snowmobile Trail.

This Resolution is adopted for a period of 5 years ending on July 31, 2019.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 2nd day of September 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

Michel Pogge-Weaver, Clerk of the Board

Fox ___
Peterson ___

Hendrickx ___
Rudningen ___

Klemm ___

RESOLUTION

**ACCEPT THE AUDITED BASIC FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION OF SWIFT COUNTY FOR THE FISCAL YEAR
ENDING DECEMBER 31, 2013**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, Swift County has prepared and presented the basic financial statements and supplementary information for the fiscal year ended December 31, 2013; and

WHEREAS, CliftonLarsonAllen LLP, an independent audit firm, (“Auditor”) has audited the basic financial statements and supplementary information of Swift County in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and

WHEREAS, it is the Independent Auditor’s responsibility to express an opinion on these basic financial statements and supplementary information based upon their audit; and

WHEREAS, in the opinion of the Auditor, that the financial statements present fairly, in all material respects, the financial position of Swift County as of December 31, 2013, and the results of operations for the year then ended in accordance with accounting principles generally accepted in the United States of America.

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

The Swift County Board of Commissioners hereby accepts the Audited Basic Financial Statements and Supplementary Information of Swift County for the fiscal year ended December 31, 2013.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 2nd day of September 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

Michel Pogge-Weaver, Clerk of the Board

Fox ___ Hendrickx ___ Klemm ___
Peterson ___ Rudningen ___

Swift County Soil Water

	2014 BUDGET	2015 BUDGET
EXPENDITURES		
District Operations - Personal Services		
Supervisors Compensation	\$ 7,500.00	\$ 7,000.00
Employee Salary	\$ 135,000.00	\$ 90,000.00
Employer Contributions FICA	\$ 9,500.00	\$ 6,200.00
Employer Contributions PERA	\$ 9,800.00	\$ 6,400.00
Employer Contributions Medicare	\$ 2,500.00	\$ 1,700.00
Total District Operations - Personal Services	\$ 164,300.00	\$ 111,300.00
District Operation - Other Services & Charges		
Supervisor Expenses	\$ 3,000.00	\$ 3,000.00
Telephone	\$ 150.00	\$ 150.00
Training	\$ 1,000.00	\$ 1,200.00
Employee Expenses	\$ 1,500.00	\$ 1,500.00
Office Maintenance	\$ 400.00	\$ 1,000.00
Professional Services	\$ 600.00	\$ 600.00
Fees and Dues	\$ 4,000.00	\$ 4,500.00
Gasoline	\$ 2,700.00	\$ 3,500.00
Vehicle Maintenance	\$ 4,000.00	\$ 4,000.00
Education and Promotion	\$ 1,300.00	\$ 1,300.00
Insurance	\$ 4,800.00	\$ 5,500.00
Rent	\$ 8,000.00	\$ 8,000.00
Medical Insurance Reimbursement	\$ -	\$ 9,600.00
Misc. Other Services & Charges	\$ 150.00	\$ 150.00
Total District Operation Other Serv. & Chgs.	\$ 31,600.00	\$ 44,000.00
District Operations - Supplies		
Office Supplies	\$ 1,000.00	\$ 1,000.00
Postage	\$ 400.00	\$ 400.00
Field Supplies	\$ 150.00	\$ 125.00
Newsletter Expense	\$ 1,700.00	\$ 1,780.00
Total District Operation - Supplies	\$ 3,250.00	\$ 3,305.00
District Operations - Equipment Replacement	\$ 5,600.00	\$ 6,000.00
Project Expenses		
State Cost Share Projects	\$ 13,000.00	\$ 8,000.00
Pomm de Terre Projects	\$ 2,000.00	\$ 2,000.00
Total Project Expense State	\$ 15,000.00	\$ 10,000.00
District Expenses		
Tree Expenses	\$ 14,000.00	\$ 13,000.00
Tree Building Expense	\$ 900.00	\$ 500.00
Tree Mat Expenses	\$ 8,500.00	\$ 8,000.00
Native Grass Drill Expenses/Field Supplies	\$ 1,500.00	\$ 1,500.00
Total District Expenses	\$ 24,900.00	\$ 23,000.00
TOTAL EXPENDITURES	<u>\$ 244,650.00</u>	<u>\$ 197,605.00</u>

	<u>2014 BUDGET</u>	<u>2015 BUDGET</u>
REVENUES		
Intergovernmental Revenue-State		
BWSR General Services Grant	\$ 25,000.00	\$ 24,000.00
BWSR Cost Share Grant	\$ 13,500.00	\$ 10,055.00
Farm Bill Assistant Grant	\$ 31,500.00	\$ -
DNR Well Monitoring	\$ 2,880.00	\$ 7,020.00
Total State Grants	\$ 72,880.00	\$ 41,075.00
Local Government Revenue - County		
WCA Grant	\$ 5,000.00	\$ 5,000.00
County allocation	\$ 50,000.00	\$ 55,000.00
County Ag Inspector	\$ 13,500.00	\$ 13,500.00
Pomme de Terre Watershed	\$ 8,000.00	\$ 8,000.00
Swift County Water Plan	\$ -	\$ -
Total County Grants	\$ 76,500.00	\$ 81,500.00
Federal Grants		
NRCS contribution agreement	\$ -	\$ -
NRCS CRP agreement	\$ 550.00	\$ -
Total Federal Grants	\$550.00	\$0.00
Total Intergovernmental Revenue	\$ 149,930.00	\$ 122,575.00
Charges for Services		
Tree Sales	\$ 19,000.00	\$ 16,000.00
Planting Charges	\$ 2,000.00	\$ 2,000.00
Finance Charges	\$ -	\$ -
Tree Mat Sales	\$ 11,000.00	\$ 8,800.00
Drill Rental	\$ 2,500.00	\$ 5,000.00
Other Services and Charges	\$ 2,000.00	\$ 2,000.00
Total Charges for Services	\$ 36,500.00	\$ 33,800.00
Interest Earnings	\$ 300.00	\$ 400.00
Other Miscellaneous Revenues	\$ 1,200.00	\$ 1,000.00
Total Miscellaneous Revenues	\$ 1,500.00	\$ 1,400.00
TOTAL REVENUES	\$ 187,930.00	\$ 157,775.00
Difference Revenues over Expenditures	\$ (56,720.00)	\$ (39,830.00)

The difference between revenue & expenses will be made up by the district fund balance.

MCIT Dividend not included in revenue	\$2,500.00
Total	\$ (37,330.00)

8:34 AM

07/31/14

Accrual Basis

Swift County Soil & Water Conservation District
Profit & Loss
January through December 2013

	<u>Jan - Dec 13</u>
Ordinary Income/Expense	
Income	
Drill rental	5,402.25
Fabric/Matting	11,800.00
Intergov-Federal	10,200.00
Intergov-State	89,358.32
Intergov - Local	65,681.07
Misc Revenue-Other	6,242.27
Misc. Revenue - Interest	380.83
Planting Charges	1,209.25
Pomme de Terre Watershed	18,431.00
Tree Sales	15,921.50
Uncategorized Income	161.53
Water Festival funds	400.00
Total Income	<u>225,188.02</u>
Expense	
Depreciation Expense	7,065.00
Education & Promotion	1,448.98
Employee Expenses	3,158.43
Fees & Dues	4,379.03
Field Supplies	99.59
Insurance	7,616.00
Office Supplies	1,593.94
Out door Classroom	477.95
Payroll Expenses	121,756.13
Petty Cash	400.00
Planter Repairs	410.09
Postage	400.00
Professional Services	450.00
Reconciliation Discrepancies	30.84
Rent	8,075.16
State Cost Share Projects	7,877.12
Supervisors Compensation	6,675.00
Supervisors Expense	5,956.30
Tree Building Expense	624.00
Tree Expense	
Living snow fence projects	2,431.07
Tree Expense - Other	11,062.49
Total Tree Expense	<u>13,493.56</u>
Vehicle Maintenance	
Pickup gas	3,455.63
Vehicle Maintenance - Other	556.32
Total Vehicle Maintenance	<u>4,011.95</u>
Web Site	527.50
Total Expense	<u>196,526.57</u>
Net Ordinary Income	<u>28,661.45</u>
Net Income	<u><u>28,661.45</u></u>

8:35 AM

07/31/14

Accrual Basis

Swift County Soil & Water Conservation District
Profit & Loss
January through August 2014

