

Carver County Board of Commissioners  
 August 10, 2010  
 Regular Session  
 County Board Room  
 Carver County Government Center  
 Human Services Building  
 Chaska, Minnesota

			PAGE
9:15 a.m.	1.	<ul style="list-style-type: none"> <li>a) <b>CONVENE</b></li> <li>b) <i>Pledge of Allegiance</i></li> <li>c) <i>Public participation (comments limited to five minutes)</i></li> <li>d) <i>Introduction of New Employees</i></li> </ul>	
	2.	Agenda review and adoption	
	3.	Approve minutes of August 3, 2010 Regular Session .....	1
	4.	Community announcements	
9:15 a.m.	5.	<b>CONSENT AGENDA</b>	
	5.1	Payment of emergency claims .....	2-3
	5.2	Approval of out of state training: NPELRA Academy III.....	4
	5.3	Charitable gambling application for exempt permit – Delano Ducks Unlimited .....	5-6
	5.4	Abatements/additions.....	7-8
	5.5	Tax forfeit land sale .....	9-16
	5.6	Approval of budget and payment related to sewer back-up costs-Chanhassen Service Center .....	17-18
	5.7	Community Social Services’ warrants .....	NO ATT
	5.8	Commissioners’ warrants.....	SEE ATT
9:15 a.m.	6.	<b>SHERIFF, TAXPAYER SERVICES AND COUNTY ATTORNEY</b>	
	6.1	<i>Public hearing</i> to discuss the adoption of the proposed Dangerous Dog Ordinance .....	19-40
9:45 a.m.	7.	<b>PUBLIC HEALTH AND ENVIRONMENT</b>	
	7.1	Crane Creek Wetland Restoration project approval .....	41-43
10:00 a.m.	8.	<b>ADMINISTRATIVE SERVICES</b>	
	8.1	Library locker system for City of Cologne.....	44

10:15 a.m.		<b>ADJOURN AS COUNTY BOARD AND CONVENE AS CARVER COUNTY REGIONAL RAIL AUTHORITY</b>
10:15 a.m.	<b>9.</b>	<b>PUBLIC WORKS/PARKS</b>
	9.1	<i>Closed Session</i> -Union Pacific Rail Line Chaska Industrial Lead ..... 45
10:45 a.m.		<b>ADJOURN CLOSED SESSION AND CARVER COUNTY REGIONAL RAIL AUTHORITY</b>
		<b>BOARD REPORTS</b>
10:45 a.m.	1.	Chair
	2.	Board Members
	3.	Administrator
11:15 a.m.	4.	Adjourn

David Hemze  
County Administrator

<b>UPCOMING MEETINGS</b>
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August 17, 2010	4:00 p.m. County Board Work Session
August 24, 2010	9:15 a.m. County Board Meeting
August 31, 2010	No Board Meeting - 1:00 p.m. County Board Tour - SCALE Regional Training Facility
September 7, 2010	9:15 a.m. County Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on August 3, 2010. Chair James Ische convened the session at 9:15 a.m.

Members present: James Ische, Chair, Gayle Degler, Vice Chair, Tim Lynch, Randy Maluchnik and Tom Workman.

Members absent: None.

Lynch moved, Degler seconded, to approve the agenda. Motion carried unanimously.

Workman moved, Maluchnik seconded, to approve the minutes of the July 27, 2010, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Degler moved, Lynch seconded, to approve the following consent agenda items:

Authorized the acceptance of \$100 donation to the Sheriff's Office.

Resolution #35-10, On the Need for an Education Center at the Vietnam Veterans Memorial in Washington, D.C.

Authorized out of state travel to allow Community Social Services to pay up to \$650 toward Children's Mental Health Caseworker's airfare and hotel costs to attend the 2010 ATTACH conference in San Francisco September 22-25<sup>th</sup>.

Service agreements for joint assessment with Carver County townships and cities.

Authorized the reduction of all retainage in the amount of \$69,882.69 to S.M. Hentges, Inc. for Project SAP 10-618-09.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Maluchnik moved, Degler seconded, to adjourn the Regular Session at 9:20 a.m. Motion carried unanimously.

David Hemze  
County Administrator

(These proceedings contain summaries of resolutions. The full text of the resolutions are available for public inspection in the office of the county administrator.)



**Office of Finance Director**  
Carver County Government Center  
Administration Building  
600 East Fourth Street  
Chaska, MN 55318-1202  
Phone: 952 361-1509  
Fax: 952 361-1308

**AUTHORIZATION**

**PAYMENT OF EMERGENCY CLAIM**

Motion passed by the Board of County Commissioners at their February 24, 1987 meeting has authorized the issuance of a check upon the consensus of the Chairman of the Board, County Administrator and the County Attorney (with minimum of two).

VENDOR: Patricia Sanders

ACCOUNT: 11-423-710-3011-6040

AMOUNT: \$ 6560.70

REASON: Vendor moved - check is  
lost in mail - original check stopped

Department Head Signature: Gary Bork

Chairman of County Board

James Ische

County Administrator

Dave Henze

County Attorney

James Keeler Jr

Date: \_\_\_\_\_



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AUTHORIZATION

PAYMENT OF EMERGENCY CLAIM

Motion passed by the Board of County Commissioners at their February 24, 1987 meeting has authorized the issuance of a check upon the consensus of the Chairman of the Board, County Administrator and the County Attorney (with minimum of two).

VENDOR: Michael Huber

ACCOUNT: 11-427-710-3440-6040

AMOUNT: \$250

REASON: rent assistance  
for client Steven Verste

Department Head Signature: Mary Bark

Chairman of County Board

James Ische

County Administrator

Dave Henze  
Dave Henze

County Attorney

James Keeler Jr  
James Keeler Jr

Date: \_\_\_\_\_



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Approval of Out-of-State Training: NPELRA Academy III**

Originating Division: Employee Relations

Meeting Date: August 10, 2010

Amount of Time Requested: 0

Attachments for packet:  Yes  NoItem Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

The 2010 Employee Relations budget approved the division director attending an out-of-state conference offered by either the National Public Employers Labor Relations Association (NPELRA) or the International Public Employers Management Association (IPMA). The director did not attend the NPELRA conference and is not attending the IPMA conference. Those allocated funds have not been spent on other training.

NPELRA offers a series of three academies to obtain the Certified Labor Relations Professional (CLRP) credential. The director has completed two of the three academies in prior years and the third is offered in Des Moines, Iowa on September 8, 2010. Currently this academy is not scheduled any closer to Minnesota, and may not be for several years.

The action requested is to approve the cost of the academy, lodging and transportation for the director to attend the NPELRA Academy III, the Negotiation Process, in Des Moines on September 8, 2010.

**ACTION REQUESTED:**

Motion to approve the Employee Relations Division Director attending the NPELRA Academy III, the Negotiations Process, in Des Moines on September 8, 2010, total estimated County cost not to exceed \$900.

**FUNDING**

County Dollars = \$900

Other Sources &amp; Amounts =

Employee funds = \$

**TOTAL** = \$900**FISCAL IMPACT** None Included in current budget Budget amendment requested Other:*Related Financial Comments:*

The requested funds are available in the 2010 budget.

Reviewed by Division Director  
Doris M. Krogman

Date: July 28, 2010



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Charitable Gambling Application for Exempt Permit – Delano Ducks Unlimited**

Originating Division: Property Records Taxpayer Services      Meeting Date: 08/10/10  
 Amount of Time Requested: 0 minutes      Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** Charitable Gambling application for Exempt Permit was received from Delano Ducks Unlimited. They plan on holding a raffle on Thursday, September 16, 2010, at B's on the River, located at 1455 County Road 27, Watertown, MN 55388.

**ACTION REQUESTED:** See attached resolution.

**FUNDING**

County Dollars = \$  
 Other Sources & Amounts = \$  
**TOTAL** = \$

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:*

Reviewed by Laurie Engelen, Taxpayer Services Manager

Date: 7-27-10

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date:

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

WHEREAS, the Delano Ducks Unlimited seeks approval of a Lawful Gambling License Application; and

WHEREAS, the Delano Ducks Unlimited will hold a raffle at B's on the River, with an address of 1455 County Road 27, Watertown, MN 55388, which is located in Watertown Township;

WHEREAS, the Minnesota Gambling Control Board requires the County Board of Commissioners to specifically approve or deny a resolution for each applicant each year period of time.

NOW, THEREFORE, BE IT RESOLVED, the Carver County Board of Commissioners does approve the new license upon compliance with Code of Ordinance, Title XI, Chapter 112, Section 112.02.

Adopted on \_\_\_\_\_, 2010.

Attest:

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YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the \_\_\_\_ day of \_\_\_\_\_, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
David Hemze, Carver County Administrator





# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Abatements/Additions**

Originating Division: Property Records Taxpayer Services Meeting Date: 8/10/2010  
 Amount of Time Requested: 0 minutes Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** See Attached.

**ACTION REQUESTED:**

Recommend to approve.

**FUNDING**

County Dollars = \$ - 446.91  
 Other Sources & Amounts = \$ - 905.09  
 =  
**TOTAL** = \$ -1,352.00

**FISCAL IMPACT**

None  
 Included in current budget  
 Budget amendment requested  
 Other: Not Budgeted

*Related Financial Comments:*

Reviewed by Taxpayer Services Manager

Date:

8-2-10



CARVER  
COUNTY

Property Records & Taxpayer Services Division  
Government Center - Administration Building  
600 East 4th Street  
Chaska, MN 55318-2102

Laurie Engelen, Taxpayer Services Manager  
Phone: (952) 361-1907  
Email: lengelen@co.carver.mn.us

Angela Johnson, Carver County Assessor  
Phone: (952) 361-1961  
Email: ajohnson@co.carver.mn.us

Abatements presented to the  
Carver County Board of Commissioners  
August 10, 2010

Abatement approval is recommended by the Carver County Assessor & Taxpayer Services Manager  
on the following properties for the reasons listed.

Payable Year	Parcel Number	Name	Reason for Abatement	Original Tax Amount	Adjusted Tax Amount	County Dollars Abated	Total Amount of Adjustment
2010	75.0503700	Gary Hittle	Incorrect value due to clerical error.	4,366.00	3,014.00	-446.91	-1,352.00
		<b>Grand Total</b>		<b>\$4,366.00</b>	<b>\$3,014.00</b>	<b>-\$446.91</b>	<b>-\$1,352.00</b>



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Tax Forfeit Land Sale

Originating Division: Property Records Taxpayer Services Meeting Date: 8/10/10  
 Amount of Time Requested: 15 minutes Attachments for packet: Yes X No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

### BACKGROUND/EXPLANATION OF AGENDA ITEM

Carver County Taxpayer Services Department requests County Board Approval of four tracts of land to be sold at a tax forfeit sale. (See attached maps) All parcels are classified non-homestead, vacant land. Per MS 282 all tax forfeiture procedures have been completed. Pursuant to forfeiture, all parties who had a legal interest in said parcels were notified of pending tax forfeiture. The period of redemption has expired. Minnesota Department of Natural Resources and each city or township has given approval, if applicable, to sell said parcels. Classification and Valuation has been previously approved by the Carver County Board. Parcels will be auctioned off and sold to the highest bidder. The minimum bids are listed on the attached terms of sale. See Exhibit A.

We are requesting County Board approval of the Date and Terms of the Tax Forfeited Land Sale.

Date: Thursday, September 23, 2010  
 Time: 6:30 PM  
 Place: Carver County Board Room – Government Center, Chaska, Minnesota

Appraisal List & Terms attached.

### ACTION REQUESTED:

Approve attached Resolution: Terms and sale date of the attached tax forfeit parcels.

#### FUNDING

County Dollars = \$  
 Other Sources & Amounts =  
 =  
**TOTAL** = \$

#### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

*Related Financial Comments:* Settlement of proceeds of sale as follows:  
 Net Proceeds minus expenses= Total to be settled as follows:  
 Total Proceeds minus 20% to County Parks  
 Balance = 40% to County, 40% to School District, 20% to City/Township

Reviewed by Taxpayer Services Manager

Date: 8-2-10

**BOARD OF COUNTY COMMISSIONERS  
CARVER COUNTY, MINNESOTA**

Date: August 10, 2010

Resolution No.

Motion by Commissioner:

Seconded by Commissioner:

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**CARVER COUNTY, MINNESOTA**

WHEREAS, the Carver County Board of Commissioners has prepared a list captioned Exhibit A, dated July 23, 2010, of lands forfeited pursuant to Minnesota Statutes, 281 and classified as non-conservation lands pursuant to Minnesota Statutes, Chapter 282, and has determined that it is advisable to sell said lands and has determined the appraised value thereof;

NOW, THEREFORE, BE IT RESOLVED by the Carver County Board of Commissioners that the Taxpayer Services Department Manager is hereby directed to offer each parcel to the highest bidder, but for not less than the appraised value as determined by the Carver County Board of Commissioners at a prior date, at a public sale commencing at **6:30 pm on Thursday, September 23, 2010** at the Carver County Government Center in the City of Chaska, Minnesota. Thereafter, any remaining parcels shall be sold at private sale for not less than the appraised value as determined herein. All sales shall be for cash.

Amounts of special assessments canceled because of forfeiture that may be subject to re-assessment are indicated by an asterisk (\*) on Exhibit "A".

All parcels shall be sold subject to existing leases, if any, to easement obtained by any governmental subdivision or agency thereof for any public purpose, to easements and restrictions of record at the time of the tax judgment sale, to all existing laws and ordinances and to the condition that the appraised value does not represent a basis for future taxes;

The sale shall continue until all parcels are sold or until the County Board orders a re-appraisal; and,

BE IT FURTHER RESOLVED, that this resolution be filed with Carver County Taxpayer Services Manager and that notice be given in accordance with the statute therefore provided, that the public sale will be held on the **23rd day of September, 2010, at 6:30 p.m.**

Adopted on August 10, 2010

YES

ABSENT

NO

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STATE OF MINNESOTA  
COUNTY OF CARVER

I, David J. Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 10th day of August, 2010, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 10th day of August, 2010.

\_\_\_\_\_  
David J Hemze, County Administrator

**NOTICE OF PUBLIC SALE OF TAX-FORFEITED LANDS**

NOTICE IS HEREBY GIVEN That the parcels of land classified as non-conservation and described in the CARVER COUNTY TAX FORFEITED APPRAISAL LIST Exhibit A dated July 23, 2010, shall be sold to the highest bidder at public sale for not less than the appraised value as it herein appears. The sale will be governed by the provisions of M.S. 282.01 and by the resolution of the Carver County Board of Commissioners authorizing such sale adopted on the 10th day of August, 2010. The resolution reads as follows:

BE IT RESOLVED by the Carver County Board of Commissioners that the Taxpayer Services Department is hereby directed to offer each parcel to the highest bidder, but for not less than the appraised value as determined by the Carver County Board of Commissioners, at a public sale commencing at **6:30 p.m. on Thursday, September 23, 2010**, at the Carver County Government Center in the City of Chaska, Minnesota. Thereafter, any remaining parcels shall be sold at private sale for not less than the appraised value as determined herein. All sales shall be for cash.

Amounts of special assessments canceled because of forfeiture, that may be subject to re-assessment, are indicated by an asterisk (\*) on Exhibit "A".

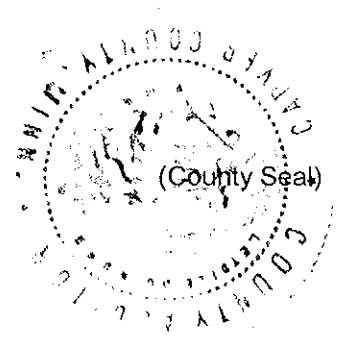
All parcels shall be sold subject to existing leases, if any, to easements obtained by any governmental subdivision or agency thereof for any public purpose, to easements and restrictions of record at the time of the tax judgment sale, to all existing laws and ordinances and to the condition that the appraised value does not represent a basis for future taxes;

The sale shall continue until all parcels are sold or until the County Board orders a re-appraisal; and,

BE IT FURTHER RESOLVED, that this resolution be filed with the Carver County Taxpayer Services Manager and that notice be given in accordance with the statute therefore provided, that the public sale will be held on the 23rd day of September, 2010.

Given under my hand and official seal at Chaska, Minnesota, this 2nd day of August, 2010.

  
\_\_\_\_\_  
Laurie Engelen, Carver County Taxpayer Services Manager



**Terms for Sale of Tax-Forfeited Land in Carver County**

Public Sales: Basic Sale Price

All parcels are offered at public auction and sold to the highest bidder. The minimum bid acceptable is the minimum bid amount shown on the list of tax-forfeited land. The basic sale price is equal to the appraised value or the appraised value plus any extra charges for special assessments levied after forfeiture and for hazardous waste control.

Extra Fees and Costs: In Addition to the Basic Sale Price

An assurance fee of 3% of the purchase price, \$25.00 fee for the cost of the State Deed, \$5.00 Ag Conservation fee, Deed Tax calculated on the purchase price, a deed filing fee of \$46.00, and possibly a well certificate charge of \$45.00 will be collected at the time of sale. Any parcel for which no bid is received at the public sale shall be sold at private sale to anyone offering to pay the appraised value thereof.

Payment Terms: Full Payment at Sale

All sales are final.

**Exhibit A**  
**Carver County Tax Forfeited Appraisal List**  
July 23, 2010

Item #	Dahlgren Township	Minimum Bid
1	<b>PID# 04.0081600</b> The former right of way of the Chicago, Milwaukee and St Paul Railway lying over and across the Southwest Quarter of the Southeast Quarter and lying over and across the South Half of the Southwest Quarter all in Section 8, Township 115, Range 24, Carver County, Minnesota	\$100.00
2	<b>PID #04.0171300</b> The former right of way of the Chicago, Milwaukee and St. Paul Railway lying over and across the Northwest Quarter of the Northeast Quarter of Section 17, Township 115, Range 24, Carver County, Minnesota. AND that part of North Half of the Northwest Quarter of Section 17, Township 115, Range 24, Carver County, Minnesota, lying northerly of the southerly line of the former right of way of the Chicago, Milwaukee and St. Paul Railway	\$100.00

Item #	City of Hamburg	Minimum Bid
3	<b>PID #45.2000010</b> * (\$12,216.53) Lot 1, Block 1, Hamburgs First Addition	\$2,500.00

Item #	City of Norwood Young America	Minimum Bid
4	<b>PID #58-0500320</b> * (\$10,578.55) Village of Norwood West 27.5 feet of Lot 3 and the E 2/3 feet of Lot 4, Block 4	\$5,000.00

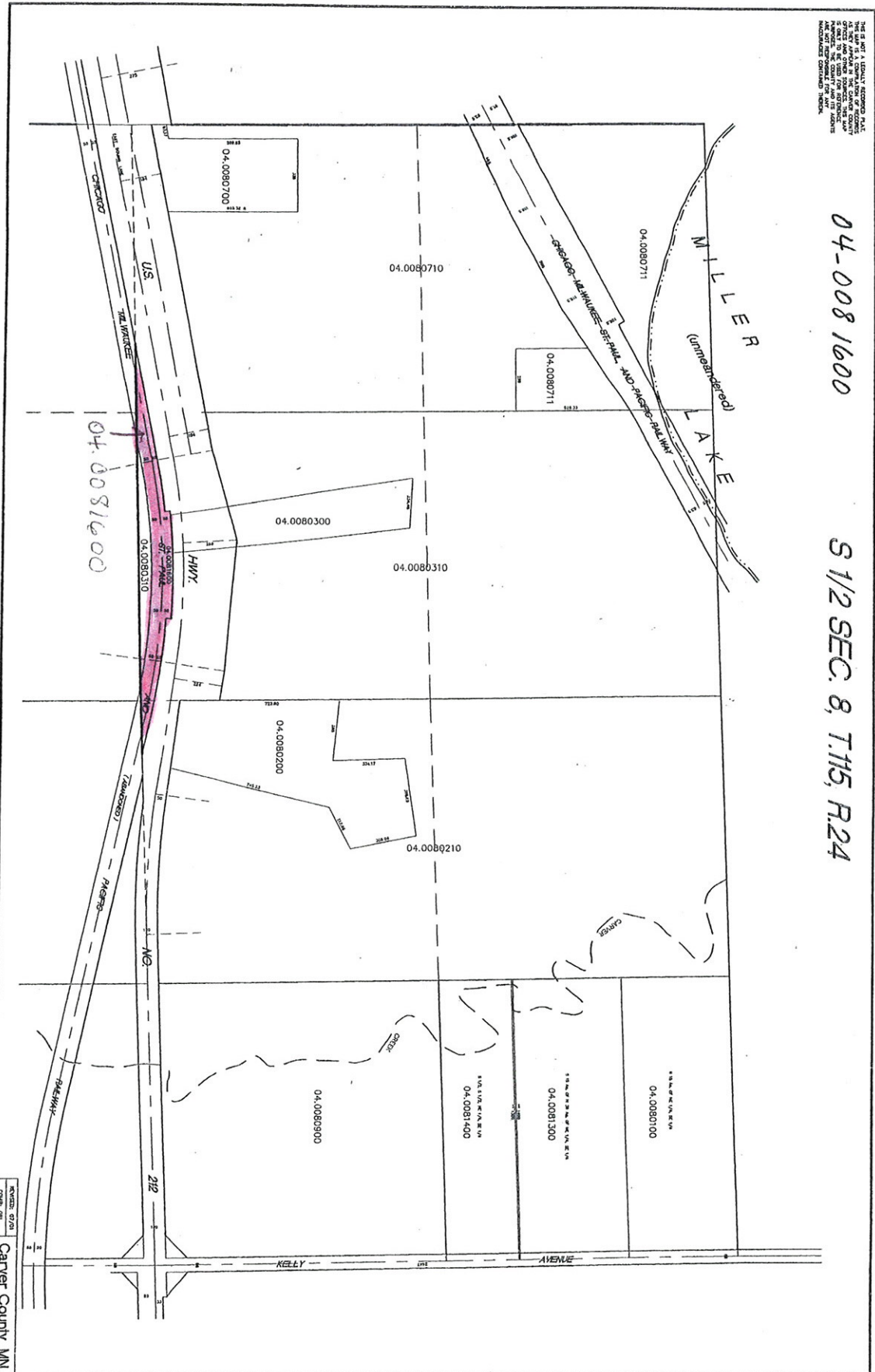
NOTE: Amount of Special Assessments cancelled due to forfeiture that may be subject to re-assessment are indicated by asterisk (\*).