	<u>Jan - Aug 14</u>
Ordinary Income/Expense	
Income	
Drill rental	4,168.50
Fabric/Matting	8,864.00
Intergov-State	16,958.00
Intergov - Local	32,875.00
Misc Revenue-Other	103.53
Misc. Revenue - Interest	195.19
Planting Charges	1,221.85
Pomme de Terre Watershed	10,029.50
Tree Sales	18,069.69
Uncategorized Income	11.99
Water Festival funds	850.00
WIA	250.00
Total Income	<u>93,597.25</u>
Expense	
Bank Charges	16.91
Education & Promotion	1,454.21
Employee Expenses	407.69
Fabric Expense	6,185.00
Fees & Dues	2,386.50
Field Supplies	100.87
Insurance	341.00
Medical Insurance Reimbursement	3,200.00
Office Supplies	494.41
Out door Classroom	180.16
Payroll Expenses	59,925.58
Petty Cash	400.00
Planter Repairs	489.75
Postage	200.00
Professional Services	1,175.00
Reconciliation Discrepancies	-83.28
Rent	5,383.44
State Cost Share Projects	6,884.25
Supervisors Compensation	2,025.00
Supervisors Expense	1,327.33
Tree Building Expense	359.00
Tree Expense	12,485.03
Vehicle Maintenance	
Pickup gas	1,766.86
Vehicle Maintenance - Other	420.49
Total Vehicle Maintenance	<u>2,187.35</u>
Web Site	410.00
Total Expense	<u>107,935.20</u>
Net Ordinary Income	<u>-14,337.95</u>
Net Income	<u><u>-14,337.95</u></u>



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Technology Support	REQUESTOR: Rob Lee	REQUESTOR PHONE: 320-843-6109
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Review and consider accepting the Technology Plan developed by the Technology Committee	
AGENDA YOU ARE REQUESTING TIME ON: 10:00 am	ARE YOU SEEKING APPROVAL OF A CONTRACT? NO
IS THIS MANDATED? NO	EXPLANATION OF MANDATE: N/A
BACKGROUND/JUSTIFICATION: Attached is the Technology Plan that the Technology Committee has been drafting over the past several months. The committee requests that the board review and considers adopting the plan to help give direction and priorities on major technology areas for the County.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

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



Swift County Technology Plan

**Recommended by the
Swift County Technology Committee**

**Presented to the
Swift County Board of Commissioners
September 2, 2014**

The technology committee has been meeting since the beginning of the year discussing and reviewing various options for technology improvements for the County. These discussions have resulted in the following priority and recommendations to the County Board:

1. Update the County Website (2015)
2. GIS (2015 and beyond)
 - a. Develop a Countywide parcel map
 - b. Complete a high resolution aerial photo flight of the county
3. Install a broadband wireless internet link to Environmental Services (2015 or 2016)
4. Electronic Document Management System (limited in 2015, 2016 and beyond)
5. Install Technology in the LEC & Board Room (2016)
6. Install public Wi-Fi in the Courthouse (2016 or beyond)
7. Obtain Internet Redundancy for the County (2016 or beyond)

The following pages describe each of these items and provides an outline of projected cost for the board's consideration.

Technology Committee Priority: #1

Year: 2015

Item: Update the County Website

Background:

The County website is outdated and difficult to navigate. Citizens expect to find information on the internet about the services that are available to them. The County website sees on average 1,457 unique visitors (defined by each unique ip address that visits the site) to our main page each month with just over 15,000 page views each month. Updating the website will make it easier to navigate, allowing citizens to easily find the information they expect to find on our website.

Improved County Website Benefits

- Better communication, both internally and with the public
- Overall cost savings to the county, less phone calls and employee time spent answering basic questions
- Increased satisfaction within the community

Suggestions to Consider

- Create a completely new website, start from what we need not what we currently have
- Smaller websites are normally easier to navigate
- Utilize resources within the county to develop the new site, saves money
- Use professional photography, costs more but the end result is worth it
- Establish a communication plan for managing notifications, bids, etc.

Marketing the Site

- Make sure to market individual services, not just the site as a whole
- Train County Staff so they can help the public navigate the site
- Add information to employee's e-mail signature lines promoting the new/improved county website.

Projected Costs:

Staff time	4 hours per department, but varies
GovOffice Premium Design Package	\$4,895 (one-time cost, recurring annual hosting fee would be unchanged)

Technology Committee Priority: #2

Year: 2015 and beyond

Item: County-wide GIS Basemap

What:

Geographic Information Systems, commonly referred to as GIS, is the collection of various datasets or layers in digital format to give a visual picture of geographic components. GIS data has the ability to be used to benefit most if not all County Departments.

Departments that could use and the possible uses of GIS data include:

- Treasurer /Auditor/Assessor/ Land Records
 - Countywide parcel data
 - Municipal boundary data
 - Property tax data integrated into the parcel data
- Delinquent Tax
 - Location of parcels for Public Information
- Sheriff's Office/E911/ Public Safety including Fire and EMS
 - Address layer with point located at the building coordinates
 - Assists emergency services to locate and route to call locations
 - Displays various locations that facilitate the response of emergency services using map coordinate such as landing zones, cross roads, etc.
 - Map Emergency Service Areas including fire and ambulance rescue
 - Visual representation of emergency location using aerial photograph
- Highway
 - Locates county maintained roads and bridges
- RDA
 - Track available commercial properties in the County
 - Analysis and presentation of property for interested businesses and industries
- Planning and Zoning
 - Zoning Map for County
 - Feed Lots
- Elections
 - Created layers of governmental voting districts and polling locations
 - Provided road address ranges for location of voter's district
- Emergency Management Division
 - Location of accessed storm damage
 - Provide location of emergency areas including location of homes, flood areas, protection zones, etc. during emergency situations - Member of the County's EOC staff

Costs:

Year 1

Seamless Countywide Parcel Map	\$75,000 to \$150,000	
Pictometry aerial photograph	\$90,000	(Update every 3 to 5 years)
County GIS Coordinator (wages and benefits)	\$70,000	
Initial Software	\$10,000	
Computer	\$2,000	(Computer Replacement every 3 years)
Supplies	\$3,000	
Travel and continuing education	\$3,000	
Miscellaneous (WC, Insurance, Phone, etc)	\$10,000	
Total Cost	<hr/> \$260,000 to \$335,000	

Year 2 and Ongoing *

County GIS Coordinator (wages and benefits)	\$72,000	(Add inflationary factor annually)
Software Annual Maintenance	\$2,000	
Supplies	\$3,000	
Travel and continuing education	\$5,000	
Miscellaneous (WC, Insurance, Phone, etc)	\$10,000	
Total Cost	<hr/> \$92,000	

* Plus updated aerial photograph and computer on a regular schedule.

Technology Committee Priority: #3

Year: 2015 or 2016

Item: Install a broadband wireless internet link to Environmental Services

Background:

There have been numerous times that we have explored getting broadband connectivity to Environmental Services from the County's local area network for data and voice connectivity. We looked into running fiber optic cable out there when Fibro Minn was being constructed and it was also looked into when we put in our net Volp phone system in 2012. Both times it was cost prohibitive to do so.

They are currently paying about \$265/month for internet and phones.

Projected Costs:

Wireless equipment, Installation for both Environmental Services and Courthouse	\$8,000
4 IP phones	\$ 800
5 Mitel Licenses	\$ 600
80' pole installed by the City of Benson	\$3,000
Network PoE switch	\$ 500
Marco Professional Services	\$2,100
<hr/>	
Total Cost	\$15,000

Technology Committee Priority: #4

Year: Limited in 2015, 2016 and beyond

Item: Electronic Document Management System

Background:

Swift County is responsible under record retention rules for maintaining a diverse and vast amount of paperwork in each of its departments and creates more physical paper requiring retention each and every day. Electronic document management (EDM) helps government offices reduce paper significantly and to maintaining the records securely without the fear of losing records. EDM makes information available with the click of a mouse, which eliminates long waits. In some cases, information can be sent to a constituent electronically and eliminate the need for a physical trip to a county office. As EDM grows the availability of information on the internet 24/7 allows citizens to get the information they need on their own schedule.

Moving our paper files to EDM allows employees to have access to files off site. Staff time is saved by eliminating the need to “hunt” for a file that another employee may have. During the annual audit staff saves time pulling requested documentation.

Departments that could use and the possible uses of Electronic Document Management System include:

- Human Services
 - Case Files
 - Warrant Documentation
 - Receipts
 - DHS Fiscal Reports
 - Board Minutes
- Auditor
 - Accounts payable (warrants)
- Assessor
 - CRV/E-CRV
 - Field Cards
- Land Records
 - Recordings
- Sheriff’s Office/E911/ Public Safety including Fire and EMS
 - Case Files
 - Jail Records
- Highway
 - Maintenance Records
 - Plan sets
- Planning and Zoning
 - Planning Cases
- Administration
 - Employee Files
 - Payroll Data
- Board of Commissioners
 - Board Minutes
 - Board Packet

County’s Current use of an EDM System:

In December of 2008 the County decided to use ApplicationXtender as its EDM software and purchased an initial set of 3 concurrent user licenses of ApplicationXtender in the Human Services Department. Since 2008, 10 additional licenses of ApplicationXtender (for a total of 13) have been purchased and the software is being actively being used in Human Services and Environmental Services. Auditor, Administration and the Assessor Department are all looking at position projects and are in the process of getting everything setup to begin to use.