Special Assessments certified to the county after property went tax forfeit have been added to the appraised value creating a new appraised value. (N/A this sale)

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 KNOWLEDGE OF THE COUNTY ENGINEER.

04-0081600

S 1/2 SEC. 8, T.115, R.24



04-0171300

N 1/2 SEC. 17, T.115, R.24

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PLAT NO. 274  
DATE, 2007

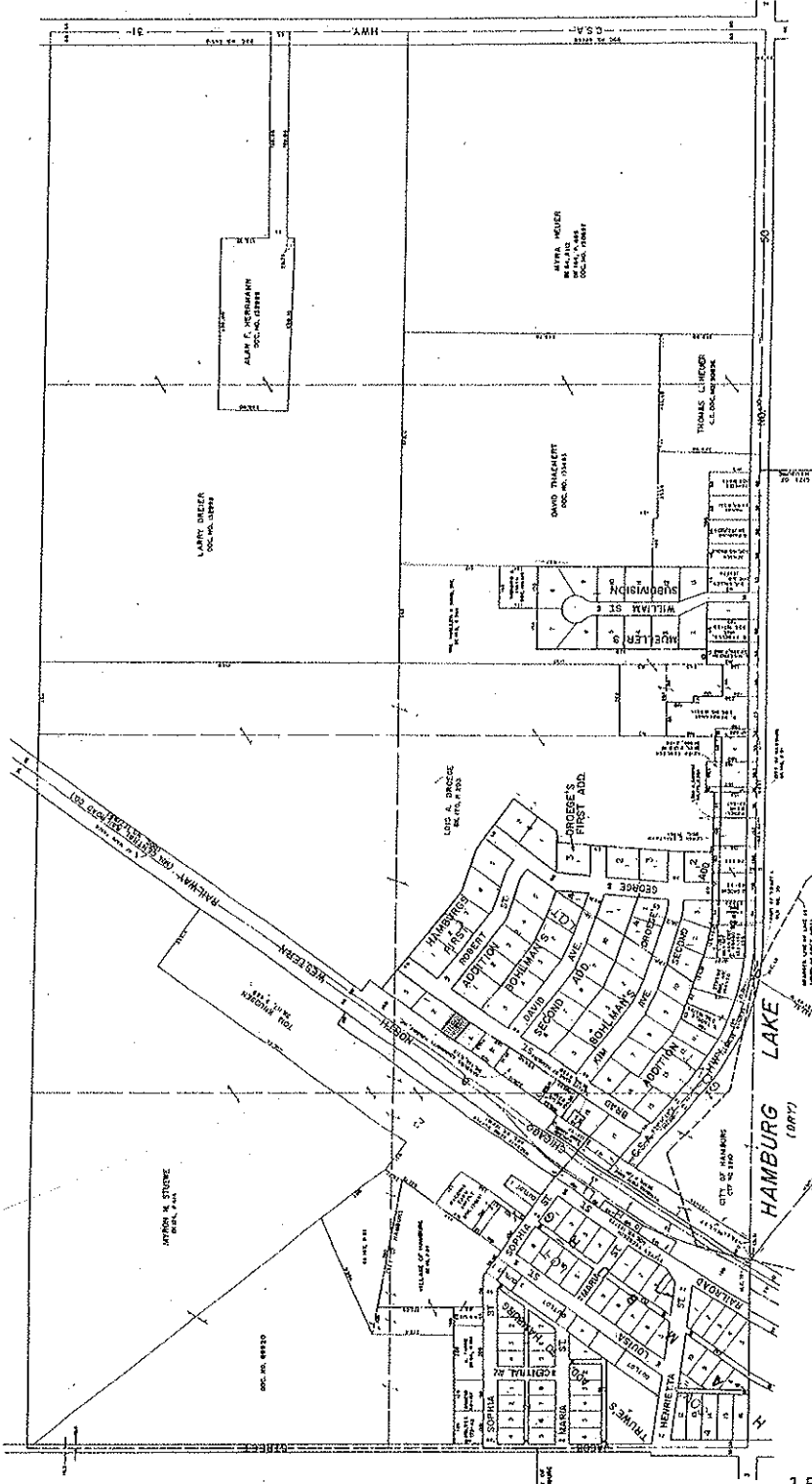
Carver County, MN



S 1/2 SEC. 28, T. 115, R. 26

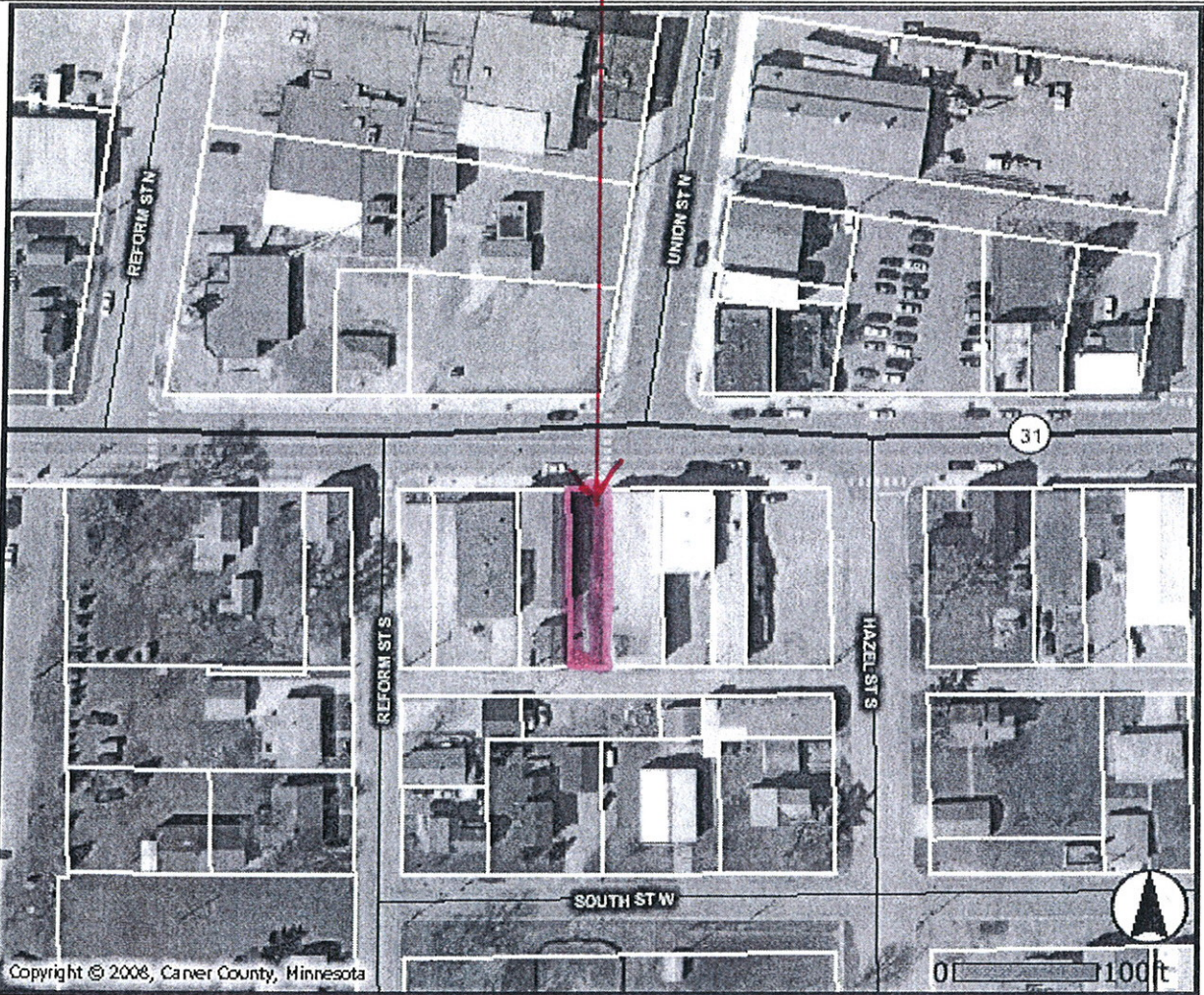
45-200010

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- 1. C. A. DUNN, DOC. NO. 11717
- 2. J. W. WILSON, DOC. NO. 11717
- 3. J. W. WILSON, DOC. NO. 11717
- 4. J. W. WILSON, DOC. NO. 11717
- 5. J. W. WILSON, DOC. NO. 11717

PID# 580500320



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**Legend**

- Carver Roads
- US Highways
- MN Highways
- CSAH Roads
- County Roads
- Township Roads
- City Roads
- Private Roads
- Lakes
- Parcels
- Color 2005

Map Created: 8-5-2008

**Parcel Information**

**Property Address:**  
323 ELM ST W  
NYA, MN

**Taxpayer Information:**  
PAUL N & ROSE M DUBE  
7105 MAIN ST #5  
HUGO, MN 55038

**Parcel Properties**

GIS Acres: 0.08083856  
Homestead: N  
School District: 0108

**Parcel Location**

Section: 14  
Township: 115  
Range: 026

**Plat Information:**  
CITY LOTS OF NORWOOD  
Block-004 .08 AC

**Payable Year 2009**

Est. Market Value Land: \$22900  
Est. Market Value Building: \$0  
Est. Market Value Total: \$22900

**Last Sale Information**

Last Sale NOT ON FILE

**CARVER COUNTY GIS DISCLAIMER:** This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.







# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Approval of budget and payment related to sewer back-up costs – Chanhassen Service Center**

Originating Division: Administrative Services

Meeting Date: August 10, 2010

Amount of Time Requested: N/A

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** On June 2, 2010 sewer water entered the Chanhassen Service Center (due apparently to grease blocking the sewer line) which necessitated the facility to be closed for a week and a half in order to repair the damage from the wastewater. Initially the County was told MCIT would cover the repair costs but on July 8<sup>th</sup> the County received notification indicating that the claim was denied. The County is preparing to appeal MCIT's denial of coverage but in the meantime, a number of contractors are owed payment based on their repair work of the facility back in early June. Service Master was the contractor who incurred the bulk of these costs.