Current Annual Maintenance and Technical Support Agreements:

The County currently pays \$5,524.00 annual for Maintenance and Technical Support Agreements related to ApplicationXtender. As additional licenses are added this cost will increase. Maintenance and Technical Support Agreements are needed to keep the software up-to-date and current with security updates and new enhancements.

Projected Costs:

The Technology Committee has not completed a full review of what additional extensions we should purchase and when. While small purchased (additional user licenses) may occur in 2014, larger purchases like workflow manger will wait until future years. Below is a summary of some of the optional software for ApplicationXtender:

Item	Purchase and 1 year Maintenance	Ongoing Annual Maintenance
5 additional user licenses	\$9,300	\$1,800
Full Text Search Ability	\$9,300	\$1,800
Human Services Workflow Manager	\$44,615	\$1,890
Report Manager	\$12,400	\$2,400

Low Priority Technology Improvements

Technology Committee Priority: #5 **Year:** 2016 or beyond

Item: Install Technology in the LEC & Board Room

Background:

There is limited AV equipment available in the LEC Conference Room and the Board Room. Video monitor or projectors, computer connections, DVD player, and Audio recording equipment is some of the items that would be useful in these two rooms.

Project Cost:

Depending on the exact equipment, the costs could run between \$5,000 to \$15,000 per room. Planning to develop exact costs would need to occur before final costs could be developed.

Technology Committee Priority: #6 **Year:** 2016 or beyond

Item: Install public Wi-Fi in the Courthouse and LEC

Background:

This would allow open, unfiltered Wi-Fi internet connectivity for anyone that would connect to this wireless network.

Project Cost:

Equipment:	
8 wireless access points and associated equipment	\$13,000
Internet Access:	
60 to 100 Mbps speed	\$780 to \$2,400 annually depending on speed
Total Cost	
Year 1	\$13,780 to 15,400
Ongoing Costs	\$780 to \$2,400

Technology Committee Priority: #7 **Year:** 2016 or beyond

Item: Obtain Internet Redundancy for the County

Background:

As more computer resources are hosted off-site (financial, human service database, recorder electronic images, GIS, etc), our reliance an internet connection is growing and will continue to do so. While this was identified as a priority project by the technology committee, Charter is unable to provide a redundant connection and Qwest did not return inquires on what they could or could not provide. The County will continue to look at our options on providing a redundant internet connection to County facilities.



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Restorative Justice	REQUESTOR: Jacquie Larson	REQUESTOR PHONE: 320-843-2493
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Discuss and consider approving grant applications for 2015	
AGENDA YOU ARE REQUESTING TIME ON: 10:15 a.m.	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: Grants requests require board action
BACKGROUND/JUSTIFICATION: Several grants are due in September for which Restorative programming is qualified. Plus, there is a development in Restorative Practices within Minnesota and the region at large I wish to explain.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? NA	

Budget Information

FUNDING: Various organizations

Review/Recommendation

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

Board Action

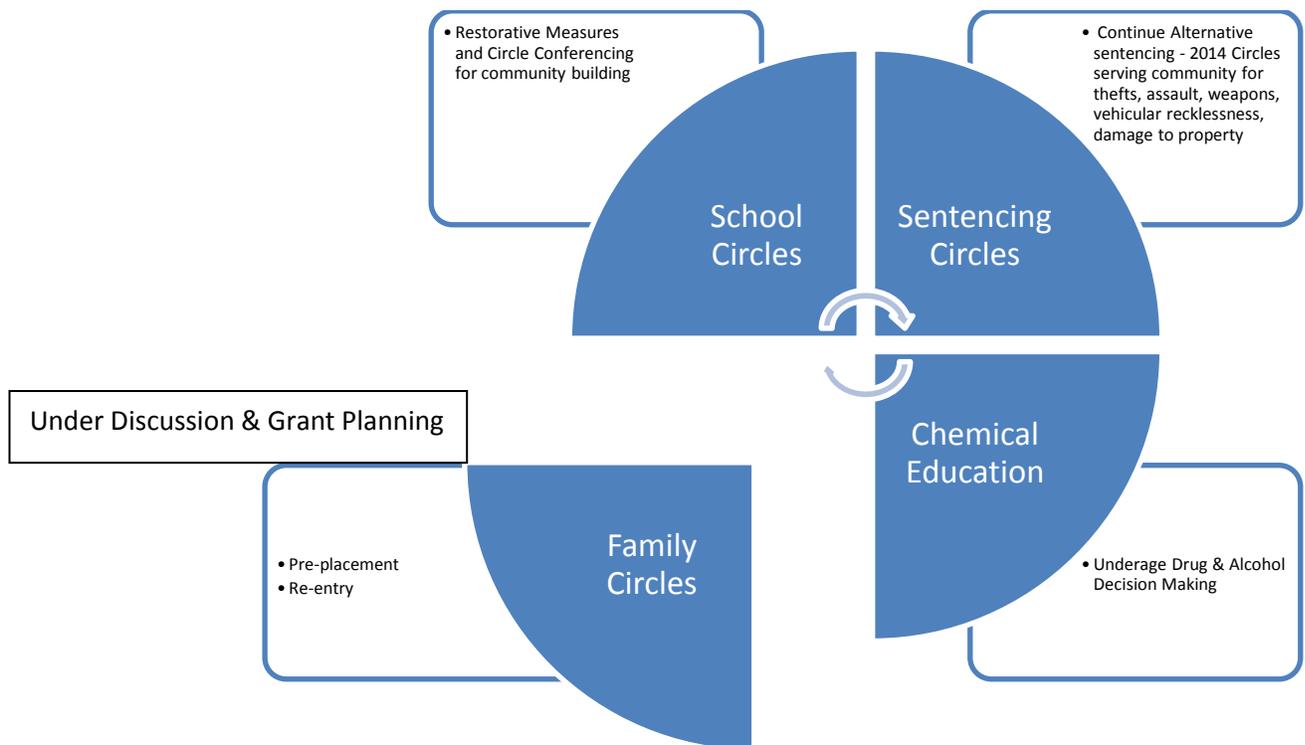
Motions ___ J Fox ___ G Hendrickx ___ G Klemm ___ P Peterson ___ E Rudningen	
Action	Vote

Current Mission: Swift County Restorative Justice seeks to repair the harm caused by crimes or other damaging events and to restore the health of individuals and communities.

Recommend Mission change to align with current programming.

Restorative Practices: Restorative Practices (RP) programs are based on principles and processes that emphasize the importance of positive relationships as central to building community and restoring relationships when harm has occurred.

Swift County Processes using Restorative Practices with Youth



Comments: _____



August 15, 2014

Direct Dial: 320-656-3522
Kvanbruggen@RinkeNoonan.com

Swift County Highway Department
Attn: Mike Johnson
1000 15th Street S
Benson, MN 56215

**Re: Draft Comments to U.S. EPA Proposed Rule on Waters of the United States
Our File No. 14233-0024**

Dear Mr. Johnson:

Thank you for choosing to work with Rinke Noonan in your efforts to join the thirty-five other counties, watershed districts, and municipalities from Minnesota who wish to provide meaningful and specific comments to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers on how the proposed rule defining “waters of the United States” will impact them and their constituents.

Due to the level of commitment and response we received from each of you, we were able to spend a significant amount of time researching and analyzing the proposed rule, identifying specific parts of the rule that fall short of statutory authority under the Clean Water Act, or contradict Supreme Court precedent. In addition, we were able to spend time reaching out to you and incorporating ways in which the new rule will specifically impact public drainage projects, road and infrastructure maintenance, and water quality projects that you oversee. In order for public comments to proposed agency rules to be effective, they must identify and provide specific ways in which the rule has an impact on the regulated community and propose recommendations that warrant a response from the agency in its final deliberation. Based on the level of support we received in joining these comments, we were able to do that.

We are pleased to provide you with the enclosed draft of our comments to the proposed rule. Please review these comments at your upcoming Board meeting. We would like to give each of you the opportunity to provide feedback on these comments for incorporation into the final draft submitted to the U.S. EPA and Army Corps this October. In addition, several of the Boards have inquired whether they will be able to submit these comments on their own letterhead in addition to being named signatories in the group comments.

August 15, 2014

Page 2

To accommodate these requests, we request that you do the following during your September meeting:

1. If your Board or Council has any feedback or issues it would like included in these draft comments, or addressed in the comments regarding the proposed agency rule, please send that feedback to Kale Van Bruggen by email at kvanbruggen@rinkenoonan.com, by telephone at 320-656-3522, or by mail to our address on the previous page. To incorporate your feedback into the final draft of submitted comments, please ensure that it is received by Kale no later than October 1, 2014.
2. If your Board or Council wishes to submit these comments on its own letterhead in addition to being named a signatory on the group comments, please contact Julie Fincher by email at jfincher@rinkenoonan.com, or by telephone at 320-251-6700. Julie will provide you with an electronic draft of the comments to incorporate into your own letterhead and to return to our office for submission to the agency's docket.

After incorporating any feedback received to these comments, we will finalize the enclosed letter and submit it to the agency's docket in advance of the October 20, 2014, deadline.

If you have any questions regarding these draft comments, or regarding the proposed rule, do not hesitate to contact John Kolb, Kale Van Bruggen, or Kurt Deter. We appreciate your commitment to providing the agency with important and specific feedback on this rule. We look forward to opportunities to continue working with you on this and other issues in the future.

Sincerely,



Kale R. Van Bruggen

KRV/mjr

Enclosure

[14233-0024/1832811/1]

October 20, 2014

Office of Environmental Information Docket
Docket ID No. EPA-HQ-OW-2011-0880
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

**Re: Comments on Definition of "Waters of the United States" Under the Clean Water Act
Docket Id No. EPA-HQ-OW-2011-0880**

Dear Administrator McCarthy and Assistant Secretary Darcy:

The Boards of Commissioners and Managers for the following Minnesota counties and watershed districts and the Council of the City of Blue Earth are pleased to have this opportunity to provide comments to the U.S. Environmental Protection Agency and the U.S. Department of the Army, Corps of Engineers on the proposed rule entitled *Definition of "Waters of the United States" Under the Clean Water Act*:

Blue Earth County	Renville County
Big Stone County	Rice County
Chippewa County	Scott County
Douglas County	Stevens County
Faribault County	Swift County
Jackson County	Waseca County
Kandiyohi County	Watsonwan County
Lake of the Woods County	Buffalo Creek Watershed District
Le Sueur County	Lac qui Parle/Yellow Bank Watershed District
Lincoln County	Middle-Snake-Tamarac Rivers Watershed District
Martin County	Red Lake Watershed District
Meeker County	Rice Creek Watershed District
Mille Lacs County	Roseau River Watershed District
Mower County	Turtle Creek Watershed District
Murray County	Upper Minnesota River Watershed District
Nicollet County	Wild Rice Watershed District
Pope County	City of Blue Earth
Redwood County	

Each of the above named counties, watershed districts, and municipality encounter statutorily-mandated responsibilities and projects that implicate interaction with state and federal agencies that regulate activities impacting waters and wetlands.

In Minnesota, County and Watershed District Boards serve as the public drainage authority for their respective jurisdictions under the state drainage code found in Minnesota Statutes chapter 103E. Public drainage projects often implicate permitting requirements and require coordination with agencies that implement the Clean Water Act, the Minnesota Wetland Conservation Act,¹ Minnesota's Public Waters Law,² the wetland conservation compliance provisions for farm programs and crop insurance participants under the Food Security Act of 1985,³ and the rights of the federal government under wetlands protected by Waterfowl Production Area easements managed by the United States Fish and Wildlife Service.⁴

The above-named counties, watershed districts, and municipality are concerned that the U.S. EPA and Army Corps are, once again, taking steps to expand the scope of jurisdiction originally authorized by Congress under the Clean Water Act. We feel that the agencies continue to consistently release rules on what the agencies want the Clean Water Act to say, but not what Congress intended or what Congress has demonstrated it is not willing to expand the Act to say.⁵

The regulated community has watched in astonishment as the agencies have provided complex and incomprehensible guidance to the field on what constitutes waters of the U.S. and how to determine jurisdiction. Meanwhile, the agencies have largely ignored the plain language of the Act and obfuscated Court precedent to suit their own desired outcome under the Act. Now, with an opportunity to establish a clear, bright-line test for determining jurisdiction, the Agencies again twist logic in attempt to gain back what Court precedent has consistently curtailed. The newly proposed rule offers new language and terms that depart from the nomenclature used in the Clean Water Act, historical regulations, and existing case-law precedence. The proposed rule therefore is challenging to synthesize with existing case law.

Clean Water Act regulation is burdensome on Minnesota's counties and watershed districts. Even projects that are executed to enhance the water quality of our state's lakes and streams, or improve the safety of its roads, often encounter costly delays and procedural hurdles from the Army Corps regional office in St. Paul, Minnesota. Some watershed districts in Minnesota have reported a ten to fifteen percent cost increase on water quality enhancement projects due to Clean Water Act requirements. One of the main concerns is the lack of appropriate recognition for

¹ The Minnesota Wetland Conservation Act prohibits the draining or filling of wetlands unless the person taking such action "replaces" the impacted wetland areas by restoring or creating other wetland areas of at least equal public value. Minn. Stat. § 103G.222, subd. 1(a). The Minnesota state legislature passed the Wetland Conservation Act in 1991, and is currently codified in Minnesota Statutes sections 103G.222 through .2374. Rules for the Act's implementation are promulgated by the Minnesota Board of Water and Soil Resources in Minnesota Rules chapter 8420.

² Designated "public waters" and "public waters wetlands" are regulated by the Minnesota Department of Natural Resources under Minnesota Statutes sections 103G.201 through .217.

³ See 16 U.S.C. §§ 3801 et seq.

⁴ National Wildlife Refuge System Administration Act, Pub. L. No. 89-669, §§ 4 and 5, 80 Stat. 927 (codified at 17 U.S.C. §§ 668dd-668ee, *as amended* Pub. L. No. 105-57).

⁵ As an example of the lack of support for this current proposed rule, in 2007 Representative Oberstar introduced the Clean Water Restoration Act of 2007 (H.R. 2421) to the Transportation and Infrastructure Committee, proposing to define "navigable waters" similar to the U.S. EPA and Army Corps proposed rule here. The proposed bill failed to find enough support to make it out of the Committee.

wetlands created and enhanced by water quality projects. Current requirements demand that wetlands impacted by a water-resource improvement project be mitigated at a 2:1 ratio, but fail to recognize the creation of new wetlands or the enhancement of degraded wetlands as part of the project, which subsequently become waters of the United States.⁶ In addition, environmental enhancement projects, such as the Hay Creek/Norland Impoundment Project, which proposed to create over 200 acres of wetlands, have gone over two years without receiving an Army Corps decision on approvals for the proposed project. Clearly, the current system is broken.

We are concerned that the new rule alleges to find clarity through over-simplification of jurisdictional questions by erring on the side of over-asserting jurisdiction. In a theoretical sense, we agree that all water on the ground, in the ground, and in the air has a connection. School children are taught about the water-cycle. But the significance of that connection to navigable waters within the legal jurisdiction of Congress under the Commerce Clause is limited. Use of the word “navigable” expresses that the Clean Water Act draws a distinction between “waters of the United States” and “waters of the States.”

Based on these concerns, the above-named Minnesota counties, watershed districts, and municipality make the following comments and recommendations for consideration in issuance of the final rule:

I. GENERAL CONCERNS

One of the agencies’ stated goals is to reduce documentation and time required for making determinations by reducing the time and resources needed for case-specific analyses.

We are concerned that the proposed rule seeks to achieve this goal by over-simplifying the connections of tributaries, adjacent waters, and other waters to include virtually all types of water resources, unlimited by the language of the Clean Water Act, Congress’s power under the Commerce Clause, and existing case law. The general tone of the proposed rule is to achieve clarity through over-inclusiveness based on categorical determinations. We caution the agencies’ approach in the proposed rule as it exacerbates an already existing problem: over regulation of non-navigable waters under the Clean Water Act and costly and time consuming over exertion of jurisdiction.

Prefatory comments to the rule state, “The agencies are providing clarity to regulated entities as to whether individual water bodies are jurisdictional and discharges are subject to permitting, and whether individual water bodies are not jurisdictional and discharges are not subject to permitting.”

The rule sets out only to define “waters of the United States.” It does not, as the prefatory

⁶ In one project constructed by the Rice Creek Watershed District, the Watershed District chose to realign a ditch repair to avoid wetland impacts. The original alignment of the ditch traversed the middle of a large wetland complex and could have been repaired as exempt maintenance under the Act resulting in 35 acres of wetland impact and the discharge of several thousand cubic yards of spoil material into adjacent wetlands. The realignment impacted less than 10 acres of wetland and allowed for the disposal of spoil on upland. Despite the elimination of 25 acres of exempt impact, the Corps still required permitting and mitigation of the 10 acres impacted by the realignment. The Corps’ regulatory process added thousands of dollars of project cost and delayed the ditch repair by a year.

comments suggest, discuss types of “discharges” that are exempt or not exempt. We encourage the agencies, through further rulemaking and analysis, to evaluate the significance of the impact different types of discharges have on the chemical, physical, and biological integrity of waters of the United States.