The majority of the expenses relate to cleaning and sanitizing, repair of dry wall and tile, replacement of carpet and rebuild of service stations. Originally, the County estimated the total cost of the repairs to be approximately \$122,000 however, staff bid out the tear-out and replacement of pipe and duct insulation and the total cost is expected to be closer to \$97,500.

Staff recommends the funding for this project come from the \$349,722 MCIT 2010 dividend that was recently announced. The 2010 Budget for this dividend is \$200,000.

**ACTION REQUESTED:** Motion to approve a transfer of funds from the excess 2010 MCIT Dividend to a \$97,500 budget to repair the damage at the Chanhassen Service Center and a payment of not-to-exceed \$75,000 to Service Master.

**FUNDING**

County Dollars = \$97,500

Other Sources & Amounts =  
= \$

**TOTAL** = \$97,500

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments: The License Center repair costs are proposed to be initially paid from the 2010 MCIT Dividend positive budget variance with potential reimbursement from a settlement of the County's insurance claim.*

Reviewed by Division Director

Date: July 30, 2010

# BUDGET AMENDMENT REQUEST FORM

**Submit to Finance Office one week prior to County Board Session.**

**Division: Building CIP**

**Date of County Board Session: 8/10/10**

**Fund: 30**

Description of Revenue Account funds are to Increased/(Decreased):	Amount	Description of Revenue Account funds are to Increased/(Decreased):	Amount
Transfer In from excess 2010 MCIT Dividend	\$ 97,500	Chan License Center repairs from sewer back-up	\$ 97,500
<b>TOTAL:</b>	<b>\$ 97,500</b>	<b>TOTAL:</b>	<b>\$ 97,500</b>

**A. Reason for Request:** See Board Action.

**B. Financial Impact: (To be filled out by Finance Director)**

**C. Contingency Acct. Beginning Bal.:** \$ 300,000

**D. Contingency Acct. Current Bal.:**

**E. Current Balance After Adj.:** \$ 300,000

**F. Requested By:** Steve Taylor, Administrative Services

**G. Recommend Approval:** Finance Director

**H. County Board Decision:** Approval/Disapproval

S:\Excel\SHHELLS\Budget Amendment Forms.xls]Expenditure Form



# REQUEST FOR BOARD ACTION

**AGENDA ITEM : Public Hearing to Discuss the adoption of the proposed Dangerous Dog Ordinance**

Originating Division: Sheriff, Taxpayer Services and Attorney Offices

Meeting Date: August 10, 2010

Amount of Time Requested: 30 minutes

Attachments for packet:  Yes  No  
Proposed Ordinance

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Sheriff, Taxpayer Services and Attorney Offices have been working together to respond to recent changes to state law that makes local law enforcement responsible to enforce the state's Dangerous and Potentially Dangerous Dog laws. County staff have repeatedly sought, received and implemented input from the community and township officials in creating this proposed ordinance. This proposed ordinance formalizes the process by which the County addresses these incidents and tries to shift the cost associated with this process to the owner of dangerous and potentially dangerous dogs.

**ACTION REQUESTED:** *Open Public Hearing, take public comment, close Public Hearing.*

**FUNDING**

County Dollars = \$

Other Sources & Amounts = \$

**TOTAL** = \$

**FISCAL IMPACT**

None

Included in current budget

Budget amendment requested

Other:

*Related Financial Comments:* The duties described in the proposed ordinance are already imposed by statute and the costs are already included in the budget. There is a slight (\$50.00) increase in the dangerous dog registration fee, but since these fees are so rarely imposed this new fee is expected to have little to no impact on the County's Budget.

Reviewed by Division Director: Carver County Sheriff, Bud Olson

Date: July 30, 2010

# CARVER COUNTY, MINNESOTA

## DRAFT ORDINANCE # 69-2010

ADOPTING CHAPTER 92, Dangerous and Potentially Dangerous Dog Ordinance;  
AND AMENDING THE COUNTY FEE SCHEDULE

**THE CARVER COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:**

**SECTION 1.** Carver County Code, Chapter # 92:

### ***CHAPTER 92: DANGEROUS AND POTENTIALLY DANGEROUS DOG ORDINANCE***

The Board of Commissioners of the County of Carver, State of Minnesota, does hereby ordain and adopt this Ordinance establishing regulations and standards for the management of Dangerous and Potentially Dangerous Dogs pursuant to Minnesota Statutes Chapter 347.

1. Purpose and Intent

Dogs classified as “Dangerous” or “Potentially Dangerous” pose a direct threat to the people, domestic animals and livestock of and in the Carver County Community. It is the intent of Carver County to protect the public against the health and safety risks posed by Dangerous and Potentially Dangerous Dogs. In order to do so, Carver County intends this Ordinance to address the threat posed by these animals. To that end, this Ordinance utilizes the statutory framework in Minnesota Statutes Sections 347.50 through 347.565, which establishes how municipalities are to address reports of dog attacks.

Minnesota Statute Section 347.51, Subdivision 8, and Minnesota Statute Section 347.565 authorize counties to establish a procedure by which a dog may be declared Dangerous or Potentially Dangerous, including the right to appeal that designation. Pursuant to the authority granted by Minnesota Statutes, the Board of Commissioners of Carver County prescribes the following procedures and enforcement regulations governing Dangerous Dog designations. This Ordinance does not regulate, govern, or control dogs not considered Dangerous or Potentially Dangerous, or otherwise impact the regulation and control of other animals, whether wild or domestic.

2. Title

This Ordinance shall be known as, and may be cited and referenced as, the “Carver County Dangerous and Potentially Dangerous Dog Ordinance;” and when referred to herein, it shall be referenced to as “this Ordinance.”

3. Validity

All sections and provisions of this Ordinance are deemed severable in nature. Should a court of competent jurisdiction declare any particular section or provision to be void, invalid, or unenforceable, that decision shall not affect the validity of this Ordinance as a whole nor be construed as a determination that any other section or provision is void, invalid, or unenforceable.

4. Jurisdiction

This Ordinance shall apply to all areas of the County of Carver; except this Ordinance does not apply in any city or town which has a Dangerous Dog ordinance complying with state law and which has declared itself to be the Animal Control Authority within its jurisdiction. This Ordinance also does not apply to any dog used by law enforcement officials for police work.

5. Incorporation

This Ordinance expressly adopts and incorporates the provisions of Minnesota Statutes Sections 347.50 through 347.565. When the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance, rule, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any other statute, ordinance, rule, or regulation impose greater restrictions than this Ordinance, the provision of such statute, ordinance, rule, or regulation shall be controlling.

6. Definitions

For the purpose of this Ordinance, the terms defined in this section shall have the following meanings assigned to them:

- a. Animal Control Authority. "Animal Control Authority" shall mean Carver County or any law enforcement agent or other public official acting under its direction and control. Additionally, "Animal Control Authority" shall mean any individual, organization, partnership, or entity operating under contract to perform animal control operations pursuant to a written agreement authorized and approved by the Carver County Board of Commissioners, or any city or town located within Carver County which has declared itself to be the Animal Control Authority within its jurisdiction.
- b. Board. "Board" shall mean the Carver County Board of Commissioners.
- c. Bodily Harm, Great Bodily Harm, and Substantial Bodily Harm. "Bodily Harm," "Great Bodily Harm," and "Substantial Bodily Harm" shall have the meaning given to it under Minnesota Statutes Section 609.02.

- d. County. “County” shall mean the County of Carver, a political subdivision of the State of Minnesota.
- e. Dangerous Dog. “Dangerous Dog” means any dog that has:
- i. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
  - ii. When unprovoked, engaged in any attack on any person under circumstances which indicated danger to personal safety; or
  - iii. Killed a domestic animal without provocation while off the Owner’s property; or
  - iv. Been found to be potentially dangerous, and after the Owner has received notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
  - v. When unprovoked, has bitten one (1) or more persons on two (2) or more separate occasions; or
  - vi. Been or will be used, trained, or encouraged to fight with another animal; or whose Owner has in their custody or possession any training apparatus, paraphernalia, or drugs used to prepare such dog for fighting with another animal.
- f. Hearing. “Hearing” shall mean a proceeding conducted by a Hearing Officer in accordance with the requirements of this Ordinance.
- g. Hearing Officer. “Hearing Officer” shall mean a licensed doctor of veterinary medicine, an Animal Control Authority official, the County Administrator, or any otherwise qualified impartial Hearing Officer appointed by the County Administrator.
- h. Kill. “Kill,” “Kills” or “Killed” shall mean any act in which there is a direct causal connection between the act of the attacking dog and the death of the person or other animal. For domestic animals which were euthanized following such an attack, “Killed” or “Kills” shall mean the death was the direct consequence of the attack, extensive veterinarian assistance would be futile, and that euthanasia merely hastened the inevitable death of the victim animal.
- i. Owner. “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog. Any person in possession of a dog five (5) consecutive days or more shall, for the purposes of this Ordinance, be deemed to be an Owner thereof.



- j. Potentially Dangerous Dog. "Potentially Dangerous Dog" means any dog that:
- i. When unprovoked, inflicts a bite on a human or domestic animal on public or private property; or
  - ii. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog Owner's property, in an apparent attitude of attack; or
  - iii. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.
- k. Proper Enclosure. "Proper Enclosure" shall mean securely confined indoors, or in a securely enclosed and locked pen or structure outdoors, suitable to prevent the animal from escaping and providing the dog protection from the elements. A "Proper Enclosure" does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance.

A pen or kennel, in order to qualify as a Proper Enclosure, shall meet the following minimum specifications:

- i. The overall floor size shall have a minimum area of thirty-two square feet (32 sq. ft.);
- ii. Sidewalls shall have a minimum height of five feet (5 ft.) and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches (2 in.), support posts shall be one and one-quarter-inch (1¼ in.) or larger steel pipe buried in the ground eighteen inches (18 in.) or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen inches (18 in.) into the ground;
- iii. A cover over the entire pen or kennel shall be provided, shall be constructed of the same gauge wire or heavier as the sidewalls, and shall also have no openings in the wire greater than two inches (2 in.); and
- iv. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches (2 in.). The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel. The area under the gate shall be constructed and

maintained in such a way as to prevent the dog from digging under the gate.

- i. Unprovoked. “Unprovoked” means the condition in which the dog is not purposely excited, stimulated, agitated, or disturbed. Any attack on a child fourteen (14) years of age or younger is presumed to be unprovoked. This presumption can be rebutted if sufficient evidence is shown to prove beyond a reasonable doubt that the child was engaged in the commission of a crime or illegal activity, including activities classified under Minnesota Statute Section 343 as cruelty to animals.

7. Designation of a Potentially Dangerous Dog

- a. Designation. Following the investigation of a dog attack incident, the Animal Control Authority shall review all reports. Following that review, the Animal Control Authority shall designate any dog Potentially Dangerous if there is a preponderance of evidence that the dog acted in a manner described in Section 6(j) above.
- b. Notice. Upon determination that a dog is Potentially Dangerous, the Animal Control Authority shall provide a written Notice of Potentially Dangerous Dog to the Owner of record, or if there is no Owner of record, any Owner of such dog by personally serving the Owner or a person of suitable age and discretion at the residence of such Owner. Service upon any Owner shall be effective as to all Owners. The notice shall state the dates, times, places, and facts of the incidents which form the basis for the determination and shall include the following:
  - i. A description of the dog deemed to be Potentially Dangerous;
  - ii. The factual basis for that determination; and
  - iii. The identity of the official who made the determination.
- iv. The Notice shall also set forth the restrictions imposed upon a Potentially Dangerous Dog under this Ordinance.
- v. The Notice shall also advise the Owner(s) that they have five (5) days to ask the Office of the Carver County Attorney to review the designation and shall include a pre-printed form that the Owner may use to request the review. The request for a review shall be made directly to the Animal Control Authority and Office of the Carver County Attorney and must be submitted in writing.
- vi. If the Owner does not request a review within the allotted five (5) days, the designation of Potentially Dangerous Dog as issued in the written Notice of Potentially Dangerous Dog will stand, and the Owner will be

subject to all restrictions and requirements as set forth in the Notice by the Animal Control Authority.

c. Appeal of a Potentially Dangerous Dog Designation.

- i. Within five (5) business days of being notified that their dog has been designated a Potentially Dangerous Dog by the Animal Control Authority, the Owner or custodian of the dog may request a review of the designation in writing on a form provided by the Animal Control Authority and may submit written and other documentary evidence that disputes the designation to the Office of the Carver County Attorney. The Office of the Carver County Attorney shall make a decision within seven (7) days following the receipt of the written request, based only upon the written evidence.
- ii. Within five (5) business days after a potentially Dangerous Dog designation is confirmed by the Office of the Carver County Attorney, the Owner or custodian of the dog may request a Hearing to contest the designation. The request for a Hearing shall be made in writing on a form provided by the Office of the Carver County Attorney.
- iii. The Hearing shall be held before the Carver County Administrator or by an independent hearing examiner selected by the Carver County Administrator, not more than fifteen (15) days after receipt of the request for Hearing. The Hearing Officer may allow the Hearing date to be extended beyond the fifteen (15) day period for good cause. Any dog Owner who requests such a Hearing is liable to the County for all costs and expenses related to the Hearing.
- iv. The Hearing Officer shall hear testimony of the parties and their witnesses and shall consider exhibits offered by the parties. At the Hearing, both the Owner and the Animal Control Authority may present the testimony of live witnesses, cross-examine witnesses, and present documentary evidence. The party offering an exhibit shall mark the party's name on the exhibit in a manner that will not obscure the exhibit. All exhibits will be returned to the parties at the conclusion of the hearing unless otherwise ordered by the Hearing Officer. The Hearing Officer shall normally receive only evidence admissible under the rules of evidence, but in the exercise of discretion and in the interests of justice, may receive otherwise inadmissible evidence. The records of the Animal Control Authority, any police reports relating to an attack or bite, medical records, and all reliable hearsay shall be admissible for consideration by the Hearing Officer without further foundation. The Animal Control Authority and the dog's Owner may apply to the District Court for subpoenas for Hearings.

- v. The County shall have the burden of proving the dog is Potentially Dangerous by a preponderance of the evidence. The Owner may be represented by private legal counsel of the Owner's choosing, although the Owner does not have the right to an attorney at public expense. The Animal Control Authority may be represented by the Office of the Carver County Attorney.
- vi. The Hearing Officer shall make a final decision within seven (7) days of the Hearing. After considering all evidence pertaining to the dog, the Hearing Officer shall issue a written order which rejects or upholds the determination. If the Hearing Officer upholds the determination as Potentially Dangerous, the order may affirm or modify the conditions recommended by the Animal Control Authority. If, as a result of testimony or other evidence at the Hearing, there are grounds for declaring the dog to be a Dangerous Dog pursuant to Section 8(a) of this Ordinance, the Hearing Officer may change the designation and issue the appropriate orders. The petitioner shall pay the Hearing Officer's fees, unless the County's designation is set aside.
- vii. The decision of the Hearing Officer is a quasi-judicial determination that is subject to review by writ of certiorari to the Minnesota Court of Appeals.
- viii. Except to the extent that a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law, the Owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the County and the person claiming an interest in the dog, before the dog is returned to the person. If the Owner or person claiming an interest in the dog does not pay the costs in full or enter into a payment schedule, the Owner or person claiming an interest in the dog shall forfeit all rights and interests in the dog.
- ix. The Animal Control Authority, or Hearing Officer, may, upon the written request of the Owner, review the status of a dog which has been determined to be Potentially Dangerous if a period of two (2) years has passed without any further incidents or violations of this Ordinance and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the Hearing Officer, the burden of proof shall be upon the dog's Owner, and the standard of proof shall be by clear and convincing evidence. The Owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. This designation may be reviewed again no sooner than one year following the

Hearing Officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee shall be required prior to such a review. In the event that the Potentially Dangerous Dog designation is upheld by the Hearing Officer, all actual expenses of the Hearing will be the responsibility of the dog's Owner.

- x. If the Hearing Officer confirms the Potentially Dangerous Dog designation, the Owner or custodian of the dog shall complete the Potentially Dangerous Dog Registration form and file it with the Carver County Sheriff with evidence as set forth in Section 7(d)i through vii of this Ordinance within fourteen (14) days of the final decision.

d. Potentially Dangerous Dog Requirements.

- i. Any dog determined to be Potentially Dangerous shall be microchipped in accordance with Section 9 of this Ordinance.
- ii. The Owner of a dog may be required to complete an approved dog obedience class within a designated period of time and provide proof of completion to the Animal Control Authority;
- iii. The dog may be required to be kept in a Proper Enclosure, or restrained by chain or leash not to exceed six feet (6 ft.) in length, and/or muzzled, and under the control of a responsible person eighteen (18) years of age or older at all times it is outdoors and not inside a Proper Enclosure;
- iv. The Owner may be required to post the property where the dog resides with a warning symbol that children can understand, containing a written notice and warning that a Potentially Dangerous Dog is present on the property. Such signs shall conform to the requirements set forth in Minnesota Statute Section 347.51, subdivision 2(a) and Section 8(1)(iv) of this Ordinance;
- v. The Owner may be required to show proof of up-to-date rabies vaccination and, if required, licensing;
- vi. The dog may be required to wear, at all times, a tag or marker identifying it as a Potentially Dangerous Dog; and
- vii. The dog may be required to be sterilized within 30 days of the Owner receiving notice.

8. Designation of a Dangerous Dog

- a. Designation. Following the investigation of a dog attack incident, the Animal Control Authority shall review all reports. Following that review, the Animal Control Authority shall designate any dog Dangerous if a preponderance of evidence exists that the dog acted in a manner described in Section 6(e) of this Ordinance.
- b. Impound. The Animal Control Authority may impound, at the animal Owner's expense, any dog determined to pose a threat to public safety pending a final Dangerous Dog designation order. The Animal Control Authority shall quarantine, at the animal Owner's expense, any dog without proof of current rabies vaccination upon receiving evidence that the dog has bitten any person or domestic animal. Any person who fails or refuses to release a dog to the Animal Control Authority or law enforcement agent upon demand, or after it has been found by a Hearing Officer to be Dangerous and ordered into custody, at any time in the investigation, review or requirement stages as described in any part of this ordinance, shall be guilty of a misdemeanor.
- c. Notice.
  - i. Upon a designation that a dog is Dangerous, the Animal Control Authority shall provide a written Notice of Dangerous Dog to the Owner of record or, if none, to any Owner of such dog by personally serving the Owner or a person of suitable age and discretion at the residence of such Owner. Service upon any Owner shall be effective as to all Owners. The notice shall state the dates, times, places, and facts of the incidents which form the basis for the determination and include the following:
    1. A description of the dog deemed to be Dangerous;
    2. The factual basis for that determination; and
    3. The identity of the official who made the determination.
  - ii. The Notice shall also set forth the registration requirements and other restrictions imposed upon a Dangerous Dog under this Ordinance or Minnesota Statutes Chapter 347.
  - iii. The Notice shall also advise the Owner(s) that they have five (5) days to appeal the determination by requesting a Hearing before the Hearing Officer and shall include a pre-printed form which the Owner can use to request a Hearing. The request for a Hearing shall be made directly to the Animal Control Authority and Office of the Carver County Attorney and must be submitted in writing.

- iv. If the Owner does not request a Hearing within the allotted ten (10) days, the designation of Dangerous Dog as issued in the written Notice of Dangerous Dog will stand, and the Owner will be subject to all restrictions and requirements as set forth in the Notice by the Animal Control Authority.

d. Appeal of Dangerous Dog Designation.