For example, under Section 404(e) of the Act, the Army Corps may issue general permits to authorize activities that have a minimal individual and cumulative adverse environmental effect on the integrity of navigable waters. One such permit, Nation Wide Permit 39, authorizes filling of one-half acre of wetlands for residential, commercial, or institutional development purposes. Unfortunately, Nation Wide Permits can be eliminated within any Army Corps District by the adoption of Regional General Permits – which can be more restrictive than Nation Wide Permits based on the unique nature of waters within the District. The current threshold to authorize District level regulation is extremely low. We encourage and support heightened scrutiny on the regulatory procedure that permits Army Corps Districts to depart from the Nation Wide Permitting rules.

As discussed in the proposed rule, the level of significance of water’s nexus to traditionally navigable waters, interstate waters, and the territorial seas varies across a wide spectrum. We encourage the agencies to consider the scientific evidence available on common discharges and work to clearly define as exempt those discharge activities that, either due to their minimal level of impact directly to navigable water’s integrity, or due to the relation of connectivity between the impacted water and navigable waters, do not degrade the integrity of waters of the United States.

The EPA’s Science Advisory Board is still reviewing public comments on the Office of Research Development’s report, *Connectivity of Streams and Wetlands to Downstream Waters*.

We are concerned with the chronology in which the agencies have proposed this rule in relation to review and final publication of the U.S. EPA’s Science Advisory Board’s report on the connectivity of streams and wetlands to downstream waters, a synthesis of published peer-reviewed scientific literature discussing the nature of connectivity and effects of streams and wetlands on downstream waters.

Prefatory comments to the rule promise that the final rule will be informed by the final version of the Science Advisory Board’s report. A significant number of public comments were submitted to the report, including comments from many of Minnesota’s counties, watershed districts, and other local government units. This proposed rule comes at a time before the agency has reviewed, responded, and altered its report based on comments and concerns regarding unsound science, use of new terminology, and other important considerations. In the current rulemaking process, the public is afforded zero opportunity to review the final, scientific report to aid in its analysis of the proposed rule.

While we appreciate the extension given to the comment period, we recommend that the public be given ample time to review the contents of the Science Advisory Board’s final report before the comment period on the proposed rule is opened and closed.

RECOMMENDATION: We recommend that the agencies indefinitely suspend current rulemaking on defining waters of the United States until the *Connectivity of Streams and Wetlands to Downstream Waters* report is finalized and the public is afforded time to analyze its findings before the deadline for comments on the proposed rule.

II. RECOMMENDATIONS TO IMPROVE EFFICIENCY

The proposed rule's preface invites comment on identifying emerging technologies or approaches that would save time and money and improve efficiency for regulators and the regulated community.

We support a unified approach by all of federal agencies in recognition of each agency's wetland delineations, determinations, and mitigation requirements.

One of the greatest generators of distrust within the regulated community is failure of each agency of the federal government to recognize and support each other's wetland determinations and mitigation requirements. In Minnesota, local government units and landowners often deal with the Natural Resources Conservation Service under the provisions of the Food Security Act of 1985, the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Administration and Duck Stamp Acts, and the U.S. EPA and Army Corps under the Clean Water Act. While the laws administered by each agency are different and have different objectives, each agency uses the *Corps of Engineers Wetlands Delineation Manual* of 1987.⁷

The lack of communication, understanding, and agreement between the federal agencies on wetland delineation determinations adds time, cost, and undue burdens to the permitting process of each project. In Minnesota, it is common practice for the Army Corps to be the last agency to issue its wetland determination. It is evident that the internal policy of the office in our state is to "wait and see" what the other agencies do before issuing its own determination and delineation.

In addition, projects that require wetland mitigation and replacement are often delayed by years due to lack of communication and agreement between the agencies on mitigation ratios and requirements. Each agency issues a different mitigation requirement which makes it difficult for proponents of public drainage and water quality enhancement projects to plan and keep projects on schedule. Projects are often delayed years by this process and many projects which would improve the quality of water flowing through Minnesota's lakes, streams, and wetlands are

⁷ Prior to 1986, no manual existed for government agency reference to delineate wetlands. In 1987, the U.S. Army Corps of Engineers and in 1988, the U.S. Environmental Protection Agency, released their own versions of delineation manuals, each relying on the presently used parameters of (1) vegetation, (2) soils, and (3) hydrology to establish wetland boundaries. After several years of field-testing, a 1989 revised manual was released and agreed to by all four federal agencies: the NRCS, the Corps, the EPA, and the U.S. Fish and Wildlife Service.

In 1991, public concerns that that 1989 manual resulted in over-delineation of wetlands led to review of the 1989 manual, with revisions proposed in August of 1991. In response to comments received during the public comment period, the EPA responded by withdrawing the proposed manual. In 1992, Congress appropriated funds to commission the National Academy of Science to study wetland delineation. Congress prohibited the Corps from using the 1989 manual during the interim study period. The Corps returned to use of the 1987 manual.

abandoned.

A unified approach by all agencies of the federal government to wetland identification, delineation, and mitigation would decrease the burden on the regulatory agencies, save administrative costs to the agencies and the regulated community, and help bring clarity and trust back to the process.

RECOMMENDATION: We recommend that the agencies amend the definition of “wetlands” to include acceptance of wetland delineations conducted by the Department of Agriculture. We further encourage the U.S. EPA and the Department of the Army to enter into a Memorandum of Agreement with the Department of Agriculture and the Department of the Interior concerning delineation of wetlands for purposes of the Clean Water Act and the Food Security Act.

III. ADJACENT WATERS

The proposed rule replaces “adjacent wetlands” with a jurisdictional-by-rule category of “adjacent waters” based on their integral link to “chemical, physical, or biological functions” of traditionally navigable waters, interstate waters, territorial seas, impoundments, and tributaries of traditionally navigable waters, interstate waters, territorial seas or impoundments.

We oppose the replacement of “adjacent wetlands” with “adjacent waters” and believe that this proposal is not legally supported by the Clean Water Act and its caselaw. As proposed, this section of the rule represents the largest expansion of jurisdiction by the agencies over regulated waters.

In *Riverside Bayview Homes*, the Supreme Court explained that Congress’s concerns over restoring the integrity of navigable waters could reasonably conclude that “regulation of at least some discharges into wetlands” adjacent to navigable waters is permitted by the Clean Water Act. See *U.S. v. Riverside Bayview Homes, Inc.*, 474 U.S. 121, 137 (1985).

In *SWANCC*, the Court rejected extension of jurisdiction to wetlands not adjacent to navigable waters, stating, “It was the significant nexus between wetlands and ‘navigable waters’ that informed our reading of the [Act] in *Riverside Bayview Homes*.” *Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Eng’rs*, 531 U.S. 159, 167 (2001).

In *Rapanos*, Justice Kennedy recognized that the limit of the agencies’ powers over adjacent wetlands is set by a determination of the wetlands significant nexus to navigable water. *Rapanos v. U.S.*, 547 U.S. 715, 759 (2006). In his concurring opinion he wrote:

Taken together, [*Riverside Bayview Homes* and *SWANCC*] establish that in some instances, as exemplified by *Riverside Bayview*, the connection between a nonnavigable water or wetland and a navigable water may be so close, or potentially so close, that the Corps may deem the water or wetland a “navigable water” under the Act. In other instances, as exemplified by *SWANCC*, there may be little or no connection. Absent a significant nexus,

jurisdiction under the Act is lacking.

Id. at 767 (emphasis added). Justice Kennedy’s concept of “nexus” was first used in the *SWANCC* case, in which the Supreme Court limited the agencies’ power to claim jurisdiction over wetlands that were not adjacent. 531 U.S. at 167 (“It was the significant nexus between the wetlands and ‘navigable waters’ that informed our reading of the CWA in *Riverside Bayview Homes*. Indeed, we did not ‘express any opinion’ on the ‘question of the authority of the Corps to regulate discharges of fill material into wetlands that are not adjacent to bodies of open water.”). In answering the Army Corps’ assertion that adjacency was not required for regulated wetlands, the Supreme Court in *SWANCC* stated that, “[i]n order to rule for [the agency] here, we would have to hold that the jurisdiction of the Corps extends to ponds that are *not* adjacent to open water. But we conclude that the text of the statute will not allow this.” *Id.* at 168.

The Court chose not to overrule *SWANCC* when it issued its decision in *Rapanos*. Therefore, the agency cannot be so quick as it is in its rule here to read out the need for adjacency to navigable waters when determining which wetlands possess the “nexus” described by Justice Kennedy above.

First, extending the “significant nexus” analysis from adjacent wetlands to all adjacent waters is, in itself, an expansion of the test proscribed by Justice Scalia and Justice Kennedy in their plurality opinions of *Rapanos*.