- i. Within five (5) days after receiving notice of a Dangerous Dog designation, the Owner or custodian of the dog may request a Hearing to contest the designation. The request for a Hearing shall be made in writing on a form provided by the Animal Control Authority.
- ii. Except as otherwise described in this section, the Hearing shall be conducted pursuant to the requirements of Section 7(c) of this Ordinance.
- iii. Pending a hearing, the dog may be seized and held by the Animal Control Authority at a place of the Animal Control Authority's designation unless the Owner shows proof that the dog is properly licensed, if required; has met the requirement for rabies vaccinations; keeps the dog only in a Proper Enclosure unless restrained on a leash with a muzzle; and otherwise demonstrates to the Animal Control Authority that the dog, under its present circumstances, does not present an unreasonable risk of harm to persons or other domestic animals.
- iv. After considering all evidence pertaining to the dog, the Hearing Officer shall make such order(s) as the Hearing Officer deems proper including ordering the Animal Control Authority to take the dog into custody if the dog is not currently in custody.

e. Authority to Order Destruction.

The Hearing Officer, upon finding that a dog is Dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing findings of fact establishing that each of the following criteria are present:

- i. The dog is Dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning, or multiple attacks; and
- ii. The Owner of the dog has demonstrated an inability or unwillingness to sufficiently control the dog in order to prevent injury to persons or other animals; and

- iii. The Owner cannot, will not, does not, or otherwise refuses to provide proof of the liability insurance for the dog as required by Section 8(g)(iii)(3) of this Ordinance.
  - f. Cost. The Owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog, except to the extent that a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the County and the person claiming an interest in the dog, before the dog is returned to the person.
  - g. Dangerous Dog Registration.
    - i. Requirements. For any dog determined or declared to be Dangerous by operation of this Ordinance, state statute, court order, ordinance, or regulation from another jurisdiction, or valid declaration from an Animal Control Authority, the dog shall, at all times during the dog's life, be registered as a Dangerous Dog pursuant to this Ordinance or state law.
    - ii. Registration. No person may own or possess a Dangerous Dog in this County unless the dog is registered as provided in this Ordinance or applicable state law. All dogs deemed Dangerous by the Animal Control Authority or Hearing Officer, as applicable, shall be registered as a Dangerous Dog with the Animal Control Authority within thirty (30) days after the date the dog was so deemed.
    - iii. Registration Requirements. The Animal Control Authority shall issue a Certificate of Registration to the Owner of a Dangerous Dog only if the Owner presents sufficient evidence that all of the following are met:
      - 1. The Owner provides and maintains a Proper Enclosure for the Dangerous Dog, as defined in Section 6(k) of this Ordinance; and
      - 2. The Owner posts clearly visible warning symbol, understandable to children, that there is a Dangerous Dog on the property. These warning signs must be posted on the front and the rear of all buildings on the property and upon the Proper Enclosure for the dog. The warning symbol must meet the requirements set forth in Minnesota Statute Section 347.51, Subdivision 2(a) and Section 8(l)(iv) of this Ordinance; and
      - 3. The Owner provides, and annually shows proof of, public liability insurance pre-paid in full in the minimum amount of five-hundred thousand dollars (\$500,000.00) per person and one-million dollars (\$1,000,000.00) per incident, payable to any person or persons injured by the Dangerous Dog or a policy of liability insurance



issued by an insurance company authorized to conduct business in this state in the amount of at least five-hundred thousand dollars (\$500,000.00) per person and one-million dollars (\$1,000,000.00) per incident insuring the Owner for any personal injuries inflicted by the Dangerous Dog; and

4. The Owner pays the annual registration fee set by the Board; and
  5. An identification microchip was implanted in the dog as required under Minnesota Statutes Section 347.515 and Section 9 of this Ordinance; and
  6. The Owner provides proof that all applicable dog licensing requirements are met; and
  7. The Owner provides proof that the dog is current on all commonly required vaccines; and
  8. The dog must be sterilized. If proof of the sterilization is not delivered to the Animal Control Authority, within 30 days of the designation of a dog as dangerous, the Animal Control Authority shall seize the dog and have it sterilized at the Owner's expense. If the owner does not surrender the dog after the 30-day period expires, then the Animal Control Authority may seize the dog pursuant to Section 8(b) of this Ordinance.
  9. An Owner of a Dangerous Dog shall renew the registration of the dog annually until the dog is deceased.
- h. Release. If a Dangerous Dog was impounded by the Animal Control Authority or upon order of a Hearing Officer, the dog shall not be released until the Owner demonstrates to the Animal Control Authority that all applicable requirements of this Ordinance, including all registration requirements imposed by this Section or applicable state law, have been complied with. The Owner shall have a maximum of thirty (30) days to comply with all requirements. The Owner shall be responsible for all costs incurred in the seizure and boarding of the dog, prior or the dog's return.
- i. Revocation.
- i. Any Certificate of Registration for a Dangerous Dog may be revoked, if the Owner fails to maintain compliance with any registration requirement or fails to keep or maintain the Dangerous Dog as required by any provision of this Ordinance or applicable state law. The provisions of Sections 10 and 11 of this Ordinance, applicable to the seizure and disposition of dogs, shall apply.

- ii. The Animal Control Authority shall serve upon the Owner a written Notice setting forth the alleged reasons how the dog is not being kept in conformance with this Ordinance and shall also notify the Owner of the date, time, and location of the Hearing. Any Hearing to revoke a Certificate of Registration shall be held before a Hearing Officer within twenty (20) days of the date of the Notice, and shall comply with all the requirements as set forth in Section 7(b) of this Ordinance. The Hearing Officer may allow the Hearing date to be extended beyond the twenty (20) day period for good cause.
  - iii. If a Dangerous Dog Certificate of Registration is revoked following the Hearing, the Hearing Officer shall order the dog disposed of immediately or, in the alternative, permit the Owner a reasonable time period, not to exceed thirty (30) days, to obtain the dog if the Owner is in compliance with all registration requirements.
- j. Death or Relocation of Dangerous Dog. An Owner of a Dangerous Dog shall notify the Animal Control Authority, in writing, of the death of the dog, or if the dog relocates or transfers out of the County to a new location or new jurisdiction, within thirty (30) days of the death or relocation. An Owner shall, if instructed by the Animal Control Authority, execute an affidavit, under oath and penalty of perjury, setting forth either the circumstances of the dog's death and disposition; or the complete name, address, and telephone number of the person to whom the dog was transferred.
- k. Sale or Transfer of Dangerous Dogs. A person who sells or otherwise transfers ownership or control of a Dangerous Dog must notify any potential purchaser or transferee, prior to the consummation of the transaction that the dog was previously designated as Dangerous. The seller must also notify the Animal Control Authority, in writing, of the sale and provide the Animal Control Authority with the new Owner's name, address, and telephone number.
- l. Dangerous Dog Requirements.
- i. Requirements. For any dog determined or declared to be Dangerous by operation of this Ordinance, state statute, court order, ordinance or regulation from another jurisdiction, or valid declaration from an Animal Control Authority, the dog shall, at all times during the dog's life, be registered as a Dangerous Dog pursuant to this Ordinance or state law.
  - ii. Restraint. An Owner of a Dangerous Dog shall, at all times, keep the dog, while on the Owner's property, in a Proper Enclosure as defined by Section 6(k) of this Ordinance. If for any reason and at any time a Dangerous Dog is not in a Proper Enclosure the Dangerous Dog must be

muzzled and restrained by a substantial chain or leash not to exceed six feet (6 ft.) in length and under the physical restraint of a responsible person eighteen (18) years of age or older. The muzzle, chain, and leash must all be of such a design, manufacture, and maintained in a condition that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.

- iii. Leased Property. A person who owns a Dangerous or Potentially Dangerous Dog and who rents property from another where the dog will reside shall disclose to the property Owner prior to when the dog begins to reside on the property, or prior to entering the lease agreement, and at the time of any lease renewal, that the person owns a Dangerous or Potentially Dangerous Dog that will reside at the property.
- iv. Warning Symbol. If the County issues a Certificate of Registration to the Owner of a Dangerous Dog pursuant to this Ordinance, the County must provide, for posting on the Owner's property, an adequate number of warning symbols to inform all persons, including children, that there is a Dangerous Dog on the property. The design of the warning symbol must be uniform with any specifications for such a sign as issued by the Minnesota Commissioner of Public Safety, if any, and shall otherwise be obtained by the County from the Commissioner of Public Safety. The County will charge the Owner a reasonable fee to cover its administrative costs and the cost of the warning symbol.
- v. Tag. A Dangerous Dog registered under this section shall have a standardized, easily identifiable tag identifying the dog as Dangerous and containing the uniform Dangerous Dog symbol, as developed by the Commissioner of Public Safety or the Animal Control Authority, affixed to the dog's collar at all times.
- vi. Property Inspection. The Owner of a Dangerous Dog shall permit the Animal Control Authority and/or Law Enforcement to enter the property where a Dangerous Dog is kept or located, at all hours reasonable under the circumstances, without a warrant or other advance judicial process, to inspect the premises so as to ensure compliance with the provisions of this Ordinance, applicable state statutes, order from a Hearing Officer, or directive from the Animal Control Authority. The failure of an Owner to permit such inspection is, by itself, a ground to immediately seize the dog pursuant to Section 10 of this Ordinance and revoke the Dangerous Dog registration pursuant to Section 8(i) of this Ordinance.
- vii. Violation. The Animal Control Authority shall immediately seize a Dangerous Dog if requirements imposed by this ordinance are not followed. The Owner or custodian may reclaim the dog upon payment of impounding and boarding fees and upon presenting proof to the Animal

Control Authority that the requirements of Minnesota Statutes Sections 347.51 and 347.52 have been met. A Dangerous Dog not reclaimed under this section within fourteen (14) days may be disposed of as provided by law, and the Owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

- viii. Review of Conditions. If, in reviewing the conditions for keeping a Dangerous Dog, there have been no ordinance violations for a period of two (2) years, the Animal Control Authority or Hearing Officer may use discretion in determining whether the conditions set forth above are still required.
- ix. Review of Designation. The Animal Control Authority or Hearing Officer may, upon the written request of the Owner, review the status of a dog which has been determined to be Dangerous if a period of two (2) years has passed without any further incidents or violations of this Ordinance and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the Hearing Officer, the burden of proof shall be upon the dog's Owner and the standard of proof shall be by clear and convincing evidence. The Owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. This designation may be reviewed again no sooner than one year following the Hearing Officer's most recent order regarding the designation of the dog as dangerous. An administrative hearing fee shall be required prior to such a review. In the event that the Dangerous Dog designation is upheld by the Hearing Officer, all actual expenses of the Hearing will be the responsibility of the dog's Owner.

#### 9. Microchip Identification

It shall be the responsibility of each Owner of any dog kept or harbored within the County and determined to be a Dangerous or Potentially Dangerous Dog under this Ordinance, court order, state statute, designation from the Animal Control Authority, or a substantially similar ordinance from another jurisdiction to ensure that a microchip is implanted in the dog for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the Owner, the Animal Control Authority may seize the dog to have a microchip implanted by a qualified veterinarian, clinic or shelter staff. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's Owner.

## 10. Confiscation

- a. Seizure. The Animal Control Authority shall immediately seize any Dangerous Dog or Potentially Dangerous Dog if:
  - i. After thirty (30) days after the Owner has notice that the dog is Dangerous or Potentially Dangerous, the dog is not validly registered under this Ordinance or applicable state law;
  - ii. After thirty (30) days after the Owner has notice that the dog is Dangerous, the Owner does not secure the proper liability insurance or surety coverage as required under this Ordinance;
  - iii. The dog is not maintained in a Proper Enclosure as defined in Section 6(k) of this Ordinance;
  - iv. The dog is outside the Proper Enclosure and not under the proper physical restraint of a responsible person as required under this Ordinance or any applicable state law; or
  - v. The Owner is served with written notice, by certified mail to the Owner's last known address, that the Owner is in violation of any of the requirements of this Ordinance or any applicable state statute, or is in violation of any directive issued by the Animal Control Authority or order from a Hearing Officer, and within thirty (30) days of service of such written notice, has refused or failed to achieve satisfactory compliance; or
  - vi. The Animal Control Authority has reason to believe that the dog is a Dangerous or Potentially Dangerous Dog and is kept or maintained under conditions or circumstances creating an unacceptable risk of harm to physical persons or other domesticated animals; or
  - vii. For any other reason authorized by law.
- b. Additional Dogs Subject to Seizure.
  - i. Any dog found to be in circumstances, which, to a reasonable person, indicate that the dog has been or will be used, trained, or encouraged to fight with another animal, or any animal whose Owner has in custody or possession any training apparatus, paraphernalia, or drugs used to prepare such dog to be fought with another animal is hereby declared to be a public nuisance and shall be immediately seized and held.
  - ii. Any dog may be seized and held to determine if rabid.

iii. Any dog which meets the definitions found in Sections 6(e) or 6(j) of this Ordinance may be seized and held by the Animal Control Authority at a place designated by the Animal Control Authority pending a determination whether the animal is Dangerous or Potentially Dangerous.

c. Reclaiming Dogs.

A dog seized under this Ordinance may be released to the Owner upon payment of impounding and boarding fees and upon presenting proof to the Animal Control Authority that all requirements of this Ordinance and state law have or will be met. A dog not reclaimed under this subdivision within five (5) days may be disposed of as provided under Minnesota Statutes Section 35.71, Subdivision 3, and the Owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

d. Subsequent Offenses.

If a person has been convicted of a misdemeanor for violating a provision of this Ordinance and the person is charged with a subsequent violation relating to the same dog, the dog shall be seized by the Animal Control Authority. If the Owner is convicted of the crime for which the dog was seized, the Court shall order the dog be destroyed in a proper and humane manner and order the Owner to pay the cost of confining and destroying the dog. If the person is not convicted of the crime for which the dog was seized, the Owner may reclaim the dog upon payment to the Animal Control Authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the Owner within thirty (30) days after the Owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under Minnesota Statutes Section 35.71, Subdivision 3. The Owner is liable to the Animal Control Authority for the costs incurred in confining, impounding, and disposing of the dog.

11. Destruction of Dogs

- a. Upon Infliction of Death or Bodily Harm. A dog that, when unprovoked, inflicted death or Substantial or Great Bodily Harm on a human being on public or private property, or when Unprovoked, bit multiple human victims on public or private property in the same attack may be destroyed in a proper and humane manner by the Animal Control Authority. The Animal Control Authority may not destroy the dog until the dog Owner is provided the opportunity for a Hearing before a Hearing Officer, as set forth in this Ordinance.
- b. Suffering Beyond Cure. Notwithstanding any other provision of this Ordinance, any dog taken into custody may be immediately disposed of when the dog is suffering and is beyond cure through reasonable care and treatment, upon a proper determination by a licensed doctor of veterinary medicine. The County shall recover from the dog's Owner all costs incurred under this section.

- c. Unclaimed Dogs. At the expiration of the time a dog is impounded as provided for in this Ordinance, if the dog has not been reclaimed in accordance with the provisions hereof, it shall be the duty of the Animal Control Authority to cause such dog to be destroyed according to the most humane and approved methods or otherwise disposed of pursuant to Minnesota Statute Section 343.
- d. No Appeal. If no appeal is filed, the Dangerous Dog designation will stand and the animal may be destroyed. The dog Owner shall pay for the cost of the dog's destruction pursuant to Minnesota Statute Section 347.56.

## 12. Criminal Penalty

- a. The Owner of a dog declared Dangerous or Potentially Dangerous who fails to comply with the requirements of this ordinance shall be guilty of a misdemeanor with penalties as provided under Minnesota law.
- b. It is a misdemeanor to remove a microchip from a Dangerous or Potentially Dangerous Dog; to fail to renew the registration of a Dangerous Dog; to fail to account for a Dangerous Dog's death, transfer of ownership, or removal from the jurisdiction; to sign a false affidavit with respect to a Dangerous Dog's death, transfer of ownership, or removal from the jurisdiction; or to fail to disclose ownership of a Dangerous or Potentially Dangerous Dog to a property owner from whom the person rents property.

## 13. Restrictions

- a. Dog Ownership Prohibited. Except as otherwise provided by this statute or Minnesota law no person may own a dog if the person has:
  - i. Been convicted of a third or subsequent violation of Section 8(g), Section 8(l), or Section 9, of this Ordinance;
  - ii. Been convicted of a violation under section Minnesota Statute Sections 609.205, subdivision 4;
  - iii. Been convicted of a gross misdemeanor under Minnesota Statute Sections 609.226, subdivision 1;
  - iv. Been convicted of a violation under section Minnesota Statute Sections 609.226, subdivision 2; or
  - v. Has a dog ordered destroyed under Section 11 and been convicted of one or more violations of Section 8(g), Section 8(l), or Section 9, of this Ordinance, or Minnesota Statute Sections 609.226, subdivision 2.
- b. Household member. If any member of a household is prohibited from owning a dog in Section 13(a) of this Ordinance, unless specifically approved with or without restriction by an Animal Control Authority, no person in the household is permitted to own a dog.

- c. Dog Ownership Prohibition Review. Beginning three years after a conviction listed in Section 13(a) of this Ordinance that prohibits a person from owning a dog, and annually thereafter, the person may request that the Animal Control Authority review the prohibition. The Animal Control Authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the Animal Control Authority deem appropriate. The Animal Control Authority may rescind the prohibition entirely or rescind it with limitations. The Animal Control Authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the Animal Control Authority rescinds a person's prohibition and the person subsequently fails to comply with any limitation imposed by the Animal Control Authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the Animal Control Authority may permanently prohibit the person from owning a dog in this County.

#### 14. Exemptions

- a. The provisions of this section do not apply to police K-9 dogs used by law enforcement officials for police work.
- b. Dogs may not be declared Dangerous or Potentially Dangerous if the threat, injury, or damage was sustained by a person:
  - i. Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the Owner of the dog;
  - ii. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
  - iii. Who was committing or attempting to commit a crime.

#### 15. Rabies Quarantine

Whenever any dog has bitten any person or domestic animal and the Owner or custodian does not provide proof of current rabies vaccination, the Owner or custodian of the dog, upon being notified by the Animal Control Authority or local law enforcement, will immediately cause the dog to be quarantined, in either a Proper Enclosure, as defined in Section 6(k), or if the animal control officer feels it is needed, at a state licensed veterinarian, and in a manner that is in accord with all applicable Minnesota Statutes, administrative rules, and Minnesota Department of Health guidelines, with the Animal Control Authority, or by a veterinarian licensed to practice in the State of Minnesota, for a period of ten (10) days after the dog bite occurred.



Within twenty four (24) hours of impoundment, the dog Owner or custodian will have the dog examined by a state licensed veterinarian who will observe the animal and examine the animal if necessary to ascertain whether symptoms of rabies exist. At the end of the ten (10) day quarantine period, the dog will again be examined by a state licensed veterinarian. If the veterinarian diagnoses the dog to be free of the signs of rabies, the dog will be released from quarantine. If the dog becomes ill or dies during the period of quarantine, the Owner shall immediately notify the Animal Control Authority for examination by a state licensed veterinarian. If the veterinarian determines that the dog has rabies, the dog shall immediately be euthanized in a humane manner. Upon the death of the dog, its head will be sent to the State Department of Health, the University of Minnesota, or another appropriate agency as designated by the State of Minnesota for examination for rabies.

16. Cost

The Owner is responsible for the cost of seizures, impoundment, quarantine, examination by a veterinarian, veterinarian services, and disposal of the dog or any other cost incurred as a result of enforcement of this Ordinance, unless otherwise specified herein.

**SECTION 2.** Ordinance #48, the Carver County Fee-For-Service Schedule, shall be amended to:

Remove the Dangerous-Dog License fee of \$50.00 from the Property Records and Taxpayer Services section; and

Include a Dangerous-Dog Registration fee of \$100.00 in the Sheriff's Office Other section; and

Include a Potentially Dangerous Dog Designation Review Hearing fee of \$100.00 in the Sheriff's Office Other section; and

Include a Dangerous Dog Designation Review Hearing fee of \$100.00 in the Sheriff's Office Other section.

**SECTION 3. - EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon September 1, 2010.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Chair, Carver County Board of Commissioners

Attest: \_\_\_\_\_  
Carver County Coordinator



# REQUEST FOR BOARD ACTION

**AGENDA ITEM :** Crane Creek Wetland Restoration Project Approval

Originating Division: Public Health & Environment

Meeting Date: 08/10/10

Amount of Time Requested: 10 minutes

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:**

The County Board approved a Metropolitan Council Env. Partnership (MEP) (\$100,000) grant agreement in 2005 for a restoration project of the Crane Creek watershed located west of New Germany (drains to Crow River). The project provides a unique opportunity to re-establish a large wetland complex with minimal impact to landowners. (see attached memo for more information).