Second, and more importantly, is the jurisdictional expansion of including as jurisdictional-by-rule, wetlands adjacent to non-navigable waters. The proposed rule’s prefatory comments state “Waters adjacent to impoundments, and tributaries, are integrally linked to the chemical, physical, or biological functions of the impoundments or tributaries, and through those waters, are integrally linked to the chemical, physical or biological functions of traditional navigable waters, interstate waters or the territorial seas.” 79 Fed. Reg. at 22207. The proposed rule expands Clean Water Act jurisdiction over wetlands and other waters that are neither adjacent to traditionally navigable waters, interstate waters, or territorial seas, nor possessing “nexus” as that term was used in *Bayview* or *SWANCC*, through concluding that those waters have a significant nexus to non-navigable waters which have a significant nexus to navigable waters.

The standard, as proscribed by Justice Kennedy in *Rapanos*, clearly demands a showing of significant nexus between the wetland adjacent to traditionally navigable water and the navigable water. A showing of a significant nexus between a tributary and a wetland adjacent to that tributary fails to meet the jurisdictional test of either plurality opinion in *Rapanos* and essentially bootstraps adjacency to adjacency for the purpose of demonstrating nexus. The two-step analysis to reach the integral link to navigable water through a series of tributaries or other adjacent waters exceeds Congress’s intent in setting the standard as “adjacent to navigable waters” and exceeds the authority limited twice by the United States Supreme Court.

In *Rapanos* Justice Kennedy wrote, “Through regulations or by adjudication, the Corps may choose to identify categories of tributaries that, due to their volume of flow (either annually or on average), their proximity to navigable waters, or other relevant considerations, are significant enough that wetlands adjacent to them are likely, in the majority of cases, to perform important

functions for an aquatic system incorporating navigable waters.” 547 U.S. at 780–81. The agencies have not followed that directive here. The agencies have read out “proximity” to tributaries, and concluded that all wetlands adjacent to tributaries are jurisdictional by rule.

RECOMMENDATION: We recommend that the agencies limit the definition of adjacent waters to those wetlands that are adjacent to navigable waters, interstate waters, and territorial seas, and for which a significant nexus between the adjacent wetland and the navigable water is established.

The proposed rule states that for determining whether a water is located in a floodplain, the agencies will use best professional judgment to determine which flood interval to use (for example, 10 to 20 year flood interval zone).

The confines of the Clean Water Act should be clear so that the regulated community can evaluate the need for a Clean Water Act permit without waiting for a jurisdictional determination from the Army Corps. Leaving a definition of the floodplain to the best judgment of the field-staff removes the agencies’ goals of creating efficiency and clarity. It requires consultation from field-staff for a boundary line that can be determined without agency involvement.

The floodplain rule should be applied evenly across the board. For clarity, it would be reasonable to conclude that the floodplain should follow an interval that is common and to be expected regularly for a tributary or navigable water. Waters within a floodplain of a common interval could be reasonably expected to have a significant nexus to navigable waters downstream.

RECOMMENDATION: We recommend that the agencies use a 10 year floodplain interval for analyzing adjacent waters as neighboring.

IV. DEFINITION OF SIGNIFICANT NEXUS

As proposed, the rule categorically treats “adjacent waters” as jurisdictional by rule due to the significant nexus of adjacent waters to traditional navigable waters, interstate waters, territorial seas, impoundments, and tributaries.

It also proposes to include, on a case-by-case basis, “other waters” as jurisdictional if they have a significant nexus to traditional navigable waters, interstate waters, and territorial seas.

We are concerned that the proposed rule does not accurately describe Justice Kennedy’s use of “significant nexus” to establish jurisdiction under the Clean Water Act.

The proposed rule defines significant nexus as an ideological measurement of the chemical, physical, or biological effects that waters perform individually or together with all similarly situated waters on traditional navigable waters. But, caselaw demands more than a measurement of the nexus between a water and a traditional navigable water as part of the water cycle. As currently understood by the proposed rule, the agencies view “significant nexus” as the connection between water itself, and not as a measure of a wetland impact’s effects on water quality.

In *Rapanos*, Justice Kennedy wrote, “[W]etlands possess the requisite nexus, and thus come within the statutory phrase ‘navigable waters,’ if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as ‘navigable.’ When, in contrast, wetlands’ effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term ‘navigable waters.’” *Rapanos*, 547 U.S. at 780.

A likely scenario under the proposed rule would go as follows: A wetland, not adjacent to a traditional navigable water, therefore labeled as “other water” under the proposed rule, is determined by the agencies to be isolated enough so as to not have a significant nexus to traditional navigable water by itself. However, when scrutinized in combination with other similarly situated waters within an ecological region or single point of entry watershed, those waters are determined to have a significant nexus and therefore each individual wetland would be deemed jurisdictional. A Section 404 permit would be required to fill the wetland. But no specific analysis would be conducted to determine whether the fill of that wetland within that ecological region has a more than speculative or insubstantial impact on the chemical, physical, and biological integrity of the first traditional navigable water downstream.

The Supreme Court expanded “navigable waters” to include wetlands in order to protect the chemical, physical, and biological integrity of “navigable waters.” The rule proposed here prevents discharge of dredged or fill material to a wetland without anything more than a speculative showing that the fill of that wetland will pollute the navigable water downstream, even through a series of non-navigable and tenuous connections.

We believe that the proposed rule does nothing to clarify the jurisdiction of “other waters” from the muddled bureaucracy that already plagues this issue. Per the rule, “[t]he support for a determination that the nexus is significant will be based on a record that documents the scientific basis for concluding which functions are provided by the waters and why their effects on a traditional navigable water, interstate water, or the territorial seas are significant, including that they are more than speculative or insubstantial. The rule does not identify the “gradient” it refers to nor does it clarify how the point of “significant nexus” is calculated. Additionally, the rule provides no test for the regulated community to evaluate which “functions” will be relevant to development of the record used to document the scientific basis.

RECOMMENDATION: We recommend the agencies only consider as jurisdictional-by-rule those wetlands that are adjacent to navigable waters, and not bootstrap the adjacency requirement demanded by the Supreme Court through tenuous connections of non-navigable waters. Additionally, “other waters,” as defined by the proposed rule, fail to meet the jurisdictional requirements of the Clean Water Act’s language, its history, and current precedent, including *Rapanos*.

The proposed rule seeks public comment on designation of “other waters” as similarly situated in certain areas of the country.

We oppose further categorizing sections of “other waters” by rule as jurisdictional. As stated in the previous section, the proposed rule’s definition of “other waters” fails to meet the Clean

Water Act's textual limitations, the legislative history behind the Act's intent and purpose, and the mandate for adjacency included in *SWANCC* and in Justice Kennedy's concurring opinion in *Rapanos*.

Minnesota is located in the prairie pothole region of the United States. We are already hearing comments from the Army Corps regulatory branch office out of St. Paul, Minnesota that, under the new rule, all wetlands within the prairie pothole region are jurisdictional. The St. Paul District Office has a backlog of permit applications and jurisdictional determinations that presently requires a minimum of eight months to a year to complete each request.

The degree of significance of nexus of any individual "other water" to the downstream navigable water should play a role in determining whether the individual "other water" is significant enough to be jurisdictional. While other similarly situated waters may have a significant nexus to a navigable, downstream water, any number of proposed activities that requires a permit if conducted in a jurisdictional water may not impact the physical, chemical, or biological integrity of a navigable, downstream water due to the limited degree of nexus significance the individual water has on the navigable water.

Using ecological regions to establish waters that are similarly situated will almost-always lead to a finding of significant nexus. This brings into question the validity of existing non-jurisdictional determinations in many of the proposed ecological regions listed in the new rule.

V. UPLAND DITCHES

The proposed rule excludes from jurisdiction upland ditches with less than perennial flow.

We support the exclusion of all drainage ditches with less than perennial flow from the definition of waters of the United States – not just upland drainage ditches. In Minnesota and many other states, development of the agricultural economy depended on drainage. Due to the nature of the landscape, very few drainage ditches and drainage tile systems solely traverse upland. Many, because of the landscape, were built through wetlands – not always for the purpose of draining the wetland but to allow for the efficient passage of water. These ditches do not have a perennial flow of water and should not be considered jurisdictional – especially if their inclusion will extend jurisdiction to wetland adjacent to such ditches. Further, we do not support lessening the flow standard to intermittent flow or anything less than perennial flow for any constructed ditch.

RECOMMENDATION: We recommend that the exclusion for ditches be strengthened to clarify that ditches that drain into or through wetlands are also excluded.

VI. WETLANDS AS TRIBUTARIES

The proposed rule includes as part of the definition of "tributary" a wetland that has a stream inlet and a stream outlet, or just a stream outlet as in the case of a wetland headwater.

This proposal is one of the more absurd wordsmithing aspects to the proposed rule. The rule's

prefatory comments seek comment on whether to include, as part of the definition of a “tributary,” a wetland that contributes surface water to downstream navigable waters. These proposed tributary wetlands may be headwaters of the tributary network or located outside of the headwaters within a stream channel itself.