Staff is requesting the Board to authorize construction of the project. In doing so, the Board would be directing staff to finalize the contract with Lafayette Engineering for an amount not to exceed \$18,000 (bid plus contingencies); finalize the easement language with appropriate landowners for construction access and the structure; prepare and submit the final grant report to the metropolitan council; continue negotiations with the absentee landowner.

**ACTION REQUESTED:**

Motion to authorize the construction of the Crane Creek Wetland Restoration Project; authorize staff to finalize the contract with Lafayette Engineering for an amount not to exceed \$18,000 (bid plus est. contingencies to be approved during contract phase); finalize the easement language with appropriate landowners for construction access and the structure; prepare and submit the final grant report to the metropolitan council; and continue negotiations with the absentee landowner.

**FUNDING**

County Dollars =	\$
Other Sources =	\$ 18,000 MEP grant FUNDS
	\$ 10,000 US Fish & wildlife
<b>TOTAL</b>	<b>= \$ 18,000</b>

**FISCAL IMPACT**

<input type="checkbox"/> None
<input checked="" type="checkbox"/> Included in current budget
<input type="checkbox"/> Budget amendment requested
<input type="checkbox"/> Other:

**Related Financial Comments:** \$18,000 represents the bid amount plus contingencies per engineers' recommendation. \$10,000 from USFWS is the est. value of materials purchased for project.

Reviewed by Division Director

Date: 07/30/10



## Carver County Water Management Organization

Planning and Water Mgmt Dept  
Government Center - Administration Building  
600 East 4<sup>th</sup> Street  
Chaska, Minnesota 55318  
Phone: (952)361-1820  
Fax: (952)361-1828  
[www.co.carver.mn.us/water](http://www.co.carver.mn.us/water)

# Memo

**To: County Commissioners**  
**From: Paul Moline, Carver County Water Management**  
**Date: 7/29/10**  
**Re: Crane Creek Restoration Project**  
CC. Dave Hemze, County Administrator; Randy Wolf, PHE Director; Mike Wanous, Carver SWCD;

Enclosures: none

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The purpose of this memo is to provide a summary of the background leading to a staff request to complete the Crane Creek Wetland Restoration Project.

### Project Purpose

The Crane Creek wetland restoration project provides a unique opportunity to re-establish a large wetland complex with minimal impact to landowners. The over-arching intent of this project is to improve the functions of the Crane Creek Wetland Complex through the following goals: Improve wetland storage; Provide Local Flood Control; Improve Water Quality; Restore Natural Communities and Habitat. Landowners have shown support for establishing a more consistent water level in the wetland complex.

### Timeline

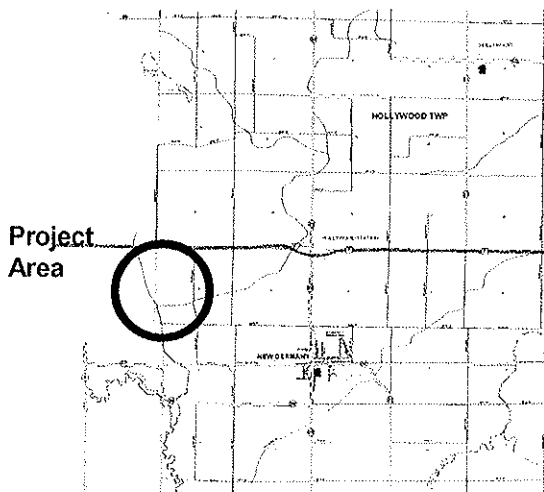
Sep 2005	The County approved a Metropolitan Environmental Partnership (MEP) \$100,000 grant to implement the project. This followed a previous grant to study the feasibility of the project.
Mar 2006	Landowner meeting (one-on-one landowner contacts have occurred throughout process)
Sep 2006	CCWMO authorized a petition to the Carver County Ditch board to consider an impoundment on JD 1, an engineer's report to be assembled and the chair to sign a contract with Rinke-Noonan Attorney's at Law for legal advice on the project.
July 2007	Engineers report completed
Dec 2007	Joint Ditch 1 public hearing.
Jan 2008	JD1 public hearing continued and impoundment project approved.
Feb 2008	County Board memo update
Aug 2008	MEP Grant re-issued as to extend project funds from 2007. Previously authorized by county board. \$10,000 CCWMO funding match approved.
2008-2009	All but one landowner agreements signed
Mar 2009	Bid for construction of structure. Lowest bidder selected – Lafayette engineering \$14,956.30. Recommendation from Engineer was to add \$3,000 for contingencies. Next lowest bid was over \$35,000.
2009-2010	Substantial contact (email and site visit) with absentee landowner who has yet to sign agreement. Landowner was seeking compensation to transfer 1/40 building eligibility as part of project and has now expressed interest in selling property. Conclusions: 1. the parcel is unbuildable as it is a delineated wetland, is in floodplain of Crow River and is frequently

- flooded. It also has no road access or frontage.
2. there are no current structures or ag/commercial use of the land;
  3. there is one bldg eligibility on the parcel which can be transferred to 3 adjacent parcels only;
  4. the existing bldg eligibility cannot be transferred to non-adjacent parcels unless Hollywood township chooses the non-adjacent transferring option in the future (as now allowed in the Comp Plan).
  5. If the parcel is marketed by landowner for sale, options to purchase from state or federal agencies may arise, but may take significant time to occur.
  6. Installing structure and NOT inserting stoplogs at this time would not change water levels at this time, and would get project nearly completed and allow time to continue negotiations with absentee landowner.

Mar 2010      Engineers report completed on installing structure without stoplogs. Conclusion: The normal pool (low water) elevation will not change with construction of this structure, with no stop logs. Retention time would increase by 11-17 hours based on size of storm event, but not remain and therefore would not need flowage easement at this time.

Staff Recommendation

Staff is requesting the Board to authorize construction of the project. In doing so, the Board would be directing staff to finalize the contract with Lafayette Engineering for an amount not to exceed \$18,000 (bid plus contingencies per engineers' recommendation); finalize the easement language with appropriate landowners for construction access to and for the structure; prepare and submit the final grant report to the metropolitan council; continue negotiations with the absentee landowner along with state and federal agencies.





# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Library Locker System for City of Cologne

Originating Division: Administrative Services

Meeting Date: 8/10/10

Amount of Time Requested: 10 minutes

Attachments for packet:  Yes  No

Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

**BACKGROUND/EXPLANATION OF AGENDA ITEM:** The Carver County Library and Washington County Library were awarded a \$140,000 federal Library Services and Technology grant, administered by the MN Dept. of Education State Library Services, to jointly purchase in an electronic self service kiosk demonstration project.

The Express Library in Victoria is now operational. This project came in under budget and both the Carver County and Washington County libraries would like to use the remaining funds \$41,324.00 from the grant to purchase additional lockers from LEID – the same vendor that completed the Express Library in Victoria. The lockers are anticipated to be placed in the City of Cologne's Community Center. This would be a scaled down version of the Express Library. However, residents would be able to go online reserve a book and pick it up at the lockers in Cologne – saving a drive to the nearest library.

Carver County is the fiscal agent for the grant. The cost for two (one in Carver County and one in Washington County) locker systems is \$40,790. Each system includes 20 electronic access lockers with a pedestal, a LCD keypad, wireless router, software, installation and a 2 year extended warranty/service plan.

Current staffing levels will be able to absorb the additional workload of managing the lockers. The ongoing cost will consist of continuing the service plan which includes software upgrades at a cost of less than \$2,000 per year and this will be absorbed in the Libraries operating budget.

The City of Cologne has been contacted and supports placement of the lockers within their city hall. The City of Cologne will pay for providing electricity and an internet connection to the lockers. The Minnesota Department of Education State Library Services supports this additional use of the grant funds. There is a 10-12 week delivery time on additional lockers.

### ACTION REQUESTED:

- 1) Motion to approve a contract amendment with LEID for \$40,790 to provide an additional set of lockers in Carver County and Washington County.
- 2) Motion to enter into a Joint Powers Agreement with the City of Cologne to locate the kiosk on city property pending approval from the City, County Attorney's Office and Risk Management.

### FUNDING

County Dollars = \$  
 Other Sources & Amounts = \$40,790  
 = \$  
**TOTAL** = \$40,790

### FISCAL IMPACT

- None  
 Included in current budget  
 Budget amendment requested  
 Other: Grant

### Related Financial Comments:

Project is being funded by grant dollars and the expenditure of \$40,790 by both Washington and Carver Counties would leave a balance of \$534 from the original grant award of \$140,000.

Reviewed by Division Director

Date: 8/2/10



# REQUEST FOR BOARD ACTION

## AGENDA ITEM : Union Pacific Rail Line Chaska Industrial Lead

Originating Division: Public Works/Parks Meeting Date: 8-10-10  
 Amount of Time Requested: 20 Minutes Attachments for packet:  Yes  No  
 Item Type:  Consent  Regular Session  Closed Session  Work Session  Ditch/Rail Authority

### BACKGROUND/EXPLANATION OF AGENDA ITEM

On January 23, 2008, Carver County Regional Rail Authority, Scott County Regional Rail Authority, the City of Chaska and City of Carver entered into a joint powers agreement and formed an entity entitled the Minnesota River Valley Rail Line (MRVL), to consider the possible acquisition of the 5.6 mile stretch of the Union Pacific Rail Line Chaska Industrial Lead which extends from Chaska (Mile post 33.0) to Merriam (Milepost 38.6) in Scott and Carver Counties, Minnesota. This agreement provides the ability for MRVL to enter into negotiations with the Union Pacific to obtain an agreement to acquire the rail right of way for public and/or trail use under federal law, rules and provisions.

In early 2009 an offer was made by MRVL to Union Pacific for the corridor. That offer was rejected. Union Pacific has responded with their opinion of value for the corridor. Another offer to Union Pacific is being considered and needs discussion and direction with the County Rail Authority.

**ACTION REQUESTED:** Motion to enter into closed session according to Minnesota Statutes Section 13D.05 in order to discuss confidential information and to consider and develop an offer for the purchase of real property.

### FUNDING

County Dollars = \$  
 Other Sources & Amounts =  
 =\$  
**TOTAL** =\$

### FISCAL IMPACT

None  
 Included in current budget  
 Budget amendment requested  
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: August 2, 2010

S:Parks/BA-RES/Union Pacific Railroad Chaska Industrial Lead Augutst10, 2010