Wetlands are not understood as tributaries in either common sense, plain language or in statutory and caselaw verbage. It is not logical to refer to a wetland, a body of water without a defined bed, bank, and ordinary high water mark, as a “tributary.”

Wetlands that are connected hydrologically to a stream with perennial flow into navigable water certainly meet the hydrological connection test authored by Justice Scalia under *Rapanos* and likely also meet the significant nexus test authored by Justice Kennedy.

We are concerned that the proposed rule attempts to define wetlands as jurisdictional tributaries if the wetland, when at full retention capacity, overflows across upland during a rainfall event, thereby establishing a hydrological connection to a perennially flowing tributary. All wetlands, when at full retention capacity within their basin, flow overtop upland when additional rainfall occurs. That connection, in and of itself, does not make the wetland jurisdictional as a tributary to other tributaries or covered waters.

The agencies must evaluate the connectivity and nexus of waters and wetlands under “normal circumstances.” For example, when delineating a wetland, evidence gathered under conditions that are too wet or too dry are typically not considered as credible indicators for identifying whether the land is classified as “wetland.” Similarly, using hydrological connections between wetlands during extreme rainfall events and tributaries does not create a credible indicator that the wetland has a jurisdictional connection that significantly impacts the integrity of navigable waters.

We believe that the agencies’ attempt to describe some wetlands as tributaries is an attempt to bring more wetlands into jurisdiction as “navigable waters” without proper scientific or legal justification. If a wetland’s outlet is the justification for a finding of “significant nexus” under Justice Kennedy’s test in *Rapanos*, then the wetland is jurisdictional as an “adjacent wetland.” Claiming jurisdiction over the wetland as a tributary only further confuses the regulated community and prevents clear, bright-line rules that can be understood in the field.

Furthermore, the agencies inclusion of wetlands as tributaries is contradictory to its analysis of adjacent wetlands within the proposed rule. Under the agencies analysis of adjacent waters, the agencies state, “In circumstances where a particular water body is outside of the floodplain and riparian area of a tributary, but is connected by a shallow subsurface hydrologic connection or confined surface hydrologic connection with such tributary, the agencies will also assess the distance between the water body and tributary in determining whether or not the water body is adjacent.” In the case of a wetland connected by a confined surface hydrologic connection, a reasonable interpretation of the proposed rule would conclude that all such wetlands would be tributaries due to their outlet connection. Therefore, no wetland would be outside of reasonable proximity to other waters of the United States as they would all be considered tributaries themselves.

RECOMMENDATION: We recommend that the agencies do not consider wetlands as tributaries under the new rule. We support jurisdiction over wetlands that are adjacent to navigable waters, interstate waters, or the territorial seas. We support the clarity of a rule that defines adjacent as “neighboring” and limits the interpretation of neighboring to only those wetlands that have a confined surface hydrologic connection within a reasonable proximity to navigable waters.

VII. CONCLUSION

The below named Minnesota counties, watershed districts, and municipality join the rest of the regulated community in calling for better regulatory predictability from the U.S. EPA and the Army Corps.

We must be able to better assess when projects charged to our responsibility will and will not be subject to regulation and permits under the Clean Water Act. The proposed rule fails to provide the level of predictability, clarity, and ability to self-assess that the regulated community should expect from government.

The impact that the failure to establish clear standards creates is inflated by the lack of a statutory or administrative procedure under which the regulated community can challenge the agencies’ determination of jurisdiction over waters and wetlands. Recently, the United States District Court for the District of Minnesota ruled that a jurisdictional determination by the Army Corps is not a final agency action because it does not determine an applicant’s rights or obligations; therefore, it is not appealable and subject to judicial review. *Hawkes Co., Inc. v. U.S. Army Corps of Eng’rs*, 963 F. Supp. 2d 868, 874 (D. Minn. 2013).

The *Hawkes* decision leaves the regulated community with only a Hobson’s choice: a potential permit applicant questioning the agencies’ jurisdiction must (1) proceed without approval from the Army Corps and risk enforcement by the U.S. EPA; (2) proceed with obtaining a permit on an assumed position of jurisdiction – whether or not jurisdiction actually exists; or (3) abandon the project altogether. Without a meaningful way in the law to challenge the Army Corps’ assertion of jurisdiction, the regulatory framework creates the perfect opportunity to be over-inclusive on jurisdictional assertions, causing added delays, expense, and frustration for Minnesota’s counties, watershed districts, and municipalities.

Therefore, we recommend that the agencies develop a process by which the regulated community can challenge an assertion of jurisdiction and rely upon a definitive appeal process to give meaningful review of jurisdictional determinations.

The agencies claim to provide the requested clarity in this proposed rule. However, the rule as proposed fails to recognize the Clean Water Act’s legislative history, its statutory limits, and the restrictions authored by the courts. The United States Supreme Court has twice stated that the U.S. EPA and Army Corps must find meaning in Congress’s use of the word “navigable.” A review of the bills proposed by Congress since the Clean Water Act’s enactment shows that there is not Congressional support for an expansion of the phrase “waters of the United States” being proposed by the agencies in this rule. Section 101(b) of the Clean Water Act states Congress’s

policy is to preserve the primary responsibility and rights of states to prevent, reduce, and eliminate pollution, to plan the develop and use of land and water resources, and to consult with the Administrator with respect to exercise of the Administrator's authority under the CWA. We believe Minnesota is well-equipped to take on this requirement and do not support the agencies' broad attempt to increase the regulation over Minnesota's lakes, rivers, streams, wetlands, and lands in the manner proposed.

We strongly encourage you to take our recommendations under consideration and to reconsider your final publication of this proposed rule.

Sincerely,

Blue Earth County
Big Stone County
Chippewa County
Douglas County
Faribault County
Jackson County
Kandiyohi County
Lake of the Woods County
Le Sueur County
Lincoln County
Martin County
Meeker County
Mille Lacs County
Mower County
Murray County
Nicollet County
Pope County
Redwood County

Renville County
Rice County
Scott County
Stevens County
Swift County
Waseca County
Wantonwan County
Buffalo Creek Watershed District
Lac qui Parle/Yellow Bank Watershed District
Middle-Snake-Tamarac Rivers Watershed District
Red Lake Watershed District
Rice Creek Watershed District
Roseau River Watershed District
Turtle Creek Watershed District
Upper Minnesota River Watershed District
Wild Rice Watershed District
City of Blue Earth



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Presentation, review, and discussion of Swift County's Preliminary 2015 Budget and Levy	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: The County Board is required to approve preliminary levies and budgets prior to September 30. They are also required to set the TNT meeting by September 30.
BACKGROUND/JUSTIFICATION: The full budget and supporting document on the preliminary 2015 Budget and Levy is included in the supplemental material. The board is asked to review and discuss the proposed preliminary budget and levy. Action will be requested to be taken at the Board's September 16 th meeting.	
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



Request for Board Action

BOARD MEETING DATE:
September 2, 2014

Commissioner's Report

Department Information

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

BRIEF DESCRIPTION OF YOUR REQUEST: Review the 2014 Budgets and Levies for the HRA and RDA and consider the following actions: <ol style="list-style-type: none"> 1. Consider approving a resolution on the 2014 Budget and Levy for the HRA 2. Consider approving a resolution on the 2014 Budget and Levy for the RDA 	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: The County Board is required to approve preliminary levies and budgets for special taxing districts prior to September 15.
BACKGROUND/JUSTIFICATION: Attached are the 2015 requested budgets and resolutions approving the corresponding 2015 levy requests. Both the HRA and RDA are requesting the same levies for 2015 as they requested and were approved for 2014. The HRA levy request is \$45,000 and the RDA is \$87,000.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: These actions set the 2014 preliminary budget and levies for the HRA and RDA.
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Review/Recommendation

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

RESOLUTION

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

Motion by Commissioner _____ Seconded by Commissioner _____

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

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

WHEREAS, the HRA desires to levy such a special benefit tax in the amount of \$45,000 which is less than 0.0185% of taxable market value upon all taxable property, both real and personal, within the HRA’s area of operation; and

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swift County, Minnesota hereby accepts the 2015 budget and consents to the levy of a special benefit tax for taxes payable in 2015 within the Authority’s taxing jurisdiction in the amount of \$45,000 for purposes outlined and authorized by Minnesota Statutes 469.001 to 469.047, but in no case shall the dollar levy for the HRA exceed the limitations prescribed by Minnesota Statutes, Section 469.027 to 469.033.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 2nd day of September 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

Michel Pogge-Weaver, County Administrator

Fox ___ Hendrickx ___ Klemm ___
Peterson ___ Rudningen ___

Swift County RDA

	Budget 2013	2014 Budget Revised	Proposed 2015	
INCOME				
Contract Income	1,000	-	-	Removed \$1000 fee (1,000)
Interest Income Financial Inst	640	480	500	Estimated interest on operating accounts
Interest Income Loans	4,776	3,487	2,175	CNH interest
Shared Income CVAC Net	23,750	84,150	24,750	CVEC @ .25
Payments to Affiliates	(11,875)	(42,075)	(12,375)	CVEC share to HRA 31,200
	11875	42075	12,375	
Tax Settlement Levy	77,000	87,000	87,000	No Change
Other Income	-	-	-	
TOTAL INCOME	107,166	175,117	114,425	
EXPENSES				
Wages	61,194	62,109	63,648	2.5% raise
Admin wages	4,806	2,250	2,250	^ "intern" wages (40 hours/15 weeks) match CST \$3.75/hour
Payroll Taxes	7,200	5,149	5,092	8%
Employee Benefits	7,250	9,358	15,657	see list in gray
PERA	2,448	4,658	4,774	PERA
HSA	4,000	4,000	10,183	HSA
life	200	200	200	Life
Prof Membership	500	500	500	prof memberships
Workers Compensation Ins	335	375	370	
Office Supplies & Equipment	804	1,650	800	
Postage	240	100	100	
Printing (day-to-day)	396	800	800	pays for change in toner cartridges once per year x2
Computer Services	480	1,500	1,200	tech support & online services (quickbooks, survey monkey, indesign)
Marketing & Promotion	4,000	23,000	8,000	website, promo
Telephone/Internet	3,000	2,700	2,700	internet, cell and phone (if we move to courthouse - will cut in half)
Professional Fees	3,996	3,000	1,200	payroll and legal - Change to county Payroll
Rent	2,400	2,400	2,400	chamber office rent
Dues & Subscriptions	600	600	600	print subs
Registrations	996	1,000	1,000	~2 conferences (NREDA)
Miscellaneous	204	204	200	
Special Projects	6,500	3,000	2,000	Fair
Bank Charges	120	100	120	
Investment Expense	2,475	2,475	2,475	corn pool @\$.05
Business Liability Insurance	2,500	2,500	2,500	
Travel Expense: Staff	3,204	3,200	3,200	
Travel Expense: Board	500	500	500	board travel to meetings .56
Board Meeting Expenses	2,700	3,000	3,000	\$50/meeting per member + expenses
TOTAL EXPENSE	115,900	140,328	119,811	
Beginning Balance*	174,713	173,820	198,000	estimated - assuming another CVEC distribution before year end
Income	107,166	175,117	114,425	
Expenses	115,900	140,328	119,811	
Ending Balance	165,979	208,609	192,614	
*Operating balance				
	92,615	93,741	98,866	estimated base to operate

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

Motion by Commissioner _____ Seconded by Commissioner _____

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

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

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

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swift County, Minnesota hereby accepts the 2015 budget and consents to the levy of a special benefit tax for taxes payable in 2015 within the Authority's taxing jurisdiction in the amount of \$87,000.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 2nd day of September 2014.

Swift County Board of Commissioners

Joe Fox, Chairman

ATTEST:

Michel Pogge-Weaver, County Administrator

Fox ___
Peterson ___

Hendrickx ___
Rudningen ___

Klemm ___

		2015 Budget	2014 Approved Budget and notes									
		Income	Jan	Feb	March	April	May	June				
		\$ 66,400.00	Admin Fees	\$ 70,124.00	\$ 2,350.00	\$ 3,395.00	\$ 9,096.00	\$ 2,585.00	\$ 9,265.00	\$ 2,318.97		
		\$ 1,200.00	Interest Income	\$ 1,500.00		\$ 19.22		\$ 37.91	\$ 20.02			
		\$ 24,750.00	CVEC Distribution	\$ 12,375.00					\$42,075.00			
		\$ 2,500.00	Misc Income	\$ 3,210.00					\$ 49.00			
		\$ 45,000.00	Swift County Levy	\$ 45,000.00						\$24,623.63		
		\$ 139,850.00	Total	\$ 132,209.00	\$ 2,350.00	\$ 3,414.22	\$ 9,096.00	\$ 2,622.91	\$51,409.02	\$ 26,942.60		
		Expenses	Jan	Feb	March	April	May	June				
		\$ 5,000.00	Swift Co - Office Mgr	\$ 5,000.00								
		\$ 73,413.00	Salaries	\$ 73,413.00	\$ 4,761.65	\$ 4,819.36	\$ 4,886.44	\$ 4,979.30	\$ 4,933.13	\$ 4,979.30		
			Contract employee									
		\$ 2,250.00	Health Savings Acc't.	\$ 2,250.00	\$ 2,250.00							
		\$ 8,736.00	Health Insurance	\$ 8,736.00	\$ 728.00	\$ 728.00	\$ 728.00	\$ 728.00	\$ 728.00	\$ 728.00		
		\$ 3,936.00	Retirement	\$ 3,900.00	\$ 312.69	\$ 312.69	\$ 328.36		\$ 328.36	\$ 328.36		
		\$ 7,236.00	FICA, SS	\$ 7,236.00	\$ 489.00	\$ 494.22	\$ 491.34	\$ 498.99	\$ 495.16	\$ 498.99		
		\$ 5,500.00	Per Diem	\$ 5,500.00	\$ 50.00	\$ 248.72	\$ 496.88	\$ 489.68	\$ 504.72	\$ 476.72		
		\$ 2,400.00	Mileage	\$ 2,400.00	\$ 154.56	\$ 77.28	\$ 103.04	\$ 180.32	\$ 77.28	\$ 120.96		
		\$ 100.00	Appreciation	\$ 100.00								
		\$ 2,000.00	Postage	\$ 1,750.00	\$ 146.38	\$ 184.02	\$ 122.67	\$ 178.26	\$ 144.80	\$ 153.15		
		\$ 500.00	Advertising	\$ 500.00			\$ 19.94	\$ 33.56				
		\$ 6,000.00	Accounting	\$ 5,200.00	\$ 259.00	\$ 279.00	\$ 159.00	\$ 159.00	\$ 279.00	\$ 159.00		
		\$ 2,000.00	Supplies	\$ 1,750.00	\$ 162.82	\$ 157.82	\$ 174.19	\$ 25.47	\$ 101.24	\$ 92.13		
		\$ 500.00	Dues	\$ 600.00	\$ 100.00					\$ 100.00		
		\$ 2,760.00	Recording Fees	\$ 2,760.00	\$ 46.00	\$ 138.00	\$ 46.00			\$ 184.00		
		\$ 500.00	Telephone	\$ 500.00								
			Education									
			Travel									
		\$ 5,500.00	HRA Insurance	\$ 5,500.00								
		\$ 100.00	Bank fees		\$ 20.00							
		\$ 775.00	Computer/Office Maint.	\$ 765.00		\$ 661.00	\$ 220.00					
		\$ 1,900.00	Software Maintenance	\$ 1,800.00			\$ 81.15					
		\$ 4,950.00	Corn Pool	\$ 4,950.00								
		\$ 1,500.00	Misc.	\$ 500.00		\$ 40.00						
		\$ 137,556.00	Total	\$ 130,110.00	\$ 9,480.10	\$ 8,140.11	\$ 7,857.01	\$ 7,272.58	\$ 7,591.69	\$ 7,820.61		
		Admin 2015	Admin 2014	Employee Contribution/month								
		\$ 28,000.00	Sec 8	\$ 29,124.00	Sec 8	\$ 633.00	\$ 461.00	\$ 465.72	\$ 491.34	\$ 498.99	\$ 495.16	\$ 498.99
		\$ 3,000.00	Deferred	\$ 3,000.00	State Tax	\$ 312.36	\$ 312.69	\$ 312.69	\$ 328.36	\$ 328.36	\$ 328.36	\$ 328.36
		\$ 38,400.00	SCDG	\$ 38,000.00	Fed Tax	\$ 250.00	\$ 209.00	\$ 209.00	\$ 227.00	\$ 227.00	\$ 227.00	\$ 227.00
		\$ 24,750.00	CVEC	\$ 12,375.00	CVEC	\$ 520.00	\$ 453.00	\$ 453.00	\$ 489.00	\$ 489.00	\$ 489.00	\$ 489.00
		\$ 45,000.00	Levy	\$ 45,000.00	Levy	\$ 1,715.36	\$ 1,435.69	\$ 1,440.41	\$ 1,535.70	\$ 1,543.35	\$ 1,539.52	\$ 1,543.35
		\$ 2,500.00	Other income	\$ 3,210.00	other income							
		\$ 1,200.00	interest income	\$ 1,500.00	interest income							
		\$ 139,850.00	Total	\$ 132,209.00	Total							
						2014	.25 per bushel distribution					
							.10 corn pool expense					
							.15 net on CVEC shares, 49,500X.15=\$7,425					
						2015	.50 per bushel distribution					
							.10 corn pool expense					
							.40 net on CVEC shares 49,500X.40 = \$19,800					